

JANUARY PROGRAM MEETING

THE NEW ADA AMENDMENTS ACT AND NEW FMLA REGULATIONS

W. Kirk Turner, Esq., Newton,
O'Connor, Turner & Ketchum

Renaissance Hotel
6808 S 107th East Ave

January 21, 2009

Program Meeting 11:15-1:00

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~ IN THIS ISSUE ~

January Meeting	1
TAHRA Advertising	2
President's Letter	3
January Learning Lab	4
Coming Attractions	5
Legislative Update	6
Campus Corner	7
Diversity Matters	8
Diversity Study	8
Metro TAHRA	9
December Book Review	10
Advertisers and Sponsors	10
Member Photo Ops	11

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TAHRA NEWS

January 2009



2007 SHRM **SUPERIOR MERIT AWARD**
CHAPTER Chapter 0175

JANUARY MEETING

The New ADA Amendments Act and New FMLA Regulations: Hot off the press and effective in January, 2009 by W. Kirk Turner, Esq., Newton, O'Connor, Turner & Ketchum



This program has been approved for 1.0 (General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute. For more information about certification or recertification, please visit the HR Certification Institute website at www.hrci.org. The use of this seal is not an endorsement by HRCI of the quality of the program. It means that this program has met HRCI's criteria to be pre-approved for recertification credit.

Come learn about important changes to the Americans with Disabilities Act, effective January 1, 2009, and extensive revisions to the Department of Labor's regulations interpreting the Family and Medical Leave Act, effective January 16, 2009. Understanding changes to the ADA and FMLA, two of the most complex federal employment statutes, will be vital in effectively managing employee impairments, illnesses and leaves of absence.

Learning objectives include the identification of the major changes in these acts and the effect they will have on your company's administration of the ADA and FMLA.

Our presenter on these important topics will be W. Kirk Turner. As most of you know, Kirk leads the Labor and Employment Law Group of

the Tulsa law firm of Newton, O'Connor, Turner & Ketchum and is one of the most experienced and sought after speakers on all topics related to labor and employment law.

Kirk has been recognized as one of the Best Lawyers in America in the area of labor and employment law, has served for many years on both the TAHRA and Oklahoma State Council for Human Resource Management's Board of Directors and has been honored with both organizations' highest award, the Excellence in Human Resource Management Award.

You will not want to miss this informative, fast-paced and entertaining presentation on a topic of great interest and importance to all employers and Human Resource professionals.

ANNUAL TAHRA COMMITTEE-VOLUNTEER FAIR!!

At the January Program meeting, TAHRA committee chairs will have tables set up during registration in order to provide information to the membership regarding the mission of their committees, responsibilities of committee members and meeting time and days.

This is an opportunity for you to meet the committee chairs, learn more about the work of TAHRA and sign up to come along as we serve the community in 2009 with "TAHRA – Making a Difference."

The fair will be open at 10:30 a.m., before the program meeting, and will stay open after the meeting until 1:30 p.m.! If you are interested in networking with other HR professionals and contributing to the overall mission of SHRM and TAHRA by advancing the profession and the professional, you won't want to miss this!



TAHRA EVENT CANCELLATION POLICY:

If you are unable to attend a TAHRA event, please cancel your reservation(s) by sending an e-mail to admin@tahra.org. Your e-mail must be received prior to the event registration deadline. If you do not cancel your registration before the deadline, you will be invoiced. An invoice will also be sent to those individuals that do not show for the event.

ADVERTISE with “TAHRA ~ *Making A Difference*”

Amie Roberg , Fundraising Chair

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2009

PRESIDENT'S LETTER

Holly Fisher, PHR, 2009 TAHRA President

"Making A Difference"

As yet another year begins, I am curious if many of you are, like me, wondering what happened to 2008 and if you are even ready for 2009. Time passes by so quickly. I remember in January of last year when my son started planning his 6th birthday party and he had just turned 5 years old! Well, needless to say, his 6th birthday came way too fast for me and way too slow for him. I guess that is what happens as you get older, time flies instead of creeping.

