



August 2012 Newsletter

August Meeting

Wednesday,
August 8th

Holiday Inn Lounge

\$12.00

11:30am — 1:00pm

Networking will begin at 11:30 a.m. and the program will start at noon. We will eat from the buffet.

For reservations,
contact

Amy Smith at
Amy.Smith@delmonte.com
or 256-552-7470
or fax 256-552-7429.

We want to make
sure we have plenty
of room for every-
one.

Please RSVP by noon
Tuesday,
August 7th.



August Meeting Wednesday, August 8th

Our speaker:

**Kimberly N. Kelley, Esq. from
Wilmer & Lee, P.A.**

Topic:

“Privacy, Social Media and the Workplace”
(pre-approved for 1.0 hour of general HRCI credit)

Kimberly N. Kelley, Esq., a native of the Washington D.C. Metropolitan Area, received her B.S. degree in Accounting, with honors, from Alabama State University. After graduating from ASU, she returned to Washington, DC and worked with the Certified Public Accounting firm of Williams Adley & Co. where her work was used to support audit opinions provided in the audit reports of various clients including the United States Postal Service, the National Society of Black Engineers, and the United States Agency for International Development, where she supervised the audits of U.S. missions in East and West Africa as well as Central and South America.



In 2005 Kimberly resigned her position with Williams Adley & Co. to attend the University of Alabama School of Law on a full scholarship. While in law school, amongst other things, Kimberly served as a law school ambassador, was inducted into the Bench and Bar Legal Honor Society, was a student member of the Farrah Alumni Society, and was elected to serve as the National Vice-Chair of the National Black Law Students Association.

In August 2008, Kimberly joined the law firm of Wilmer & Lee, P.A. in Huntsville, Alabama. Kimberly's practice includes Civil Litigation, Employment Law, Labor and Employment Litigation, Government Contracts Law, and Business Litigation. Kimberly proudly serves as President of the Board of Directors for the Alabama Lawyers Association. Ms. Kelley also serves on the Board of Directors for the Harris Home for Children and the University of Alabama School of Law Farrah Law Alumni Society Board of Trustees. Additionally, she is a member of the North Alabama African-American Chamber of Commerce, the Huntsville Committee of 100 Young Professionals, the Junior League of Huntsville, and the Downtown 47.

SHRM's "Have a Voice" Campaign

5 Ways HR Can Have A Voice During This Election Year

(courtesy of www.shrm.org)

The 2012 elections undoubtedly will be decisive in American politics. With a president seeking re-election, a hotly contested field of Republican contenders for the presidency, the control of Congress up for grabs and a stagnant economy, American voters are ready to head to the polls, and so should HR professionals! HR issues dominate the policy agenda. Making sure that your voice is heard is imperative to ensuring Congress enacts laws that make sense and help organizations better manage themselves.

So, what can you do? Let SHRM help you with these five simple steps:

- ◆ **Get Informed** – Educate yourself about the seats that are open and the candidates who are running for them. Know the issues and what they mean for you as an HR professional. Make sure you know what your rights are in your state as a voter and ensure you're registered to vote.
- ◆ **Get Active** – Be part of the process! Start your own "Get Out The Vote" campaign at your worksite. As an HR professional, educate those in your workplace about the importance of voting. Organize events such as a debate watch party that make the election season interesting and engaging.
- ◆ **Get Involved** – Once you know the issues, raise your voice! Write a letter or make a call on an HR issue that is important to you. Join the SHRM A-Team on the SHRM's Advocacy site and learn about pending legislation that could impact how you do your job.
- ◆ **Get Motivated** – SHRM's Have A Voice site will help you and your colleagues stay motivated and make the election season fun – from "I Voted" contests to naming the HR issues that motivates you to speak out. Visit the site often to see what new opportunities are available. And don't forget your HR Votes 2012 gear – wear it proudly and motivate others to make their voices heard, too!
- ◆ **Get Out To Vote!** – The most important element of all. When Nov. 6 rolls around, you'll be prepared and motivated to head to the polls and cast your vote! Likely, many of your colleagues will as well.

Daikin America, Inc. awarded BCA Medium Manufacturer of the Year!

Congratulations to Daikin American, Inc., for recently being awarded the BCA Medium Manufacturer of the Year award.

Daikin America's David Hendrixson, vice president and plant manager (center with award) accepted the 2012 Medium Manufacturer of the Year on behalf of Daikin America.

Also pictured (l to r) are: William Canary, BCA president and CEO; Michael Bailey, ATN president; Val Ray, Daikin America director of operations, Forrest Keith, Daikin America community relations and general affairs manager (and fellow TVC-SHRM Member!); Anita Archie, BCA senior vice president of intergovernmental affairs, advocacy



Legislative Update

Employer Gets Scratched by “Cat’s Paw”

Courtesy of Lehr, Middlebrooks & Vreeland, P.C.

