

# SHRM Sentinel

Jayhawk Chapter—Lawrence, KS #486



MAY 2006

AFFILIATE OF



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NEXT MEETING  
JUNE 13

Industrial Safety & Health

Presented by: Steve Zink  
KS Department of Labor

## President's Message

*Jayhawk Members -*

*A day without...* As I write, today May 1<sup>st</sup>, is "A Day without Immigrants." According to the Urban Institute about six million undocumented immigrants, representing about five percent of U.S. workers, are currently employed in this country. Almost two-thirds of these workers (more than half of whom are Mexican) live in just six states: California (26 percent), Texas (12 percent), Florida (10 percent), New York (8 percent) and Illinois and New Jersey (both 4 percent). Although this may not have sufficient impact to us in the Jayhawk Chapter it made me wonder about a day without.

What thing in our life if we had to go even a day without would impact us to change?

As HR professionals we know how resistant people are to change and even more so how difficult entrenched processes are to change. Often we are called to be champions of change for our organizations and lead the way. How do we do that? Change is accepted when it becomes to painful not to change. Do we have to wait until then or can we illustrate today the importance of our cause in some meaningful way?

So regardless of our personal or professional opinions about today's immigration debates or boycott I appreciate the opportunity to reflect and act upon areas needing change in my personal space. Think there are some things I would be happy to go without for a day to make that change.

--Karen Reed, President

Tuesday, May 9, 2006

## "A Stakeholder Approach to Evaluations"

Presented by: Ann C. Gabel  
Director of Education



We've all experienced it: "They" requested a class – we gave it our all – the written evaluations were great – we were proud! A few months later, "They" call us again – "The staff needs re-educated – they still aren't doing what they're supposed to do!"

Unlock the secret of accomplishing intended education outcomes the first time around – by adopting a stakeholder approach to education/training evaluation. This powerful strategy, embedded in Malcolm Baldrige criteria for performance excellence, promotes collaboration and ownership for evaluation between educators and those with the highest stake in education outcomes.

This session will describe the stakeholder approach to evaluation, and present case study examples to show an education/training department can evaluate the effectiveness of education from individual to organizational levels of performance. Participants will receive tools to help them implement the stakeholder approach in their organization.

Hereford House  
6th & Wakarusa, Lawrence, KS  
11:30 Buffet—Noon to 1 pm Presentation

RSVP at [www.jayhawkshrm.org](http://www.jayhawkshrm.org) or  
call (785) 843-5393 ext. 399

## Membership

New Member Orientation will be held right before our next regular chapter meeting. From 11:15 AM to 11:30 AM on Tuesday, May 9<sup>th</sup> at the Hereford House, you can come and learn about the Jayhawk Chapter of SHRM, meet other new members, current members and Board Members. If you plan on attending, please RSVP to Lori MacDonald at [lorimacdonald@sunflower.com](mailto:lorimacdonald@sunflower.com) no later than Friday, May 5<sup>th</sup>.

### Welcome New Members

**Megan Moffett**, HR Assistant—PROSOCO, Inc.

- *Lori MacDonald, Vice President of Membership*

## Volunteer Opportunities

### STEP Program for First Step House

As part of our Jayhawk chapter's *Success Through Employment Program (STEP)*, the chapter has been asked to give 1 hour speaking engagements to First Step House residents participating in the Workforce Preparation Class.

Representatives of SHRM provide information on job readiness and job retention skills. The presentations are on the 3<sup>rd</sup> Thursday of each month at 9:30am. The sessions are very informal. Topics and materials are available for presenters.

If you would like to make a difference in your community please contact: Cristy Bidinger at ph/ 785-840-1626 or e-mail: [cbidinger@cwood.org](mailto:cbidinger@cwood.org)

Did you know?

The First Step House is a 25-bed residential substance abuse treatment facility for women 18 years or older and their children 12 years and younger. First Step House has been part of the Lawrence community since 1985. Most women come to First Step House for reintegration after treatment. The average length of stay is 90-120 days. The program helps women find jobs and housing, learn to budget their money, continue their education, and become independent.

- *Cristy Bidinger, Volunteerism*

## Certification

Interested in furthering your education in Human Resources? Want to take your Certification exam through HRCI, but there aren't enough funds in your departmental budget? Well, here is your chance to apply for one of the various regional scholarships made available to SHRM members through the SHRM Foundation.

### **\$50,000 in Regional Scholarships Available**

One tangible benefit of the SHRM Foundation is its support of scholarships for SHRM members. The 2006 Regional Scholarship Program is now underway, with a total of 12 scholarships being awarded in our region (Southwest Central). The awards program is designed to assist working SHRM members in meeting their professional development goals. SHRM members pursuing a college degree or professional certification are eligible to apply for either a \$1300 education scholarship or a \$600 certification scholarship. **The application deadline is July 15, 2006.** Award applications and information are available online at: <http://www.shrm.org/foundation/EducationGrants.asp>.

