



October 2012

Issue 18



Chapter 0175

Dear Bryan,

Don't Miss **"Diversity & Inclusion"** October.....

If you haven't checked out TAHRA's calendar of events for October, don't miss out on what will most certainly be our biggest month of the year. On October 16th, TAHRA welcomes back Dr. Steve Robbins, a nationally renowned speaker on the topics of diversity, inclusion and cultural competence. Dr. Robbins will be the keynote speaker at the Return-On-Inclusion CEO breakfast and will facilitate a full-day mini-bootcamp on diversity and inclusion. His unique approach to creating diversity and inclusion challenges and inspires audiences to rethink their own realities and the realities of others. Often praised for his resonating, humorous style, his messages and stories bring a fresh and insightful perspective to the subject of diversity. Invariably, those who have heard him walk away motivated not only to think differently, but to behave differently. As a speaker to TAHRA in 2011, he left a packed house almost speechless and his program was our highest rated program of the year.

In keeping with our diversity and inclusion theme for the month of October, our monthly program meeting features Tulsa native, Mr. Clifton Taulbert on October 17th. Mr. Taulbert is a Pulitzer-nominated author and national authority on the topics of diversity and building community. Clifton's message on diversity is both powerful and affirming and will help members understand the role they can play as champion's for diversity in their workplace and communities. I have had the privilege of both working with Clifton over the years and have heard him speak a number of times on the topics of diversity and building community and I have found Clifton to be one of the most eloquent and powerful speakers on this important topic.

On October 25th, TAHRA is proud to sponsor, in partnership with the Oklahoma Department of Rehabilitation Services, our Diversity Career & Resources Fair. We are targeting qualified applicants from diverse groups that include veterans, people with disabilities, senior citizens, new graduates, displaced workers, and other job seekers from minority backgrounds. All other job seekers who are searching for new career paths are also welcome. Don't miss this exciting and unique opportunity to find qualified applicants from diverse backgrounds.

Finally, also on October 25th, my dear friend and colleague Dr. Betty Bailey from Reliant will be facilitating our monthly learning lab, Increasing Your Coaching Capabilities. Dr. Betty Bailey has been coaching and consulting with CEO's and corporate leaders for over 25 years to create leadership development strategies, processes and programs driving business success.

The month of October is loaded with opportunities to learn and grow as TAHRA members. I encourage you to take advantage of all of our events this month and to bring others from your organization who will benefit from the learning opportunities so many TAHRA volunteers have worked tirelessly to put together for our membership.

*Are you ready to become a leader in TAHRA? We are looking for volunteers to serve on the 2013 TAHRA Board and in other various leadership roles next year. Help make a difference to over 500 HR professionals in and around the Tulsa area. If you are interested in volunteer opportunities with the 2013 Board, please contact someone from the Nominating Committee below by Wednesday, October 17th.*

**Brandon Brazeel - [Brandon.Brazeel@spxht.com](mailto:Brandon.Brazeel@spxht.com)**  
**Kirk Turner - [KTurner@newtonoconnor.com](mailto:KTurner@newtonoconnor.com)**  
**Sarah Phelps - [sphelps@samson.com](mailto:sphelps@samson.com)**  
**Chris Wright - [cwright@reliantlive.com](mailto:cwright@reliantlive.com)**

**IN THIS ISSUE:****Program Meeting****ROI Summit****Learning Lab****Career Fair****Law Seminar****Legal Update****Call for Nominations****TAHRA Scholarships****TAHRA Board & Chair****Join us on..**

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**TAHRA Partner**

See you in October!

Chris Wright  
TAHRA President

## October Program Meeting

Wednesday, October 17 | 11:15am - 1:00pm |

Tulsa Country Club

Members - \$20, Guests - \$30

[Register today!](#)



## Everybody Matters! This is Where Diversity Starts

*Presented by Clifton Taulbert*

On October 16th, we will have our 2012 Return on Inclusion Summit and Diversity & Inclusion Boot Camp at the Campbell Hotel. On October 17th, we'll continue the diversity theme at our monthly Program Meeting at the Tulsa Country Club where Clifton Taulbert will present Everybody Matters! This is Where Diversity Starts. Clifton will focus on the role that each individual plays in creating a workplace culture branded by R.A.I. - Respect, Affirmation and Inclusion. Additionally, Clifton will offer the Eight Habits of the Heart: Nurturing Attitude, Responsibility, Dependability, Friendship, Brotherhood/Sisterhood, High Expectations, Courage and

Hope, as the focus for the day-to-day commitment to create a culture where "Everybody Matters"!

