



Lawrence, KS #486

# THE RESOURCE

June 2013



## Inside this issue:

June Luncheon Speaker	1
President's Letter	
Board of Directors	2
June speaker continued	
Tombold Award	
Legislative News	3
SHRM Member	4
Benefits	
Diversity	5
Upcoming Events	
Financial Report	6
Member Update	

## Health Care Reform and How It Will Affect Kansas Citizens and Employers presented by Sandy Praeger, Insurance Commissioner

What is the Affordable Care Act and what does that mean to you or your employer? Are you ready for the changes from healthcare reform? Sandy will present to the Jayhawk SHRM Chapter and the Lawrence Medical Managers Association on the Affordable Care Act and the need for health care reform. The Affordable Care Act, also known as "health care reform" or PPACA, was passed into law on March 23, 2010. The law contains provisions to reform the health insurance industry, with the biggest changes occurring by January 1, 2014. The law addresses and attempts to fix problems in the current American health care system. Some of these problems include the cost and quality of care and gaps in insurance coverage.

The law required several changes to be put into place in the first six months after the law was passed. Other parts of the ACA do not go into effect until January 1, 2014 or after. One of the biggest changes to the current health insurance system will be the creation of health insurance exchanges. An insurance exchange will be an online marketplace where consumers can go to find out about health insurance plans available in their area. They will also be able to compare the costs and benefits of those plans. It will function like other online marketplaces.

Sandy will bring her expertise as Commissioner to educate you on:

- What is the Affordable Care Act and why the need for health care reform;
- How healthcare reform will affect employers in the future;
- How will these changes affect individuals and families in Kansas due to healthcare reform; and
- What are the biggest changes to occur by January 1, 2014 and how do we get ready for the changes.

As HR professionals the knowledge gained from this presentation will help you to evaluate your companies benefit programs and makes changes to be compliant with applicable new federal laws.

1 hour General credit towards PHR, SPHR and GPHR recertification through HRCI has been approved.

### Bio:

Commissioner Sandy Praeger was elected as Kansas' 24th Commissioner of Insurance on Nov. 2, 2002. She was reelected on Nov. 7, 2006, and again on Nov. 2, 2010. Commissioner Praeger is responsible for regulating all insurance sold in Kansas and overseeing the nearly 1,700 insurance companies and more than 100,000 agents licensed to do business in the state.

She was elected previously to the Kansas Senate in 1992, 1996 and 2000, and before that served one term in the Kansas House of Representatives. While in the legislature, she worked to gain passage of patient protection laws, external review of health plans and insurance, and the Kansas expansion of children's health insurance. In 2001 she led the successful campaign for mental health parity in Kansas. A resident of Lawrence, Kan., she served as mayor of Lawrence from 1986-87, and she served on the Lawrence City Commission from 1985-89.

Continued on page 2



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[www.jayhawkshrm.org](http://www.jayhawkshrm.org)**President's Message**

Getting to the next level always requires ending something, leaving it behind, and moving on. Growth demands that we move on. —**Dr. Henry Cloud, "Necessary Endings"**

For those of you unable to join us at last month's meeting, you missed a bit of news. My husband has accepted a faculty position at Missouri State University in Springfield, Missouri and our family is relocating in July. It is a wonderful opportunity for him but it is with bittersweet tears that we leave behind our friends here in Lawrence. I would like to take a moment to say what a pleasure it has been to work with and get to know each of you. I have truly enjoyed being a member of the Jayhawk Chapter of SHRM and serving on the Board over the last several years.

I am pleased to announce that Heather Bunker, your President Elect, and Mary McKenzie, your Past President, will be working together throughout the end of the year to ensure that the chapter is well supported. It is a great relief to know that I am leaving the chapter in extremely capable hands and I want to take this opportunity to thank them for their service.

Thank you for the opportunities that the chapter has provided me. I wish you all the best in your future endeavors.

Submitted by,

Amy Carr, PHR  
President, Jayhawk Chapter SHRM  
[president@jayhawkshrm.org](mailto:president@jayhawkshrm.org)

Continued from page 1

Commissioner Praeger was president of the National Association of Insurance Commissioners (NAIC) in 2008. She serves as chair of the NAIC Health Insurance and Managed Care Committee, as well as other NAIC committees and task forces. In 2012 she was appointed as an NAIC representative on the board of directors of the National Insurance Producer Registry.

Commissioner Praeger has testified numerous times before the U.S. Senate Finance Committee on health reform issues. She is frequently called upon by national media to discuss health insurance issues.

She has also testified before the U.S. Senate Health, Education, Labor and Pensions Committee about small business health insurance, appeared before the U.S. Senate Small Business Committee to express concerns about association health plans, and appeared before the Senate Select Committee on Aging concerning qualifications of investment advisers.