### **New Barbara Sanchez Scholarships**

In addition to the SHRM Foundation scholarship program, an additional scholarship program is now available for HR professionals in the media industry. One \$1500 scholarship will be awarded in our region to SHRM members pursuing a college degree. Applicants must be SHRM members working full-time in human resources in the media field (includes print, publishing, cable & satellite, broadcasting, motion picture, internet and communications.)

In 2000, a scholarship fund was created to honor the late Barbara Sanchez, an HR director at Newsday and a dedicated member of the Media Human Resources Association (MHRA) board of directors. MHRA was disbanded in 2003, and it was agreed that the remaining scholarship funds would be awarded through the SHRM Foundation. Funding is available for this scholarship program through 2009.

**Again, the application deadline is July 15, 2006.** Award applications and information are available online at: <http://www.shrm.org/foundation/EducationGrants.asp>.

If you have additional question about either scholarship please contact Angela Fleming, Director of Certification, at [AngelaF@FirstStateKS.com](mailto:AngelaF@FirstStateKS.com).

**Note: student members and local-only members are not eligible for these awards.**

- *Angela Fleming, Certification*

## Job Opportunity

### MANAGEMENT ANALYST/COMPENSATION

**RESPONSIBILITIES:** Performs analytical and technical duties in support of the operations and services of the Personnel division with focus on compensation activities and city-wide labor analysis. Will manage the City's Compensation and Classification system to include processing and analysis of compensation studies and surveys; job evaluation process, maintaining city-wide job descriptions; and completing payroll input as well as tracking position allocations. Directs and facilitates the Job Evaluation and Compensation committees. May participate and/or lead various other multi-department work teams. Supervises Personnel front office staff in administrative tasks and meeting both external and internal customer needs. Will review division activities for processing accuracy and city-wide staffing trends, preparing monthly and annual management reports accordingly. Assists in Personnel project management formulating goals and determining division objectives, recommending and monitoring implementation of these and productivity measures. May research, design and implement HR program improvements such as employee entrance, exit and satisfaction surveys for retention and workforce technology initiatives.

**QUALIFICATIONS:** Equivalent to a Bachelors degree from an accredited college or university with major coursework in Human Resources, Business, Finance, Public Administration or related field. Strongly prefer SHRM certification (PHR or SPHR) to demonstrate current HR proficiencies. Must have at least two years of increasingly responsible experience in public or business administration preferably in a HR or like environment. Experience as supervisor or team leader in staff development helpful. The successful candidate will have advanced knowledge of organizational and management practices as applied to the analysis and evaluation of city HR programs. Must have exceptional written, verbal and presentation communication skills. Working knowledge of MS Office (Word, Excel and Access) and AS400 payroll processing is needed.

**SALARY RANGE:** \$45,990 - \$68,272 Annually  
(Starting pay typically at entry to mid level of range.)

**BENEFITS:** Health, Dental and Life Insurance: Single premium paid by City. Dependent coverage available at a cost of \$82.50 bi-weekly.  
Vacation: 12 days per year (Plus 2 days Personal Leave)  
Holidays: 9 days per year  
Retirement: Kansas Public Employees Retirement System after one continuous year of employment

**SUBMIT APPLICATION BY 5 P.M., WEDNESDAY, MAY 31, 2006 at address below.**

Administrative Services, Personnel  
City of Lawrence, Kansas  
Second Floor—Box 708, 6 East 6<sup>th</sup> Street  
Lawrence, Kansas 66044

Toll Free: (800) 444-8321 Phone: (785) 832-3203 Fax: (785) 832-3228

Employment Information Line: (785) 832-3333

E-mail: [personnel@ci.lawrence.ks.us](mailto:personnel@ci.lawrence.ks.us)

Web Page: [www.LawrenceCityJobs.org](http://www.LawrenceCityJobs.org)

## Thank you!

The April 9th seminar featuring Dr. Cal LeMon was a success.

We had 62 attendees + 2 complimentary attendees (one from the Art Center and Gwen Denton, Jayhawk SHRM member, who won a free admission from a drawing at our March luncheon.

Thank you to the following vendors who set up informational booths at the April seminar.

Express Personnel Services  
Principal Financial Group  
Sedona Staffing Services  
Morgan Stanley

- Robert Bryant, VP of Finance

Many thanks to the following businesses who contributed door prizes for April's seminar.

DEL MONTE  
KALMARIND  
MANPOWER  
GCSAA  
JOBLINK  
ALLEN PRESS  
THE WORLD COMPANY  
WORKFORCE CENTER  
EXPRESS PERSONNEL  
FIRST STATE BANK & TRUST  
CITY OF LAWRENCE  
CARDINAL BRANDS

Thank you to all of the chapter members who helped in the planning and execution of the seminar. I couldn't have done it without you!

