

Workplace Safety

Speaker: Dr. Landra Lapka

from HealthSource Chiropractic of Watertown

February program details, time and location to come at a later date. Stay tuned!

Originally from Estherville, IA, Dr. Lapka graduated with her Bachelor's Degree in Psychology, University of South Dakota, Vermillion. Then, she achieved her Doctorate in Chiropractic, Northwestern Health Sciences University, Bloomington, MN. She has been with HealthSource ever since!

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IRS Extends Deadline to Supply ACA Forms to Employees

December 22, 2017— The IRS has extended by 30 days—until March 2, 2018—the due date for distributing 2017 health coverage information forms to employees. The deadlines for filing these forms with the IRS were not changed.

The IRS, which announced the extension Dec. 22 in Notice 2018-06, also said it will not impose penalties on employers that can show that they made good-faith efforts to comply with the Affordable Care Act's (ACA's) information-reporting requirements for plan year 2017.

Self-insured employers and all employers with 50 or more full-time equivalent employees—known as applicable large employers—now have until March 2, 2018, to provide Form 1095-B, *Health Coverage*, or Form 1095-C, *Employer-Provided Health Insurance Offer and Coverage*, to employees covered by the employer's health plan, which is a 30-day extension from the original due date of Jan. 31.

Employees may use this information to determine whether, for each month of the calendar year, they may claim the premium tax credit on their income tax returns.

"Because of these extensions, individuals may not receive their Forms 1095-B or 1095-C by the time they are ready to file their 2017 individual income tax return," the IRS said in a news release. "While information on these forms may assist in preparing a return, the forms are not required to file."

Taxpayers can prepare and file their returns using other information about their health coverage received from their employer—such as their W-2 form—to show they had ACA-compliant health coverage during the year, the IRS pointed out.

The extension on distributing Forms 1095-B or 1095-C to employees is automatic. Employers don't have to request it, said Edward Fensholt, J.D., senior vice president and director of compliance services at Lockton, a benefits brokerage and consultancy based in Kansas City, Mo. "As a result of this automatic 30-day extension, [a different] 30-day extension that would normally be available upon a showing of good cause is not available. That is, the March 2 deadline is now a hard deadline," he explained.

Despite the extended deadline, the IRS is encouraging employers to furnish these forms to employees as soon as they are able.

IRS Filing Deadlines Not Extended

The due dates for filing 2017 information returns with the IRS, however, were not extended. The due dates to file information returns with the IRS remain: Feb. 28 for paper filers and April 2 for electronic filers. *(continued on next page)*

IRS Extends Deadline to Supply ACA Forms to Employees (continued from previous page)

"Employers filing at least 250 Forms 1095-C with the IRS must do so electronically unless they obtain a waiver from the IRS," Fensholt noted. "Employers may obtain an automatic 30-day extension from the deadlines for filing with the IRS by submitting Form 8809 on or before those deadlines."

Good-Faith Exemption Extended

Notice 2018-06 also extends good-faith transition relief. As in previous years, employers will be able to use the good-faith efforts standard to protect themselves from filing information returns or payee statements with inaccurate or incorrect information. The IRS said it will continue to apply to 2017 filings the same "good faith" approach to employer ACA filings that applied to filings for the 2015 and 2016 calendar years, Fensholt noted. "This relief applies only to incorrect and incomplete information reported on Form 1095-C or 1095-B, and not to a failure to timely furnish or file the forms."

"This relief could apply, for example, to missing or inaccurate taxpayer identification numbers or dates of birth included in the forms," noted Timothy Jost, a professor at the Washington and Lee University School of Law in Lexington, Va., in a Health Affairs blog post. In determining good faith, "the IRS will consider whether reasonable efforts were made to gather and transmit necessary information and steps that are being taken to comply fully for 2018," he explained.

Future Relief Not Expected

"Although this is the third year that the IRS has granted transition relief for reporting, the notice states significantly that the IRS does not anticipate granting transition relief for 2018 or future years," Jost pointed out. "This statement highlights the fact that, although the individual mandate penalty is repealed as of 2019, the reporting requirements that support it, as well as the employer mandate, remain in effect."