### Healthcare Reform & How It Will Affect Kansas Citizens and Employers

**Wednesday, June 12, 2013** Time: 11:30 a.m. to 1:00 p.m.  
Registration & Buffet Lunch begins at 11:15 a.m.

**Macelli's**

1031 New Hampshire Street, Lawrence, Kansas 66044

Parking is available across the street

Cost: \$15 if pre-registered by Thursday noon deadline prior to chapter meeting  
\$20 after Thursday noon pre-registration deadline or walk-in at the door.

## The George Trombold Achievement Award

The nomination form for the **George Trombold Achievement Award** is available on the KS SHRM website [www.ksshrm.com](http://www.ksshrm.com). Please consider nominating an HR Professional today! Nominations are due by **Friday, June 30, 2013**. Website nomination forms are preferred, a pdf form is also available to download and can be mailed.

Nominees for this award must be:

- An active Human Resources professional
- Have a minimum of five years of HR experience
- A National or Chapter member of SHRM
- Preference will be given to certified professionals

There may be more than one nominee from a chapter and nominations may be made by a chapter, individual or self-nomination. The goal is to recognize HR Professionals that go above and beyond in their HR and volunteer roles.

The Trombold Award originated to honor George Trombold of Wichita. George was a valued executive of Boeing for 37 years. As Vice-President of Human Resources, George exemplified the highest level of professionalism and integrity was greatly respected by both management and labor. George was also a strong volunteer leader for his professional organization. He was one of the early founders of the American Society for Personnel Administrators (now called SHRM). George was dedicated to fostering his profession through actively participating in his local chapter in Wichita as well as at The national level. He rose to the top as a volunteer leader in 1964 when he became the National Chairperson for ASPA. In addition, George had a deep sense of civic responsibility and commitment. He understood to make a community strong; its citizens needed to be a dedicated part of it. He served on numerous community boards throughout his life. He did all of these things, not for self advancement, but because he knew it was the right thing to do. Sadly, George passed away in 2007, but the legacy he left behind is legendary. Thank you George for everything you did for the HR profession!

For questions or to submit a nominee please contact Dan Hamel, CPA, PHR, Metal-Fab, Inc, P.O. Box 1138, Wichita, Kansas, 67201 (316) 771-4903, [danh@mtlfab.com](mailto:danh@mtlfab.com)

This is an advertisement on behalf of the Kansas State Council of SHRM, Inc. <http://www.ksshrm.com>

SHRM is proud to announce the 65th Annual Conference and Exposition, June 16 - 19, 2013, in Chicago, IL. Please visit <http://www.shrm.org/conferences> for more information.

In a decision yesterday out of the Court of Appeals for the D.C. Circuit, the NLRB's notice posting requirement was struck down as invalid. For those of you that have been following along since the start, the NLRB issued the poster rule in August of 2011 and then repeatedly delayed enforcement of the rule as litigation popped up in several federal district courts as to the validity of the rule. The rule, in its simplest form, required employers to post a notice containing information about the ability of employees to seek union representation.

In its decision, the Court held that the rule violated an employer's right to free speech. The Court also addressed a provision in the rule related to the tolling of the statute of limitations for filing a charge based on a violation of the poster rule. This provision was also struck down as invalid. For those that like reading court decisions, this particular portion is a bit convoluted, but interesting for reasons beyond the NLRB poster. The tolling arguments touched on some Title VII and ADEA posting issues and tolling principles used by the EEOC. The Court did not specifically rule on the tolling issues beyond the NLRB poster; however, it did highlight and call into question the validity of tolling in that context as well.

For now the poster rule looks to be on its death bed, but one never knows what appeal may arise or what another Court of Appeals might have to say about the issue. There is another NLRB poster rule case pending in the 4th Circuit Court of Appeals and that court could decide the matter differently. Stay tuned. For now, employer groups seem to have this game firmly in hand.

By: Donald Berner

### **Legislative Affairs**

Scott Criqui

[legislative@jayhawkshrm.org](mailto:legislative@jayhawkshrm.org)



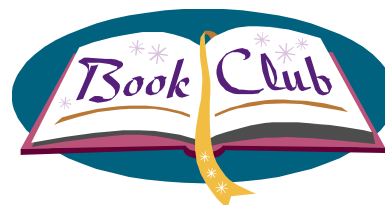
## SHRM Foundation Scholarships For Professional SHRM Members

- Going back to school? Getting certified? Need financial assistance?
- Apply for a SHRM Foundation scholarship!
- The 2013 application period is now open! Deadline for applications July 15, 2013
- Applicants Notified of Results: October 15, 2013
- 80 Certification Scholarships (\$750 each)
- 20 Academic Scholarships (\$2,000 each)
- The SHRM Foundation awards a total of \$100,000 annually in scholarships for SHRM members pursuing degrees in HR related fields or SPHR, GPHR, PHR or California certification



