

HOT LABOR LAW TOPICS

Tuesday, 10/10/2017

11:30am—1pm

**Speaker: Kathleen Barrow, Principal of
Jackson Lewis P.S. of Omaha, NE**

Location: 2nd Street Station, Watertown, SD

**Keep up to date on the latest in labor law by
attending our October program featuring:**

Recent developments under OSHA, blacklisting, drug testing, NLRB guidance on employee handbooks, protected concerted activities and executive orders;
EEOC guidance on employer leave policies, ADA reasonable accommodations and mental health issues, retaliation and discrimination in the workplace;
workplace investigations and new tactics; and
diversity vs. inclusion actions for maximum synergy.

Free for NESD SHRM Plus Members • \$10 for NESD SHRM Basic Members
\$20 for Non-NESD SHRM Members

RSVP at the Chapter Website: <http://nesd.shrm.org> under the
Events & Education Tab by **Friday, 10/6/2017**. Hope to see you there!

Plus, our October Program is a **COMMUNITY SERVICE BONUS
EVENT!** Please bring donations of bleach, rags, toys, etc. for
the Watertown Humane Society. Cash donations will also be
taken with the proceeds going to the SHRM Foundation for
scholarships and research grants.

2017 Board Members

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SD Manufacturing Week: October 2—6, 2017

The Watertown Workforce Advisory Council has been hard at work coordinating events for our area.

This year's events include:

Tuesday, October 3—Career Expo and Post-High Planning Day

Wednesday, October 4—Time to assemble your teams for:

MANUFACTURING OLYMPICS

Date: Wednesday, October 4

Time: 5:00 – 7:00 p.m.

**Place: Park and Rec Fieldhouse
1900 W. Kemp**

Registration deadline: Friday, 9/29/2017! Please contact Michelle @ 605-884-0340 with questions or to sign up for this free event!

Thursday, October 5—LATI Classroom Visits

Check event updates at:

**WatertownWorks Facebook page, watertownworks.com,
sdreadytopartner.com/sdmfgweek.aspx and mfgday.com!**

SHRM In Focus: Female Employees Are Still Asked About Pregnancy Plans



Many people might think an employer asking a female employee if—or when—she plans to have children is a thing of the past. However, it's still a practice in some parts of the world, from a hospital in Australia to government offices in New Zealand to a company in China where female staffers have to inform their manager a year in advance of their intentions to conceive.

On the job for less than a day as Labour Leader for New Zealand, Jacinda Ardern addressed questions during a TV interview on Tuesday about her plans for a family.

Ardern—who could become the next prime minister when voters go to the polls in September—took issue with being asked if it is acceptable for a prime minister to take maternity leave while in office. It angers her, according to news reports, that employers think they have the right to know whether their employees are planning to have children.

'Unacceptable': New Zealand's Labour Leader Asked About Baby Plans 7 Hours Into Job

Seven hours into her new job, New Zealand's new Labour leader, Jacinda Ardern, 37, appeared on a TV show where she was asked by the co-host whether she planned to have children. "It is totally unacceptable in 2017 to say that women should have to answer that question in the workplace, it is unacceptable, it is unacceptable," she said.

In New Zealand, the Parental Leave and Employment Act splits parental leave into two types, one of which is maternity leave. A woman is eligible for leave if she has worked for her employer for at least six months (averaging at least 10 hours per week) by the time of her child's expected delivery or adoption date. The leave is one continuous period of up to 14 weeks and includes at least 8 weeks' leave after the baby is born. This means that maternity leave can potentially be longer than 14 weeks if the child is born later than the expected delivery date (EDD) and the women began her leave several weeks before the EDD, according to government sources.

Female Doctors Asked About Family Plans During Job Interviews: AMA

During job interviews at public hospitals, female doctors are being asked about their plans to have children, a practice the Australian Medical Association (AMA) says should have "stopped yesterday." Brad Frankum, New South Wales president of the AMA, has called for tougher penalties against hospitals and training institutions to wipe out the practice, after he received reports of it taking place during interviews and informal talks with candidates beforehand.

