



Lawrence, KS #486

THE RESOURCE

November 2014

“WORKPLACE INVESTIGATIONS AN INNOVATIVE APPROACH TO ADDRESSING HARASSMENT COMPLAINTS & REDUCING WORKPLACE CONFLICT”

Presented by: Kathy Perkins
Kathy Perkins LLC Workplace Law & Mediation
Tuesday, November 11, 2014

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Presentation

Addressing sexual and other illegal harassment claims is always a challenge for employers. Some of those challenges are inherent and unavoidable such as the “he said/she said” highly subjective evidence the employer is required to evaluate, interpret and address. From the perspective of a litigator who has defended many employers against these claims, there are avoidable pitfalls related to poor documentation including failure to document complaint handling or an investigation, stray remarks on the documentation, inability to show whether or how other complaints were investigated, inconsistent approaches to different claims, etc.

This program will address turning investigation documentation from a potentially expensive liability into a plus, utilizing a form based program for documenting the employer’s response to all issues raised by employees. By carefully and consistently keeping records of all investigations, the employer has business records that will be admissible to establish a consistent and thorough practice of timely investigation of employee complaints, including those involving or potentially involving illegal harassment. Solid documentation can aid in showing, for example, that the employee did not initially complain about all the conduct at issue in the litigation; or that there were no other employees who ever complained about this particular supervisor.

A key part of this program is that the HR professional will become more and more proficient at investigating issues and creating documentation – essentially an opportunity to practice on a regular basis so that he or she will have the skills to handle the high stakes claim of sexual harassment.

An effective issue investigation program can have tremendous benefits beyond reducing the risk of litigation. Even when workplace conflict doesn’t rise to the level of an illegal harassment lawsuit, it costs organizations in time, energy and creativity. Early intervention into employee disputes offers a greater opportunity to resolve differences before the conflict grows into an illegal harassment or hostile working environment claim.

Bio:

Kathy Perkins has counseled private and public employers in all aspects of employment law including discharge; illegal discrimination and harassment; employee handbooks, contracts and policies; performance management; wage and hour issues; employee leave; accommodations for disabilities; privacy; defamation, protection of trade secrets, affirmative action compliance and union interaction. She has broad experience defending employers in all types of employment litigation.

Kathy’s focus is on reducing the risk of employment litigation, and she frequently conducts seminars and training sessions for all levels of employees. She directs internal workplace investigations and is a trained mediator of employment disputes. (Continued on page 2)



Tuesday, November 11, 2014

Registration begins at 11:15 a.m. * 11:30 a.m. Buffet Lunch Available * 11:45 Opening Business
Chapter Announcements * 12:00 Speaker Presentation * 1:00 Meeting Adjourned
Location: Pachamama’s Alton Ballroom, 800 New Hampshire Street, Lawrence, Ks 66044

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.



REGISTER ONLINE: www.jayhawkshrm.org

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www.jayhawkshrm.org**President's Message**

"We must find time to stop and thank the people who make a difference in our lives." - John F. Kennedy



As the air turns colder and we slip deeper into the fall season I want to take a moment to say thank you to each of you in the Jayhawk Chapter of SHRM. Being your president has been a truly wonderful experience. Many of you know that when I started I wasn't a big fan of public speaking. While it is still something that I approach with some trepidation, I no longer feel the complete and utter fear that used to stop me dead in my tracks! I have thoroughly enjoyed being a part of the Board and experiencing everything that happens 'behind the scenes' to keep our group running.

Our chapter is filled with those in the HR field at many different levels and I am delighted at how we come together to support and educate each other. We have had some fascinating programs and I always take away something interesting when we come together. I have been extremely proud to represent our group both at the state level and in our community. As we begin to wrap up the year I find I am filled with such overwhelming gratitude for this experience. Kelly Calvert steps into this role soon and I know she will be amazing. Thank you.

Submitted by,

Heather Bunker, SPHR
President, Jayhawk Chapter SHRM
presidenelect@jayhawkshrm.org

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"WORKPLACE INVESTIGATIONS"

Kathy was a Managing Member of the Constangy, Brooks & Smith LLC Kansas City office for nearly six years. She was a shareholder with Stinson, Mag & Fizzell in Kansas City from 1996 to 2002 and prior to that was a partner of Stoel Rives LLP in its Boise, Idaho office.

Kathy is a member of the Society for Human Resource Management, the Management Labor & Employment Roundtable, the American Bar Association, the Kansas Bar Association and the Missouri Bar. Kathy is also a contributing editor of Kansas employment law advice to www.theHRSpecialist.com. She has served on the faculty of the annual program Jury Trial Litigation of Employment Claims: How to Do It Right. She is a frequent speaker on employment law topics at national and local programs.

HRCI has approved this presentation for 1 general credit.

Visit Kathy's website at www.kathy-perkins.com for more information

WELCOME NEW MEMBERS!!

Catherin Marx — Account Executive, QPS Employment Group

Kristin Redding — The University of Kansas

Hannah Sheridan-duque—Fundraising & Scholarship Administrator
Douglas County Child Development Association

Katy Maxwell—Executive Admin Director—Therapyworks



The Society for Human Resource Management of Johnson County Presents

Jeff Havens

“Us Vs. Them”



Thursday, December 11, 2014

Ritz Charles Convention Facility

9000 W 137th Street

Overland Park, KS 66221

Cost \$35

11:00am Networking

11:30am Luncheon

[Click here for a personal SHRMJC invite from Jeff Havens](#)

Frustrated by how impossible it seems to manage four distinct generations, with four different strategies, all at the same time? Feel like it is always you that is being asked to “make an adjustment?” Then *US Vs. Them* is exactly what you need. In this hysterical keynote, you’ll get a simpler way of looking at your own generational picture.

