



NOVEMBER 2006

www.ohioshrm.org/butler**NOVEMBER 2nd – MONTHLY MEETING**

SPEAKERS: Jeff Shoskin
COST: \$13.00 members, \$15.00 non-members
DATE: Thursday, November 2nd, 2006
TIME: 7:15 AM – Registration/Networking
 7:30 AM –Breakfast
 8:00 AM - Program
LOCATION: Wetherington Country Club

Directions: Take 75 to Tylersville & turn west. Go to the entrance of Wetherington Homes, which is just past Shell & Encore Café, turn right and follow to the stop at corner of Country Club Lane. Turn right at stop and follow road to left. It takes you into Country Club parking lot.

TOPIC: US Supreme Court Retaliation Decision from Burlington Northern vs. White

The U.S. Supreme Court recently broadened the definition of retaliation under Title VII. In Burlington Northern Sante Fe Railway Co. v White, the Supreme Court established a new standard for what constitutes an adverse employment action under Title VII's anti-retaliation provision.

Jeffrey Shoskin, a partner with Roetzel & Andress, will explore the impact of this new decision on your workplace.

The case comes amid a rising tide of retaliation complaints to the Equal Employment Opportunity Commission. The decision not only has implications for how such claims may be handled in the future, but also for women's progress in nontraditional occupations.

Charges to the EEOC that include retaliation complaints have risen 13% since 1999 to 22,278. They now make up a record 30% of allegations filed, up from 27% in 2000, the EEOC says.

Jeff Shoskin, a partner with Roetzel & Andress LPA, has practiced labor & employment law for over 23 years. He represents management in all phases of private and public sector employment and labor relations matters. He has served as lead counsel in State and Federal court litigation as well as before various State and Federal administrative agencies and boards.

Please reserve your seat by **Monday, Oct. 30th** by emailing Kristi Cain at kcain@amtex-lh.com or by calling (513) 933-6205.

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President's Message

Steve Browne offered a new perspective on dealing with daily conflicts at our October meeting.

Our November meeting will be enlightening as Jeff Shoskin discusses the reality of the Supreme Court decision in Burlington Northern vs. White. This decision concerning retaliation will affect all of us and how we do our job.

The November ballot will hold several issues that concern employers. We all need to be aware of what is attached to these issues, be familiar with the "fine print" before voting.

We welcome any comments or suggestions that would help strengthen our chapter and advance the HR profession.

Thank you.

Kristi Cain, SPHR

Membership Committee

The Board of Directors would like to thank everyone who participated in the new members contest last program year. Due to your participation, your Butler/Warren SHRM Chapter grew by 25%. The vitality of any organization depends on fresh ideas and new growth.

We want to once again challenge you to participate in another year of growth by inviting a new member to join our chapter. In return for a new member application, you are invited to join us at the next breakfast meeting at no cost to you. Together, we can make it happen!

Your Foundation at Work:

Employee Engagement and Commitment- free report for SHRM members.

Engaged employees are a competitive business advantage. Learn how to boost employee engagement in your organization to achieve bottom-line results.

To review **SHRM Foundation** research findings, visit www.shrm.org/foundation.



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Jolley on diversity: It's all about relationships

LOS ANGELES--Before you can lead others, you must be able to lead yourself, said Willie Jolley Oct. 18 during the closing session of the Society for Human Resource Management Workplace Diversity Conference & Exposition here. To achieve excellence, professionals must "become a leader of one," he said.

Using the example of hotel ratings, Jolley said that companies interested in five-star success have to create employees who are five-star people at work and at home. He offered five steps to create an attitude of excellence that will lead to five-star success: wake up and dream, show up, stand up, step up, and think up.

Wake up: Jolley said that most people dream only at night and fail to harness the power of dreaming while awake. Waking up involves taking time to consider possibilities and believe that they are achievable: "If you can't see it, how can you believe it?" he asked.

Show up: "If you want to go up, you've got to show up," Jolley said. Showing up requires going beyond what is expected and being prepared with ideas, plans and implementation strategies at every opportunity.

Stand up: Jolley encouraged attendees to make a commitment to continuing self-improvement, by thinking of themselves as their own leaders. Self-leadership involves a willingness to change, the ability to face challenges and the courage to make tough choices.

Step up: Individuals must fight for their dreams and take their efforts to the next level, Jolley said. "Sometimes you'll fail, but that's OK." To Jolley, "a setback is nothing but a setup for a comeback."

Think up: Jolley said that a forward-thinking, team-focused perspective can help achieve excellence, particularly in the field of diversity, which he said is all about relationships. "Develop a relationship with someone different from you," he said. After all, "we might have come over here on different boats, but we're in the same boat now."

"The work you do as diversity professionals is hard work," Jolley said. "What you do is missionary work," he said. "It's worth the effort ... and it's making a difference."

Rebecca R. Hastings, SPHR, is online writer/editor for SHRM

PHR/SPHR/GPHR

WINDOW

PHR/SPHR: Dec. 1, 2006 – Jan. 31, 2007
GPHR: Dec. 1 – Dec. 31, 2006

LATE DEADLINE DATE

Nov. 17, 2006
Nov. 17, 2006

WELCOME NEW MEMBER

Marc Fleishauer

PROPOSED AMENDMENT EQUALS NEW OBLIGATIONS FOR OHIO EMPLOYERS

A proposed constitutional amendment that would create new burdens for private and public Ohio employers has been placed on the November ballot by unions and other interest groups. The proposed [“Ohio Fair Minimum Wage Amendment”](#) creates recordkeeping requirements and provides for new lawsuits. It involves far more than the minimum wage in Ohio, which it raises by 33% from \$5.15 to \$6.85 per hour effective January 1, 2007 and requires to be adjusted for inflation each year thereafter. Employers would be required to “maintain a record of the name, address, occupation, pay rate, hours worked for each day worked and each amount paid an employee for a period of not less than three years following the last date the employee was employed.”

Employers are to provide this information without charge to “an employee or person acting on behalf of an employee upon request.” A union could be a “person acting on behalf of an employee.”

The amendment provides for lawsuits against employers who discriminate or retaliate against employees “for exercising any right under this section” or against “any person for providing assistance to an employee or information regarding the same.” If an employer loses such a suit, the amendment provides for back pay, punitive damages, costs, and attorney fees.

The recordkeeping requirements may be applied to all employees, including employees who would be exempt under the federal Fair Labor Standards Act. Employers may have to track the hours worked and amounts paid to their top executives and other exempt employees and potentially have to supply this information to an “employee or person acting on behalf of an employee” without charge upon request.

Unions attempting to unionize non-union employers and trial lawyers seeking to sue employers could try to use this amendment for free discovery. Employees or unions could use information requests to harass employers and to set up retaliation claims. Competing organizations could obtain information to try to lure away employees.

The constitutional amendment is intended to prevail over any inconsistent Ohio laws. The Ohio legislature could not change the amendment or enact legislation inconsistent with it.

The proposed amendment seems inconsistent with privacy protections provided by current Ohio law such as measures to prevent identity theft like the recently enacted Ohio House Bill 104, which is intended to protect personal information in electronic form. It is also inconsistent with current Ohio law which shields the home addresses of law enforcement and other public employees from public disclosure. The amendment could raise complex legal issues such as preemption by federal labor law which would have to be addressed by the courts.

Ohio voters will decide whether this amendment is adopted in November and employers will want to be heard. Any member of the Labor and Employment Department is available to discuss the important issues the amendment raises.