As time goes by, new and exciting things happen as well. I am very honored to serve our membership in 2009 as President of TAHRA. Just as I am happy to serve, I challenge you to find ways you can serve as well. This year TAHRA will be *"Making a Difference"* in our community and in our profession. You can make a difference by volunteering your time to one of the many TAHRA committees. Learn more about them and meet the chairs at our annual Committee Fair held prior to our January 21st Program meeting.

Specifically, I want to highlight the Community Relations Committee who will be developing a sustainable signature project for TAHRA. When you think of our 529 members with various professional backgrounds and personal experiences, it is amazing the impact we could have on our community. Whether we conduct mock interviews with Resonance; help displaced workers update their resumes; or use our knowledge of health benefits to help workers become wise healthcare consumers, the power of our membership is limitless.

I would like to take this opportunity to recognize the members who were elected to the Board of Directors for 2009. Accepting the challenge of making a difference in our profession and serving our membership are:

President Elect – Jennifer Shultz, PHR
Vice President of Programs – Rebekah Hipp, PHR
Vice President of Membership – Sharon Goss, PHR
Vice President of Leadership Development – Bill Young, SPHR
Vice President of Legislative Affairs – Kirk Turner
Vice President of Public Relations – Sharee Wells

Vice President of Diversity – Jeff Matthews
Vice President of Education – Patty Smith, PHR
Treasurer – Noel Groves
Board Members at Large – Amber Hatten, PHR
Board Members at Large –Melissa Adkison
Board Members at Large –Bryan Wempen

I also applaud our members who have accepted committee chair positions:

Chamber Liaison – Denise Reid
College Relations – Laura Messer
Fundraising – Amie Roberg
Hospitality – Travis Jones

HR Certification Institute -- Debbie Brown, PHR
Registration - Ann Ferguson
SHRM Foundation – Beverly Griffin, SPHR
Workforce Readiness – Barbara Clyma

Finally, I express my gratitude for the important role Julie Callahan filled in 2008 as President of TAHRA. I am sure no one quite knows how to anticipate the challenges that may be encountered in a volunteer role. Julie handled her Presidency with dedication, determination, and an attitude of doing her best for TAHRA in order for the organization to continue to succeed. I am blessed to have her on the board in 2009 as Past President to help guide me as I embark on this wonderful journey.

Thank you and I look forward to *"Making a Difference"* with you!

Holly Fisher

Holly Fisher, PHR
2009 President



JANUARY LEARNING LAB

Patty Smith, VP of Education

January 29th ♦ 2-4pm ♦ TTC Training Center ♦ Lemley Campus

Manage Absences Before they Manage You: The Path To Success at ConocoPhillips


Presented by: Susan McDonald Hamilton

Begin the New Year with some new ideas to manage your companies absences. At this month's Learning Lab Susan McDonald Hamilton, Supervisor of Absence Management & Operations, will be exploring the challenges of standardizing time-off policies company wide, bumps in the road to absence management, day to day management of FMLA and STD, and the lessons learned along the way. Join other TAHRA members to learn and share the best practices for managing absences.






Susan has spent over 25 years in Human Resources. She is currently employed by ConocoPhillips in Bartlesville as Supervisor, Absence Management & Operations in the HR Leveraged Service Center. Prior to her current position, she was an analyst in the ConocoPhillips Industrial / Employee Relations Center of Excellence. She is a long-time TAHRA member.

She was previously HR Director at Parker Drilling Company and spent many years in various HR functions at Cities Service / Occidental Petroleum in Tulsa.

Susan holds a B.S. degree from NSU and a Master of Human Relations from the University of Oklahoma.



