



Northeast S.D. Society for Human Resource Management

Nov. 2013

**2013 CHAPTER BOARD MEMBERS**

Julie Plunkett – President  
[jplunkett@gcc.com](mailto:jplunkett@gcc.com)

Laurie Gates – Past - President  
[lgates@escomfg.com](mailto:lgates@escomfg.com)

Leigh Kuecker – President-Elect  
[leighk@benchmarkfoam.com](mailto:leighk@benchmarkfoam.com)

Sheila Mennenga –Certification Rep.  
[smennenga@watertownmu.com](mailto:smennenga@watertownmu.com)

Bobbie Halonen – Diversty Advocate  
[bhalonen@enercept.com](mailto:bhalonen@enercept.com)

Traci Stein – Workforce Readiness  
[traci@watertowndevelopmentco.com](mailto:traci@watertowndevelopmentco.com)

Theresa Tesch - Treasurer  
[Theresa.tesch@we-online.com](mailto:Theresa.tesch@we-online.com)

Amber Dahl – Co-VP Programs  
[adahl@sparton.com](mailto:adahl@sparton.com)

Kathy McInroy –Co- VP Programs  
[cvb@visitwatertownsd.com](mailto:cvb@visitwatertownsd.com)

Leslie Hendrickson- Government Affairs  
[leslieh@cdphospital.com](mailto:leslieh@cdphospital.com)

Nicole Nuttbrock – Membership  
[nnuttbrock@superiorhomesllc.com](mailto:nnuttbrock@superiorhomesllc.com)

Matt Sawyer- Foundation  
[matt.sawyer@worthingtonindustries.com](mailto:matt.sawyer@worthingtonindustries.com)

Tammy Davis – Secretary  
[tammy.davis@we-online.com](mailto:tammy.davis@we-online.com)

Laurie Gates -Newsletter/Website  
[lgates@escomfg.com](mailto:lgates@escomfg.com)

**November Program**

**FMLA: Advanced Tips & Tactics to Protect Your Company**

Tuesday, November 12, 2013

11:30 – 2:00 pm

Location: 2<sup>nd</sup> Street Station

To RSVP for this seminar, visit <http://nesd.shrm.org> under the "Events and Education" tab and click on the November Program Registration Form.

Please RSVP no later than November 8, 2013

The Family and Medical Leave Act (FMLA) is one of the most complicated and confusing employment laws that organizations with 50 employees or more must administer. It has many "traps" for employers that can lead to very unpleasant results. New FMLA regulations are raising even more questions. With this seminar we will go beyond the basics of FMLA and explore the potential mistakes confronting employers during this half-day course. You will discover practical solutions to the most troublesome FMLA issues and how to legally "end" extended leaves of absence with confidence. You will leave this program with a much deeper understanding of FMLA, the new regulations and other employee medical leaves.

**Learning Objectives**

At the end of this training you will be able to:

- Understand the intricacies of the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), and Workers' Compensation laws
- Recognize when the FMLA, ADA, and Workers' Compensation laws overlap and identify how to properly resolve the overlap
- Develop practical solutions to compliance problems and mistakes
- Bring extended and multi-issue leaves of absence to a conclusion

**About the Speaker:**

Patricia Dougherty has more than 25 years of successful leadership experience and is Senior Vice President & Principal for The Weston Group. Dougherty has a background in executive human resource management and is also a licensed Registered Nurse. Dougherty also served as an Officer in the United States Army Nurse Corps for 10 years. Dougherty travels and speaks nationally to assist small to medium size organizations with organizational effectiveness involving their most important asset - their employees.

Patricia Dougherty is a seasoned change catalyst who welcomes the need for positive change, is willing to champion the cause and motivates people to see the benefits of the outcome. Dougherty utilizes a combination of practical, in-depth experience with sound leadership strategies to successfully manage difficult and complex change. Dougherty quickly assesses and mitigates chaos during organizational change by working with people and developing shared solutions to problems.

