



NORTHEAST S.D. SOCIETY FOR HUMAN RESOURCE MANAGEMENT



Quarter 4 Newsletter

December 2016

Holiday Social: “Energize for the Holidays!”

Great food, networking with area HR professionals and listening to a renowned motivational speaker....the NESD SHRM Holiday Social has everything you need to get re-energized for the holidays! In addition to our 2017 Board Elections, we will be providing lunch and drawings for various door prizes. The highlight of the event will be motivational speaker VJ Smith, who was voted one of the top motivational speakers by Meetings and Conventions Magazine!

Tuesday, 12/13/2016

11:30am—1:30pm

Speaker: VJ Smith

Location: Second Street Station

Simple choices, big rewards ... we are judged by the choices we make. In our personal lives and in our business lives, we are faced with simple choices on how we interact with the people around us.

In this talk, VJ focuses on five key situations we face each day. Members of the audience will laugh and reflect on their choices during this one-hour rapid-fire session.

**Do not miss your opportunity to get
“re-energized” for the holidays!**

▪ FREE to all NESD SHRM members ▪

RSVP at the Chapter Website: <http://nesd.shrm.org> under the Events & Education Tab by **Friday, 12/9/2016**. Hope to see you there!

2016 Board Members

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Tammy Davis

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Newsletter Director: Kristi Melmer

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Fair Labor Standards Act (FLSA) Update: Federal Judge Halts Overtime Rule



Just 10 days before the implementation date, a federal judge in Texas put the brakes on the Department of Labor's (DOL's) new federal overtime rule, which would have doubled the Fair Labor Standards Act's (FLSA's) salary threshold for exemption from overtime pay.

Twenty-one states filed an emergency motion for a preliminary injunction in October to halt the rule. They claimed that the DOL exceeded its authority by raising the salary threshold too high and by providing for automatic adjustments to the threshold every three years.

The states' case was consolidated last month with another lawsuit filed by the U.S. Chamber of Commerce and other business groups, which raised similar objections to the rule.

The overtime rule was scheduled to take effect December 1st and would have raised the salary threshold from \$23,660 to \$47,476. The rule also provided for triennial adjustments based on the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census region.

"A preliminary injunction preserves the status quo while the court determines the department's authority to make the final rule as well as the final rule's validity," said Judge Amos Mazzant of the U.S. District Court for the Eastern District of Texas in a November 22nd ruling.

"This is a total surprise in many respects, but you have to tip your hat to the judge who made a tough call and hopefully a decision that will stay in place," said Alfred Robinson Jr., an attorney with Ogletree Deakins in Washington, D.C., and a former acting administrator of the DOL's Wage and Hour Division.

The Society for Human Resource Management's (SHRM's) "members and Advocacy Team played a key role in highlighting the difficulties of the rule and raising awareness of its negative impacts on the workplace including its impact on workplace flexibility and employee morale," noted Nancy Hammer, senior government affairs policy counsel for SHRM.

"The court's decision is welcome news for SHRM members and employers who have been struggling with the impacts of the rule—especially nonprofits and smaller organizations," she said.

What's Next?

For now, the overtime rule will not take effect as planned December 1st, but it could still be implemented later down the road. Employers may continue to follow the existing overtime regulations until a decision is reached.

A preliminary injunction isn't permanent, as it simply preserves the existing overtime rule—which was last updated in 2004—until the court has a chance to review the merits of the case objecting to the revisions to the regulation.

However, the revised regulation may face an uphill battle: The judge wouldn't have granted the nationwide preliminary injunction unless, among other things, he thought the states showed a substantial likelihood of succeeding on their claims. ***(continued on next page)***

Federal Judge Halts Overtime Rule (continued from previous page)

The purpose of the FLSA’s provisions under review in this case “was to exempt from overtime those engaged in executive, administrative and professional capacity duties,” Mazzant said. The salary level was purposefully set low to screen out the obviously nonexempt employees, he added.