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COMING ATTRACTIONS

JANUARY

OCAST R&D Intern Partnership Program Workshop January 8th – Tulsa, OK from 1:30-4:30 p.m.
Register at <http://www.ocast.state.ok.us/Programs/InternProgram/Workshops/tabid/130/Default.aspx>

TAHRA Volunteer Awards and Recognition Dinner – January 13th 5:30 p.m. – Los Cabos, Riverwalk

Tulsa Job Corp Community Council Monthly Meeting – January 15th 12:30-1:30 p.m.

TAHRA PROGRAM MEETING & ANNUAL COMMITTEE FAIR –

Renaissance January 21st, 10:30 a.m.-1:30 p.m.

Program: ADA & FMLA –11:15 a.m.-1 p.m.

Committee Fair: 10:30-11:15 a.m. before the Program Meeting and 1:00-1:30 p.m. after it

TAHRA LEARNING LAB –Manage Absenteeism Before it Manages You - January 29th, 2:00-4:00 p.m.

State Leadership Conference – January 30th

FEBRUARY

STUDENT CHAPTERS - The HR Games! February 7th

TAHRA PROGRAM MEETING –February 18th, 11:15 a.m.-1:00 p.m.

TAHRA LEARNING LAB – February 26th, 2:00-4:00 p.m.

HR DAY at the Capitol – OKC [tentative]

MARCH

TAHRA PROGRAM MEETING –March 18th, 11:15 a.m.-1:00 p.m.

TAHRA LEARNING LAB – March 26th, 2:00-4:00 p.m.

HR DAY at the Capitol – OKC [tentative]

APRIL

Tulsa Metro Job Fair – TU Reynolds Center April 8th

TAHRA PROGRAM MEETING –April 15th, 11:15 a.m.-1:00 p.m.

TAHRA LEARNING LAB – April 23rd, 2:00-4:00 p.m.

[NEW WEBSITE](#) - Watch for it – It's coming...!

MAY

TAHRA CLASSIC GOLF TOURNAMENT – May 4th

TAHRA PROGRAM MEETING –May 20th, 11:15 a.m.-1:00 p.m.

TAHRA LEARNING LAB – May 28th, 2:00-4:00 p.m.

Oklahoma State HR Conference May 31st-June 2nd, in OKC



DOL RELEASES FINAL FMLA REGULATIONS; EMPLOYERS TO COMPLY BY JANUARY 16, 2009

On November 17, 2008, the U.S. Department of Labor (“DOL”) released amended regulations implementing the Family and Medical Leave Act. The new regulations become effective on January 16, 2009. As a result, time is short for employers to revise current employment policies and practices to ensure timely compliance with the new regulations. Because of the extent of the revised regulations (over 750 pages in length), employers are well advised to train management on the new regulations and adjust their current practices accordingly.

Following are highlights from the new regulations:

1. **Definition of Serious Health Condition:** While the DOL retained the six definitions of “serious health condition,” it modified the tests of “incapacity and treatment” as follows:

For continuing treatment involving two visits to a health care provider, the two visits must occur within 30 days of the beginning of the period of incapacity.

The first visit with a health care provider (whether followed by a successive visit or a regimen of treatment) must occur within seven days of the first day of incapacity.

“Periodic visits” for chronic serious health conditions require at least two visits to a health care provider per year.

2. **Light Duty:** Time an employee spends performing “light duty” work does not count against that employee’s FMLA leave entitlement.
3. **Waiver of FMLA Rights:** Employees may voluntarily settle or release past FMLA claims without court or DOL approval. Prospective waivers of FMLA rights continue to be prohibited.
4. **Perfect Attendance Bonuses:** Employers may now deny a “perfect attendance” bonus to an employee who does not have perfect attendance because of taking FMLA leave as long as it treats employees taking non-FMLA leave in an identical way.
5. **Notice Obligations:**

Employer Notice Obligations: Employers will be required to provide employees with a general notice about the FMLA; an eligibility notice; a rights and responsibilities notice; and a designation notice. The new regulations extend the time for employers to provide various notices from two business days to five business days.