Want more information about Jeff? Visit www.jeffhavens.com then join us to laugh and learn more than you thought was possible in a single presentation. Because improving your generational issues doesn’t have to be boring!

This program has been pre-approved for 1 General Credit Hour

Registration open now...don't miss this exciting meeting!

[CLICK HERE](#) to register now or visit our website at www.shrmjc.org (Calendar of Events)

Sponsored by:

LearningQuest[®]
529 EDUCATION SAVINGS PROGRAM

Mark Your Calendars – 2014 Upcoming Events



November 11th

“Documenting Workplace Investigations”

Presented by Kathy Perkins



VP of Professional Development
Debbie Snyder
professionaldevelopment@jayhawkshrm.org

December 9th

Social Event

FOUNDATION NEWS

SHRM Foundation Releases “Investing in Older Workers” DVD

As part of its Aging Workforce Project, the Society for Human Resource Management (SHRM) Foundation recently released the “Investing in Older Workers” DVD, an educational video demonstrating how one organization is cultivating a culture of respect for older workers.

In March 2014, SHRM and the SHRM Foundation launched the Aging Workforce project, a three-year national initiative highlighting the value of older workers through original research and analysis of HR practices to educate businesses about the implications of retiring Baby Boomers in the workplace.

In the “Investing in Older Workers” DVD, a 20-minute film featuring narration by Wayne Cascio, the SHRM Foundation travels to the National Institutes of Health (NIH) in Maryland to learn about their efforts to attract, engage and retain mature workers. The NIH ranked first in the AARP-SHRM Best Employers for Workers over 50 award, making NIH the only Federal agency to achieve this distinction.

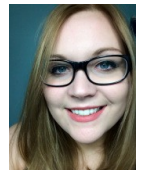
The DVD was produced with support from AARP and a grant from the Alfred P. Sloan Foundation.

The “Investing in Older Workers” DVD is the thirteenth video in the SHRM Foundation film series. Additionally, the DVD is available with subtitles in Spanish, German, Korean, Chinese and English.

To watch the “Investing in Older Workers” video, visit: <http://www.shrm.org/about/foundation/products/pages/investing-in-older-workers-dvd.aspx>

Submitted by,

Holly Goodman
Foundation Activities Chair
foundation@jayhawkshrm.org



Financial Report

Current Assets: 10/31/2014

CD's:	
91-Day (2/4/14)	\$ 1,137.82
182-Day (3/7/14)	\$ 5,135.17
12-months (5/13/14)	\$ 8,483.88



Prepared by: Barry Kingery
VP Of Finance
finance@jayhawkshrm.org

Checking Account:	\$ 1,994.58
Pay Pal Account	\$ 293.52
Petty Cash:	\$ 100.00

Total: \$ 17,144.97

DIVERSITY

Innovation & Creative Solutions

What organization does not say—at least in public—that they want new ideas? Ideas can be very profitable, and when groupthink takes over and flushes ideas down the toilet because of the person they came from (or worships ideas because of the title, appearance or flair of the one who proposed them), **organizations lose**. Successful people evaluate ideas based on the merit of the idea itself.

The classic book “Orbiting The Giant Hairball” zaps the reader with the awareness that rules, systems and traditions can create a tough tangled web that STOPS people from sharing new, daring ideas! Sometimes our best work is never discussed, our song is left unsung, because we think that it will not be accepted by others. The idea is new and unproven, and we do not have the title, the body, the car, the flair—the “social capital” if you will—that we think will inspire people to consider our idea.

Suggestions to Harvest a Diversity of Ideas From Your Employees:

1. Toastmasters: Yes, new members of the public speaking club have reported after 2 weeks of attending and participating in Toastmasters meetings (1 hour per week), that it had caused them to speak up in a work situation where normally they would have remained silent. That’s golden because new ideas, buy-in and morale all improve with participation!
2. Try to respond to new ideas with “Yes, and...” Brainstorm with employees who bring new ideas into your office! It reduces turnover when employees see that their ideas are valued, and sometimes implemented. (If the idea won’t work, the manager can simply listen attentively, and thoughtfully say “Thank you.”
3. When ideas are implemented, and with every good result that follows, give credit where credit is due—in emails, meetings, etc., mention the name of the people who contributed, and especially mention where the idea originated.

Many such actions cost the organization *nothing*. Plus the people who contribute are motivated to contribute more, and all employees see that new ideas are welcome, which cultivates a culture of diverse thought!

(Peter Steimle is a keynote speaker; employment advertising specialist, and in spite of many years of education and employment in corporations that were organized to keep things the way things are— he continues to thrive on sharing, hearing and building on creative ideas.)



Peter Steimle
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The SHRM LINE Employment Expectations report for November 2014 has been released.

Key findings:

- Manufacturing, service hiring rates will hit four-year highs for month of November
- Recruiting difficulty continued its ascent in both sectors in October
- Pay rates for new hires were mixed in October



Please go to [www.shrm.org/line](http://msg.shrm.org/site/R?i=OSLPxa0hI BHFDPFXqFY5Bw) to download the report. <http://msg.shrm.org/site/R?i=OSLPxa0hI BHFDPFXqFY5Bw>

