



# South King County Human Resource Association



Issue: July 2009

**July 16, 2009 Dinner Speaker**

Register at [www.skcnhrma.org](http://www.skcnhrma.org)



## 7 Steps To Reasonable Accommodation

7 Steps To Reasonable Accommodation is an assessment process designed to help human resources professionals navigate the reasonable accommodation requirements of the American's with Disabilities Act (ADA). The presentation will address the following critical areas of the accommodation process: posting notification; information needed to process a request; the definition of disability and records keeping; analyzing the job involved; conducting individualized assessments and the interactive process; identifying reasonable accommodations; and testing accommodations for feasibility.

John Evans is the Employer Relations Manager for Dept. of Social Health Services - Division of Vocational Rehabilitation. John graduated from Seattle University in Public Administration and Human Resource Development in 1984. John has over 24 years of public service with the State of Washington where he has worked as a Vocational Rehabilitation Counselor and Business Relations Specialist with DSHS, and Reasonable Accommodation Specialist and statewide ADA Program Manager with Washington State Department of Personnel. John is frequently called upon by local, state, county, federal and private sector employers to provide employee development training and technical assistance to management representatives and employees. He has been formally recognized by the Washington State Personnel Resources Board as an "extraordinary contributor and model of exceptional public service" for his notable contributions locally and nationally toward the hiring and retention of persons with disabilities in the work place.

### Are You LinkedIn?

Are you curious about LinkedIn? Or just wondering how it can work to your benefit? Directly following our July chapter meeting you will have the opportunity to stay for a value added presentation from Board Member Greg Carpenter on how to maximize your use of LinkedIn.

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### Upcoming Meetings:

August, 2009  
**No Meeting**

September 18\*, 2009  
**Management Coaching Skills**

\*Altered schedule due to room availability

LinkedIn is a Professional Networking site that has grown exponentially over the past years. For HR professionals, it offers the opportunity to network with other HR professionals and share advice with other industry professionals. For recruitment, it offers the opportunity to find candidates with skills your company needs, and for your own personal career, it offers the opportunity to find hidden job opportunities.

During this thirty minute voluntary demonstration from approximately 7:00 – 7:30 pm, Greg will provide attendees an overview of some of LinkedIn's best features and tips they can use immediately.

## **President's Letter**

In every Human Resources magazine there are articles about HR gaining a seat at the executive table. HR people have to play many roles during the workday; from keeping the company out of legal hot water, informing management of new employment laws and regulations, hiring the best people, maintaining a motivated workforce and developing the lowest cost/most complete benefits and retirement packages. This is only a sample of the duties in any HR professional's day.

Risking debate, I offer the opinion that the ability to execute is the quickest way HR will be noticed by upper management. We have all been in meetings where much is talked about, good decisions are made and nothing gets accomplished. Going into the summer of 2009, every company is faced with the new economic reality of declining revenues so each decision needs action. The HR leader or department who has the ear of the owner or top executives is the department that can listen to plans and complete those plans. In a word, execute.

To execute takes confidence and knowledge. Before charging out of a meeting and rolling out the latest benefit plan I had better understand the intricacies of the plan or the only execution that will occur is the execution of my career.

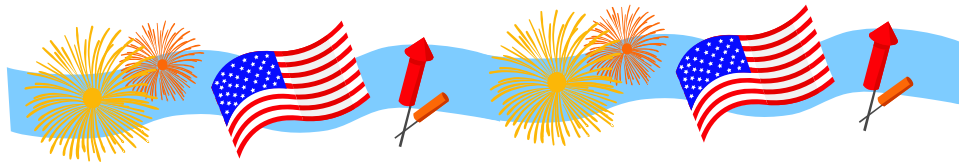
How does one get the knowledge and develop confidence?

Take advantage of HR courses at local colleges, regional and national SHRM programs as well as professional certification and seminars offered through local chapters. Many chapters are hosting full and half-day programs over the next few months and when possible we will be publicizing these programs to our members. Additionally, take advantage of the expanding network of the chapter and talk to other HR professionals at the monthly meetings. Go to the chapter website [www.skcnhrma.org](http://www.skcnhrma.org) open the contact tab and enter any questions or suggestions. These go immediately to the appropriate board member for a response.

As another part of continuing professional development, I hope to see everyone at the July 16 dinner where the presentation will be about reasonable accommodation in the workplace.