In Australia, eligible employees who are the primary care-giver of a newborn or adopted child can receive up to 18 weeks of leave paid at the national minimum wage, according to government sources.

Viewpoint: Pregnant Women Are Being Treated Badly at Work Across the UK.

In a first-person opinion column, [Jo Swinson](#)—chair of Maternity Action, a U.K. maternity rights charity and a former member of Parliament—writes about pregnancy and maternity discrimination in the workforce. She notes that a survey for the U.K.'s Equalities & Human Rights Commission in 2013
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Female Employees Are Still Asked About Pregnancy Plans (continued from previous page)

found that 70 percent of employers say women should declare if they're pregnant at a job interview, and a quarter think it's reasonable to ask women candidates whether they plan to have a baby.

She was at the center of a pregnancy-related squall in 2013 when a male colleague in the House of Commons gave Swinson—then seven months pregnant with her first child—gave up his seat for her while other male colleagues sat by.

These Interview Questions Could Get HR in Trouble

There are questions that are simply taboo to ask in an interview, according to an HR consultant with [DevelopIntelligence](#), a technical software development company headquartered in Boulder, Colo. "Any question that refers to an individual's sexual orientation, marital or family status, religion, and so forth are no-gos."

Amid Charges By Former Law Student On Gender Equality, Former Clerks Defend Gorsuch

A former law student of Judge Neil Gorsuch, President Trump's nominee for the U.S. Supreme Court, alleges that in a course she took from Gorsuch at the University of Colorado Law School last year, the judge told his class that employers, specifically law firms, should ask women seeking jobs about their plans for having children and implied that women manipulate companies starting in the interview stage to extract maternity benefits.

Federal law prohibits employers from making hiring decisions based on pregnancy status or family plans. Sisk alleges that Gorsuch said, in Sisk's words, "Companies have to ask these sort of questions at the interview so that companies can protect themselves."

Employer Pays \$100,000 After Firing Just-Hired Pregnant Applicant

Want a road map on how not to react to a successful applicant who announces her pregnancy immediately after receiving an offer letter? Look at the behavior of an employer in Florida that recently settled a legal claim on that issue. (Google: Nicole Purcell, Brown & Brown)

Getting a Job: Is There a Motherhood Penalty?

Some studies show that visibly pregnant women are judged as being less committed to their jobs, less dependable, less authoritative, more emotional, and more irrational than otherwise equal, non-pregnant female managers. This paper tests if there is a motherhood penalty on wages and performance evaluations by using two studies: a laboratory experiment with student participants and an audit study of actual employers.

Source: Kathy Gurchiek via SHRM.org (online article)

By the Numbers: Women Continue to Face Pregnancy Discrimination in the Workplace

**Table 1. Industries with the Most Workers and Charges of Pregnancy Discrimination
Filed with the EEOC (Fiscal Years 2011 through 2015)^a**

Industries ^b	Percent of Charges	Percent of U.S. Workers
Health Care and Social Assistance	24.0%	13.5%
Retail Trade	14.4%	11.2%
Manufacturing	7.6%	10.3%
Educational Services	4.1%	9.1%
Accommodation and Food Services	11.1%	7.1%
Professional and Technical Services	5.0%	7.1%

National Partnership for Women & Families, Data Brief, published October 2016



EEOC Sues Estée Lauder Over Unequal Leave for New Dads

ESTÉE
LAUDER

The U.S. Equal Employment Opportunity Commission (EEOC) is suing cosmetics firm Estée Lauder for giving new mothers more paid leave for caregiving and child-bonding than new fathers. If the suit is successful, it could alter common parental leave policies in the U.S.

The Society for Human Resource Management's 2017 Employee Benefits survey report found that 30 percent of SHRM members work for organizations that provide paid maternity leave while 24 percent were at organizations that offered paid paternity leave. On average, organizations that offered paid leave for a new child provided 41 days for new mothers and 22 days for new fathers.