Come celebrate Diversity with TAHRA in the month of October.

*This program has been approved for 1.0 recertification credit hours toward General recertification through the Human Resource Certification Institute (HRCI).*

Sponsored by:



**Registration Ending Soon!  
Register Today!**

**Tuesday, October 16th**

**The Campbell Hotel and Event Center**

**Dr. Steve Robbins**

**Workshop: Diversity & Inclusion 2.0 Mini Boot**

**Camp | 9:00am - 4:00pm |**

**TYPros D2 - Diversity & Dialogue | 6:00pm - 9:00pm |**

Tulsa Area Human Resources Association (TAHRA) is pleased to present the third Return on Inclusion (ROI) Summit in 2012. This year TAHRA is bringing nationally recognized diversity and inclusion speaker Dr. Steve L. Robbins to facilitate an abbreviated version of his boot camp workshop **"Diversity & Inclusion 2.0: A 21st Century Approach"**.

This mini boot camp will be accessible to all participants no matter where they are in the Diversity & Inclusion journey. The training will include Dr. Robbins' neuroscience approach to human behavior and differences that encompass Creativity & Innovation, Unintentional Intolerance, Inclusiveness and ideas to obtain measures & metrics. The Return on Inclusion Summit is a community collaboration that was created to form more awareness and opportunities for businesses to come together and share

TAHRA Partners are regular supporters of TAHRA and help our organization continue to develop and preserve quality continuing education programs; create opportunities for peer networking; and enhance our overall contribution to the human resources profession.

For information on becoming a TAHRA Partner [click here.](#)

**Meet our TAHRA Partners...**

**BenEx**  
*Employee Benefit Experts*

**TAHRA is now accepting Scholarship Applications**



[Click here for details](#)

**TAHRA 2012 Board & Committee Chairs**

**Chris Wright, PhD**  
President

**Brandon Brazeal, SPH**  
President Elect

**Bryan Wempen**  
Past President

**Sally Allen, SPHR**  
VP Programs

**Jeff Faust, PHR**

strategies, challenges and best practices for successfully implementing diversity and inclusion practices.

***The cost to attend the workshop is \$89 with a \$40 discount made available to the individual that has their CEO register to attend the breakfast.***

**[Click here for more information and to register.](#)**

This program has been approved for 6.0 recertification credit hours toward General recertification through the Human Resource Certification Institute (HRCI). Please be sure to note the program ID number on your recertification application form. For more information about certification or recertification, please visit the HRCI website at [www.hrci.org](http://www.hrci.org).



*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.*

For more information please contact Barbara Ware at (918) 669-2390 or [barbara.ware@dttag.com](mailto:barbara.ware@dttag.com) or Denise Reid at (918) 560-0255 or [denisereid@tulsachamber.com](mailto:denisereid@tulsachamber.com).



**October Learning Lab**  
**Thursday, October 25 | 2:00pm - 4:00pm|**  
**Location: OSU Tulsa - BS Roberts Room**  
**Members - \$15, Guests - \$25**

### **Increase Your Coaching Capabilities**

*Presented by Dr. Betty Bailey*  
*Reliant Consulting*



Human Resources professionals are continually striving to enhance their strategic value to organizations. One key way to achieve this goal is to enhance your coaching skills. Whether you work in an organization, or with an organization - this lab will provide key tools and practice to increase your coaching capabilities.

We ask you come to this lab with a person in mind you would like to coach. Think about how they could become more effective as a leader and the behaviors they could develop. Dr. Betty Bailey will share vital steps to take when introducing coaching, as well as 7 coaching skills and a model of coaching practices. You will also learn how to identify the best people for coaching and the "coachability" scale.