Everyone have a safe and fun summer!

Bryan Price  
President



2009 Chapter Meetings			2009 Board Meetings	
CenterPoint Conference Center All meetings are held on Thursdays			Washington Employers, Inc., Kent If not on the Board but interested in attending a meeting, please contact Bryan Price at 253-872-3682 x1638	
July 16, 2009	Dinner	5:15 pm - 7:00 pm	July 10, 2009	7:15 am - 8:30 am
August NO MEETING			August 2009	TBD
September 18, 2009	Breakfast	7:15 am - 9:00 am	September 11, 2009	7:15 am - 8:30 am
October 13*, 2009	Lunch	11:15 am - 1:00 pm	October 9, 2009	7:15 am - 8:30 am
November 19*, 2009	Dinner	5:15 pm - 7:00 pm	November 13, 2009	7:15 am - 8:30 am
December 17, 2009	Breakfast	7:15 am - 9:00 am	December 11, 2009	7:15 am - 8:30 am
<b>*Altered schedule due to room availability</b>				



**Website Design**  
*by Roger Gervin*

**[www.rgervin.com](http://www.rgervin.com)**

<p><b>Services Provided:</b></p> <ul style="list-style-type: none"> <li>Website Design</li> <li>Website Programming</li> <li>Website Consulting</li> <li>MS Access Programming</li> <li>MS Excel Programming</li> </ul>	<p><b>Contact:</b></p> <p>Roger Gervin (253) 839.8059 Email: <a href="mailto:roger@rgervin.com">roger@rgervin.com</a></p>
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## **EEOC Takes First Steps to Overhaul ADA Regulations**

Sarah Capelli, Jackson Lewis LLP

The U.S. Equal Employment Opportunity Commission on June 17, 2009, voted to revise its regulations on the Americans with Disabilities Act (“ADA”) to reflect changes made by the ADA Amendments Act (“ADAAA”) of 2008. The ADAAA, which became effective on January, 1, 2009, makes it easier for individuals seeking protection under the ADA to establish that they have a disability.

The Commission’s new proposed regulations now must be reviewed by other agencies, including the Department of Justice and the Office of Management and Budget. Once their review is completed, the proposal returns to the EEOC for further review and release for public comment. No timetable has been set.

In December, ahead of the ADAAA’s effective date, the EEOC tried but failed to approve proposed regulations to reflect the ADAAA changes. The agency’s Office of Legal Counsel (OLC) then coordinated with other EEOC sections, including the Office of General Counsel and the Office of Field Programs, to arrive at the new proposed regulations. While they have not been made public, EEOC assistant legal counsel and director of OLC’s ADA policy division Christopher Kuczynski issued a written statement outlining the key provisions of the proposed regulations (see EEOC June 17 Statement of Christopher Kuczynski, *available at* <http://www.eeoc.gov/abouteeoc/meetings/6-17-09/kuczynski.html>). Based on that statement, employers can begin to see how the ADAAA will change ADA analysis.

### **Examples Included in Text of Regulations**

The new approach of including examples in the text is intended to increase the likelihood that courts will defer to the EEOC’s interpretation of the law. It would increase the importance of employers becoming familiar with the specific examples in the regulations, if adopted.

### **Major Life Activities and Major Bodily Functions Recognized**

The ADAAA expanded the list of “major life activities” and clarified that these included “major bodily functions.” The proposal cites activities and bodily functions expressly referenced in the ADAAA, but adds others to the regulations’ non-exhaustive list. These include bending, reading and communicating, three activities not previously recognized by the EEOC as “major life activities.”

### **Concept of “Substantially Limits” Revised**

The proposal significantly revises the standard for determining whether an impairment substantially limits a major life activity. The proposal states that to be “substantially limiting,” an impairment need not severely restrict or significantly restrict performance of a major life activity. It remains to be seen what level of “limitation” will be sufficient to satisfy the “substantially limits” standard. However, temporary, non-chronic impairments of short duration with little or no residual effects, such as a cold, seasonal or common influenza, a sprained joint, or a broken bone that is expected to heal completely usually will not substantially limit a major life activity, according to the proposal. While “transitory and minor” impairments – those lasting less than six months – may not be the basis of a “regarded as” claim, they may be substantially limiting.

