

SHRM Sentinel

Jayhawk Chapter—Lawrence, KS #486



JUNE/JULY 2006

AFFILIATE OF



Inside this issue:

President's Message	1
JULY MEETING	1
Membership Legislative Affairs Certification	2
Article: Staying Out of Hot Water While Conducting Background Checks	5
June Recap Scholarship Opportunities	7
Jayhawk Chapter Board of Directors	8

AUGUST 2006
NO REGULAR MEETING

Social Activity
Details to Follow

President's Message

17th Annual KS State SHRM Conference
September 20-22, 2006
Capitol Plaza Hotel—Topeka, Kansas

SUPER HReroes
The HRheart & Soul of Business

Are you or someone you work with a Super HRero? We want to honor our Super HReros, of which we all are, at the 17th Annual Kansas State SHRM Conference. The event will kick off Wed., with the Russ Blosser Memorial Golf Tournament, a Welcoming Reception, and the Exhibitor Marketplace which includes HR attendee registration, booth visiting, the Super HReroes game, food and music. Governor Sebelius has been invited to start off the conference on Thur., followed by several breakout sessions taught by knowledgeable HR professionals, consultants, and attorneys, including other keynote sessions by Johnny Taylor from SHRM, Hunter Lott, Michael Mercer and David Nastor. We are very excited about our state conference line-up and think you will be too.

Early bird registration is due by Monday, July 31 and can be easily done online at www.ksshrm.com. Early bird cost: \$249.

After July 31st, registration for SHRM members will cost \$299.

When registering, take the time to submit your nomination of a Super HRero. You can nominate yourself or a co-worker for any recent accomplishment in your work area. There will not be an individual "winner" as we're all heroic, but nominations will be used to highlight our professional accomplishments. I hope to see the Jayhawk Chapter represented well at state conference this year... see you there!

--Karen Reed, President

Tuesday, July 11, 2006

"HR Metrics: In-depth"

Come join us for an interactive hands-on practice session using HR metrics. We all need to prove what we do day in and day out adds value. But we often don't know where to start or how to establish viable measures. Cynthia will walk us through why and how we measure and then we will work through situations to put the information to use. Leave confident that you too can establish a few crucial metrics that will help you prove your worth

Cynthia. B. Stotlar, M.Ed., SPHR had the good luck (or misfortune) to report into a metrics guru. She learned the whys and how's of HR metrics. Cynthia will share her insights and tips with you. She is the president of Creative Business Solutions, an HR and IT consulting firm founded in Topeka. Since it opened in 1992, she has assisted over 100 organizations with various HR projects. Cynthia has served as Topeka's chapter president and Kansas' State Council Director for SHRM. She is the 2006 Speaker Chair for the State HR conference. She is co-author of *Power Tools for Success* and *Career Compass for Women*. She will be featured in an upcoming book entitled *Speaking of Success* that along with three of her heroes: Ken Blanchard, Jack Canfield and Stephen Covey.



Hereford House is CLOSED!

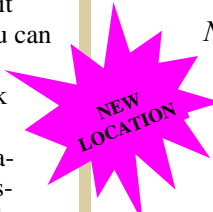
New Location for July's Meeting

Marceli's
1031 New Hampshire
Lawrence, KS 66044

11:30 am—Buffet

Presentation from Noon to 1:00 p.m.

RSVP at www.jayhawkshrm.org or
call (785) 843-5393 ext. 399



FREE State Conference registration to be given away at our July 11th meeting. **RSVP today!**

Membership

New Member Orientation will be held right before our next regular chapter meeting. From 11:30 AM on Tuesday, July 11th at the Hereford House, you and learn about the Jayhawk Chapter of SHRM, meet new members, current members and Board Members. If you plan on attending the new member orientation, please RSVP to Lori MacDonald at

Sorry! New Membership Orientation postponed this month.

Legislative Affairs

YOUR ASSISTANCE IS URGENTLY NEEDED!

Please call or write your Senators and Representative today and urge them to support revisions to the employment-verification provisions of immigration reform legislation (S. 2611 and H.R. 4437) awaiting action by a House-Senate conference committee. The employment-verification system envisioned in the House- and Senate-passed immigration reform bills is in need of amendment. We need your help in urging your elected officials in Washington to craft a system that is administratively easy to use, expedites the employment verification process, creates no new employer liabilities for using the system, and restores integrity to our immigration system.

