

# DELAWARE SHRM

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GROWING ORGANIZATIONS



DELAWARE SOCIETY FOR HUMAN RESOURCE MANAGEMENT

VOLUME 4 ISSUE 3

JULY 2007

## PRESIDENT'S MESSAGE

*by Cindy Crompton-Barone, PHR, Chapter President*

It is hard to believe summer is upon us. Activity with Delaware SHRM during the second quarter of 2007 was exciting. The Chapter had strong attendance at our April, May and June Program meetings. We learned more about the Changes to EEO Reporting Requirements from Bill Bowser and Scott Holt of Young, Conway, Stargatt and Taylor, LLC and how to Craft Persuasive Job Descriptions from Paul Siker of Advanced Recruiting Trends and how to Build Better Human Resources Infrastructure with Tracee Hunt of The Philadelphia Coca-Cola Bottling Company.

Our membership committee chairs Heather Shupe and Carol Kleiman partnered with Chris Burkhard our State Council Membership Director and hosted a Networking Event in June for members and at-large members.

The Chapters Conference Committee worked diligently to confirm an impressive slate of speakers for the October 9th and 10th State Conference Pathway to Performance. Please look for save the date postcards from Delaware SHRM to remind you to mark your calendars for the event. You are welcome to be an early registrant. Please go to our conference webpage at: [www.deshrm.org/2007\\_shrmde\\_conference.cfm](http://www.deshrm.org/2007_shrmde_conference.cfm)

On behalf of the Delaware SHRM board of directors, I want to thank all of our members for their continued support and participation with the Delaware Chapter of SHRM.

## MEETING SPONSORS

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## SPOTLIGHT ON LEADERSHIP

This column is on summer hiatus. Watch for its return October 2007 newsletter.

## VILLANOVA OFFERS LOCAL CLASSES

Delaware SHRM is once again partnering with Villanova University in offering the 13-week Villanova/SHRM Learning System Course for the Fall 2007 semester. This program will help prepare you for the HRCI national PHR or SPHR certification examination, and it is also designed for Human Resource professionals seeking professional development. Additionally, the course can be completed by certified HR professionals seeking PHR/SPHR recertification credits.

Villanova University is a National leader in providing the SHRM Learning System course within an instructor-led and on-line environment. The Certificate in Professional Human Resource Management program is offered in full partnership with SHRM, and it covers all six functional areas, responsibilities and associated knowledge defined by the Human Resource Certification Institute (HRCI).

### CLASS LOCATION AND INFORMATION:

**JP Morgan Chase** - 500 Stanton Christiana Road, Newark, DE

**Monday evenings**, August 27, 2007 - November 26, 2007, 6:00 p.m. - 9:00 p.m.

**Instructor:** Lewis W. Charnock, SPHR, President, Lew Charnock & Associates, Inc.

Each student will receive the 2007 SHRM Learning System and CD ROM, and have access to the on-line HRM Learning Resource Center for one year. Upon successful completion of the course, participants will receive the Certificate in Professional Human Resource Management from Villanova University as well as 3.9 Continuing Education Units (CEU's).

Fall 2007 classes will also be offered in Center City, Philadelphia; Langhorne; Pottstown; Dresher; Harrisburg; Malvern; and at the Villanova Conference Center in



Radnor. Register today by contacting the Department of Continuing Studies at 610-519-4310.

Visit [www.constudies.villanova.edu](http://www.constudies.villanova.edu) for more information, and to register online.

## **2007 DELAWARE SHRM STATE CONFERENCE NEWS**

*by Richard Burton, MBA, Conference co-chair*

This year Delaware SHRM continues its tradition of excellence by hosting the Delaware State HR Conference at the Chase Center at the Riverfront in Wilmington, DE. The theme is "Pathway to Performance: Rewarding and Motivating People to Succeed."

The conference, which typically in the past lasted a day, will now be extended to two days as the Delaware Economic Development Office (DEDO) joins us to enhance the experience. DEDO's involvement will create awareness of resources available in Delaware to help expand industry and assist small and minority-owned businesses.

We are bringing back popular speakers and topics from last year covering areas of employment law, motivation, leadership, resolving conflict, wellness, and the ongoing quest to quantify the value of HR initiatives. We believe that the combined efforts of DEDO and Delaware SHRM will further enhance the value of the conference through more HRCI credits and exposure to State initiatives and resources which can benefit any HR professional.