Violation of Federal Sex Discrimination Laws Alleged

In a lawsuit announced Aug. 30, the EEOC alleged that Estée Lauder Companies Inc. violated federal law by providing male employees who are new fathers lesser parental leave benefits than are provided to female employees who are new mothers. In addition to paid leave provided to new mothers to recover from childbirth, Estée Lauder provides new mothers six additional weeks of paid parental leave for child bonding. New fathers receive two weeks of paid leave for child bonding. The suit, filed in U.S. District Court in Philadelphia, also alleges that new mothers are provided with flexible return-to-work benefits that are not similarly provided to new fathers. The EEOC contends the policy violates the Equal Pay Act and Title VII of the Civil Rights Act, which prohibit discrimination in pay or benefits based on sex.

Dads Viewed as 'Secondary Caregivers'

Fathers at Estée Lauder are eligible for secondary caregiver leave only, while mothers automatically get maternity leave, the EEOC said. Because mothers are entitled to up to six weeks of paid leave plus the transition benefit, while fathers get only two weeks and no transition benefit, the EEOC believes that fathers have inferior, "lesser benefits," hence fewer opportunities to bond with a newborn than are provided to mothers. The lawsuit further alleges that fathers, because of their sex, are paid at lesser rates than mothers on parental leave, though the fathers and mothers in question hold the same positions and perform equal work.

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EEOC Sues Estée Lauder Over Unequal Leave for New Dads (continued from previous page)

Unequal Benefits Reinforce Traditional Gender Roles

The EEOC's lawsuit against Estée Lauder is the latest to be brought against a company regarding different parental-leave policies for their female and male employees. In June, a man who works as a fraud investigator at J.P. Morgan Chase & Co. charged the bank with discrimination, saying fathers were denied paid parental leave on the same terms as mothers. Advocates for equal paid leave say that the imbalance reinforces traditional gender roles by encouraging new mothers to stay at home and discouraging fathers from taking time off to care for a new child.

Is Paid Parental Leave Right for Your Company?

If your organization is considering whether to provide paid parental leave, take a broader, tactical look at your rewards strategy to make sure it targets your top talent. Can you afford to lose that bright young person to a competitor that provides paid parental leave? Your parental-leave policy might just convince them to stay on board.

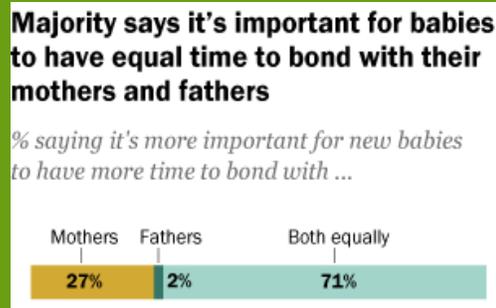
Little Change to Maternity, Paternity Leave at U.S. Employers

High-profile organizations have announced in recent years that they were expanding their paid parental leave policies. But while large companies may be trying to one-up each other with flexibility arrangements, the broad-based National Study of Employers found that 14.5 weeks is the average maximum amount of (usually unpaid) job-guaranteed maternity leave that U.S. companies offered in 2016 and a little more than 11 weeks is the average amount of job-guaranteed paternity leave, both up only slightly from previous years.

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

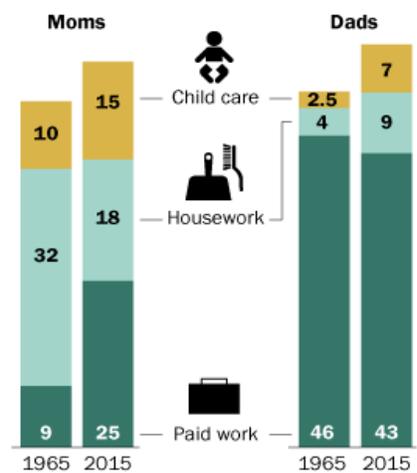
Pew Research Center: 6 facts about American fathers

1. Dads see parenting as central to their identity.
2. Dads are much more involved in child care than they were 50 years ago.
3. It's become less common for dads to be their family's sole breadwinner.
4. Work-family balance is a challenge for many working fathers.
5. Despite changing gender roles, many still perceive mothers as better equipped than fathers to care for children.
6. Seven-in-ten adults say it's equally important for new babies to bond with their mother and their father.