Background—The House of Representatives and the U.S. Senate have now passed vastly-different versions of immigration reform legislation (S. 2611 and H.R. 4437). The next step in the legislative process is for the congressional leadership in both the House and Senate to name “conferees” on the bills, whose role it will be to mold both versions of the legislation into a consensus bill; one that can muster majority votes of approval in both chambers before being forwarded to President Bush for his consideration.

Legislation—Both the House- and Senate-passed immigration reform bills call for the establishment of an electronic employment verification system (EEVS) using the Basic Pilot Program, which is currently being tested voluntarily in the field by roughly 6,600 private-sector employers with an 85% success rate on initial verification requests.

In brief, both bills would require employers to participate in the EEVS after a date certain and would establish a specified time-frame within which employers would be required to apply for and receive confirmation from the Federal Government that an individual is eligible for employment. Under the House bill, the verification process would allow for up to 13 days to run its course, while the Senate bill provides up to 43 days or more for verification. Non-confirmation of work eligibility after the time allotted would, in most instances, require the employer to terminate the employee. Increased civil and criminal penalties of up to \$40,000 in fines and/or imprisonment for repeat violations are also included in both bills.

Continued on page 3—right column ►

Certification

HRCI celebrates 30th year By Bill Leonard

On Feb. 18, 1976, Herbert Heneman Jr. became the first human resource professional to receive professional accreditation from the American Society for Personnel Administration (ASPA) Accreditation Institute (AAI). During its first year of operation, the AAI awarded professional designations to approximately 2,300 HR practitioners.

Thirty years later, more than 80,000 professionals worldwide hold one of three professional designations from the organization now known as the Human Resource Certification Institute (HRCI). In 2006, more than 22,000 HR professionals will register to take certification exams administered by HRCI while nearly 27,000 professionals are due to recertify.

“It’s truly an honor and privilege to serve as the chair of the HRCI Board of Directors during this landmark year,” said R. Gregory Green, SPHR, GPHR. “What a glorious moment this 30-year anniversary is in the wonderful traditions and history of HRCI and for the entire HR profession.”

A slow beginning—Talks about building a national certification program for HR professionals actually began in 1948, as personnel managers struggled to create a national association for their profession. Leaders of the fledgling ASPA debated the professional nature of HR management and how to measure skill levels in the profession. Their debate centered on three key questions:

- What body of knowledge must personnel professionals know?
- Who defines that body of knowledge?
- How do you measure a professional’s knowledge level objectively?

It would take more than 20 years for these questions to be answered. In the early 1970s, the ASPA board of directors began serious discussions about creating a national certification program for HR professionals; however, the board shied away from using the term “certification.” The program could test people only on their level of knowledge; there was a fear that people might equate “certification” with competency.

In 1972, the ASPA Task Force on Accreditation was formed with Gordon R. Scott, vice president of personnel for Fisher Scientific Co. of Pittsburgh, serving as the task force chair. Under Scott’s leadership, the group completed an analysis of the situation in less than a year and recommended that ASPA support a professional accreditation

Continued on page 3 ►

Certification Continued

program. In September 1973, the ASPA board endorsed the task force recommendations, and the ASPA Accreditation Program was born. The accreditation task force built a national program from scratch, and in June 1975, the AAI was incorporated.

The AAI devised two levels of designations for both generalists and specialists. The senior-level designations were the Accredited Personnel Diplomat (specialist) and the Accredited Executive in Personnel (generalist). The basic-level categories were the Accredited Personnel Specialist and the Accredited Personnel Manager.

The first written exams were given on April 24, 1976, followed by a second round in the fall. By the end of the year, nearly 300 people had taken the first exams. The AAI also allowed HR professionals to apply for their professional designation without taking a written exam. Approximately 2,500 HR professionals applied for these exemptions, and during the first year, the AAI approved nearly 2,100 of the applications.

Although the institute awarded nearly 2,300 professional accreditations during 1976, the following years moved more slowly. The number of registrants for the accreditation exams was in the hundreds rather than the thousands, and in 1978, only 753 people took the accreditation exam.

