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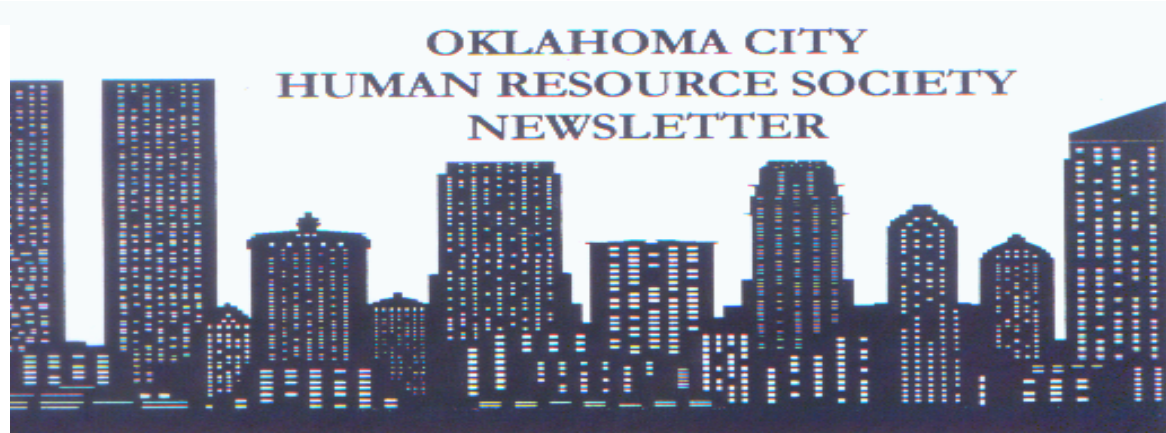
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February OCHRS 2006 Meeting

Topic:

Current Legislation: What to Expect and What HR Professionals Can Do to Make a Difference

Speakers:

Kris Rush, Director of the Oklahoma Prosperity Project
Mike Seney, Sr. Vice-President , Operations, State Chamber

Date: Thursday, February 23, 2006

Place: Embassy Suites Hotes
1815 South Meridian
Oklahoma City, OK 73108

Time: 11:30 a.m.

Cost: \$18 for members
\$25 for non-members
\$9 member-student

PAY & REGISTER ON-LINE or PAY AT MEETING
Must RSVP by Monday, February 20th, 12:00 P.M.

SPONSOR: UNITED HEALTHCARE

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Let's face it. Health Care, Employment Law, Labor Law, Workers Compensation – these broad areas of law and regulation affect almost every aspect of Human Resources responsibility. As HR professionals, we support initiatives to keep the economy healthy and thriving. Wouldn't it also be great to have any easy, non-partisan, way to educate employees on complicated legislative issues and the voting process? Our February program will address both of these vital topics.

Here is an overview:

1st Topic: The Prosperity Project

Speaker: Kris Rush, Director of the Oklahoma Prosperity Project

Kris Rush will tell us how Oklahoma's Prosperity Project provides area employers and employees with tools to help them make informed decisions at the polls on election issues affecting our companies, our jobs, and our future.

2nd Topic: 2006 Legislation – Employer Focus

Speaker: Mike Seney, Sr. Vice-President, Operations, State Chamber

Panel Members:

Gayle Barrett, OCHRS General Counsel

Lynette Parmley, OCHRS Legislative Chair and State Legislative Director, SHRM.

Among almost 3500 bills Oklahoma legislators are considering this session are nearly a hundred in key human resources areas. Our speaker and panel will cover the most serious state bills for your awareness and action, as well as a federal "watch/action list" of targeted bills. Once informed, learn how best to let your HR Voice be heard.

From the President

Scott Lowber

I would like to take this opportunity to thank everyone who attended the January Chapter meeting at Francis Tuttle Technology Center. We were overjoyed by the response to this meeting. A great big thank you goes to Brenda Reneau, her staff and Ron Anderson for providing such interesting information.

Our February meeting is just around the corner and I would like to invite everyone to join us at the Embassy Suites Hotel on February 23rd at 11:30a.m. Our meeting topic will be:

Current Legislation: What to Expect and What HR Professionals Can Do to Make a Difference.

This meeting will be a great opportunity for us to hear about upcoming issues that may impact the HR profession. I encourage everyone to join us and get involved in the Legislative process. We can make a difference! To help you get involved, I have listed below a Link so you can easily find your State or Federal Legislator and a brief guide to contacting them so that your "HR" voice can be heard.