Source: Stephen Miller, CEBS, via SHRM.org (online article)

10 Obamacare Pros and Cons: Is Obamacare Worth It?

October 20, 2017— Obamacare has a lot of benefits that most people don't know about. That's because negative messages about Obamacare outnumbered positive messages 15 to one. Three years after it was approved, 54 percent of Americans opposed the Act. That led to Donald Trump's plan to repeal and replace it. Here's a balanced list of advantages and disadvantages of the Patient Protection and Affordable Care Act of 2010.

Pros

1. Slows the rise of health care costs. Costs rose 1.2% for 2016 compared to 4% in 2004.
2. It requires all insurance plans to cover 10 essential health benefits, which reduces costs.
3. Insurance companies can no longer deny anyone coverage for pre-existing conditions.

Cons

1. Three to five million people lost their employment-based health insurance.
2. Insurance companies canceled individual plans, leaving 30 million people without plans.
3. Increased coverage raised overall health care costs in the short term due to changes.

To read the full article, visit
<https://www.thebalance.com/obamacare-pros-and-cons-3306059>.

Source: Kimberly Amadeo via www.thebalance.com (online article)

ADA Does Not Require Extended Leave Beyond FMLA, 7th Circuit Finds

October 18, 2017— An extended leave of absence for an employee is not a reasonable accommodation required by the Americans with Disabilities Act (ADA), according to the 7th U.S. Circuit Court of Appeals. The court affirmed summary judgment against an employee who needed a two- to three-month absence in addition to Family and Medical Leave Act (FMLA) leave.

An employee of Heartland Woodcraft Inc., a fabricator of retail display fixtures, began working for Heartland a year after he started experiencing back pain in 2005. Over time, he was promoted from supervisor to shop superintendent to operations manager. In 2010, he was diagnosed with back myelopathy caused by impaired functioning and degenerative changes in his back, neck and spinal cord.

The employee's back condition typically did not hamper his ability to work, although he was performing physically demanding work for Heartland. At times, however, he experienced severe flare-ups, making it hard—and sometimes impossible—for him to walk, bend, lift, sit, stand, move and work.

In the late spring of 2013, Heartland proposed to move the employee to a second-shift lead position due to performance issues. This position required that the employee perform manual labor in the production area of the plant, operate and troubleshoot production machinery, perform minor repairs as necessary, maintain the building, and frequently lift material and product weighing 50 pounds or more. Heartland notified the employee of the demotion in a meeting on June 5, 2013. He accepted it, but he never worked in his new assignment.

Earlier that same day, the employee had wrenched his back at home, aggravating his pre-existing condition and leaving him demonstrably uncomfortable. He left work early that day due to pain and later requested and received FMLA leave retroactive to June 5, 2013. He took a 12-week medical leave under the FMLA to deal with the pain. On the last day of his leave, he underwent back surgery, which meant he would be unable to work for another two or three months.

The employee asked Heartland to continue his medical leave, but by then he had exhausted his 12-week FMLA entitlement. The company denied his request and terminated his employment, but it invited him to reapply for employment when he was medically cleared to work. About three months later, the employee's doctor lifted all restrictions and cleared him to resume work.



Instead of reapplying, the employee sued Heartland, alleging that it had discriminated against him in violation of the ADA. He claimed that Heartland violated the ADA by failing to provide a reasonable accommodation in the form of a three-month leave of absence after his FMLA leave expired.

Heartland filed a motion for summary judgment, arguing that the employee was not a qualified individual with a disability under the ADA. The district court granted Heartland's motion, and the employee appealed the decision to the 7th Circuit.

(continued on next page)

ADA Does Not Require Extended Leave Beyond FMLA (continued from previous page)

The appeals court considered the three accommodations that the employee proposed as ones that the company could have offered him: a two- or three-month leave of absence, a transfer to a vacant job, or a temporary light-duty position with no heavy lifting. The court considered the request for a two- or three-month leave of absence as the most significant.