For the first time, registration for all exhibitors, sponsors, and attendees is entirely online.

Save the dates of October 9th and 10th on your calendar for what is sure to be a rewarding experience! Visit us at [http://www.deshrm.org/2007\\_shrmde\\_conference.cfm](http://www.deshrm.org/2007_shrmde_conference.cfm) for further details.

## **DELAWARE STATE COUNCIL**

*By Frank B. Ingraham, SPHR, Director, Delaware State Council*

Later this week 40 current and future chapter leaders from around the State of Delaware are looking forward to attending the State Council's first Leadership Conference. The event will include dynamic speakers and a forum to learn about resources and best practices.

## **YOUR MAMA'S SO...**

<http://www.ycst.com>

*by Margaret M. DiBianca*

Congress is currently reviewing a new piece of legislation that will affect employers throughout the country. The Genetic Information Non-Discrimination Act of 2007 ("GINA") has already been approved by the Senate Committee and is expected to receive full Congressional approval this term. GINA is designed to prevent "genetic discrimination" by employers and health insurers. Delaware, however, has had a similar law in place since 2004. If passed, GINA will likely clarify the interpretation of the Delaware statute, which has not yet been tested in court.

### **Your Mama's So Skinny . . .**

#### **Getting the Skinny on the Proposed Law**

On the most general level, the proposed federal legislation prohibits employers from discriminating on the basis of predictive "genetic information." This would mean that employers could not use genetic information as the basis for hiring, firing, or promotion decisions.

Existing Delaware law prohibits employers from considering the "results of a genetic test" in making employment decisions. Forty-one other states have enacted similar laws. The Delaware statute does not, however, go beyond the general prohibition on using genetic information as a basis for employment decisions. Although the specifics could be inferred, the state law does not do much to clarify its boundaries. The proposed federal law does contain additional details, which, if passed, would presumably be used in interpreting the Delaware law.

The federal law goes beyond the state statute by imposing restrictions on an employer's ability to "request, require, or purchase" genetic information about an employee or his or her family member. It also puts strict limits on how an employer may maintain such information and under what conditions it may be disclosed.

One important feature to note is the "water cooler" exception, which protects employers from liability if they learn the information inadvertently. This is designed to limit liability to cases where the employer intentionally obtains genetic information and then misuses it.

### **Your Mama's So Scary . . .**

#### **The Good, the Bad and the Ugly of the New Law**

Supporters of the bill say that a law is needed to protect the confidentiality and use of genetic information in order to encourage individuals to participate in clinical research and to take advantage of available genetic

screening and counseling.

Opponents argue that employers will be exposed to additional legal liability and may confuse the current challenges in applying the Americans with Disabilities Act (ADA). Thirty-two states, including Delaware, currently have discrimination laws protecting genetic information. Concerns have been raised that the inconsistencies between the states and now between the state and federal laws impose additional burdens on multi-state employers.

### **Your Mama's So Mean . . . Does GINA Play Well With Other Federal Laws?**

The two federal laws that share some overlap to GINA are the ADA and Title VII of the Civil Rights Act. The ADA does not prevent employers from asking for genetic information or from requiring employees or applicants from taking genetic test. Additionally, the ADA covers present and past disabilities, but does not address future or potential impairments.

Title VII may be triggered where employees are tested for a disease that is traditionally limited to certain races or ethnicities. Tay-Sachs disease, for example, is known to affect persons with Eastern European Jewish decent. Testing for Tay-Sachs, then, could arguably be said to have a disparate impact based on national or ethnic origin. However, the number of genetic disorders known to disproportionately affect a protected class is extremely limited, thus reducing the risk of liability under Title VII.

### **Your Mama's . . . Well, She's Actually Not that Bad**

Even though many employers are understandably opposed to a new potential source of liability, the potential passage of GINA is not entirely bad news. No genetic employment discrimination case has been brought in either state or federal courts. In 2001, the Equal Employment Opportunity Commission (EEOC) settled the first claim alleging this type of discrimination.

EEOC filed a suit against the Burlington Northern Santa Fe Railroad (BNSF) for secretly testing its employees for a rare genetic condition that causes carpal tunnel syndrome as one of its many symptoms. Besides testing for the condition, company-paid doctors also were instructed to screen for several other medical conditions such as diabetes and alcoholism, even though employees were not told that they were being genetically tested. One employee who refused testing was threatened with possible termination.