<http://www.capitolconnect.com/oklahoma/default.aspx>

Guide to Contacting Legislators

Legislators want to hear from their constituents. You represent a vote, a business, and an expert in Human Resources. Your contact and expertise can often sway a legislator's vote on a specific issue.

The following are some guidelines for various ways of contacting legislators:

Telephone:

- When the legislature is in session, contact the capital officer directly; during recess contact the local office.
- Ask to speak directly with the legislator, if not available; ask to speak to the Administrative Assistant.
- It is important to identify yourself and your position, the company you represent, the professional organization you are affiliated with, and that you are from his/her district.
- State the reason for the call.
- Be specific about the bill number and author if possible.
- Explain how the proposed bill will affect your business and other employer/employee interests. Be specific as to why you support or oppose the bill.
- Discuss only one issue per call.
- Ask about the legislator's position. Thank him/her for support if he/she agrees with your position. If he/she is opposed, do not argue but offer factual information that supports your view.
- Tell the legislator the action you would like him/her to take on an issue.
- Always be respectful.

Letter Writing:

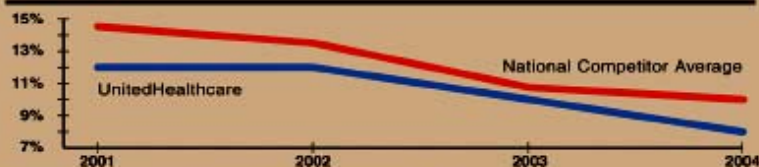
- Write directly to the legislator at Capital Office.
- Make correspondence brief.
- List company and professional organization if appropriate.
- Refer to the specific bill number.
- State your position on the bill and ask for support. State the facts as you see them.
- List the fiscal effects the bill would have on your specific industry, use honest statistics.
- Write on personal or business stationary as appropriate.
- Request that the office contact you for further information if needed.

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- **UnitedHealth Wellness™** – programs offering employees the knowledge and inspiration to enjoy healthier lifestyles.

Affordable & Accountable

To learn more, talk to your broker or consultant, or visit unitedhealthcare.com



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“Need HR Help NOW?? Get it with LIVE HELP from SHRM”



What is Live Help?

Live Help is an interactive, one-to-one chat feature that connects you directly to an SHRM staff member for quick real-time assistance. It is provided for both customer service inquiries and quick answers to HR questions and is accessible during regular SHRM business hours (Monday through Friday, 8:30 am to 5 pm ET). The link for instructions to use this service can be found at <http://www.shrm.org/help/whatis.asp>.

How does it work?

Click the live help button and answer a few quick questions so SHRM can direct you to the appropriate department. You will then be greeted by a staff person and can submit your question. You will receive a response within seconds and may be able to get an immediate answer during your brief chat. If no one is available at that moment to respond, you will be given the option of sending an email instead.

Who are the "live persons" on the other end of Live Help?

Live Help is brought to you by the Information Center and the Customer Service Departments -- the same SHRM Staff who answer your questions via the SHRM phone and email services. Many staff take turns on Live Help, so different people may be "on" at different times of the day. The staff of the SHRM Information Center provides the "Answers to HR questions" section of Live Help. The Customer Service Representatives, experts on SHRM membership benefits, conferences and seminars, provide Live Help for many non-HR questions.

Can I get a record of the discussion I have?

Yes. At the conclusion of your chat you may choose to provide an email address where a transcript of your session will be sent within seconds.

What if I have a follow-up question?

If it is necessary for you to be in touch with the same staff member you chatted with previously, and that individual is no longer available on chat, your request will be directed to them via email for a separate response. Complex issues are best addressed by phone or email in most cases. If your question takes more than a few lines to type, or you have several questions about an issue, it is probably best to ask it through email or the telephone. Live Help is best suited to one quick question.

Why does it sometimes take several seconds for a response?

There may be a brief delay before you see a response for many reasons, one of which is that they may be chatting with up to three visitors at one time. In addition staff may be pulling up a link to provide you or another member with a response to a question. They respond as quickly as possible, but complicated HR-related questions or those requiring system researches may result in delays of a few seconds. Live Help is busiest late in the day when more individuals tend to be on the SHRM website conducting Internet research. You might want to try it again at a less busy time of day.

Gayle Barrett
Crowe & Dunlevy, P.C.
General Counsel
Oklahoma City Human Resources
Society

WHEN ARE ENGLISH-ONLY RULES LAWFUL?