## NEW! Read books for recertification credits! Join the SHRM Book Club!

- The SHRM Store now offers a select number of HR books that have been approved for either General or Strategic recertification credit.
- Purchase your book from the SHRM Store and receive a link for an e-learning test. After reading the approved book, simply complete the online test and score 70% or higher.
- You will then receive a program ID that entitles you to 2.5 credit hours. Up to 20 total credits are available in a three-year recertification cycle.
- Visit the SHRM Book Club for a list of the approved books.
- [www.shrm.org](http://www.shrm.org)



## Expert HR Advisors SHRM member benefit

Contact the HR Knowledge Center by:  
Phone: 800-283-7476, available 8:30 a.m. to 8:00 p.m. ET  
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**ASK THEM ANYTHING!**  
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## Diversity programs: Reap the benefits while avoiding the problems

Sometimes, the road to a lawsuit or other trouble can be lined with good intentions – such as implementing a diversity program that in the end satisfies no one and angers just about everyone

The problems often begin with the most innocent and well-meaning initiatives: for instance, a mentoring program for historically overlooked groups or an outreach effort to hire in low-income communities.

Some HR managers who've tried those approaches then had to battle against charges of "reverse discrimination" or favoritism. It's at that point, they've said to themselves, "Wasn't this supposed to be a good thing?"

Diversity can be a good thing when it's implemented properly. As a guide to proper implementation – and a lesson in diversity do's and don'ts – consider the analysis by employment-law expert David Haase of three recent landmark legal battles over diversity:

### **Bernstein v. St. Paul Companies**

The battle in this suit swirled around a statement issued by the company's CEO, who sought to make certain that employees knew he supported HR's diversity efforts.

The CEO wrote a letter to all employees that stated, in part, that he "did not want the company to consist exclusively of white men."

Right after that, the CEO and the HR manager found themselves on the wrong end of a lawsuit filed by white men at the company who said the statement was proof of intent to hold them back while promoting women and minorities.

The company ended up winning the suit, mainly because in the same letter the CEO also said the company was committed to hiring and promoting "the most talented people that are available ... irrespective of whether they are of a certain gender or of a certain race."

**The lesson:** Proclaiming support for diversity is OK, as long as it comes with the stipulation that everyone is going to get a fair shake.

### **Buonanno v. AT&T Broadband, LLC**

What happens when an employee refuses to sign on to a diversity program and openly defies its intent? That question got answered in a lawsuit filed by an employee who said his religious beliefs blocked him from recognizing the "value" of some groups, such as homosexuals.

The employee asked for a religious accommodation resulting in an exemption from the policy to "value all individuals." The company refused the accommodation and fired him.

In the end, a judge ordered the company to rehire the employee, with the stipulation that the employee would not engage in discrimination or harassment of the groups in question.

**The lesson:** Such disputes usually are decided on a case-by-case basis, but the important point is that even if an employee doesn't fully sign on to a diversity program, he or she must commit to treating all people in the workplace equally and with respect.

by [Jim Giuliano](#) April 4, 2008  
Courtesy of [www.hrmorning.com](http://www.hrmorning.com)



**DIVERSITY**  
Angela Fleming, PHR  
[diversity@jayhawkshrm.org](mailto:diversity@jayhawkshrm.org)



## Mark Your Calendars—2013 Upcoming Events

### June 12th Meeting @ Macelli's, 1031 New Hampshire Street

#### “Health Care Reform & How it will Affect Kansas Citizens and Employers”

Presented by Sandy Praeger  
Kansas Insurance Commissioner

### July 9th Meeting—” Change your conversations..... Change the World”

Presented by Don Gallagher, LLC

### August 13th Meeting—“Developing Compliant Employment Screening Practices”

Presented by Darren Dupriest  
President & Owner Validity Screening

### September 10th Meeting—To be announced

### October 8th Meeting—To be announced



VP of Professional Development  
Debbie Snyder  
[professionaldevelopment@jayhawkshrm.org](mailto:professionaldevelopment@jayhawkshrm.org)

Jayhawk Chapter SHRM meetings are held on the second Tuesday of each month with registration and buffet beginning at 11:15 a.m. and the presentation from Noon to 1:00 pm at Pachamama's, 800 New Hampshire, Lawrence, Kansas.

## Financial Report

### Current Assets: 5/31/2013

Checking Account: \$ 8,980.60

#### CD's:

91-Day (8/16/13) \$ 4,132.48

182-Day (9/6/13) \$ 5,114.74

12-months (5/13/14) \$ 8,450.08  
\$17,697.30

Pay Pal Account \$ 633.92

Petty Cash: \$ 100.00

**Total: \$ 27,411.82**



VP of Finance  
Mary Seyk  
[finance@jayhawkshrm.org](mailto:finance@jayhawkshrm.org)

## Member Preference Update

If you no longer wish to receive this newsletter, published monthly, then please email Jenny-Hiatt@lpco.net and type in the subject line, UN-SUBSCRIBE to be removed from this email list.

if you are a current chapter member not receiving this newsletter, we want to make sure to get it in your hands, please email JennyHiatt@lpco.net and type in the subject line, SUBSCRIBE to be added to the email list.