### **Some Impairments Obviously Meet “Substantially Limits” Test**

Previously, most viewed the ADA as inherently precluding a “per se” list of impairments that are always disabilities. The proposal appears to move closer to developing such a list by identifying examples of impairments that are “obviously” substantially limiting. This virtually guarantees that individuals with such impairments will always be within the class of people protected as “disabled.”

Impairments falling in this category range from blindness, deafness, intellectual disabilities (formerly “mental retardation”) to major depression, bipolar disorder, post-traumatic stress disorder, and schizophrenia. The fact that such impairments will “consistently” meet the definition of “disability,” however, does not automatically mean that individuals so impaired will be entitled to accommodations or prevail in litigation.

The EEOC’s proposal apparently also provides a non-exhaustive list of impairments that are not “obviously” substantially limiting, but “may” be substantially limiting. They include asthma, high blood pressure, coronary artery disease, learning disabilities, a back or leg impairment, carpal tunnel syndrome, psychiatric disabilities, such as panic or anxiety disorder and forms of depression other than major depression, and hyperthyroidism.

### **Substantially Limited in Working**

Setting forth what it describes as a more “straightforward analysis,” the EEOC proposes that an impairment “substantially limits the major life activity of working if it substantially limits an individual’s ability to perform, or to meet the qualifications for, the type of work at issue as compared to most people having comparable training, skills, and abilities.”

The reference to “type of work” replaces the concepts of a class or broad range of jobs. A “type of work,” the EEOC proposes, may be defined by the nature of the work or the specific job related requirements. Examples include commercial truck driving, assembly line jobs, food service jobs, clerical jobs, or law enforcement jobs. Job-related requirements characteristic of types of work include: repetitive bending, reaching, or manual tasks; repetitive or heavy lifting; prolonged sitting or standing; extensive walking; driving; working under certain conditions, such as in workplaces characterized by high temperatures, high noise levels, or high stress; and working rotating, irregular, or excessively long shifts.

The EEOC proposal recognizes that limitations may exist only in the workplace. For example, someone who is not substantially limited in standing or lifting still might be substantially limited in working in jobs that require standing for extended periods (in many retail jobs, for example) or lifting heavy packages. If adopted, this proposed interpretation may alter the widely accepted view that the inability to perform a single job does not make one disabled under the ADA.

### **Regarded as Having a Disability Clarified**

Many believe the ADAAA’s greatest impact will be felt through the changes made to the concept of “regarded as” having a disability. The proposed regulation appears to confirm this, saying that a covered entity that takes some prohibited action against an individual – failure to hire, termination, and the like – because of an impairment regards the individual as having a disability, unless the impairment is transitory and minor. The proposal also makes clear that actions based on an impairment’s symptoms or on an individual’s use of a mitigating measure (e.g., medication) amount to actions based on an impairment.

*Founded in 1958, Jackson Lewis is dedicated to representing management exclusively in workplace law with 530 attorneys practicing in 40 cities nationwide. Jackson Lewis has a wide-range of specialized practice areas including: Affirmative Action and OFCCP Diversity Planning; Disability, Leave and Health Management; Employee Benefits, including Complex ERISA Litigation and Workplace Privacy; Global Immigration; Labor, including Preventive Practices; Litigation, including Class Actions, Complex Litigation and e-Discovery; Trade Secrets, Not-Competes and Workplace Technology; Wage and Hour Compliance; and Workplace Safety Compliance. In addition, JL provides advice nationally in other workplace law areas including: Reductions in Force, WARN; Corporate Governance and Internal Investigations; Drug Testing and Substance Abuse Management; International issues; Management Education, including e-Based Training; Alternative Dispute Resolution; Executive Compensation; and Public Sector Issues.*

## [Make Your Voice Heard](#)

Congress has adjourned for the Independence Day holiday and will reconvene in Washington for four weeks before the August recess. It is rumored that some form of the misnamed Employee Free Choice Act (EFCA) may come up for a vote in the month of July.

Sen. Harkin (D-IA), who is managing the EFCA in the Senate, continues to pledge action on some form of the EFCA before the August recess. Harkin has threatened that if he doesn't have the votes to pass an alternative version of the bill, then he will bring the EFCA in its current form to the Senate floor. Last week Sen. Harkin, Vice President Biden and Labor Secretary Solis reiterated their support for the legislation during a conference with union members.