In 1979, the AAI changed its name to the Personnel Accreditation Institute and began to offer the first comprehensive generalist exams for HR professionals. Also that year, the institute began its first study to better define the body of knowledge needed to accredit HR professionals.

After 12 years of accrediting HR professionals, officials with the institute found that more than 80 percent of applicants were registering to take the generalist exams. So in 1988, the institute discontinued testing HR specialists and eliminated the confusing four-category system. It created two new designations: the Professional in Human Resources (PHR) and the Senior Professional in Human Resources (SPHR). In 1990, the term “accreditation” was dropped and “certification” was adopted.

In 1989, when ASPA changed its name to the Society for Human Resource Management (SHRM), the Personnel Accreditation Institute followed suit and renamed itself HRCI.

In March 2004, HRCI launched its first new certification designation in 16 years with the Global Professional in Human Resources (GPHR) certification. That same year, the institute moved to computer-based testing and away from the traditional pencil-and-paper exams. HRCI has implemented procedures through its web site to ease the recertification process for HR professionals and to pre-approve programs by providers that offer HR management educational sessions—such as SHRM chapters and affiliated programs—for education credits.

Continued on page 4 ►

Legislative Affairs Continued

SHRM's Position

In an August 2005 study released by the U.S. Government Accountability Office (GAO), the watchdog agency of the Congress, the GAO found that the Basic Pilot Program “has the potential to help enhance the verification process and substantially reduce document fraud.” However, the GAO pointed out that “current weaknesses in the program, such as the inability of the program to detect identity fraud” and Department of Homeland Security “delays in entering data into its databases” could “have a significant impact on the program’s success.” GAO also noted that U.S. Citizenship and Immigration Services officials are concerned “that the current Basic Pilot Program may not be able to complete timely verification if the number of employers using the program significantly increased,” as would be the case if the EEVS envisioned in the House- and Senate-passed bills were to become law.

SHRM supports an EEVS that is administratively easy to use, creates efficiencies, expedites the employment verification process, and restores integrity to our immigration system. The system called-for in the House- and Senate-passed bills fails to meet the following goals and objectives SHRM has developed for a workable and efficient EEVS:

Accuracy – U.S. employers and employees want an accurate, fair, electronic employment verification system. Employers and employees should not have to participate in an employment verification system until the federal government provides assurances that the system works.

Certainty – U.S. employers and employees want an electronic verification system that provides a reliable and efficient confirmation of a new employee’s eligibility to work in the United States. In addition, such a system should be streamlined to allow employers the option of using the electronic screening system *after* an offer of employment is accepted, but *before* the employee commences work.

Responsibility – U.S. employers should be liable for their own hiring decisions, not the hiring decisions that are made outside of their control by subcontractors.

Continued on page 4—right hand column ►

Continued from page 3.

“By moving these services online we have expanded to a worldwide demand for our proven certification program. We do work in a truly global profession now, and I see a day when the number of HR professionals applying for the GPHR will greatly outnumber people seeking the PHR or SPHR,” Green said. “Our ultimate goal is to see that every HR professional is certified. By the end of the next 30 years, I would love to see one-half million certified HR professionals.”

One way HRCI plans to meet that goal is by developing other certification designations such as a strategic business competencies certification.


A time to celebrate

HRCI’s accomplishments over the past 30 years will be spotlighted this year with a series of special events and programs. The anniversary celebration officially began in January when the institute published a special edition calendar sent to every HR professional with an up-to-date certification.

A black-tie reception for the boards of directors of HRCI, SHRM and the SHRM Foundation and those who have been instrumental in the success of HRCI and the certification program will kick off the 30th anniversary commemorations at SHRM’s Annual Conference in Washington, D.C. According to Green, the HRCI board will formally announce at the reception the institute’s annual donation to the SHRM Foundation. Last year, the institute donated \$1 million to the Foundation.

During the conference, HRCI again will sponsor the HRCI Hideaway Lounge for conference attendees who are certified, with information on the 30th anniversary activities, massages and advice from “recertification counselors.” HRCI board members also will join with officials from the SHRM Foundation to announce this year’s winner of the Michael R. Losey Research Award.

“We also have other surprises in store for this landmark year,” said Green. “The growth and success of HRCI and the certification program over the past 30 years are worth celebrating to the fullest.”