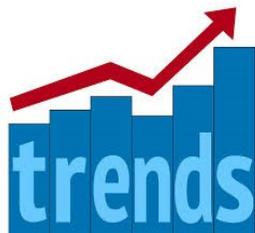
The court noted that the ADA states that a reasonable accommodation "may include ... job restricting, part-time, or modified work schedules [or] reassignment to a vacant position." The court also found that all of the proposed accommodations in the ADA facilitate work rather than excuse long absences from work.

The appeals court reaffirmed its decision in *Byrne v. Avon Prods. Inc.*, 382 F.3d 379 (7th Cir. 2003), in which the court decided that an employee who needs a long-term medical leave cannot work and thus is not a qualified person with a disability under the ADA. In reviewing *Byrne* and subsequent decisions, the court reasoned that brief periods of leave to deal with a medical condition—such as a couple of days or even a couple of weeks—may be required by the ADA. But an inability to work for a multiple-month period removes a person from the class of employees protected by the ADA, according to the 7th Circuit.

Case: Severson v. Heartland Woodcraft Inc., 7th Cir., No. 15-3754 (Sept. 20, 2017).

Professional Pointer: Employers must always keep in mind the ADA when dealing with employee medical leave issues. The Equal Employment Opportunity Commission and many courts differ with the 7th Circuit's holding, and even the 7th Circuit recognizes that the FMLA's obligations may not be sufficient to satisfy the ADA's reasonable accommodation requirements when it comes to medical leave. The 7th Circuit serves Illinois, Indiana and Wisconsin.

Source: Jeffrey Rhodes, Attorney with Doumar Martin in Arlington, VA, via SHRM.org (online article)



10 Workplace Trends You'll See In 2018

November 1, 2017— Every year I give my forecast for the top 10 workplace trends for the upcoming year. The purpose is to help prepare organizations for the future by collecting, assessing and reporting the trends that will most impact them. You can read my predictions from 2013, 2014, 2015, 2016, and 2017. These trends are based on hundreds of conversations with executives and workers, a series of national and global online surveys and secondary research from more than 450 different research sources, including colleges, consulting firms, non-profits, the government and trade associations.

The top workplace trends for 2018 include:

1. Leaders encourage more human interaction.
2. The next wave of learning credentials.
3. Companies focus on upskilling and retraining current workers.

To read the full article and remaining Top 10 trends, visit <https://www.forbes.com/sites/danschawbel/2017/11/01/10-workplace-trends-youll-see-in-2018/#a2ab5914bf22>.

Source: Dan Schawbel, U30 Contributor, via www.forbes.com (online article)

6 Communication Tips That Promote Workplace Diversity: Teaching professional women to be their own advocates is only half the battle.

October 6, 2015 — Professional women haven't been at a loss for advice in recent years. There are countless articles about the ways women can advance their careers, despite an array of institutional and cultural barriers, whether it's by better navigating the corporate "labyrinth," cracking the "confidence code," or "leaning in."

And while it's undoubtedly important to show women how to be better self-advocates, that's only half the solution. When women do assert themselves, many often feel that no one hears them or takes their input as seriously as they should.

Men in leadership roles have an important role to play in creating an inclusive environment for their female colleagues. When male and female leaders can share the stage, their organizations and industries benefit. And it all starts with communication. Here are six steps professional men—and indeed, all leaders—can take towards that goal.

1. Listen More Closely And More Often Psychologists have shown that, on balance, men don't listen to women as well as women listen to men, an insight born out further by brain-based research. There are actually a few skill deficits at play here. It isn't just that the men in these studies didn't sufficiently tune in to what women were saying. It's also that they didn't offer confirmation that they were listening, even when they were.

2. Don't Interrupt Resist the temptation to interrupt. Psychologists have found that men disproportionately interrupt women. In a recent study published in the *Journal of Language and Social Psychology*, men initiated over 70% of gender-based interruptions.