EEOC claimed that the tests were unlawful under the ADA because they were not job-related. BNSF settled the claim for \$2.2 million. Although this amount is extraordinarily high, the settlement does not seem totally

out of line with the conduct.

If GINA is passed, Delaware employers are not likely to see any noticeable change. Delaware employers who are currently using genetic testing are in the minority. And, if they are making employment decisions with the results of those tests, they would be subject to the same liability under the new federal law as they are now under the state law. There has yet to be a case brought under any of the 42 state laws now existing protecting genetic discrimination. Thus, despite what some lawmakers have suggested is a major threat, the risk of such a lawsuit appears minimal at best. The only question will be whether the new legislation will attract attention to genetic discrimination and, in turn, result in an influx in claims.

## **FAMILY RESPONSIBILITIES DISCRIMINATION**

<http://www.postschell.com>

*by Robert J. Toy*

There has been an enormous amount of coverage in recent months of a purportedly new area of employment discrimination law: that of discrimination against employees on the basis of their having "family responsibilities" or "caregiving responsibilities."

The fact, however, is that family responsibilities discrimination, despite its catchy moniker, is truly nothing new on the employment discrimination landscape (at least not yet - more on that in a moment). The much ballyhooed prohibition against FRD stems largely from Title VII's prohibition against discrimination on the basis of sex stereotypes, and, to a lesser extent, from the federal Family and Medical Leave Act's protections for employees caring for family members with serious health conditions and from the Americans With Disabilities Act's prohibition against discrimination because of one's association with a disabled person.

Recent guidance from the Equal Employment Opportunity Commission confirms that FRD is simply new packaging on old ideas. On May 23, 2007, the EEOC issued for public review and consideration its "Guidance on Treatment of Workers With Caregiving Responsibilities" (available online at [www.eeoc.gov/policy/docs/caregiving.html](http://www.eeoc.gov/policy/docs/caregiving.html)).

The EEOC's guidance itself begins with a recognition that "the federal EEO laws do not prohibit discrimination against caregivers per se." It also acknowledges that "an employer does not generally violate Title VII's disparate treatment proscription if, for example, it treats working mothers and working fathers in a similar unfavorable (or favorable) manner as compared to childless workers."

Rather, employment decisions that discriminate against workers with family or caregiving responsibilities are prohibited by Title VII only if they are based on sex or another statutorily-protected characteristic.

The primary concern from an FRD standpoint seems to be that employers will discriminate against women employees with children because of the employers' stereotypical view that such employees are not fully committed to the company and/or that they will need more "family time" away from work than women without children. In fact, the EEOC's guidance includes a discussion of exactly this type of problem in one of its twenty examples.

But this concern is the paradigmatic example of sex discrimination based on sex stereotypes - which has long been prohibited by Title VII. An employer simply cannot make employment decisions based on an employee's failure to conform to the behavior the employer thinks individuals of the employee's sex should exhibit.

This is not to say that the foregoing example is the only concern when it comes to FRD or to imply that FRD is a "women-only" construct. To the contrary, the EEOC guidance includes a discussion of how FRD may affect men as well.

However, it again seems as if the primary concern is based on the possibility of sex stereotyping rather than discrimination on the basis of actual family or caregiving responsibilities. The EEOC guidance states, "[s]tereotypes of men as 'bread winners' can further lead to the perception that a man who works part time is not a good father, even if he does so to care for his children."

The guidance goes on to discuss an example in which a male employee, because he is male, is denied leave to care for his newborn son, despite a collective bargaining agreement that provides for up to one year of unpaid leave to care for a newborn. When the employee points out that women have been granted leave in similar situations, the employer says, "That's different. We have to give childcare leave to women."

In addition to a likely violation of the employee's collective bargaining agreement, the foregoing example is a Title VII violation. It is a violation, however, because it is sex discrimination based on the stereotype that a newborn's mother should be the one to remain at home and the father should continue working.

The employer is not discriminating against the male employee because he has a newborn; the employment decision is not because he has a family responsibility.

The examples discussed above, along with eighteen other examples in the EEOC's guidance, indicate that the idea of FRD is, for the time being, nothing more than a new

spin on, and perhaps an attempt to breathe new life into, well-established rules of employment discrimination law.

The fact remains that, to be actionable, the challenged employment decision must be based on sex or some other statutorily-protected characteristic.

I say FRD is a new emphasis on old rules "for the time being" because there appears to be a movement afoot to pass legislation (at both state and federal levels) to require employers to adopt policies that, in effect, treat employees with family or caregiving responsibilities more favorably than those without such responsibilities.

