

November 2009

Southern Wisconsin - Northern
Illinois
SHRM Chapter 71

Inside this Issue:

Letter from the President
Pg.1

BHRA Board Members P.2

BHRA November Meeting
Details P. 2

SHRM Foundation Pg. 3
Joint Chapter
Meeting Pg. 3

Legislative Corner Pg.4

Area Job Openings Pg.4

Legal Issues Pg.5

UPCOMING EVENTS

November 10, 2009

Environmental, Health &
Safety (EHS) for Leadership
Training

La Casa Grande, Beloit
11:30 AM

BRING PANTRY ITEM

See Page 2 for details

Register online at
www.bhraonline.org or
contact jduarte@prent.com

Joint Chapter Meeting

BHRA, Jefferson County HR
Association, Walworth HR
Association, and UW-W SHRM

November 10, 2009

5:30 PM

See Page 3 for details

Letter From the President

Dear BHRA Members:

The BHRA Board has been very busy with a number of great initiatives. During this difficult economic time, we want to give back to our communities. BHRA will be doing a food drive for Echo with our November membership meeting. Details about the needs are included in this newsletter. Those who participate will be eligible for a drawing for a free meeting in January.

On November 10, please plan to join us for lunch and dinner. For lunch, we will be having our membership meeting at La Casa Grande in Beloit. Our speaker Todd Woletz, an Environmental, Health and Safety Consultant with RMT Inc. will present on Environmental, Health, and Safety for Leadership. Then for dinner, please join as at UW Whitewater for an event with the UW Whitewater Student SHRM Chapter. We've partnered with the Walworth and Jefferson County SHRM Chapters, to offer an interactive networking event. Dinner will be provided at no cost to attendees. Registration for both events can be done on our website at bhraonline.org.

As a board, we hope you are finding the programming and events we are sponsoring to benefit your professional development. We are here to serve our membership, so if you have any suggestions please send them our direction.

Sincerely,

Elaine Schultz, SPHR
BHRA President

Blackhawk Human Resources Association
Serving HR professionals, Advancing the HR profession.
www.bhraonline.org

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NOVEMBER BHRA MEETING

Environmental Health and Safety (EHS) for Leadership Training Identifying EHS risks at your facility, managing compliance Roles and Responsibilities for EHS and EHS Sustainability Presented by Todd Woeletz

Todd Woeletz , ASP, an environmental, health and safety consultant with RMT Incorporated in Madison where he provides environmental, health and safety compliance, and management system services to clients in the pharmaceutical, aviation, oil and gas, foundry, pulp and paper, glass, and non-woven industries. Todd has over 13 years of experience developing and managing environmental, health and safety programs. His experience includes implementing environmental, health, and safety management systems, providing technical guidance on health and safety regulations, and has conducted health and safety compliance audits in 14 states. He holds both a B.S.E. and a M.S. in Occupational and Environmental Safety and Health from the University of Wisconsin Whitewater. Todd is a professional member of the American Society of Safety Engineers.

Meeting has been approved for HRCI Credits.

Register online at www.bhraonline.org. Click on the "Events" tab and select the link for the October meeting. If you are having trouble or are running short on time simply return the RSVP via fax or send a quick email to jduarte@prent.com for assistance with the registration process.

BHRA Supporting our Local Community

At the November 10 member meeting, BHRA will be collecting items to support ECHO, Inc. in Janesville. Every member that brings at least three "needed" items from the list below will be put into a drawing to attend our January BHRA meeting for free! The winner will be chosen at the end of the November meeting.

"Needed" items include: meals in a can (soup, stew, pasta), peanut butter, jelly, instant oatmeal, spaghetti sauce, tuna, dish soap, toilet paper, toothpaste, tooth brushes, deodorant and laundry soap.

If you are unable to attend the November meeting, but would still like to donate items and be part of the drawing, please contact Melissa Benson at melissa.benson@bourns.com prior to November 10 to set up an item drop off time and location.