Mazzant noted that the DOL “has admitted that it cannot create an evaluation ‘based on salary alone.’” However, “this significant increase to the salary level creates essentially a de facto salary-only test,” he said. “If Congress intended the salary requirement to supplant the duties test, then Congress—and not the department—should make that change.”

Robinson mentioned that the DOL will likely challenge the decision.

“We strongly disagree with the decision by the court, which has the effect of delaying a fair day’s pay for a long day’s work for millions of hardworking Americans,” the DOL said in a statement. “The department’s overtime rule is the result of a comprehensive, inclusive rulemaking process, and we remain confident in the legality of all aspects of the rule. We are currently considering all of our legal options.”

HR’s Role

Many employers have already either raised exempt employees’ salaries to meet the new threshold or reclassified employees who are still earning less to nonexempt status.

Employers will likely want to leave decisions in place if they have already provided salary increases to employees in order to maintain their exempt status, Robinson said. It would be difficult to take that back.

If there are exempt employees who were going to be reclassified to nonexempt, but haven’t been reclassified yet, Robinson said employers may want to postpone those decisions and give the litigation a chance to play out.

“This should be a welcome sign for employers, even if they’ve already made changes,” he said. “They can at least hold off on further changes.”

Employers shouldn’t assume, however, that the overtime rule will be permanently barred. They should still have a plan to move forward if necessary in the future.

In the meantime, HR professionals will have to consider what to do now.

Source: Lisa Nagele-Piazza, SHRM-SCP, J.D. via SHRM.org (online article)

For more overtime compliance news, tips and tools, check out SHRM.org:

- ▶ FLSA Overtime Rule Resources Guide
- ▶ Overtime Rule Blocked: Now What?
- ▶ Compliance Checklist
- ▶ FLSA OT Rule Changes Infographic





4 Ways to Embrace Diversity for Workplace Success

The business landscape will look dramatically different in coming decades. By embracing people's differences, we can spark innovation, better understand and serve our customers and gain competitive advantage.

Driving a successful diversity strategy begins with the senior leaders, but to be fully sustainable it needs to be lived by every one of us. If that seems challenging, think about this: many leading researchers and social scientists have proven a link between diversity and productivity. In the United States, management researchers found that when people work directly with someone with at least one diverse trait, it challenges them to prepare more and work harder.

By embracing diversity in your business today, you can adopt an intrapreneurial mindset and sustainable skills that will help you succeed. Here's how you can start:

1. Learn to think like an intrapreneur.

Intrapreneurship, or disrupting internal processes or cultural norms, is at its heart about innovation. One group of innovators in particular figured out how to advance their industry through the way they approach challenges – these are open-source software engineers, and they use design thinking. It's a good example of what intrapreneurship can be: pick a diverse team with a range of experiences and perspectives; make your mistakes early and be open about them. Without the diverse and constant input, these engineers would be less successful in the way they solve challenges. When faced with a difficult task or situation, seek out advice from new and diverse sources, most likely you will find an improved approach.

2. Discover new places to network.

As collaboration with diverse individuals provides new points of view, networking accomplishes this on a larger scale. By going to events for closely related professions, or simply connecting through social media channels such as Twitter or LinkedIn where you can virtually engage in conversations with anyone, you put yourself in a position for growth. Inside your organization you can join or organize a powerful employee network with a diverse set of peers. While interacting with your network, look for, accept and appreciate differences. Friction leads to heat, and our heat makes the atoms move faster!

3. Focus on the strengths everybody brings to the table.

We are brought up in the Western World to focus on what doesn't work or what is different. Challenge yourself to appreciate the differences of others and see them as potential drivers of change.
(continued on next page)

4 Ways to Embrace Diversity for Workplace Success (continued from previous page)

The more opinions, the more variety, and the more diversity we bring to the table the more we can unchain our creativity, which is hidden in every one of us.