Now is the perfect time to contact your legislators and those who represent districts in which you have operations while they are at home, urging them to oppose the EFCA. While many members of Congress have expressed concerns with EFCA in its current form, it is important that we continue to urge members – especially Senators - to oppose votes, especially votes on cloture in the Senate, on the EFCA *in any form*.

### **Recess Action Requested:**

Please contact your senators over the recess, and urge them to oppose all votes on the EFCA **in any form**. This link will connect you with SHRM's Get Involved /Advocacy page: <http://moss07.shrm.org/Advocacy/GetInvolved/Pages/default.aspx>. Then click on the link mid-page titled, **HR Voice – Write Your Elected Official** to find your lawmakers' district /state offices, plus draft letters ready for you to submit with the click of a button.

While it is important that every Member of Congress hear from businesses on this important issue, members who have operations in any of the states listed below are specifically encouraged to contact these Senators during the recess period to urge them to oppose all votes on the EFCA *in any form*.

- Senator Evan Bayh (D-IN)
- Senator Michael Bennet (D-CO)
- Senator Dianne Feinstein (D-CA)
- Senator Kay Hagan (D-NC)
- Senator Mary Landrieu (D-LA)
- Senator Blanche Lincoln (D-AR)
- Senator Ben Nelson (D-NE)
- Senator Mark Pryor (D-AR)
- Senator Arlen Specter (D-PA)
- Senator Mark Warner (D-VA)
- Senator Jim Webb (D-VA)

We will not likely have much notice before a EFCA vote is scheduled, so it's vital that you use this opportunity during the recess to make our concerns clear, before it's too late.



## **Lower Your Labor Costs by 20% While Increasing Employee Compensation!**

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## NHRMA's 71st Annual Conference & Tradeshow

Wednesday, September 30 – Friday, October 2, 2009

Oregon Convention Center | Portland, Oregon

[www.nhrmaconference.org](http://www.nhrmaconference.org)



## INVITATION TO ATTEND

The Northwest Human Resource Management Association invites you to connect with HR leaders from across the Northwest at its 2009 Conference & Tradeshow. The conference will feature nationally known speakers that will draw an expected 500+ HR professionals.

Visit [www.NHRMAconference.org](http://www.NHRMAconference.org) for detailed session information and to register online.

<u>Full Registration</u>	<u>Standard</u>	<u>Late</u>
	(4/1 - 8/14)	(After 8/14)
Member	\$499	\$599
Non-member	\$599	\$650
Speaker	\$199	
Faculty	\$100	
<u>One Day Only</u>		
Member	\$375	\$450
Non-member	\$450	\$545
<u>Pre-Conference Workshops</u>		
Concurrent Workshops	\$109	\$119
HR Professionals in Transition Series	\$ 29	

*Our gift to you...*

### **NEW! HR Professionals in Transition Series**

Wednesday, September 30th

8:00 am – 3:15 pm

Registration fee: \$29.00

This full day program is a special event in conjunction with the NHRMA Conference. It provides a day of workshops designed to help those human resource professionals who are in transition, seeking career changes or looking for new opportunities. In addition to the workshops the program includes - participation in the NHRMA Conference opening general session, the Welcome Reception and the Tradeshow on Wednesday, September 30<sup>th</sup>. This event may be attended separately or may be added to conference registration.

Please contact Jaclyn Skrivseth at [Jaclyn@ConferenceSolutionsInc.com](mailto:Jaclyn@ConferenceSolutionsInc.com) if you are interested in sponsorship, exhibitor, or advertising opportunities.

# SAVE THE DATE: October 22, 2009



South King County Human Resource Association's Silent auction to benefit the SHRM Foundation and our Chapter Scholarship Fund needs your help. We are currently requesting donations and sponsorships.

The 5th Annual "Sip 'n Shop" wine tasting and silent auction is coming soon and we are extending an invitation to you. This is a wonderful opportunity to network, support the SHRM foundation and our South King County Human Resource Association Scholarship Fund.

You will also be able to experience Washington's local wines and pick up a few items for yourself or others at our silent auction.

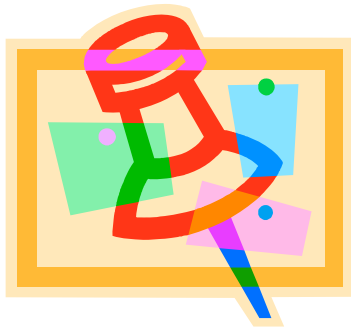
Remember: We're also looking for donations and sponsors. Ask your favorite restaurant or salon if they would consider donating a gift certificate. This is a great way and inexpensive to advertise their businesses!!! Plus they make great auction items! Thank You.