Employee Notice Obligations: An employee needing FMLA leave must follow the employer’s usual and customary call-in procedures for reporting an absence, with no unusual circumstances. This modifies the current regulation that allows some employees to provide notice to an employer of the need for FMLA leave up to two full business days after an absence, even if they could have provided notice more quickly.

6. **Medical Certification Process:** If an employer deems a medical certification to be incomplete or insufficient, the employer must specify in writing what information is lacking, and provide the employee seven calendar days to cure the deficiency. Additionally, while a management official, human resources professional or leave administrator may contact an employee’s health care provider to clarify or authenticate a medical certification, an employee’s direct supervisor is prohibited from making such contact.
7. **Timing of Medical Recertification:** An employer may request recertification of an ongoing condition every six months in conjunction with an absence.



LEGISLATIVE UPDATE, *Continued*

8. **Fitness-For-Duty Certifications:** An employer may require that a fitness-for-duty certification specifically address the employee's ability to perform the essential functions of the employee's job. Also, where reasonable job safety concerns exist, an employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.
9. **Military Family Leave:**

Covered Servicemember Leave: This entitlement provides an eligible employee 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period. The final regulations define "covered servicemember" and "serious illness or injury." Leave entitlement applies on a per-covered servicemember, per-injury basis, and the single 12-month period begins with the first day an eligible employee takes covered servicemember FMLA leave.

Qualifying Exigency Leave: This entitlement provides 12 workweeks of leave to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The regulations define "qualifying exigency" by referring to several broad categories for which employees may use FMLA leave, including: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities not encompassed in the other categories, but agreed to by the employer and employee.

The regulations include two new certification forms employers and employees may use to facilitate the certification requirements for the use of military family leave.

It is imperative that all employers and Human Resources professionals take immediate action to update or create compliant policies and train managers and supervisors about these regulatory changes.

Should you have any questions regarding the information contained in this article, please do not hesitate to contact Kirk Turner at (918) 587-0101, or by email at ktturner@newtonoconnor.com.

CAMPUS CORNER

Laura Messer, College Relations Chair

It's time to start preparing for the 2009 Oklahoma HR Games Competition. The tentative date is February 7, 2009 in Oklahoma City.

About the HR Games: The HR Games are a fun way to motivate and prepare students for PHR certification. The HR Games consist of a one- or two-day series of game show style matches, between teams of up to 3 undergraduate students from various colleges and universities. The questions for the matches are divided into categories similar to those used in the PHR certification exam (i.e., Management Practices; Selection & Recruitment; Training & Development; Compensation & Benefits; Employee/Labor Relations; and Health, Safety & Security).

There are many benefits to the HR Games. The HR Games are an event that offers the opportunity to bring professional chapter volunteers, students and student chapter advisors together in a meaningful way. The effort it takes to plan and conduct the games is worthwhile and beneficial to the professional members as well as the students. The volunteers conducting the games get a refresher course in the body of knowledge required of a human resource professional as they listen to the students answer questions. The students have networking opportunities and display their knowledge to HR practitioners.

The Payoff: The state event prepares participants to compete with other universities in our region at the SHRM Southwest Regional HR Games Competition in March. The Oklahoma State Council for Human Resources will fly the winning team to the games and cover the hotel room cost. Other teams who compete are eligible to attend the Regional event at their own expense.

To Prepare a Team for Competition: http://www.shrm.org/students/hrgames/CMS_017589.asp#TopOfPage. For questions, please contact either of the OK State Council-SHRM Relations Co-Chairs Lindsey Nichols, PHR (lnichols@nextep.com) or Michelle Gibson, SPHR (mgibson@lifeshareok.org).



First, it is a privilege to have been asked to serve as the Vice President of Diversity for TAHRA for the upcoming year. It gives me a great opportunity to share some of my personal and professional experiences with you about this word Diversity. It is my sincere hope that I will help broaden TAHRA's proactive effort to promote a better understanding of the value of a diverse workplace and community.