- Sarah Meinershagen

The Uniformed Services Employment and Reemployment Rights Act (USERRA), which applies to all employers regardless of size, grants most employees up to five years of [military leave](#). The law further requires that any employee returning from military leave, who receives a certificate showing satisfactory completion of military service, must be restored to his previous employment. The type of position to which the veteran must be reinstated depends on the period of service and on the veteran's abilities at the time of reinstatement. The following criteria apply:

-- **Service of 90 days or less.** The veteran must be reemployed in the position he would have held if he had continued in employment without interruption for military service, as long as he is qualified for that position. If the veteran would have been promoted if he had continued in employment, but cannot be qualified for that new position after reasonable efforts by the employer, he may be employed in the position he held when military service began.

-- **Service of 91 days or more.** The veteran must be reemployed in the position he would have held except for the interruption for military service, or in a position of like seniority, status, and pay, if qualified for that position. If the veteran would have been promoted if he had continued in employment, but cannot be qualified for either that new position or an equivalent one despite the employer's reasonable efforts, he must be reemployed in the position he held when the period of service began, or in a position of like seniority, status, & pay.

-- **Veterans who cannot be qualified for the job.** If the veteran cannot be qualified for the job he would have held, or the position he formerly held after the employer's reasonable efforts, and his inability to qualify is not related to a service-incurred or aggravated disability (see below), he must be reemployed in any position of lower status and pay for which he is qualified, but with full seniority.

-- **Disabled veterans.** A disabled veteran whose disability was incurred or aggravated by military service, and who cannot perform the job he would have held even after reasonable accommodation by the employer, must be reemployed in: (1) any other position of equivalent seniority, status, and pay for which he is qualified or could become qualified through the employer's reasonable efforts; or (2) in the nearest approximation to an equivalent position consistent with the veteran's circumstances.

Note that USERRA requires that returning veterans be "promptly reemployed." The new USERRA regulations (which took effect January 18, 2006) state that the term means "as soon as practicable under the circumstances" and further indicate that unless there are unusual circumstances, reemployment must occur within two weeks of the veteran's application.

USERRA also obliges you to abide by its escalator principle," which requires that the veteran receive any change in position or benefits to which he would have been entitled had he remained continuously employed. In addition, the law specifies certain limited circumstances under which you are relieved of the obligation to reemploy veterans returning from military service, such as when reemployment is "unreasonable or impossible" because of a change in the employer's circumstances.

Finally, USERRA also protects returning veterans from discharge without "cause" for a period of time after reemployment. If the returning veteran's military service lasted between 31 and 180 days, the veteran may not be terminated without cause for 180 days after the date of reemployment. If the veteran's period of military service was more than 180 days, this protection applies for one year after reemployment. Veterans with less than 31 days of military service do not have protection against discharge without cause.

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MEMORANDUM OF IMPORTANCE  
FROM: Kelly Clegg of R.J. Dutton, Inc.

DATE: January 16, 2006

It is critical that employers understand and ensure that their health and retirement plans and leave policies are revised to comply with the final regulations of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

In general, for the purpose of determining benefits under a health or retirement plan, a reemployed service member must be treated as though the employee had remained continuously employed during the military leave.

The DOL also issued a final (and revised) version of the USERRA Notice that informs employees of their rights, benefits, and obligations under USERRA. The final version of the notice is attached for your convenience. This should be displayed where employee notices are customarily placed to satisfy the notice requirement.

### **Definition of “Employer”**

The definition of the term “employer” is broad and includes insurance companies and third party administrators (and in some cases, supervisors and managers), which could result in an insurance company violating USERRA to the extent it refuses to allow a participating employer to comply with the prohibition against imposing exclusions or waiting periods when an employee returns from military leave. However, the definition of “employer” excludes third-party entities that perform purely administrative functions, such as maintaining an employee’s personnel files.

### **HEALTH PLAN BENEFITS**

The regulations pertaining to health plans detail how employees choose and pay for continued coverage during military service, the amount they must pay, the health plan administrator’s obligations during continuation coverage and upon qualifying reemployment of the veteran, and the type of health plans covered.

**Continuation and Reinstatement of Coverage**—The regulations permit employers to cancel an employee’s health insurance if the employee departs for military service without advance notice or without electing continuation coverage, unless circumstances warrant retroactive reinstatement. However, the final regulations do not impose time frames for employers to follow when setting up these procedures. The only guideline given to employers is that the procedures and time frames must be reasonable.

If a plan administrator does not establish reasonable time periods for election and payment of premiums, the plan is required to reinstate continuation coverage if the employee elects and pays in full within the maximum coverage period allowed by USERRA. This maximum coverage period is 24 months, which is much longer than the time a plan could choose to establish as a reasonable deadline for elections to reinstate coverage.

