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**From the President**

~ By Julie Plunkett



Can you believe the Fourth of July is almost here?!? I know I can't. It feels as if we just started spring. This is one of my favorite holidays. As a child, it always meant attending the Parade in Watertown, then back home to a long evening of lighting fireworks. Dad would light our punks, and my siblings and I would spend the afternoon lighting firecrackers, smoke balls, whatever we could during the daylight ours. All the while, increasing the anticipation for those nighttime fireworks with the big booms and bright lights.

Our family would purchase the prepackaged packs of fireworks. You know those that have the snaps, maybe a tank, and it always had at least one that would spin. Those were the ones my brother hated, as it always seemed to follow him. No matter the year, or where he was, it would take off spinning and chase him. He was never injured, however many are this time of the year.

The American Red Cross has provided some safety steps to keep in mind this holiday season:

**FIREWORKS SAFETY** The safest way to enjoy fireworks is to attend a public fireworks show put on by professionals. Stay at least 500 feet away from the show. Many states outlaw most fireworks. If someone is setting fireworks off at home, they should follow these safety steps:

- Never give fireworks to small children, and always follow the instructions on the packaging.
- Keep a supply of water close by as a precaution.
- Make sure the person lighting fireworks always wears eye protection.
- Light only one firework at a time and never attempt to relight "a dud."
- Store fireworks in a cool, dry place away from children and pets.
- Never throw or point a firework toward people, animals, vehicles, structures or flammable materials.
- Leave any area immediately where untrained amateurs are using fireworks.



**GRILLING SAFETY** Every year people in this country are injured while using backyard charcoal or gas grills. Follow these steps to safely cook up treats for the backyard barbecue:

- Always supervise a barbecue grill when in use.
- Never grill indoors – not in your house, camper, tent, or any enclosed area.
- Make sure everyone, including the pets, stays away from the grill.
- Keep the grill out in the open, away from the house, the deck, tree branches, or anything that could catch fire.
- Use the long-handled tools especially made for cooking on the grill to keep the chef safe.
- Never add charcoal starter fluid when coals have already been ignited.
- Always follow the manufacturer's instructions when using grills.



Keep in mind also if you are using a gel fuel pot for evening light, or for keeping the bugs away, if the gel runs out- to make sure it is **COMPLETELY** cooled before adding any fuel to the container. Gel fuel is very flammable and can ignite by heat.

Wishing all of you a very Happy and **SAFE** 4<sup>th</sup> of July!

## SHRM FOUNDATION NEWS:

# SHRM<sup>™</sup> Foundation

*Investing in the Future of HR*

The SHRM Foundation strives to be the globally recognized catalyst for shaping HR thought leadership and research. In the coming year, you are going to see just how hard the Foundation is working toward that mission. In fact, it is launching a major effort this year to “look beyond the horizon” to identify the major business and people management issues that will impact the HR profession 5 to 7 years from now.

The Foundation is not just talking about what is already emerging, but what is really the next big impact. Getting this head start is very important to the Foundation’s mission, as research to identify solutions and the development of HR practitioner tools to solve the coming issues can take that long. So, it is taking a very proactive approach that will involve partnering with leading experts, firms, and researchers to look to “what’s next?” and what we need as practitioners when we get to “next.”

Stay tuned, as the Foundation has exciting developments to announce over the course of the next few months.

### **NESD SHRM Communications Disclaimer:**

*Our chapter, or its Board of Directors, accept no liability for the content of this newsletter or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing.*

### **NESD SHRM MISSION STATEMENT**

NESD SHRM Chapter's purpose is to advance the Human Resource profession by providing educational opportunities, legislative updates, informational programs, and a network to facilitate ideas, as well as promoting and encouraging membership and professional development through participation in the National SHRM organization.

## Calendar

**8/13** - Healthcare Reform:  
*Beyond the Basics*

**9/27** - From Suits to Tattoos:  
*Bridging the Generational Gap*

**10/8** – Workers Comp 101:

**10/10** – NESD SHRM to serve  
*PACH*

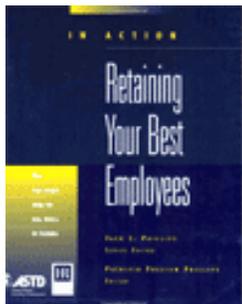
**11/12** – FMLA Advanced Tips

**12/10** - Holiday Social

*Programs & dates may change.*

## Book of the Month:

### Retaining Your Best Employees: Nine Case Studies



2002

179 pages  
Paperback

ISBN: 978-1-56286-320-3

SHRMStore Item #: 61.14501

*Retaining Your Best Employees* serves as a casebook documenting how nine companies identified, implemented, and measured their retention efforts. The wide variety of ideas, systems, processes, and models will help you identify and measure your own best tools. Tools and systems covered include recognition, innovative training practices, election testing, and corporate culture.

## Another setback for NLRB's proposed posting rule ~ by *Employment Law Letter*

Continuing what has been a recent trend, the U.S. Court of Appeals for the District of Columbia Circuit has issued another decision against the National Labor Relations Board (NLRB). On May 7, the court determined the Board's proposed rule mandating that employers display posters explaining employee rights under the National Labor Relations Act (NLRA) is invalid.