In the spring we will be holding a similar event to support an organization in Beloit.

SAVE THE DATE

BHRA Annual Seminar

Wednesday,
February 24, 2010

Pontiac Convention
Center, Janesville

More information to
come!



Your Financial Support Makes A Difference!

As you think about your year-end charitable contributions, please consider making an investment in the future of the HR profession through a tax-deductible gift to the SHRM Foundation. The SHRM Foundation provides comprehensive, research-based answers to your HR challenges through its support of research grants, scholarships, educational programs and practitioner resources. Your financial support is vital to ensure that the SHRM Foundation can continue this important work. Help the Foundation advance the HR profession by making a donation today! Making a donation is very simple. Go to: <http://www.shrm.org/about/foundation/contributions/Pages/default.aspx> to contribute online or to obtain a printable form to mail with your donation. Thank you in advance for your support!

Joint Chapter Meeting

Welcome new BHRA Members

Nancy Mayhew
Amcore Bank

Laura Manke
RathGibson, Inc.

Anne Lindstrom
Staples

We're glad you joined!!

*BHRA, Jefferson County HR Association,
Walworth HR Association, AND UW-W SHRM*

Tuesday, November 10th.

Join us at the beautiful, brand new Hyland Hall on UW Whitewater's campus for an evening of networking, mentoring, learning, good food, and fun!

5:30PM – 6:00PM – Guided tours of Hyland Hall (Optional)

6:00PM – 6:30PM – Dinner is served

6:30PM – 7:30PM – Interactive program with the students

FREE event!!

Register at

<http://www.surveygizmo.com/s/179518/joint-meeting-registration-form>

Contact Marsha Bingham at marsha.bingham@staples.com for more information

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www.bhraonline.org



Legislative Corner

**By Colleen Koerth
VP, Diversity &
Legislative Director**

A New Day Under The ADA: On September 23, 2009, The EEOC Published Its Proposed Regulations Are You Ready For The Enforcement of This New Law?

The Americans with Disabilities Act Amendments Act (ADAAA), effective January 1, 2009, and its proposed EEOC regulations, published on September 23, 2009, may have created the most ambiguous employment law. Now, more than ever, an employer's lack of knowledge could result in unnecessary or abusive litigation. In 20 pages, the EEOC's Proposed Rule, and the ADAAA, effectively reverse almost 20 years of court decisions and employment practices.

These amendments emphasize greater protections for impaired individuals by expanding the list of "major life activities," eliminating consideration of mitigating measures, including impairments that are episodic or in remission, and expanding coverage under the "regarded as" prong of discrimination.

The ADAAA and the EEOC's Proposed Rule emphasize that the definition of "disability" will be interpreted broadly and favorably to any individual claiming disability discrimination. Therefore, both also focus the analysis on whether disability discrimination occurred, and not the threshold issue of whether an individual meets the definition of "disability." The issue becomes whether or not there is any evidence or inference based on circumstantial evidence (timing of the decision, truthfulness of the employer's articulated reason for the adverse decision), to link the decision to the individual's impairment. Stated another way, how objective, legitimate, and non-discriminatory is the employer's decision not to hire, transfer, promote or terminate the individual, and is there any argument the individual can make that a "disability" was the reason, basis or cause for the decision? The key question is, are those two issues unrelated—is the decision unrelated to the "disability?"

Given the new focus, employers will often need to bypass questions regarding the ADA's coverage and ask questions pertaining to liability, such as, why did we make the decision? If the "disability" disqualifies an individual for employment, can we prove it? Will the individual admit it? Is there an issue of accommodation and are the requests reasonable? Is there an issue of undue hardship or a direct threat associated with any accommodation? Can we prove these arguments with facts and the individual's admissions? When we have a dispute, how will we resolve it? If issues remain, what can we prove?

Employers should prepare now to understand these significant developments:

Same text, new standard; do you know the new rules for establishing the three prongs of the law: a substantial limitation, record of a disability, regarded as being disabled? The EEOC says the analysis should be based on common-sense and not require an exacting or statistical analysis. What does that mean and who makes that decision?