**Who Should Attend:** Benefit Administrators, HR Professionals, Managers and Supervisors

**COST**  
 FREE - NESD SHRM PLUS MEMBERS  
 \$15.00 - NESD SHRM BASIC MEMBERS  
 \$25.00 - NON MEMBERS



This program has been pre-approved for 2.25 HRCI Recertification Credit Hours.

## From the President

~ By Julie Plunkett



Recently, my family and I attended a time capsule opening. On the way to the opening, my son asked plenty of questions. Things like what will we see, what's in it, etc.; those questions we all had but only the youthful one would ask. I explained to him that we really don't know what will be inside, however, it was items that former members of the church wanted us to have a hundred years later to learn about what life was like back then.

When we arrived, we saw the capsule sitting there on a table in the front of the room. Anticipation and excitement grew as the time got closer to the opening. As they opened it, the room grew quiet and they began to remove items. A newspaper was the first item out, then a letter and some coins. Upon reviewing the items, it was clear it wasn't things

from 1913 as we all thought; it in fact was completely different items from 1962.

Apparently a Chinchilla farmer had purchased the old building, moved the building and had intended for it to be a chinchilla farm. He had actually opened the time capsule and removed the contents, then placed his own inside. Who knew Watertown, SD would be a site for a chinchilla farm!

Human Resource is somewhat like the time capsule. There are items that we as professionals get excited about. That excitement grows and we dive head first into, only to realize it's nothing that we anticipated it was going to be. Leaving us wondering, what do we do with this now that we've uncovered it?

Although, all NESD SHRM members have an advantage. We have great knowledgeable professionals that make up our group, always willing to give advice or assist in helping answer our questions. I know this group has helped me achieve greatness, and I know it will continue to help advance the HR profession.

As I step down from leading this amazing group of professionals, I reflect on the past year. The great things we have achieved this year; an AMAZING State Conference, Wage Survey, not to mention the truly wonderful programs! With that I would like to take the time to remind everyone it's time to renew your membership for next year and don't forget about nominating the HR Professional of the year.

Life in the HR world, like the time capsule, may look good on the outside, but the inside holds plenty of unexpected surprises. Just as our ancestors wanted to leave us items to learn about what life was like back then, our HR community wants to help and grow those that are in it.



## Program Calendar

11/12 – FMLA: *Advanced Tips  
& Tactics for your company*

12/10 - Holiday Social

*Programs & dates may change.*

## Book of the Month:

### **Point Counterpoint: New Perspectives on People & Strategy**

Edited by Anna Tavis, Richard Vosburgh, and Ed Gubman

2012, 144 pages, Paperback

ISBN: 978-1-58644-276-7

SHRMStore Item #: 61.17001

*Point Counterpoint*, a copublication with HR People & Strategy (HRPS), contains 13 sets of debates on the most relevant human capital issues confronting organizations--large and small--today. This resources addresses talent management, organizational effectiveness, leadership development, HR strategy and planning, and building a strategic HR function.

More than 120 thought-leaders, practitioners, and academics from 14 countries contributed and much of their discussion is with a strategic, forward-thinking perspective that deals with new directions for established practices, like rethinking talent management, or heading off into newer frontiers, like sustainability or even neuroscience.

[www.shrmstore.shrm.org](http://www.shrmstore.shrm.org)

## SHRM FOUNDATION NEWS:



### **Your Financial Support Makes A Difference!**

As you reflect on the many causes and organizations worthy of your charitable support, please consider giving back to your profession through a tax-deductible gift to the SHRM Foundation.

The SHRM Foundation provides comprehensive, research-based answers to your HR challenges through its support of research grants, scholarships, educational programs and practitioner resources.

With your financial support, the SHRM Foundation strengthens and advances the HR profession by assisting individuals in their pursuit of greater academic credentials, by supporting researchers who bring us greater understanding of the complexities of HR, and by creating materials that explain how practitioners can capitalize on the new knowledge that research provides.

Help the Foundation provide a substantial and sustained investment in the future of HR. Donate today. Send your contribution to: SHRM Foundation, P.O. Box 79116, Baltimore, MD 21279-0116 or donate online ([www.shrm.org/foundation](http://www.shrm.org/foundation)). Thank you in advance for your support!