**Event Date: Thursday, October 22, 2009**

**Time: 5:30 – 8:00 PM**

**Location: Kent Senior Activity Center  
600 E Smith Street  
Kent WA 98030**

We look forward to seeing you on October 22, 2009!



## JOB BANK

Have You Checked The Job Bank Lately?

The South King County HRA Job Bank is a resource for companies to list local human resource job opportunities and for job seekers to find those opportunities. It is easy to access through the chapter website at [www.skcnhrma.org](http://www.skcnhrma.org). Simply click on "Job Bank" located on the right side of the blue menu bar at the top of the home page. Click on "Select Here" on the next page to go directly to the job bank site.

The SKCHRA job bank postings are free to organizations and it is a good place to post South King County human resource positions.

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### New Chapter Members

Please welcome the following new members who have designated South King County as their chapter.

- Page Palmer, HR Manager, JH Carr & Son, LLC
- Marissa Busby, HR Manager, Carlisle Interconnect Technologies
- Darlene Crowder, HR Specialist, Washington Employers

**Welcome**

# Meal Deal 2009

## Don't Miss this Opportunity to Save!

Your pocketbook, or your employer, will appreciate your cost conscious decision to purchase a 2009 Meal Deal Card. Besides saving money the Meal Deal Card makes registration for chapter meetings a snap by simplifying the payment process to one check/charge and one receipt. No more having to write a check or charge each month. Plus, it also reduces the number of expense reports you have to prepare and reimbursement checks your employer has to process. Those members who have used the Meal Deal Card love the convenience!

You may purchase a convenient Meal Deal Card at any Chapter meeting, good toward attendance at **2009 SKCHRA** Chapter meetings of your choice (if you are a SHRM\* member!). If you are unable to attend a meeting, you may have someone else from your organization use your card or you may also use your card for a guest. **Plus, your Meal Deal card is good toward \$5.00 off any SKCHRA social event!** The following Meal Deal packages are available with savings of 10% or more:

MEAL DEAL CARD COST	Cash/Check	Charge
2009 Meal Deal - 5 Meals	\$90.00	\$94.00

Meal Deal card holders must still notify the Arrangements Chair during the pre-registration period for any meeting they plan to attend to insure adequate seating, food and hand-outs are available for everyone.

For additional information contact Gail Gervin  
gailgervin@wa-emp.com  
or 206-664-7246

\*Our chapter is a "100%" chapter meaning our entire membership belongs to SHRM and no additional dues are required to designate us as your home chapter.

Please speak with any Board member if you wish information about becoming a member of SHRM.

## **Meeting Registration/Cancellation Policies**

In order for our SHRM Chapter to provide adequate seating and food at our chapter meetings we must notify the venue three days prior to the event with our registration headcount. Knowing the number of attendees also helps our presenter determine how many hand-outs they need to bring. Additionally, it prevents us from having to turn away attendees who really want to hear the presentation because there isn't enough space for them.

### **Pre-registration**

The deadline to pre-register for our monthly meeting is **12:00 noon** on the **Monday** immediately preceding our meeting. (Example: pre-registration deadline for our July 16<sup>th</sup> meeting is Monday, July 13th at noon.)

### **Door Registration**

Registrations submitted after the noon deadline on Monday will be considered Door Registrations and will be charged an additional \$4.00 to cover catering changes.

### **Cancellations**

To cancel a reservation without penalty, please **call** the registrar indicated in the current month's newsletter no later than **12:00 noon** on the **Monday** preceding the meeting. If you leave a voice message, please include your full name, company name and a daytime phone number where you can be contacted. Please do not fax or e-mail cancellations.

Cancellations made after the Monday 12:00 noon deadline and 'no-shows' will be responsible for the meeting cost and will be sent a bill. If you are unable to attend, feel free to allow someone to take your place. Attendee substitutions are encouraged for those not able to get away at the last minute.