**[Register Now!](#)**

Resolution Center Mediation and Arbitration (RCMA), a full-service dispute resolution organization located in downtown Tulsa, is pleased to announce that David E. Strecker has become affiliated with the group. David is a former Vice President and General Counsel of TAHRA. He has been involved in the labor and employment area for

VP Membership

**Sarah Phelps, PHR, J.**  
 VP Leadership  
 Development

**W. Kirk Turner, J.D.**  
 VP Legislative Affairs

**Jim Martin**  
 VP Public Relations

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**Denise Reid**  
 Chamber Liaison

**Julie Odom**  
 Chapter Manager  
 Professional





over 30 years and will now be available for private mediations and arbitrations involving labor and employment issues. He holds a J.D. and Master of Industrial and Labor Relations from Cornell University.

If you would like to consult with David about mediation or arbitration please call RCMA at 918-591-2551 or email [contactus@rcmaok.com](mailto:contactus@rcmaok.com).

You may visit the RCMA website at [www.rcmaok.com](http://www.rcmaok.com).

*This is a paid advertisement.*

**October 19** is the deadline to register for the  
2nd TAHRA Diversity Career and Resource Fair!  
**Get your company signed up today!**

## Career & Resource Fair

October 25, 2012 • 10:00 - 3:00

Wyndham Tulsa Hotel  
10918 E 41st Street

TAHRA, in partnership with the Department of Rehabilitation Services, Cherokee Nation, Goodwill Industries, Northeastern State University, Oklahoma Employment Security Commission, Tulsa Area Alliance on Disabilities, Tulsa Hispanic Chamber, and Tulsa Job Corps., is holding its second annual Career & Resource Fair.

This is an opportunity for employers to have immediate access to a diversified pool of qualified applicants; veterans, senior citizens, people with disabilities, displaced workers, new graduates, individuals from minority backgrounds, and those who are seeking better employment or new career paths.

**35 spots available for employers at this special event so please register soon.**  
**Registration is open at [www.tahra.org](http://www.tahra.org). Deadline is October 19, 2012**

Employer Cost is only \$75.00 for active TAHRA members and their employer of record and \$150 for non-TAHRA members.

- Includes exhibit booth with table and drapes, company name, on-site interview rooms, and lunch for two.



Tulsa Area Alliance  
on Disabilities



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For more information please call or email :  
Belen Burkhalter, Ph.D., CRC  
Workforce Readiness Chair at 918-633-1915 or [bcburkhalter@okdrs.gov](mailto:bcburkhalter@okdrs.gov).

Employment Law and Practices Seminar  
Thursday, November 1 | 7:55 am - 5:00 pm|

## DoubleTree by Hilton Hotel - Warren Place

The 2012 Employment Law and Practices Seminar will be held on November 1, at the DoubleTree by Hilton Hotel at Warren Place. Experienced and knowledgeable attorneys will present legal topics that affect employers and human resources professionals. The agenda for the day will be as follows:



**7:30** - Registration & Continental Breakfast

**7:55** - Welcome and Introduction

W. Kirk Turner, Esq., V.P. Legislative Affairs, Newton, O'Connor, Turner & Ketchum, PC

**8:00** - **Recent Developments in Employment Law**

- Significant Appellate and Trial Court Cases
- Application of Cases to Employment Practices
- Impact of Decisions on Employers

Speaker: Leonard Court, Esq., Crowe & Dunlevy

**9:00** - **Conducting Effective Internal Investigations**

- What to Do Before Investigating
- Conducting Witness Interviews
- Conclusion and Affirmative Follow-Up

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

**10:30** - Break

**10:45** - **Legal Issues Affecting the Contingent Workforce**

- Misclassification of Workers as Independent Contractors
- Policies That Do and Do Not Apply to Independent Contractors
- How to Eliminate Exposure

Speaker: Courtney L. Bru, Esq., Doerner, Saunders, Daniel & Anderson

**11:45** - Lunch (Provided)

**12:15** - **Attorney Break-Out Sessions:** *\*Limited to first 50 registrants*

**Biggest Mistakes by Employers: A Plaintiff's View**

Speaker: Jonathan E. Shook, Esq., Shook & Johnson, PLLC

**Managing Workers' Compensation Claims in Oklahoma**

Speaker: Madalene A.B. Witterholt, Esq., Crowe & Dunlevy

**What's Happening At the NLRB**

Speaker: Philip B. Wilson, Esq., Labor Relations Institute

**Confidentiality of Health Information: What You Can Ask For, What You Can Get and How to Use It When You Get It**

Speaker: Audra K. Hamilton, Esq., Glass Wilkin, P.C.