I grew up in this city in the late sixties and seventies and graduated from Tulsa Edison High School in a time when Diversity was not part of the everyday lexicon that it is today. Over the years I have witnessed this word come to the forefront of everyday conversations without some basic understanding of its powerful meaning and what potential it holds. That is, moving beyond regulations to an environment of commitment and inclusion.

It will be my conscious effort over the next year to bring even more clarity to our own individual understanding of what Diversity means to TAHRA and its members. There is no right or wrong answer to the definition of this word, in and of itself. It is a never ending quest to understand the person or persons next to you and realizing just how similar we really are.

Please, I don't want to minimize the opportunity that confronts us or slight the efforts of those before me but challenge us as an organization to provide leadership to the community and beyond to demonstrate the value of Diversity. My mission is to provoke deeper thought by you and those around you about what TAHRA can do to elevate Diversity in Tulsa, the workplace and throughout the state of Oklahoma.

Over the next few months I will share with you some of the experiences I mentioned earlier with personal interactions, printed articles, guest speakers and your own personal testimonies.

With the advent of President-Elect Obama, some may think the need for Diversity Initiatives are no longer necessary in the workplace or community. As we reflect on the Holidays and the college bowl season I want to leave you with this article and at our next meeting I would really like your feedback, ideas and perspective.

It is with humble gratitude that I thank you and I look forward to working with you in the coming year.

DIVERSITY STUDY:

Number of black head coaches in FBS falls to four

ORLANDO, Fla. -- Days after the election of the country's first black president, a study shows the number of African-American coaches in major college football is not growing.

With the recent dismissals of Ty Willingham at Washington and Ron Prince at Kansas State, the number of black head coaches in the 119-school NCAA Football Bowl Subdivision was reduced to four.

In 1997, there were eight black head coaches, the most in history. In 1993 and 2005, there were only three.

Fifty-five percent of all student athletes are minorities.

The report by The Institute for Diversity and Ethics in Sport at the University of Central Florida polled every major college on the ethnicity of its coaches, athletic directors, presidents, faculty, student athletes and NCAA faculty representatives.

"While the percentages are slightly better, the general picture is still one of white men running college sports," said Richard Lapchick, the report's co-author. "Overall, the numbers simply do not reflect the diversity of our student-athletes. Moreover, they do not reflect the diversity of our nation where we have elected an African-American as President for the first time."

The report also looked at university leadership, including presidents and athletic directors. Ninety-one percent are white. Minority representation in all positions increased less than 1 percent last year.

Charlotte Westerhaus, NCAA vice president for diversity and inclusion, said she was disappointed in the figures, particularly considering the election.

"This moment on Tuesday reflected the best of our country," Westerhaus said. "Our country showed the will and the way. We have to do the same."

Lapchick has asked the NCAA to adopt a rule to mandate that minorities be interviewed for head coaching jobs. Calling it the "Eddie Robinson Rule," in reference to the record-setting Grambling coach, Lapchick said it would be a college version of the NFL's Rooney Rule. The NFL sanctions teams that do not interview a minority candidate.

Westerhaus said the Rooney Rule is in practice, if not rule.

"The vast majority of institutions interviewed coaches of color," she said. "I think it's 90 percent. We're doing some of the things the Rooney Rule calls for. What's disappointing is the hiring doesn't reflect that."

Last season, 30 percent of the candidates interviewed for 22 openings were minorities. Two were hired.

Since 1996, 12 black coaches have been hired for 199 jobs. The only black head coaches set to finish the season are Miami's Randy Shannon, Mississippi State's Sylvester Croom, Buffalo's Turner Gill and Houston's Kevin Sumlin. Florida International is coached by Mario Cristobal, a Hispanic, and Navy coach Ken Niumatalolo is Samoan.

Staffers for Michigan coach Rich Rodriguez told surveyors he is not Hispanic.

David Czesniuk of the Center for the Study of Sports in Society at Northeastern University, a program Lapchick founded, said he was struck by who controlled the money.

"What stood out to me, is that in the biggest component of dollars in college football is the BCS, and every single commissioner of a BCS conference is a white male," Czesniuk said.