### **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.

## Disgruntled employees: What are the risks, what are the remedies?

~ HRHero.com

**HR** professionals know the tips and tricks to keep from making bad hires. There's never any certainty, but smart professionals armed with strong interviewing skills and solid job descriptions stand a better than good chance of weeding out bad hires on the front end. But what does the savvy HR pro do about "bad quits" – people who spew venom against their former employer or cause other harm as they head out the door? Does HR have any recourse when someone is not just going away, but going away mad?

Some angry people will resort to making spiteful social media posts. Others will steal an employer's confidential information or equipment, destroy company property, talk coworkers into quitting with them, or engage in other forms of mischief.

### Disgruntled employees can disturb the peace

Sometimes the trouble can be extreme. In 2010, an employee who lost his job at a Texas car dealership wreaked havoc on his former employer when he used an ex-coworker's computer password to disable motors and set off horns remotely on more than 100 vehicles his old employer had sold.

News reports explained that the dealership installed the devices to keep cars from starting if buyers didn't make payments and to help the dealership find cars it planned to repossess. The company figured out what was causing the trouble and the ex-employee was arrested, but real damage had been done.

Not all disgruntled former employees are so creative, but less flamboyant mischief can still cause serious damage. Employers can take steps, though, to ward off problems.

### What to do

Michael P. Maslanka, managing partner of the Dallas office of Constangy, Brooks & Smith, LLP, has some ideas to help employers reduce risk:

- **Be flexible on employee requests.** Maslanka says employers save themselves trouble by not needlessly angering employees. He says he once had a case in which an employee had kids in college and wanted a raise. The employer wouldn't consider his request because it had policies that prevented an employee with his length of service from going to a higher pay level.

When the employee was turned down he left for another job, and the employer sued him and his new company. When an employee works under noncompete, nonsolicitation, or nondisclosure agreements, employers may have recourse if the departing employee goes to a competitor or uses the previous employer's confidential information. Agreements that are seen as too restrictive, however, will be deemed unenforceable. In the case of the employee turned down for a raise, the former employer was able to settle, but the employee ended up staying at his new company and the old employer paid more in legal fees than the raise request.

- **Accept resignations and move on.** When employees are going to a competitor, it's important to guard against giving them a chance to do damage. "Unless there are exceptional circumstances, when someone resigns accept it," Maslanka says. "Do not – repeat, do not – allow them to stick around for

a couple of weeks. While volunteering to stay for a few weeks is professional, do not let them stay. No good can come of it.”

- **Check the computer.** A departing employee with a flash drive can make off with an astounding amount of confidential information, so Maslanka advises checking the computer of a departing employee who leaves unexpectedly or gives any signal of taking confidential information. “A good forensic examiner can determine if the employee downloaded information or sent it to a remote site,” he says. “Judges do not like this, and it will give the employer the edge in any litigation.”
- **Be smart about noncompetes.** Employers can use noncompetition, nonsolicitation, and nondisclosure agreements to protect themselves from employees quitting to work for competitors, talking coworkers into leaving with them, and taking confidential information such as customer lists, but the protection may be limited. Such agreements must be deemed “reasonable” to be enforceable, since judges are reluctant to impede someone’s ability to make a living.

Maslanka warns against going overboard with noncompetes. He says he’s seen companies requiring everyone to sign an agreement – even people in positions that don’t warrant them. Instead of taking a blanket approach, he says to “have those people sign them when you really need to protect confidential information and/or good will” and tailor them to the employee, including just the information the employee actually has.

- **Assert your rights.** If an employee does go to a competitor in violation of a contract, the employer should be prompt about protecting itself, Maslanka says. At a minimum, the employer should send a letter to the new employer explaining that the new hire has confidential information that shouldn’t be used in the employee’s new job.

Also, an employer may need to file a lawsuit asking for injunctive relief. “Do not sit around and wait to do this,” Maslanka says. “Injunctive relief can be given if there is imminent harm should the status quo not be maintained.”

