



# October Newsletter

## October Meeting

Wednesday,  
October 14th

Decatur Country  
Club

\$15.00

11:45 am — 1:00 pm

Networking will begin at 11:15 a.m. and the program will start at 11:45 am.

If you **RSVP** that you are coming and then you don't attend, you will still be charged for the meal.

If you are unsure about attending and paying for a lunch, you can always save a spot for the salad bar.

For reservations, contact

Patti Fowler at  
[pfowler@alliancehrservices.com](mailto:pfowler@alliancehrservices.com)



October 14, 2015

Our Speaker:

*Cheryl Hill, SHRM-SCP, SPHR*

Topic:

*“Diversity and Inclusion, It’s All About You: Recognizing and Addressing Unconscious Bias”*



As an HR Consultant and Leader, Ms. Hill utilizes her expertise in the field of HR and Voluntary Benefits in areas such as Organization, Leadership and Program Development, Diversity and Inclusion, Talent Management, Workforce Planning, HR Policy, Law, Legal Services and Identity Fraud Protection to proactively consult with small business clients in developing options for business solutions.

Ms. Hill holds a BA in Management from the University of Illinois at Springfield, Springfield, Illinois, and is active in community and industry groups, including serving on the boards of the Alabama Society for Human Resource Management (ALSHRM) as Diversity and Inclusion Director, as well as the Birmingham Society of Human Resource Management (BSHRM) as Workforce Readiness Director.

Blatant discrimination is widely addressed and viewed as taboo. However, research has uncovered that the negative affects of unconscious bias, such as stereotyping, profiling and expected roles based on gender, race etc. are just as negatively impactful to behavior, employment and job mobility. This program raises awareness of hidden biases and is designed to promote strategies and actions to mitigate and eliminate harmful impact. By outlining specific can do strategies, HR professionals leave armed with tactics to utilize in their work groups and organizations.

**Thank you to Lentz Thompson for sponsoring our October meeting!**

## Anxiety and Depression under the ADA

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

People often say they are anxious or depressed, without those comments reflecting clinical depression or anxiety. Employers need to be careful in how they evaluate the ADA implications when employees make such a disclosure.

In the case of *Hurt v. International Services, Inc.* (6th Cir. Sept. 14, 2015), Hurt was hired as a business analyst with a \$70,000 annual draw and a 12% commission. Additionally, the company prepaid his travel expenses and allowed a \$40 per diem food allowance. Several months after Hurt was hired, he became exhausted, depressed, and anxious, and provided the company with a letter from his therapist stating that he had acute anxiety and depression. One day after he requested FMLA leave, the company terminated his \$70,000 annual draw and placed him solely on commission and also terminated providing prepaid travel expenses. Hurt quit and sued, claiming constructive discharge under the ADA and FMLA.

In permitting the case to go to a jury, the Court said a jury may conclude that eliminating Hurt's guaranteed salary and prepaid expenses after he disclosed his medical condition could be constructive discharge, where the employer "deliberately created intolerable working conditions" such that a reasonable person would quit. The Court also said that "a complete failure to accommodate" under the ADA may also be a basis for constructive discharge.

In *Barber v. Subway* (M.D. Penn., Sept. 18, 2015), an employee worked for two weeks on the sandwich line, at which point she had an anxiety attack, was told by the owner to leave, did not show up for subsequent shifts, and was terminated for job abandonment. The Court ruled that it was a jury question whether the employer failed to accommodate her anxiety disorder under the ADA. .

The employer argued that it actually accommodated the employee by sending her home early, and kept her on the schedule. However, the Court said that "an objective and reasonable juror could fairly construe [the owner's] words and actions as a termination of Barber's employment, and Barber's failure to return to work is proof of her belief that she was terminated." During the pre-employment interview, Barber told the owner that she suffered from an anxiety disorder and may have an episode at work.

The owner said that was not a problem and proceeded to hire her.

When an employee attributes a performance, behavior, attendance, or attitude issue to anxiety, depression, stress, or a similar condition, an employer has the right to request medical substantiation of the extent to which the condition may interfere with work, and, if so, what accommodations may be possible, if any. (Though such requests should be narrowly tailored and should include Genetic Information Nondiscrimination Act disclaimers). Use your rights to evaluate the need for accommodation. Do not dismiss employee comments with the approach of "well, everybody has that from time to time."