**1:15** - **The e-Workplace: Social Media and Privacy in the Workplace**

- Key Legal, Technology and Workplace Issues
- Cutting Edge Developments in Social Media
- Legally Compliant Background Checks

Speaker: Rachel B. Crawford, Esq., Newton, O'Connor, Turner & Ketchum, P.C.

**2:45** - Break

**3:00** - **The Affordable Health Care Act**

- Overview of Timeline for Implementation
- Mechanics of "Play or Pay"
- Political and Legal Challenges Facing Employers

Speaker: Bill G. Freudenrich, Esq., McAfee & Taft

**4:30** - Q & A

**5:00** - Adjourn

**Registration Cost:** \$190 - **Early Payment Option:** \$170 if paid by October 22, 2012  
\$130 per Person for Entities Registering Three or More by October 22, 2012

## **Register Now!**

A \$25 fee will be assessed for cancellations after October 28, 2012. Cancellations not accepted on or after seminar date.

**Approved for 9 Hours OBA CLE Credit.**

*This event is pending approval from HRCI.*



### **\$750,000 EEOC SETTLEMENT HIGHLIGHTS PITFALLS OF DRUG TESTING FOR PRESCRIPTION MEDICATION BY EMPLOYERS**

*by Kirk Turner, VP of Legislative Affairs*

An auto parts manufacturer has recently entered into a consent decree with the Equal Employment Opportunity Commission requiring it to pay \$750,000 to a group of current and former employees at its Tennessee facility based on allegations that company drug testing practices violated the Americans with Disabilities Act. *EEOC v. Dura Automotive Systems, Inc.*, CV No. 1:09-cv-0059 (M.D. Tenn. Aug. 31, 2012).

The EEOC alleged that the company tested all of its Lawrenceburg, Tennessee employees in May 2007 for 12 substances, including certain legally prescribed drugs, in violation of the ADA. It alleged that the company required those employees who tested positive for legally prescribed medications to disclose the medical conditions for which they were taking the medications. The company also made it a condition of employment that the employees cease taking these medications, without any evidence that the medications negatively affected the employees' job performance. The EEOC alleged that the company then suspended employees until they stopped taking their prescription medications and fired those who were unable to perform their job duties without the benefit of the medications. Finally, the EEOC asserted that the company effectively announced individual test results to all employees by informing workers of positive test results in common areas where others were waiting to be tested and requiring those who tested positive to remain in a separate group and away from their work stations.

In addition to the monetary payment, the consent decree (lasting four years) settling the lawsuit includes the following terms:

- enjoins the company from making medical inquiries and conducting medication examinations prohibited by the ADA
- prohibits the company from conducting employee drug tests that are not job-related or consistent with business necessity
- prohibits the company from improperly disclosing confidential information obtained through medical inquiries of employees;
- requires the company to create a written drug-testing policy that complies with federal law;
- mandates the company to provide ADA training for its human resources managers; and
- requires the company's CEO to issue a statement confirming the company's expectation that all employees will comply with the ADA and that the company will not retaliate against any employee making a complaint under the ADA or about the company's testing policy.

#### **Lessons for Employers**

This case highlights some of the dangers for employers in drug testing for prescription medications. Specifically:

- Unlike drug tests for illegal drugs, the EEOC considers tests for prescription medications to be medical examinations under the ADA, and therefore, such tests must be "job-related and consistent with business necessity."
- Employers should not have blanket rules prohibiting employees from using certain prescription medications (even for safety reasons) without undertaking an individualized assessment of the particular employee's situation, as required by the ADA.
- All positive drug test results for prescription medications should be reviewed by a Medical Review Officer (i.e., a licensed physician with expertise in analyzing drug test results) to determine whether the employee's use of the prescription medication is legal and explain the positive test result. For employees in non-safety-sensitive positions, employers need not conduct further analysis once the MRO has verified the test result as positive or negative. However, if there is a finding of legitimate use of prescription medication by an employee in a safety-sensitive position, the employer will need to conduct an individualized assessment to determine whether the particular employee can perform the essential functions of his or her job, with or without reasonable accommodations, and without posing a direct threat of harm to the health or safety of himself or herself or others.
- Drug test results must be treated as confidential and must be handled in the same confidential manner as medical records.
- If it is legally permissible to do so, employers who conduct drug testing on their own premises must ensure the confidentiality of the testing process and the test results for each individual tested.