In a recent case the United States Court of Appeals for the Tenth Circuit held that it was up to the jury to decide whether or not the City of Altus had adopted an English-only rule which violated Title VII of the Civil Rights Act of 1964. The plaintiffs in the case, Hispanic employees for the City of Altus, claimed that the City's English-only policy had the effect of discriminating against them by the creation of a hostile work environment because of their national origin. The plaintiffs also claimed that the English-only policy constituted intentional discrimination.

The written policy promulgated by the City provided that the English language must be used in "all work related and business communications during the work day, with the exception of those circumstances where it is necessary or prudent to communicate with a citizen, business owner, organization or criminal suspect in his or her native language The use of English language during the work hours and while engaged in City business includes face to face communication of work orders and directions as well as communications utilizing telephones, mobile telephones, cellular telephones, radios, computer or e-mail transmissions and all written forms of communication. If an employee or applicant for employment believes that he or she cannot understand communications due to limited English language skills, the employee is to discuss the situation with the department head and Human Resources Director to determine what accommodation is required and feasible. This policy does not apply to strictly private communications between co-workers while they are on approved lunch hours or breaks or after work hours if City property is not being used for the communication. Further, this policy does not apply to strictly private communication between an employee and a family member. . . ."

There was evidence; however, that employees were told that the English-only restrictions went beyond the written policy and prohibited the use of non-Spanish if a non-Spanish speaker was present, even during breaks, lunch hours, and on private telephone conversations. One employee testified that: "we were told that the only time we could speak Spanish is when two of us are in a break room by ourselves and if anybody other than Hispanic comes in, we are to change our language." The City denied that the restrictions went beyond the written policy.

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The City stated three primary reasons for adopting the policy: 1) so that supervisors and workers could understand what was being said over City radios; 2) because non-Spanish speaking employees felt uncomfortable when their co-workers were speaking in front of them in a language they could not understand; and 3) there were safety concerns with a non-common language being used around heavy equipment.

The trial court granted the City's motion for summary judgment on all plaintiffs' claims. The Tenth Circuit, however, reversed and held that the case should go to a jury. The Tenth Circuit held that a jury question existed on whether or not the English-only policy created a hostile work environment because: 1) all the plaintiffs stated that they experienced ethnic taunting as a result of the policy and that the policy made them feel like second class citizens; and 2) there was no apparent legitimate purpose for applying the English-only policy to purely private conversations during lunch hours or breaks when non-Spanish speaking co-workers were near by. The court held that absent a legitimate reason for such a restriction an inference of hostility may be reasonable. The court also held that the defendant did not offer sufficient proof of a business justification for the English-only rule. The court found that there was no written record of any communication problems, morale problems or safety problems resulting from the use of languages other than English prior to the implementation of the policy. Moreover, the court pointed out that even the defendant conceded that there was no business reason for the policy to encompass lunch hours, breaks and private phone conversations.

While cases involving English-only policies will turn on the specific facts relevant to each workplace, employers who have English-only policies or who are interested in adopting English-only policies should carefully evaluate the business justification for those policies and limit policies to those justifiable business reasons.

This article is intended to advise OCHRS members regarding legal development of which they should be aware. It does not constitute legal advice and should not be used to resolve legal questions. Readers should contact their employment counsel with regard to specific factual situations before acting with regard to the subject matter of this article.

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201— 3000 persons \$6 per person

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- Potato Salad
- AU Gratin Potatoes
- Baked Potatoes
- Mashed Potatoes & Gravy
- Raisin Rice

Other services:

- Traditional Menu
- Dessert Menu
- On site grilling: Hamburgers, Hot Dogs & Relish. \$4.99 per person

ANNOUNCEMENT

LET'S NOT FORGET..... MEMBERSHIP RENEWAL

OCHRS membership is renewable for all active members each January. This year, instead of mailing invoices to each of you, we will be sending the renewal invoices via email. You will have the ability to renew your membership by check or credit card. The membership renewal application is also available on the membership page of our website. To remain on our active membership list, please renew your membership no later than 2/28/06.

***Melanie Thompson Stillinger
Vice President, Membership
949-1414 or melanie.thompson@na.manpower.com***

ALSO.....

UCO HR SOCIETY MEETINGS:

February 2: Doyle Fortney, Ph.D., PHR with Oklahoma State Department of Health. His topic will be:

"Workforce Planning and the Health Care Position"

February 16: Rhett Laubach, Personal Leadership Intelligence Expert. His topic will be:

"The Art of Annoying People"

Meetings held at 7:30 p.m. in the Troy Smith Lecture Hall in the Business Administration Building



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