## Meeting Registration

Date: **July 16, 2009**

Time: 5:15 p.m. Registration & Networking

5:45 p.m. – 7:00 p.m. Program

Place: **CenterPoint Conference Center**

20809 – 72<sup>nd</sup> Ave S  
Kent, WA 98032

### Pre-Registration Cost:

Cash/Check	Credit Card	
\$20.00	\$21.00	SHRM Members & Sponsored Guests
\$23.00	\$25.00	Non-members
\$10.00	\$11.00	SHRM Student Members

### Door Registration Cost:

\$24.00	\$25.00	SHRM Members & Sponsored Guests
\$27.00	\$29.00	Non-members
\$14.00	\$15.00	SHRM Student Members

For your convenience you may pre-register at [monthlymeetingregistrar@skchnrma.org](mailto:monthlymeetingregistrar@skchnrma.org). If you have questions phone Gail Gervin at (206) 664-7246.

Payment is to be made at the meeting by cash, a personal or company check made out to **SKCHRA**, or by Visa or MasterCard. Meal Deal Card holders must still register in advance

If you must cancel, call Gail Gervin at (206) 664-7246. Cancellations made after the pre-registration deadline are billed, as will no shows.

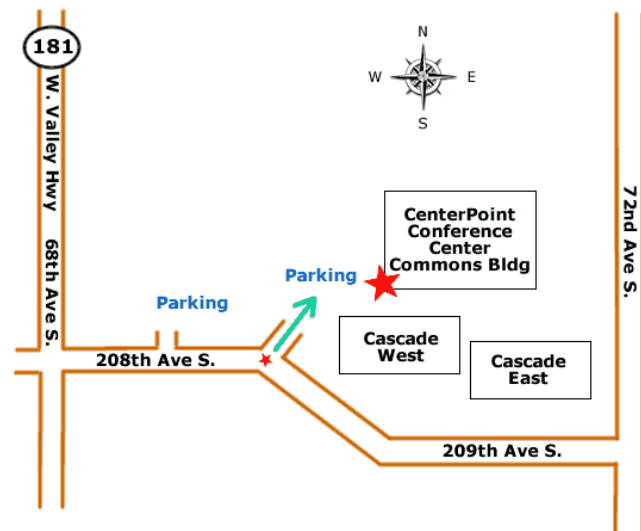
Please include your name, title, and phone number in your correspondence.

### Chapter Meeting

## July 16, 2009

Pre-registration Deadline:  
July 13, 2009, 12:00 Noon  
CenterPoint Conference Center  
20809 72<sup>nd</sup> Ave S.  
Kent, WA 98032

**The best way** to find us is to travel via WA 181 (also referred to as West Valley Hwy and 68th Ave. S)... then turn east onto 208th Ave. S... then left into the parking area when 208th comes to a "Y" shaped intersection.





## 2009 Board of Directors

President	Bryan Price, SPHR	206-276-9477	bwprice@comcast.net
President Elect	Rockie Ward, PHR	253-796-6111	rockiew@omax.com
Secretary	Rhonda Kelly, PHR	425-981-1292	rhondak@rainier.com.
Treasurer	Pam Gibbons, SPHR	253-458-3483	pamg@exoticmetals.com
Foundation Chair	Diane Finley	206-248-0010	diane@winstaffing.com
Programs Co-Chair	Jacquie Edelen, PHR	206-664-7238	jbedelen@wa-emp.com
Programs Co-Chair	Heather Smith, SPHR	206-802-1516	smith_hc@hotmail.com
Membership Chair	Leigh Booth, SPHR	425-235-2750 x223	LBooth@aimseattle.com
Membership Chair	Greg Carpenter, SPHR	206-834-9758	gwcarpenter@gmail.com
Legislative	Gail Gervin, PHR	206-664-7246	gailgervin@wa-emp.com
HRCI Accreditation	Jim Cassidy, SPHR	206-714-5889	jim.cassidy@7-11.com
Arrangements	Gail Gervin, PHR	206-664-7246	gailervin@wa-emp.com
Newsletter	Rebecca Shorrock, PHR	253-867-3230	rshorrock@petrocard.com
Diversity Coordinator	Erin Colwell, PHR	253-661-7805 x203	erin.colwell@orionworks.org
Workforce Readiness	Annette Coder, PHR	253-835-7678 x106	annettec@multi-servicecenter.com

SKCHRA  
 South King County Chapter  
 c/o Rebecca Shorrock, PHR  
 PetroCard Systems, Inc.  
 P.O. Box 38  
 Kent, WA 98035