For both moms and dads, more time spent on child care

Average number of hours per week spent on ...



Note: Paid work includes commute time.

View full article at <http://www.pewresearch.org/fact-tank/2017/06/15/fathers-day-facts/>, published June 2017.

50 HR and Recruiting Statistics for 2017

Source: Glassdoor Internal Data, December 2016

66% of Millennials **expect to leave** their organization by 2020.

Source: Deloitte, Millennial Survey 2016, January 2016

39% of women say the **reputation or brand of the company is "very important"** to them when considering a job move.

A somewhat smaller percentage of women (32%) say the same about the company's cause. For 33% of men, the company's brand is "very important," but only 22% feel the same about the company's cause.

Source: Gallup, Women in America, October 2016



The average **opening sat unfilled for 28.1 days** in 2016, up from 19.3 days in 2001-2003.

2016 average time-to-fill											
		1	2	3	4	5					
6	7	8	9	10	11	12					
13	14	15	16	17	18	19					
20	21	22	23	24	25	26					
27	28	29	30	31							

2001-2003 average time-to-fill											
		1	2	3	4	5					
6	7	8	9	10	11	12					
13	14	15	16	17	18	19					
20	21	22	23	24	25	26					
27	28	29	30	31							

Source: DHI Hiring Indicators, October 2016

49% of employed adults in the U.S. **feel they must switch companies** in order to obtain any meaningful change in compensation.

Source: Glassdoor online survey conducted in the U.S. by Harris Poll, October 1-5, 2015.

69% of employed adults in the U.S. **wish they had a better understanding** of what fair market compensation is for their position at their company within their local job market.

Source: Glassdoor online survey conducted in the U.S. by Harris Poll, October 1-5, 2015.



26 of workers would **prefer new or additional benefits** to a pay increase.

27

Women (82%) are more likely than men (76%) to prefer new or additional benefits/perks over a pay increase, and parents who have children under 18 in their household value benefits/perks over a pay increase (89%) compared to those without (73%).



To read the entire annual review, please copy and paste this link in your browser:

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwi-9L2Dg8bWAhVozFQKHS5xBw0QFggwMAA&url=http%3A%2F%2Fresources.glassdoor.com%2Frs%2F899-LOT-464%2Fimages%2F50hr-recruiting-and-statistics-2017.pdf&usq=AFQjCNEqumxKKgfHe_oG0QpTgIV-yn6RWA

Be on the look out for our Monthly Programs!

November 14th: Healthcare Reform—Abby Vanderwerf

December 12th: Holiday Social

Mark your calendars now and watch for our email notices!

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.

CONTACT US



Do you have ...

- a HR or business-related question;
- exciting news or information to share with our group; or
- maybe an upcoming event?

If so, contact one, two or all of us any time, any day.

We want to hear from you!

Laurie Gates: lgates@escomfg.com

Audra Hunt: ahunt@watertownsd.us

Tammy Davis: Tammy.Davis@we-online.com

Melanie Schroeder: Melanie.Schroeder@we-online.com

Kristi Melmer: kristi@moffattproducts.com

Sheila Mennenga: smennenga@watertownmu.com

Stacey Goar: Staceyg@dakotabodies.com

Misti Gilbertson: mistigilbertson@outlook.com

Steve Hauck: haucks@lakeareatech.edu

Leigh Kuecker: leighk@benchmarkfoam.com

Becky Joseph: Bjoseph@techord.net

Our last-minute tidbits and events:

- ▶ **2017 NESD SHRM Wage Survey:** copies are now available to be purchased. Please contact Laurie Gates at 605-753-8215 or lgates@escomfg.com to inquire about how to snag your copy!
- ▶ Reminder to start thinking about **HR Professional of the Year** nominees for the Holiday Social!
- ▶ Are you looking to get **HRCI or SHRM certified** soon? Are you looking for a study group to help you? If so, contact Tammy Davis at tammy.davis@we-online.com for more information.

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HR just told me that yelling
"I don't want to play anymore!"
is not the proper
way to exit a meeting.