What is not covered if major life activities now include bodily functions, like normal cell growth, endocrine, and reproductive functions, etc.?

How can you make adverse employment decisions using performance and conduct standards without triggering the entirely newly expanded "regarded as" prong of this new law? Will the analysis of "essential functions" become more important? How do you evaluate qualifications—quantitative and qualitative standards?

Will you rely on the undue hardship or direct threat defenses more often? Do you know how to establish these defenses? What is a "reasonable accommodation?"

To read the rest of the article go to: [WI SHRM Council](#).



HUMAN RESOURCE LEGAL ISSUES Boardman Law Firm



SURVIVING THE PANDEMIC:

Pandemics, or pandemic threats, arise periodically. H1N1 is the latest in a series which includes the 1980's Swine flu, Asian bird flu and SARS. These past instances have given the opportunity to establish a foundation in policy, practice and law which can be used now to address H1N1 without need for panic. This does not mean a serious flu outbreak will be easy to deal with. It means there are guidelines and precedent to help us prepare and cope with more confidence and effect.

Duty of Care for the Health, Welfare and Safety of the Workplace

OSHA includes a "general duty" clause which requires employers to keep the workplace free of recognized hazards. A pandemic is a recognized hazard.

Pandemic Preparedness Plan

All organizations should have a Pandemic Preparedness Plan, just as there should be other "critical incident" plans for violence, natural disaster, etc. The Plan should be developed, in general, well in advance, before any particular pandemic is identified. The Plan can then quickly be upgraded and implemented to meet the issues of a particular pandemic.

Basic Plan elements are (1) a team; (2) practicing; (3) cross-training; (4) alternative work sites and workers; (5) supplier services; (6) human resource practice and policies; and above all (7) communication. A Plan Summary is attached as an Appendix to this article. More detailed advice can be found at www.osha.gov.

Affected Employees

Employees and their family members will get the flu. Any employee who has flulike symptoms should not be at work. The current Center for Disease Control guidance is that the employee should not return until after 24 hours of being fever-free and symptomfree without medication.

Employers can conduct screenings (i.e., take temperature and check for symptoms) on a general, or reasonable suspicion basis.

For the complete article, visit [Boardman Law Firm](#)



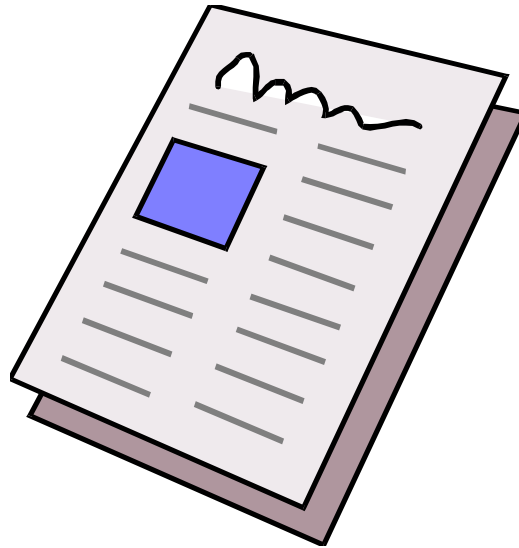
Other Contact information:

Wisconsin SHRM
www.wishrm.org

National SHRM
www.shrm.org

HR Certification Institute
www.hrci.org

HR Voice
<http://www.shrm.org/government/hrvoice>



Hope to see
you at La Casa
Grande, Beloit
11:30 AM

**BRING PANTRY
ITEM**

If you know a human resource professional that would be interested in joining our association, please spread the word! We can all benefit from each other's experience!

If you have anything you would like to submit or suggestions for the BHRA Newsletter, please let us know!

Contact Information:

Thelma Busker at Patch Products, (608)362-6896 or email thelmab@patchproducts.com.