### Background

The controversial posting rule was approved by the NLRB in August 2011 and slated to go into effect last year but was put on hold pending appeal. Under the rule, employers were required to post notices "in conspicuous places, informing [employees] of their NLRA rights, together with Board contact information and information concerning basic enforcement procedures." The NLRB's proposed notice describes employees' right to form and join unions, bargain collectively, engage in other activities protected under the NLRA, or refrain from those activities altogether. (The poster didn't mention employees' right to decertify a union, not pay union dues in right-to-work states, or object to paying dues unrelated to union representation. The NLRB claimed it was entitled to "editorial judgment.")

The rule also had stiff consequences for noncompliance. Failure to post the notice would, in and of itself, be deemed an unfair labor practice (ULP), be considered evidence of unlawful motive in any other ULP charge, and toll, or extend, the six-month statute of limitations for filing ULP charges. The NLRB believed the rule was necessary because "employees were not aware of their rights under the [NLRA]." Specifically, the Board cited the fact that only a small portion of the private workforce is unionized and the workforce is increasingly made up of immigrants and workers coming out of high school who are ignorant of their rights under the NLRA.

### Court's

Business groups opposed the requirement on several grounds. They argued that the NLRB has no authority to require the posters, the rule created a new ULP that Congress hadn't intended when the NLRA was passed (namely, not displaying the poster), the rule violated employers' free-speech rights, and the Board didn't perform a required analysis of the rule's effect on small employers. The NLRB maintained that Congress gave it authority to create regulations to fill in gaps in the NLRA. The D.C. Circuit wasn't persuaded by the NLRB's arguments.

### decision

The court noted that the First Amendment to the U.S. Constitution and Section 8(c) of the NLRA permit employers to freely communicate with employees about unionization as long as their speech doesn't contain any threats or promise any benefits. In addition, the law allows employers to remain silent on the topic altogether at their discretion. However, under the NLRB's rule, "the government selected the message and ordered its citizens to convey that message" and then assessed penalties for noncompliance. The court made it very clear that such a mandate is unlawful. *Nat'l Ass'n of Mfrs v. NLRB*, Nos. 12-5068 and 12-5138.

### Bottom

The NLRB has yet to issue a statement about the decision, so it's unknown whether the case will make its way to the U.S. Supreme Court. However, the Board is still precluded from implementing the posting requirement. The D.C. Circuit's decision is a significant development for employers everywhere. When considered in conjunction with another ruling by a federal district court in South Carolina that the NLRB's proposed rule is invalid, the latest decision by the D.C. Circuit means that employers nationwide have a good-faith basis for refusing to post the notice pending the resolution of these cases.

### line

NESD SHRM Board Meeting  
Guadalajara  
1509 9<sup>th</sup> Ave. SE, Watertown  
605.882.4548

June 25, 2013

### Agenda

#### Additions to Agenda

Approve minutes of Board meeting (minutes in newsletter)

Approved by Nicole Nuttbrock, Seconded by Laurie Gates

#### Past President

Laurie Gates

Wage Survey Update

-Deadline is this Friday, June 28<sup>th</sup>, 2013

#### President Elect

Leigh Kuecker

-No Update

#### Treasurer

Theresa Tesch

Financial Statement - No Update

Audit -No update

#### Membership Director

Nicole Nuttbrock

Nicole has compared our local list to the national list and is following up with those who haven't paid.

#### SHRM Foundation Representative

Matt Sawyer

-Discussion was had about our formerly planned Quarter Craze, which has been cancelled due to the Drake closing. Other ideas of Perkins and the Pizza Ranch came up (one day events which would help raise money for the Foundation).

#### Diversity Advocate

Bobbie Halonen

-No update

#### Government Affairs Representative

Leslie Hendrickson

-No update, but is sending regular updates – stay tuned via email.

#### Workforce Readiness Advocate

Traci Stein

-No update

#### Certification Representative

Sheila Mennenga

-September and November programs have been sent to HRCI for certification credit; will continue to send as Programs get information to Sheila

#### Vice-Presidents of Programming

Amber Dahl & Kathy McInroy

-August: Healthcare Reform: Beyond the Basics with Tom Pruner, Jr (Eide Bailey)

-September: From Suits to Tattoos: Bridging the Generational Gap to Work with Kostas Voutsas

-October: Worker's Comp 101: The Whats, Whens, and Whys with Mike Dally

-November: FMLA Advanced Tips & Tactics to Protect your Company with Trish Dougherty

- December: NESD SHRM Social & Bill Zubke (tentative) with Board Elections
- January: 2014 Forecast with Steve Bogue

With the Drake closing, discussion was had as to where programs will be held. Julie Plunkett committed to reaching out to the Redlin Arts Center to see availability and costs. The Watertown Event Center/Minerva's. Stay tuned for updates.

Secretary  
-No update

Tammy Davis

Old Business

Strategic Planning – If you haven't sent me your information PLEASE do so.

-Julie is missing some board members' strategic planning forms. Julie will resend and set a deadline for these to be returned.

New Business

PACH – Wed. October 10

-Goal is to have all board members attend and open up to the chapter as well

Workforce Pinnacle Project

-Due to time constraints and a busy year with hosting the State Conference and wage survey, we will not complete a Pinnacle Project in 2013, however Julie mentioned ideas of what we could do for next year. Bring together a group of people with different backgrounds (city mayor, DLR, etc) to collaborate on our current and future workforce and discuss challenges we may have and brainstorm on how to overcome those challenges.

Meeting adjourned. Approved by Nicole Nuttbrock, Seconded by Amber Dahl