Upon reemployment, a service member (and their dependents) must be allowed to reenter the employer’s health plan without any waiting period or exclusion. The final regulations also state that employers who use third party insurance plans to provide coverage must negotiate coverage that is compliant with USERRA to avoid liability for not reinstating coverage upon reemployment.

**Continuation Provisions**—The preamble to the final regulation clarifies that dependents do not have any independent right to select USERRA health plan continuation, and dependents or retirees who perform military service do not have any rights to continue health plans under USERRA.

**Cafeteria Plans**—The final regulations clarify that cafeteria plans must comply with USERRA continuation and reinstatement requests.

**COBRA Similarity**—The preamble to the final regulations indicates that the IRS informed the DOL that compliance with USERRA rules will not conflict with Internal Revenue Code requirements under COBRA.

### **How USERRA and COBRA Periods Interact**

COBRA and USERRA run concurrently and employees cannot be forced to choose between electing COBRA or USERRA. If a service member dies within the 18-month COBRA period it is considered a second qualifying event and the COBRA period for their dependents is extended to 36 months. Please note that USERRA allows coverage of all dependents, including domestic partners.

**Failure to Elect**

New provisions in the final regulations permit employers to establish COBRA-like rules that terminate health coverage upon the employee's departure from employment and failure to elect continuation coverage, as long as such rules also permit, in limited circumstances, retroactive reinstatement of coverage upon election and payment without additional administrative reinstatement cost to the employee. The specific election provisions required vary depending upon whether the employee gave notice of service or whether the employee was excused from giving notice under USERRA. Failure of an employer to develop election rules when an employee gives notice of service will result in the possibility of retroactive reinstatement at any time during the maximum 24-month continuation period.

**Failure to Pay**

New provisions in the final regulations permit employers to adopt reasonable rules allowing cancellation of coverage when payment is not made on a timely basis. For employers covered by COBRA, it may be reasonable to adopt COBRA-compliant rules for premium payment as long as they do not conflict with USERRA or the regulations.

**Premium Payments**

If service is for fewer than 31 days, the employee cannot be required to pay more than the regular employee share. If service is for 31 days or more, the employee cannot be required to pay more than 102% of the full premium (employer's share + employee's share + 2% administration fee).

**PENSION PLAN BENEFITS**

USERRA defines a pension or retirement plan in the same way that ERISA defines the term. In addition, plans excluded from ERISA requirements may be subject to USERRA, including plans established by religious organizations and government entities.

**Counting Service**

If a service member is reemployed under USERRA, there is no break in service. All time before, during and after military service is counted as service for purposes of vesting, accrual and eligibility, including time spent applying for reemployment or recovering from an illness or injury incurred through military service.

**Repaying Contributions**

Employers now have a longer period of time to make contributions that are not linked to employee contributions or deferrals. Employers must make contributions within 90 days after an individual is reemployed, rather than 30 days, or when contributions are normally made for the year in which service was performed, whichever is earlier.

An employee may make up missed contributions or deferrals during the period starting with their reemployment date and continuing for up to three times the length of the employee's military leave, not to exceed five years. If a reemployed employee leaves and returns to work again with the same employer, the employee may still resume payments within the statutory period described above.

Although a service member can repay amounts withdrawn from a plan before military leave, the final regulations limit this provision to defined benefit plans.

**Preventing USERRA Violations**

Employers must ensure that their health and retirement plans and leave policies are revised to comply with USERRA. In addition, employers should review all forms, policies and procedures and ensure that insurance companies and third party administrators are aware of their potential legal obligations.

Prevention is critical and supervisors should know their responsibilities with respect to military leave and reemployment rights so that they may serve as a first line of defense rather than create exposure in this area.

*Memorandum of Importance  
From: Kelly Clegg, R.J. Dutton, Inc.*

# SHRM Jayhawk Chapter

## 2006 Board of Directors & Committee Chairpersons Contact Information

### Board of Directors

<b>President</b> —Karen Reed	<a href="mailto:kreed@ci.lawrence.ks.us">kreed@ci.lawrence.ks.us</a>
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<b>VP of Professional Development</b> — Cheryl White Mary McKenzie, Co-Chair	<a href="mailto:cwhite@kansascommerce.com">cwhite@kansascommerce.com</a> <a href="mailto:mmckenzie@douglascountybank.com">mmckenzie@douglascountybank.com</a>
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<b>VP of Finance</b> —Robert Bryant	<a href="mailto:rbryant@bertnash.org">rbryant@bertnash.org</a>

### Committee Chairpersons

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<b>Volunteerism</b> Cristy Bidinger	<a href="mailto:cbidinger@cwood.org">cbidinger@cwood.org</a>



#### 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.

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