# 2015 TVC-SHRM Fall Workshop

TVC-SHRM presents Talent Anarchy in  
**UN-MANAGEMENT**



It's Time to Confront the Inconvenient Truth About Innovation in Your Organization



Register now: [tvc.shrm.org](http://tvc.shrm.org)

## WEDNESDAY, NOVEMBER 4, 2015



**Double Tree Hotel**  
*(formerly Holiday Inn/ Garden Plaza)*  
 1101 6th Ave NE  
 Decatur AL 35601

**\$50 Student**  
**\$99 TVC-SHRM Member**  
**\$125 TVC-SHRM Non-Member**

0830	Welcome & Opening Comments
0845	Innovation Revisited
0930	The Inconvenient Truth About Innovation
1000	Break
1010	Building a Culture of Connection
1115	Lunch- Presenting Sponsor Presentation
1230	Building a Culture of Inclusion
1330	Break
1345	Building a Culture of Liberation
1445	Break
1500	Action Planning
1600	Closing Remarks



## Fall 2015 Hill Visit Report– September 17, 2015

*Courtesy of Juanita Phillips, SPHR, SHRM-SCP  
2015 Co-director of Governmental Affairs*

The Fall 2015 Hill Visit was another great success. The group was an excellent, cooperative and participatory group. They were very successful at executing smooth dialogues throughout our visits that day. Our eleven attendees included five first-time attendees and represented eight professional chapters throughout the state.

We met with the following individuals:

- Congressman Mo Brooks and Annalyse Keller, Legislative Assistant
- Congresswoman Martha Roby; Mike Albares, Legislative Director, and Nick Moore
- Congressman Mike Rogers and Forrest McConnell, Legislative Assistant
- Congressman Robert Aderholt and Megan Medley, Deputy Legislative Director
- Congressman Bradley Byrne and Lora Hobbs, Legislative Assistant
- William Smith, Chief of Staff for Congressman Gary Palmer
- Dayne Cutrell, Legislative Assistant for Senator Richard Shelby
- Mary Blanche Hankey, Legislative Counsel for Senator Jeff Sessions

The topics we discussed on the Hill were:

- The ACA Excise Tax repeat effort – Thanked Congressman Brooks for co-sponsoring H.R. 879, the Ax the Tax on Middle Class America's Health Plans Act and asked our other Representatives to co-sponsor as well. Also relayed support for H.R. 2050, the Middle Class Health Benefits Tax Repeal Act. Encouraged our Senators to support a companion bill on this issue, which it turned out was actually introduced on the day we were there – the Middle Class Health Benefits Tax Repeal Act.
- In both the House and the Senate – discussed our perspective on the DOL's proposed regs impacting the FLSA, commonly called the Overtime Rules
- In both the House and the Senate – shared our perspective about the Executive Order recently signed that will require federal contractors to provide paid sick leave

Some important take-aways for us are:

- Our attendees continue to do an outstanding job of making our visit more of a conversation with the members and staffers.
- It is a great help to stay within walking distance of the hill, eliminating the issues of getting the whole group through the Metro system on the day of the visit.
- I propose to increase ALSHRM's annual hill visit scholarship for each chapter to \$800.
- We were once again able to arrange free meeting space for our briefing meeting, but should remain aware that we may not always be able to do that.
- We will continue holding the Spring visit on a Wednesday to coincide with SHRM's Legislative Conference, and having the Fall visit on a Thursday for the hotel reservation advantage. We will continue to see how that goes and remain flexible. Having done so for a couple of years now, it would appear that the chances of meeting with the actual Members of Congress are about as good on Thursdays as they are on Wednesdays.
- Having an attendee from each district in our group has become necessary. In some circumstances this will require an additional scholarship from the council for some chapters.
- Congressional offices are pushing back on our large numbers.

## 2015 TVC-SHRM BOARD

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## GET CONNECTED (CLICKABLE ICONS)



## SAVE THE DATE! UPCOMING EVENTS

### • October 20, 2015

**Job Networking Club of Decatur** at the Decatur Public Library

### • November 4, 2015

**TVC-SHRM Fall Workshop** at the Doubletree Hotel (formerly *Garden Plaza Inn/ Holiday Inn*) in Decatur  
**[Register Here!](#)**

### • Every 1st Wednesday

**Workforce Coalition Meeting** at The Chamber of Commerce (Contact Mandy Price for more info)

Please contact Tiffany Weaver at [tweave@ascendmaterials.com](mailto:tweave@ascendmaterials.com) if you have an upcoming event that you would like to add.

In lieu of our November meeting we will be hosting the Fall Workshop on Wednesday, November 4, 2015 at the Doubletree Hotel (formerly Garden Plaza Inn/ Holiday Inn).

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