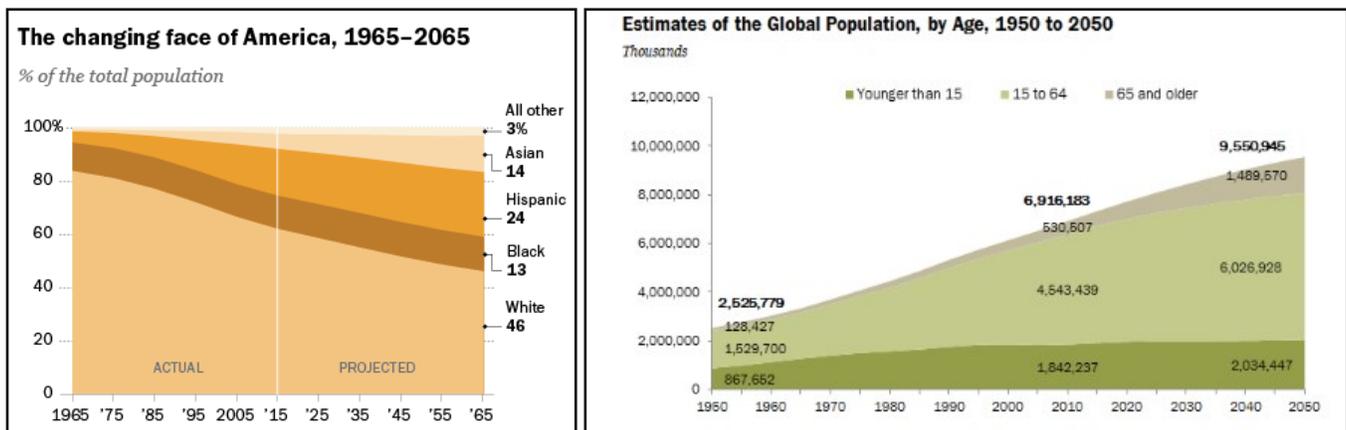
People with different communication abilities, for instance, can be diverse. Autistic people are known for thriving in repetitive tasks, which is an especially valuable skill set in today’s data-driven work environments. These skills help uncover insights into customer behavior and business trends, and can lead to discoveries that alter how a company operates. In the future of work, diversity will not be an option, but an imperative to sustain in our global, fast paced economy, where never just one person owns and knows the truth.

4. Stand up to discrimination.

Stand up if you see or experience discrimination. Raise your voice for the unheard opinion. Help others appreciate how every person has a different strength and realize that in that strength there is opportunity to grow and be more productive. For instance, if a colleague comments that women aren’t as capable of understanding technology, remind them that CEOs Meg Whitman at HP and Marisa Mayer at Yahoo! have both outlasted their male predecessors. By being critical of someone’s weakness you miss the chance to appreciate and benefit from their strengths.

The need for new perspectives becomes especially important when we examine the future workplace. As our world gets smaller, diversity doesn’t only mean differences in gender and race, but age and geography as well. Our world has become ultra-connected – successful companies find that to harmonize these connections relates directly to how fast they innovate. The implications are key for our global workforce because innovation thrives when we are faced with the unfamiliar. Diversity is what makes business more sustainable.

Source: Anka Wittenberg via Entrepreneur.com (online article)



Source: D’Vera Cohn at Pew Research Center via Pewresearch.org (online article)



10 Unique Perspectives on How to be an Effective Leader

Recognize Talent ▪ Win the Hearts of People ▪ Push the Limits ▪ Lead by Example

Have a Compassionate Heart ▪ Build Team of Trusted Advisors ▪ Have a Clear Vision

Show Enthusiasm and Charisma ▪ Educate, Motivate and Delegate ▪ Embody Passion for the Mission

“It’s important to demonstrate the same level of personal commitment in your own actions as you expect from the rest of your team.” - Michael Del Gigante, Executive Creative Director and President of MDG Advertising

“A great leader ... influences and motivates others to work together on a common goal and purpose, despite differences of opinion.” - Ingrid M. Evans, Attorney at Evans Law Firm, Inc.

Source: Brent Gleeson via Forbes.com (online article)

Revised Form I-9 now available!