Bill Leonard is senior writer for HR News. 

If you have questions about Certification, please contact Angela Fleming, Director of Certification for Jayhawk SHRM, at AngelaF@FirstStateKS.com.

- Angela Fleming, Certification

Congratulations!

*The Jayhawk SHRM chapter is pleased to recognize the certification achievements of two of our newest members. **Ann Stephens** and **Michelle Munoz** both completed their PHR certification exam in May 2006. This brings the number of HRCI certified Jayhawk SHRM members up 2, from 12 to 14.*


Remember, if you are interested in learning more about the certification process, becoming a part of a chapter study group or if you just wish to use our chapter study materials to assist you preparing for the HRCI exam, please contact Angela Fleming, Director of Certification at angelaf@firststateks.com.

Enforcement – Enforcement of the employer sanction program needs to be vigorous and fair for employers and employees. In addition, civil fines and criminal sanctions should be consistent with the violation. This is particularly true with the increased administrative load of the new system, particularly in the early years of implementation. Such a system should allow employers to receive a warning and a reasonable time within which to correct any typographical or other administrative errors without suffering the consequences of having violated worksite laws.

Action Needed

Write or call your elected officials in Washington today! Since HR professionals will be the ones implementing any EEVS approved by Congress, your legislators need to know your views on this important matter before a conference agreement is negotiated. To write your elected official using **HR Voice**, follow these steps:

1. Log onto SHRM Online by [clicking here](#).
2. Sign in using your member number and last name.
3. Click on “Governmental Affairs,” then go to “HRVoice” on the left side of your screen.
4. Choose “Write your elected officials.”

Click on “Employment Verification - Immigration Reform” under the heading “Take Immediate Action on these Hot Issues.” 

- Ruby McDavis,

Director of Legislative Affairs

Staying Out of Legal Hot Water While Conducting Background Checks

Paying attention to recent court cases and significant legislation can help companies navigate through the murky waters of background screening.

By Gina Ruiz

In the past, pre-employment background checking was considered a superfluous formality--one that mostly big employers or those with sensitive military contracts bothered with.

Today, background checking is much more common in the wake of high-profile scandals involving fake education and work histories and concerns about workplace security. But when conducting background checks, it pays to be aware of a few key legal issues.

Unless a business is directly linked to matters of national defense and security, most employers have to stick to the legal norms, which require that background investigations be relevant to the nature of the job and to the functions and skill sets associated with a particular position.

Employers can avoid legal entanglements related to background checks by taking several common-sense measures. For starters, companies must be as forthright as possible in letting job candidates know that background checking will take place when they apply for a job.

Companies also need to pay careful attention to the design of their pre-employment screening questionnaires. This is particularly crucial when it comes to categories that are protected under the Equal Employment Opportunity Commission: national origin, sex, pregnancy, sexual orientation, marital status, age, political activities, bankruptcy, and physical and mental disability.

Asking questions like "Do you own a home?" "What is your age?" and "Are you pregnant?" could land a company in hot water. Paying attention to the following recent court cases and significant legislation can help companies navigate through the murky waters of background screening.

Kyles v. J.K. Guardian Security Services (2000)

The stakes for failing to design a screening and application process that treats all job candidates equally are higher than ever. Employers guilty of discrimination face litigation not only from civil rights organizations, like the Equal Employment Opportunity Commission and the National Association for the Advancement of Colored People, but also from a new group of individuals. Decoy applicants, minority job candidates who are hired by these watchdog organizations to apply for a job for the purpose of investigating whether the employer is breaking any anti-discrimination laws, can now sue.

Prior to the landmark ruling, these decoy job applicants didn't have grounds for suing because they were hired as part of watchdog exercises and had no interest in actually accepting the position. *Kyles v. J.K. Guardian Security Services* reversed that school of thought, making it possible for decoy job applicants to also sue an employer if it is suspected of discriminatory practices.

Interim Healthcare of Fort Wayne Inc. v. Moyer (2001)

This case highlights the importance of fully documenting all background checking efforts--anything involving contacting former employers, supervisors and references should be carefully recorded.

Continued on page 6 ►

Continued from page 5.