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](mailto:ktturner@newtonoconnor.com).

## TAHRA 2012 Award Nominations

*By Sarah Phelps, VP Leadership Development*

Nominations are now being accepted for the 2012 New Professional Award and the Richard J. Messer Excellence in Human Resources Management Award. Please [click here](#) for eligibility requirements. Nominations may be forwarded to Sarah Phelps at [sphelps@samson.com](mailto:sphelps@samson.com) by October 22, 2012.



### New Professional Award

This special award is designed to recognize an outstanding new professional in TAHRA. Any TAHRA member with five years or less in the human resources field is eligible to be nominated (excludes Awards Committee participants). Self nominations are encouraged. The recipient receives the following: \$300 cash donation to the charity of the recipient's choice; a commemorative plaque; a special biographical sketch detailing the recipient's accomplishments appearing in the TAHRA newsletter and online.

### Richard J. Messer Excellence in Human Resources Management Award

This special award is designed to recognize outstanding leadership and achievements in the human resources field. Any current member of TAHRA is eligible to be nominated (excludes Awards Committee participants). The recipient receives the following: \$500 cash donation to the charity of the recipient's choice; a commemorative plaque; a special biographical sketch detailing the recipient's accomplishments appearing in the TAHRA newsletter and online.

Please nominate a fellow TAHRA member today!



### HR Matters

*by Denise Reid, Chamber Liaison*

### Mosaic

The Tulsa Metro Chamber launched the Mosaic program in 2010 after leadership determined a component to effectively competing with other regions is recognizing the importance of recruiting, retaining and embracing a diverse population.



The primary focus of the Mosaic program is to create awareness about the competitive advantage of having a diverse and inclusive business climate in our region. Mosaic seeks to leverage the region's diversity to improve perceptions of our community and grow the economy. Ultimately, Mosaic wishes to catapult the Tulsa region into the forefront of diversity and inclusion through talent recruitment initiatives and business retention and expansion efforts.

For more information about Mosaic please visit <http://www.tulsachamber.com/general/1304/mosaic/11>.

If you would like to be included on Mosaic's distribution list for monthly meetings and updates please email me directly.

### Tulsa Area Employer Council

There are two more meetings this year for the Tulsa Area Employer Council. There is no cost to attend, HRCI cre available and the advisory board is made up of HR professionals from area businesses. See link for more information [http://www.ok.gov/oesc\\_web/Employer\\_Councils.html](http://www.ok.gov/oesc_web/Employer_Councils.html).

## Military Resources

Oklahoma Career Tech offers programs and services for veterans. Service include; benefits, certification, dischar education and hiring events. See link for more information - <http://www.okcareertech.org/students/veteran-resources>.

**Save the Date** - the Tulsa Metro Chamber is partnering with the U.S. Chamber of Commerce to host a Hiring Our Heroes event in Tulsa December 4th. If you would like to be invited to participate as an employer please let me know.

If you have areas of interest or need related to HR, recruiting, training, diversity and inclusion, development or anything workforce related please feel free to contact me at [denisereid@tulsachamber.com](mailto:denisereid@tulsachamber.com) or (918)560-0255.

## Calendar of Events

### October

- 16 - Return on Inclusion - [Mini Boot Camp](#) presented by Dr. Steve Robbins
- 17 - Program Meeting - [Everybody Matters! This Is Where Diversity Starts](#) presented by Clifton Taulbert
- 25 - [TAHRA Career Fair](#)
- 25 - Learning Lab - [Increase Your Coaching Capabilities](#) presented by Dr. Betty Bailey

### November

- 1 - [TAHRA Employment Law and Practices Seminar](#) - Register by October 22, 2012 for the Early Bird Rate!
- 14 - Program Meeting - [Lean HR: Applying Process Excellence to Your Practice](#) presented by Dwane Lay.  
*TAHRA Awards and Scholarship will be presented at this meeting.*
- 29 - Learning Lab - Topic and speaker announced soon. Watch the website for details.

[Click here to view our entire calendar](#)

Tulsa Area Human Resources Association  
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 (918) 344-4622

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