3. Don't Step In To Explain Leaders need to let everyone speak for themselves. Sometimes, even with the best of intentions, a leader will interpret what someone's just said. When the leader is male and the speaker female, it can appear especially patronizing. A woman in a private equity firm once complained to me that a male colleague finished her thoughts by saying, "What Maria is trying to say is . . ." It created the impression that she wasn't capable of expressing her own ideas.

4. Consider Your Attitude Inclusive communication isn't all about words. Some of the subtler, un-said clues we drop—even without realizing it—can be as loud and clear as any verbal ones. That's particularly true when it comes to attitude. For a very long time, workplaces have rewarded an assertive, even aggressive demeanor—something that's been culturally associated with masculinity. Needless to say, that doesn't suit all men, and it seldom suits women, either.

5. Watch Your Body Language Few of us are fully conscious 100% of the time of what our body language communicates to others. But for leaders, that's all the more reason to stay attuned to it. Some people remain stone-faced as others are speaking, while others smile and nod with approval at those they're listening to.

6. Be A Mentor Or Sponsor Finally, those in leadership positions should reach out and actively support women. Look for opportunities where women in your organization can really shine. If you're putting together a conference, ask women to play visible roles. If you're hiring a new team member, make sure you're considering female candidates. Find mentorship opportunities for talented women on your team, either by offering your own time and expertise to help her develop her talents or by putting her in touch with colleagues who can. The bottom line: Play an active role in women's success.

To read the full article, visit <https://www.fastcompany.com/3051833/6-communication-tips-that-promote-workplace-diversity>.

Source: Judith Humphrey via www.fastcompany.com (online article)

Congratulations!

**Sheila Mennenga was selected as our
2017 HR Professional of the Year**
at our Holiday Social on Tuesday, 12/12/2017.
Sheila is SHRM-SCP/SPHR certified and works as
the HR and Risk Coordinator for the Watertown
Municipal Utilities. Great job, Sheila!



Pictured: Laurie Gates (left) with Sheila Mennenga



**WELL
DONE
YOU
DID
IT!**

**Cameron Bohls received our
NESD SHRM \$500 Scholarship.**

See Cameron pictured to the left
at the LATI Scholarship Luncheon
on Thursday, 10/26/2017, where she
accepted the award. Congrats, Cameron!

A note of appreciation from LATI following our annual scholarship:

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November 06, 2017

Dear NESD SHRM,

Thank you for your outstanding contribution--your gift is greatly appreciated!

Your contribution will provide a scholarship to Cameron Bohl in the 2017-18 academic year.

Thank you for changing and enriching lives by sharing your gifts with Lake Area Tech and our students. We appreciate your generosity and friendship.

Sincerely,


Morgan Johnson
Development Officer
Lake Area Technical Institute Foundation

Contribution Receipt from Lake Area Technical Institute Foundation, Watertown, S.D.

A 501 (c) (3) Non-Profit Organization -- TIN 36-3860861

Date: 11/06/2017
Received From: Watertown Area Chamber of Commerce
Amount Received: \$500.00

The contributor has not received any goods or services in consideration, in whole or in part, for this contribution

UPCOMING EVENTS

It's that time of year again: NESD SHRM Chapter Membership Renewal for 2018

Reasons to renew your NESD SHRM Membership:

- ▶ Exposure to other HR professionals and companies revealing how other organizations handle various human resource situations, procedure and policies.
- ▶ Access to a network of professionals and specialists providing HR information that might otherwise be difficult and/or expensive to obtain.
- ▶ Opportunity to develop relationships and contacts in other companies to share information on HR concerns.
- ▶ Availability of local professional development opportunities to improve your competence.
- ▶ Access to current best practices to make your organization more efficient, increase employee commitment and help line managers carry out business strategy.
- ▶ Availability of up-to-date information on pending legislation that may impact your company's operations.
- ▶ Opportunity to develop leadership skills by taking on a volunteer leadership role in a local chapter.
- ▶ Development of a reputation and credentials in the HR field.