### **“Immutable Law of the Ex”**

Unhappy employees can often join competitors or start their own competing businesses regardless of whether a contract is implicated. And when those employees are out for revenge, employers need to be on guard. Researchers in Ireland highlighted a lesson for employers in their study of a theory coming out of professional soccer.

Federica Pazzaglia and Karan Sonpar of University College Dublin and Scott Flynn, a consultant with Ernst & Young in Dublin, studied what’s known as the “Immutable Law of the Ex,” which suggests that players who have left a team on bad terms often play unusually well when their new team plays the old team. In part, players excel because they’re familiar with the routines of their old team, but evidence shows that a yearning for revenge plays a bigger role. The researchers maintain that a similar mindset is present in business.

“Disgruntled employees take with them strong motivation to exact revenge on their former employers,” the researchers wrote in the Summer 2013 issue of MIT Sloan Management Review. “These can be very strong forces, moving people to outperform themselves in their new company and produce superior results. Former employees also possess knowledge of their prior organization’s tactics and have continued access to customers and suppliers, with whom they may have close personal ties, and who may be willing to move their business to the new organization.”

**Guadalajara**  
**1509 9th Ave. SE, Watertown**  
**605.882.4548**  
**October 29, 2013**

**Agenda**

**Attendance:** Julie Plunkett, Laurie Gates, Leigh Kuecker, Matt Sawyer, Sheila Mennenga, and Tammy Davis

**Additions to Agenda** – None

Approve minutes of Board meeting (minutes in newsletter) Leigh Kuecker motioned, second by Sheila Mennenga

Past President

Laurie Gates

No Report

President Elect

Leigh Kuecker

2014 Board Update

Matt Sawyer – President Elect

Laurie Gates – Treasurer

Sheila Mennenga – Membership

Tammy Davis – Foundation

Julie Plunkett – Diversity

Paige Sullivan – Government Affairs

Traci Stein – Workforce Readiness

Audra Hunt – Certification

Bobbie Halonen, - Programs

Amber Dahl – Programs

Jodi Olmscheid – Secretary

Attended the State Leadership meeting in Fargo last Thursday and Friday. Thursday was a team building day. Friday, an excellent speaker talked about workplace culture. Check out [realtruck.com](http://realtruck.com) and go to the about us tab and view their guiding values. A bit of a new spin on company culture and successful teamwork.

Treasurer

Theresa Tesch / Laurie Gates

Financial Statement

Check has been received from Watertown Development

Membership Director

Nicole Nuttbrock

No Report

SHRM Foundation Representative

Matt Sawyer

Check is being sent to National SHRM for \$366, which is 10% over last year's donation.

Diversity Advocate

Bobbie Halonen

Desert 4pm, November 14 at Multi-Cultural Center

This is an invitation to provide input on the up-coming Diversity Event.

Government Affairs Representative

Leslie Hendrickson

No Report

Workforce Readiness Advocate

Traci Stein

No Report

Certification Representative

Sheila Mennenga

All Certificates are done for 2013, as the November program has been certified.

Vice-Presidents of Programming

Amber Dahl

November program – FMLA

December social - Bill Zubke

Secretary

Tammy Davis

No Report

Old Business

PACH – Wed. October 9

400+ lunches were packed. Thanks for donating your time.

New Business

None

---

**It's time to renew your NESD SHRM Membership!**

It's time to renew your membership for 2014. To renew your NESD SHRM chapter membership:

- 1) Go to <http://nesd.shrm.org>,
- 2) Click on "Member Info"
- 3) Click on "Membership Renewal Form"
- 4) Complete the form (be sure to select the Membership Type\* at the top of the form) and click Submit
- 5) **PLEASE NOTE:** You will receive an e-mail confirmation, which is your invoice. Please print this confirmation and submit, along with your payment, to the mailing address listed on the e-mail confirmation.

\* Membership types and fees are listed below.

- o **Local Membership Plus Meetings** - \$125.00 (Includes regular monthly programs)
- o **Local Member** - \$75.00 (Regular monthly programs extra)
- o **Student/Retiree** - \$25.00 (Regular monthly programs extra)

\* Please take a moment to update your contact information on the website as well.

**Thank you!**

---