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METRO TAHRA - issues related to HR & our community...

Denise Reid, Chamber Liaison

Help TAHRA promote recruitment and retention of top talent for the metro area and the state. For information about any of the items below, please contact Denise at (918) 560-0255 or denisereid@tulsachamber.com:

Registration is ongoing for the **Tulsa Metro Job Fair**. Meet 500+ Students and Alumnae at a Single Job Fair representing Bacone College, Northeastern State University, Tulsa Community College, The University of Tulsa, The University of Oklahoma-Tulsa, Oral Roberts University, Rogers State University, and Langston University.

To register for the Oklahoma Center for Advancement of Science & Technology (OCAST) **R&D Intern Partnership Program** Workshop: <http://www.ocast.state.ok.us/Programs/InternProgram/Workshops/tabid/130/Default.aspx>

Funded by Congress, **Tulsa Job Corp Center** is one of 119 US Dept. of Labor residential employment training programs for young adults. Our Center serves approximately 1500 young men and women annually, ages 16 - 24, representing the cultural diversity found throughout Northeast Oklahoma and bordering states. With the implementation of Career Development Services Systems (CDSS), graduates receive career training, aftercare services and mentoring to assure they have a career and not just a job.

Tulsa Technology Center has partnered with OERB and will be adding a Certified Petro Tech Education and Scholarship Program to Tulsa in 2009. The curriculum will include engineering, land and geology tech modules.

Green Collar Jobs include work in the environmental sectors of the economy or in agriculture. Why are green collar jobs interesting? The more diverse and innovative our economy is the stronger we will be. There are a number of local organizations and businesses working to create new industry, transferrable skills and jobs in the Tulsa area geared towards green collar jobs. We have a unique opportunity to be a part of a new movement that is here with a new president coming into office in 2009. If you or someone you know is working on projects related to green collar jobs I'd love to learn more about them and get you in contact with others in the community.

What's a Boomeranger? If you've lived outside the state and decided to come back to familiar territory, you are a "boomeranger." We're glad you are back! The Department of Commerce has a new initiative to recruit former Oklahomans back to our great state. They have created a website and have already completed one recruiting event with more scheduled in 2009. The site is www.okboomerang.com and it has testimonials from a few people already signed up as "boomerangers." If you are a "boomeranger" we would love to have you share your story and show off the metro Tulsa area a little. Please take a moment to visit the site listed above and complete the testimonial section. It only takes a minute or two. We have a unique opportunity to reacquaint former Oklahomans about why we call Green Country home. For more information about this project please contact Sheri Stickley at 405-815-5332 or okboomerang@okcommerce.gov.



DECEMBER BOOK REVIEW



Travis Jones reviews the book ““never eat alone””.

In addition to the review, President-Elect Holly Fisher drew names to present copies of ““never eat alone...”” to TAHRA members:

Kim Armstrong, Vintage Services

Barbara Bannon, Human Resources Investments

Christie Bedsworth, Rowland Group

Betty Caywood, Tulsat / ADDvantage Technologies Group

Talli Coursey, Atlas Pipeline

Jennifer Fennema, Atlas Pipeline

Seni Mooney, Tulsa Federal Employees Credit Union

Tom Ray, Norris / Dover Companies

Bill Webb, SupremeHR, Llc

Vickie Williams, Tulsa Housing Authority

Travis’ presentation was inspiring and fun, the books and DVDs were a great bonus and we were all big winners!



About 70 people were absorbed in Travis’ presentation.



Travis gave away books and DVDs.

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Sharee Wells, VP of Public Relations

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MEMBER PHOTO OPS...

December Program Pics



Bill Young presents Dan Brown's New Professional award.



Tables filled for Travis' book review.



Let's see...cake first, or salad?



Fun and festive.



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Registration.



Candice Fuqua and Rachel Kelley represent our sponsors, The Parent Child Center of Tulsa.



Smiling, but wish you'd take that camera away.