Employers can be liable for decisions they don’t even realize were influenced by illegally biased managers. Take the case of *Chattman v. Toho Tenax Am. Inc.* (6th Cir. July 13, 2012), which involved an African-American employee who received a written warning for horseplay. In *Chattman*, the employer’s policy provided that an employee is ineligible for a promotion if the employee has received a written warning for horseplay. In *Chattman*, the employer’s policy provided that an employee is ineligible for a promotion if the employee has received a written warning during the prior 12 months. The employee, *Chattman*, had a 20-year record of good performance, no prior warnings, and claimed that white employees who also engaged in horseplay received no discipline. The company’s president and vice president of human resources agreed to issue the warning. Neither knew of the illegal racial bias of the human resources manager who recommended the discipline.

In permitting the case to go to a jury, the Court of Appeals stated that when an employee experiences a materially adverse employment action due to the biased influence of another, that bias may be attributed to the ultimate decision-makers even when the ultimate decision-makers had no knowledge of the bias. In *Chattman*, evidence showed that the human resources manager had used racial slurs and told racial jokes. The company president and vice president of human resources were unaware of that bias when they relied on the human resources manager’s investigation and recommendation that *Chattman* should be disciplined for the horseplay. The Court stated that, “There can be little doubt that [the manager of human resources] desired *Chattman*’s termination when he made his recommendation and fabricated the agreement of other supervisors in his communications with the [president] and [vice president of human resources]. We do not believe the fact that *Chattman* was ultimately issued a final written warning rather than terminated alters this or the proximate cause analysis.” The human resources manager “misinformed” and “selectively informed” the company president and vice president of human resources about the incident resulting in *Chattman*’s discipline, which ultimately caused him the harm of denial of a promotional opportunity.

What we find difficult to believe about this case is how a manager of human resources could have told racial jokes and used racial slurs and this information not be reported to others in the company. One approach to minimize the risk of a “cat’s paw” claim is for ultimate decision-makers to interview the employee who is subject to discipline, where it may be an adverse action such as the denial of a promotion, or termination. At least one level of review of such a recommendation should include a discussion with the individual about whom the recommendation is made. In such a circumstance, it may diminish the argument that the biased recommendations of a subordinate were the “proximate cause” of an adverse action toward the employee.

AFL-CIO and “Second Bill of Rights”

Courtesy of Lehr, Middlebrooks & Vreeland, P.C.

As the political season heats up, so will the AFL-CIO’s political efforts. The labor organization is planning a rally on August 11th in Philadelphia entitled “Workers Stand for America.” This rally will be the initial rollout of what the labor organization is referring to as a “*Second Bill of Rights*” for Americans. It will ask the Republican and Democrat parties to adopt the following principles in their party platforms:

- 1. The right to full employment and a living wage.**
- 2. The right to full participation in the electoral process.**
- 3. The right to a voice at work.**
- 4. The right to a quality education.**
- 5. The right to affordable health care.**

AFL-CIO President Richard Trumka also said that, unlike prior presidential elections, the AFL-CIO will not host “extravagant events” surrounding the Democratic party convention (but they will still do so around the Super Bowl). Rather, the labor organization has signed up 400,000 volunteers to help get out the vote in several elections. According to Trumka, “You will see an effort on the ground that is bigger and broader than in the past.”

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Welcome new members!!

Please welcome the following new

TVC-SHRM Members:

- Wyketa Shipman from 3M
- Patricia "Patchie" Grosshans from Automation Temporary Services
- Mindy Stewart from Toray

If you know an HR professional in the area that might be interested in joining our chapter, please RSVP that you will be bringing a guest with you to the meeting. The first meeting's meal is free for all guests, and it is a great way to introduce potential members to our group.



TVC-SHRM Open Board Positions

Are you interested in being a part of the 2013 TVC-SHRM

Board of Directors?

The following 2 roles are open for next year:

- ◆ Vice President of Programs
- ◆ Diversity Director

If you would be interested in volunteering for either of these positions, please

contact Robin Jackson, Chapter President, at

Robin.Jackson@cookspest.com

Save the Date! Upcoming Events

- **September 25th**-Diversity Summit/Banquet--TVC-SHRM will have a table at the Banquet. Please e-mail Jeff Powers at Jeff.Powers@toraycfa.com if you would be interested in being one of the 8 TVC-SHRM chapter members at the table.
- **October 10th**—TVC-SHRM Fall Workshop at the Calhoun Robotics Center-more info to come
- **December 12th**-TVC-SHRM Holiday Lunch-location TBA
- **Every 1st Wednesday**-Workforce Coalition meeting at The Chamber of Commerce (Contact Mary Ila Ward at miw@mceda.org for more info)
- **Every Wednesday—12:30pm-2pm:** The Job and Career Networking Club of Decatur meets at First Baptist Church Annex in Decatur (contact Deborah Ashley at deborah.ashley@gmail.com for more info)

Our September meeting will be held Wednesday, September 12th at The Holiday Inn in Decatur. Kenny Anderson from Calhoun Community College will present "Managing the Inevitability of Diversity" Hope to see everyone there!



Tennessee Valley Chapter SHRM
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