Failure to document background checking could leave an employer exposed to allegations of neglect, as was the case for Interim Healthcare of Fort Wayne Inc. in Indiana, which was accused of negligent hiring and retention of a home nursing aid. The company was forced to defend itself vigorously in court because it could not show evidence of having conducted a proper background check on its employee, a measure that may have absolved it of the accusations.

Fair Credit and Accurate Credit Transactions Act (2003)

Background checks often involve investigating a job applicant's financial and credit records. Many employers retrieve this type of information from consumer reporting agencies, which can be more cost- and time-effective.

However, the new Fair Credit and Accurate Credit Transactions Act establishes important reporting and disclosure requirements that, if skirted, could cause legal problems for employers and erode the benefits of using reporting agencies. It is important to note that the act covers a wide array of background reports, such as credit reports, criminal record reports and Department of Motor Vehicles reports, as long as they are provided by a third-party reporting agency.

Every job applicant must be made aware that a background report will be conducted. That individual must then give a written consent allowing for the investigation to move ahead.

Furthermore, the guidelines prohibit use of adverse information--anything from credit reports to arrest records--that is older than seven years. This stipulation, however, is nonbinding when it applies to the hiring of high-profile job candidates who earn \$75,000 or more.

If there is anything negative brought up in the investigation, the employer must let the job applicant know and actually provide the report. The employer must also provide the name of the consumer reporting agency that conducted the investigation and allow a fair amount of time for the job applicant to contest the findings.

Contran v. Rollins Huding Hall International Inc. (1998)

Pre-employment screenings are undoubtedly one of the most complex, and important, undertakings for any employer, regardless of size. As companies move ahead through this process they can take comfort that their efforts are not in vain, as illustrated by the case of Contran v. Rollins Huding Hall International Inc.

The case pertains to wrongful discharge, but it holds important implications for employer liability in handling pre-employment investigations. The landmark wrongful termination ruling establishes that an employer does not have to prove allegations of misconduct leading to an employment decision are true, so long as it conducts a proper investigation and acts in good faith on the information that it obtains.

The bottom line: An employer can stave off liability for negligent hiring just by the mere act of conducting a reasonable background check. Even if an employer is not able to obtain information about a candidate from a previous place of work, putting in calls and going through the investigative process goes a long way in reducing liability. ■

Reprinted with permission: *Workforce Management* Online, **June 8, 2006**. Copyright Crain Communications, Inc.

June 13, 2006 chapter meeting featured Steve Zink with the Kansas Department of Labor. Topic: Industrial Safety and Health.

KS Department of Labor provides a central location for employers and employees to find administrative programs concerning the workplace. They are committed to providing quality, accessible, responsive services to all Kansans.

Valuable information can be found on their website at www.dol.ks.gov.

Kansas Department of Labor
401 SW Topeka Boulevard, Topeka, KS 66603-3182
(785) 296-5000

June 22, 2006—The Lawrence Workforce Center sponsored an employer seminar on the Fair Labor Standards Act. The seminar was held at the Kansas University Endowment Association and presented by Investigator Michelle Bird, U.S. Department of Labor-Wage and Hour Division.

Scholarship Opportunities

SHRM FOUNDATION UPDATE - The SHRM Foundation funds research, publications and education to advance the HR profession and enhance the effectiveness of HR professionals. In 2005, the Foundation gave away \$30,000 through its Regional Scholarship Program. In 2006, the goal is to increase the amount of scholarships given to \$50,000. The Foundation awards 12 scholarships per region each year. Eight of these scholarships are worth \$600 each and are designed to aid HR professionals in their efforts to attain SPHR, PHR or GPHR certification. The remaining 4 scholarships are worth \$1300 each and can be used to offset other education expense related to study within the HR field.

Deadline for applying for a scholarship is July 15th.

Please visit the SHRM website at www.shrm.org/foundation/EducationGrants.asp to learn more about the scholarship offered through the SHRM Foundation and to fill out a scholarship application.

There will be a raffle for a “Giant Panda” at the Kansas State SHRM Conference in Topeka on September 22nd. Several other items created by local artisans will also be raffled.

The SHRM Foundation is a key resource for HR Professionals in the State of Kansas and across the nation. Please help support this worthwhile program and give back to the HR profession.

Supreme Court Decision on **June 22, 2006** could be one of the most significant employment law decision in years, making it easier for employees to bring retaliation claims against employers.