U.S. Citizenship and Immigration Services (USCIS) published a revised version of Form I-9, Employment Eligibility Verification, on November 14, 2016. The changes are designed to reduce technical errors and enhance form completion using a computer.

Some of the changes to the new version include:

- ▶ Drop-down functionality for filling in lists and selecting dates.
- ▶ Embedded instructions for completing each field.
- ▶ The addition of prompts to ensure information is entered correctly.
- ▶ Section 1 asks for “other last names used” rather than “other names used.”
- ▶ The ability to enter multiple preparers and translators.
- ▶ A dedicated area for including additional information rather than having to add to margins.
- ▶ A supplemental page for the preparer/translator.
- ▶ A barcode unique to each form to identify it for audit purposes.

By January 22, 2017, employers must use only the new version, dated 11/14/2016. Until then, they can continue to use the version dated 3/18/2013 or the new version.

Visit <https://www.uscis.gov/i-9-central> to view the revised form and learn more.

Source: USCIS via USCIS.gov (online article)



A MESSAGE FROM THE SHRM PRESIDENT AND CEO

November 15, 2016

Dear SHRM Member,

SHRM is proud to announce that the SHRM-SCP exams have been accredited by The Buros Center for Testing, a pronouncement that the HR credentials meet the highest standards in testing.

The Buros Center is the premier test review center located at the University of Nebraska-Lincoln; it accredited SHRM Certification less than two years after the credentials were launched.

The Buros Center has reviewed or accredited other well-known tests, including major state educational achievement exams; admissions tests for medical school, law school and graduate school; and licensure exams for physical therapists, clinicians and technicians. To learn more about The Buros Center for Testing, visit buros.org.

To achieve accreditation, SHRM submitted a 1,900-page application documenting its testing practices, methodology and policy. The thorough review process took six months to complete and included site visits of SHRM and its testing vendors.

Since the launch of the SHRM-CP and SHRM-SCP two years ago, SHRM has worked to gain recognition as the global standard in HR certification. Achieving accreditation further demonstrates to HR professionals and their employers that SHRM-certified professionals meet the high standards expected and needed in HR today.

We celebrate this milestone with more than 96,000 SHRM-certified professionals, the fastest-growing HR certification community. The SHRM-CP and SHRM-SCP are the most widely-taken HR exams in the world.

SHRM'S commitment to excellence in HR certification does not end with accreditation; it is a reflection of our continued dedication to advancing the profession.

Visit shrm.org/certification to learn more.

Best regards,

Henry G. Jackson
President & CEO
Society for Human Resource Management

Source: Henry G. Jackson via SHRM.org (online letter)

Be on the look out for our 2017 Monthly Programs!

January 10th: Recruiting Analytics/PI Roundtable
February 14th: Cyber Security—Bryan Waege
March 16th: Lean Office—Kellie Ecker
April 13th: ADA/I-9—Jean Bender
May 9th: Tragedy/Death/Divorce at Work—Avera
June 13th: Vendors/Roundtable
July 11th: Vendors/Roundtable
August 8th: Vendors/Roundtable
September 12th: Wage Survey/NCRC—Mike Jennings
October 10th: Legal Updates—Jackson Lewis
November 14th: Healthcare Reform—Abby Vanderwerf
December 12th: Holiday Social

Mark your calendars now and look for more details next year!



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48 HR webcasts/year ▪ Sample policies, interview questions, job descriptions & how-to guides
HR Knowledge Advisors' service ▪ 10 issues of HR Magazine annually ▪ And so much more!
New members must join by **December 15, 2016, for this offer. Visit SHRM.org now!**

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!

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Our last-minute tidbits and events:

- ▶ **November Board Meeting Minutes!** Please check our NESD SHRM website to view the minutes from the November 22nd meeting.
- ▶ **2017 NESD SHRM Membership Renewal:** have you completed yours yet? If so, awesome! If not, please make sure to do so. If you do not renew by March 31, 2017, you will be removed from the membership roster and no longer receive communications from the Chapter.
- ▶ 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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