Annual Membership Dues:

National Members*: \$60.00 - Local Membership Plus (includes monthly programs**)

National Members*: \$10.00 - Local Membership (monthly programs extra)

Local Member Only: \$125.00 - Local Membership Plus (includes monthly programs**)

Local Member Only: \$75.00 - Local Membership (monthly programs extra)

Local Member Only: \$25.00 - Student/Retiree Membership (monthly programs extra)

* Note: Local NESD SHRM Chapter members who are also members of National SHRM receive a local membership discount. In order to receive the National Membership discount, National Membership must be maintained throughout the calendar year. National Members status will be audited on a regular basis.

** Also, workshops and seminars may incur additional cost.

**To renew your membership, please visit our website @
<https://nesd.shrm.org/forms/membership-renewal-form-2018>
and complete the Membership Renewal Form.**

For questions or further information, please contact Kristi Melmer, 2018 NESD SHRM Membership Director, at Kristi@moffatproducts.com.

Last note: NESD SHRM Members who do not renew their chapter memberships by **March 31, 2018** will be removed from the membership roster and will not receive further communications from our Chapter.

2018 Monthly Programs

February: Workplace Safety discussed by Dr. Landra Lampka from Healthsource Chiropractic, Watertown

March: #metoo Movement and Workplace Harassment presented by Sandra Hoglund Hanson from Davenport Evans, Sioux Falls

April: topic TBD with guest speaker Tommy Johnson from Boyce Law Firm, Sioux Falls

More programs and dates to come!

As always, please RSVP on our website as we get closer.



Brookings SHRM Chapter (BAHRA) offering HR Certification Prep Course for Spring 2018

BAHRA is excited to be hosting an HR Certification prep course to be taught by Patty Romsdahl and Wendy Dailey.

When: starting Thursday, 2/22/2018, and then once a week on Tuesdays through 5/8/2018. Class start time TBD. Classes will end in time for the SHRM testing window in June. Note: HRCI no longer has a testing window - you can test whenever you want.

Where: location TBD.

Cost: \$995 for BAHRA members (or other SD SHRM Chapter member) or \$1095 for non-BAHRA members. This includes all preparation materials and meeting with a group of HR professionals looking to earn their HR certification.

Benefit: this course will help prepare you to take either the SHRM or HRCI exam. Plus, you will get to meet more HR Professionals and network!

Sign up online: <https://www.eventbrite.com/e/hr-certification-preparation-course-tickets-40794531542>. Deadline is Friday, 2/2/2018.

Questions? Please contact Wendy Dailey at wendy.dailey@sdstate.edu or 406-545-9312.



Contact Us

We are a network of HR Professionals. If you have a question, concern or inquiry, please reach out to one or all of us. We are here to help and teach each other!

Tammy Davis: Tammy.Davis@we-online.com • Laurie Gates: lgates@escomfg.com

Lindsay Frederick: Lindsay.Frederick@sparon.com • Kristi Melmer: kristi@moffattproducts.com

Melanie Schroeder: Melanie.Schroeder@we-online.com • Steve Hauck: haucks@lakeareatech.edu

Sheila Mennenga: smennenga@watertownmu.com • Stacey Goar: Staceyg@dakotabodies.com

Paige Sullivan: Psullivan@watertownbox.com • Sarah Hansen: Shansen@personasigns.com

Becky Joseph: Bjoseph@techord.net

Our last-minute tidbits and events:

- ▶ **2017 NESD SHRM Wage Survey:** copies are available to be purchased. Please contact Laurie Gates at 605-753-8215 or lgates@escomfg.com to inquire about how to snag your copy!
- ▶ Laurie Gates is working with an OSHA Advisory Board to plan another **Health & Safety Conference** for 2018. Please send program topic or speaker recommendations to her via email.
- ▶ Are you looking to get **HRCI or SHRM certified** soon? Are you looking for a local study group to help you? If so, contact Tammy Davis at tammy.davis@we-online.com for more information.

HR HUMOR: only HR will fully appreciate these comics!