In **Burlington Northern & Santa Fe Railway Co. vs. White**, Sheila White, the only female forklift operator working for Burlington Northern Railroad in Memphis, TN, complained about sexual harassment and discrimination by a foreman shortly after she was hired in 1997. The foreman was immediately disciplined by the company. Ten days later she was removed from her forklift job and given more demanding track laborer duties, such as clearing brush, repairing damaged track, and clearing litter and cargo spillage from the right-of-way. White filed an EEOC charge concerning the reassignment and filed a second EEOC charge later in the year. Subsequently, White was suspended without pay for 37 days for insubordination. White was later reinstated and given back pay for the 37 days she was suspended. She then filed a third EEOC charge, claiming unlawful retaliation for having filed the charges. White filed a retaliation lawsuit in federal court and a jury awarded her approximately \$47,000 in damages, a decision that was affirmed by the United States Court of Appeals for the Sixth Circuit. The Supreme Court agreed to hear the appeal to resolve a conflict in the Circuit Courts as to the proper standard to use in determining what constitutes actionable retaliation. Burlington Northern argued that the ban on retaliation should apply only to “ultimate employment decisions” such as a demotion or firing.

In its ruling, the Supreme Court stated that Title VII’s anti-retaliation provisions are much broader than the statute’s anti-discrimination provisions, and should be interpreted to afford employees more protection. Writing for the Court, Justice Breyer said workers could sue for retaliation over “materially adverse” employer actions. “That means that the employer’s actions must be harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination.” The Court made clear that Title VII’s anti-retaliation provision, unlike the substantive provision, **is not limited** to discriminatory actions that affect the terms and conditions of employment. The Court held that the transfer of White to the more arduous track laborer duties and the subsequent 37 days suspension were such that they would dissuade an employee from making a claim of discrimination, even though she was eventually reinstated and received her lost wages.

The Court stressed that is new “reasonable person” standard is “judicially administrable” and “avoids the uncertainties and unfair discrepancies that can plague a judicial effort to determine a plaintiff’s unusual subjective feelings.” However, the concern among employers is that in actual practice, the new standard will routinely create a “jury question” that will rule out the likelihood of pre-trial dismissal. This is because the Court says whether an employer’s conduct will be viewed as actionable retaliation depends on the context of each particular situation.

For example, according to the Court: A schedule change in an employee’s work schedule may make little difference to many workers, but may matter enormously to a young mother with school age children. A supervisor’s refusal to invite an employee to lunch is normally trivial, a nonactionable petty slight. But to retaliate by excluding an employee from a weekly training lunch that contributes significantly to the employee’s professional advancement might well deter a reasonable employee from complaining about discrimination.

SHRM Jayhawk Chapter

2006 Board of Directors & Committee Chairpersons Contact Information

Board of Directors

President —Karen Reed	kreed@ci.lawrence.ks.us
President Elect —Janice Johnson	janicej@vna.lawrence.ks.us
VP of Membership — Lori MacDonald	lorimacdonald@sunflower.com
VP of Professional Development — Cheryl White Mary McKenzie, Co-Chair	cwhite@kansascommerce.com mmckenzie@douglascountybank.com
VP of Communication — Ann Connor Amy Bellerive , Co-Chair	ann.connor@prosoco.com abellerive@kinedyne.com
VP of Finance —Robert Bryant	rbryant@bertnash.org

Committee Chairpersons

Certification Angela Fleming	angelaf@firststateks.com
Diversity Ryann Pem	ryann.pem@intervet.com
Foundation Activities Michelle Moreland	mmoreland@allenpress.com
Legislative Affairs Ruby McDavis	rmcdavis@bertnash.org
Recognition & Networking Carol Rau	careeradvantage@sunflower.com
School to Career Victoria Purvis	VPurvis@sauer-danfoss.com
Student Relations Kathy Youngquist	kathyy@firststateks.com
Volunteerism Cristy Bidinger	cbidinger@cwood.org



Keep us Posted!

Please send any corrections or updates of names, job titles and mailing addresses of our members to Ann Connor or Amy Bellerive.

SHRM Sentinel
Jayhawk Chapter SHRM
P.O. Box 442033
Lawrence, KS 66044