The contemplated legislation could require employers to accommodate "family responsibility" employees by providing, for example, more extended time off, more flexible work schedules in terms of hours and telecommuting, and more paid leave.

It should be noted in this regard that the EEOC's guidance states that the EEOC "strongly encourages employers to adopt best practices to make it easier for all workers, whether male or female, to balance work and personal responsibilities." Is this statement the predecessor to federal legislation on the point? Only time will tell.

## **SHRM RESEARCH FOUNDATION**

### **HR Student Scholarships**

Each year, the SHRM Foundation provides \$13,000 to support the development of future HR leaders through national student awards and scholarships.

The Leonard R. Brice, SPHR, Undergraduate Leader Scholarship and the SHRM Foundation Graduate Student Leader Scholarship, presented each June, are designed to recognize and encourage the development of leadership skills in students preparing to enter the HR profession.

The SHRM Foundation Student Scholarships, awarded in the fall, recognize outstanding academic achievement.

In recognition of the important work of SHRM chapter advisors to the student membership program, the Foundation also sponsors the annual Advisor of the Year Award.

For more information on Foundation sponsored awards & scholarships, visit [www.shrm.org/foundation](http://www.shrm.org/foundation).

### **Graduate Programs Directory**

Thinking about getting your master's degree? The SHRM Foundation can help. The Foundation has compiled the first-ever comprehensive directory of master's degree programs in human resource management, HRD, I/O psychology and more.

Visit [www.shrm.org/foundation/directory](http://www.shrm.org/foundation/directory) to view profiles of more than 120 HR-related master's degree programs across North America.

The directory provides information on programs of study, location, curriculum, tuition, student demographics and more. Full-time, part-time, online and distance learning programs are included. Access to the online directory is free to SHRM members. This product is supported by your generous donations to the SHRM Foundation.

### **Building a Culture of Trust: The Starbucks Story**

The 2006 invitation-only SHRM Foundation Thought Leaders Retreat featured keynoter David Pace, the top HR executive at Starbucks Coffee. Dave Pace explained how Starbucks' success is built on a strong culture of trust in their organization. Trust is at the foundation of exceptional performance in all businesses, and people want to be part of something they can believe in.

Mr. Pace shared that building trust requires 1) defining what your organization stands for, 2) communicating the mission broadly, 3) living and breathing it, 4) using the mission as a decision filter, 5) allowing employees to hold management accountable, and 6) measuring progress.

At Starbucks, HR plays a key role in creating this culture of trust, primarily by being an advocate for the employees. To be successful, HR should focus not on controlling, but on enabling employees. To view Dave Pace's full presentation, visit <http://www.shrm.org/foundation/06tldr.asp>.

### **What is the SHRM Foundation?**

The SHRM Foundation is a 501(c)(3) non-profit organizational affiliate of the Society for Human Resource Management (SHRM). Founded in 1966, the Foundation funds research, publications and a wide range of educational initiatives to advance the profession and enhance the effectiveness of HR professionals.

With assets of more than \$7 million, the SHRM Foundation promotes innovation, education, research and the use of research-based knowledge. A volunteer board of HR practitioners, academics and SHRM representatives governs the Foundation. All contributions are tax deductible.

### **The SHRM Foundation: 40 Years of Advancing the HR Profession**

## **DELAWARE SHRM ACCEPTING APPLICATIONS FOR SCHOLARSHIPS**

### **Deadline is September 10, 2007**

*by Karen Stewart, Student Chapter Liaison*

The Delaware Society for Human Resource Management (SHRM) is pleased to invite students to apply for the 2007-2008 Undergraduate and Graduate Student Scholarship. Scholarships will be awarded at the annual Delaware SHRM State Conference on October 9-10, 2007.

The Delaware Chapter of SHRM is the premier human resources association for The First State. Since 1974, we have provided members with professional development, relevant HR information, legislative updates, and networking opportunities that stimulate professional growth and enhance workplace contributions. One of our main objectives is to provide a wide range of educational sessions, programs and other activities that allow members to develop and enhance their expertise in the various functional areas that constitute human resource management. Because our emphasis is on education, this year we have chosen to provide up to three \$2,500 scholarships to students majoring in Human Resources or a related program.

### **Who is eligible?**

- Undergraduate students enrolled in a Human Resources program or a related program at a Delaware college with a 3.0 GPA or above
- Graduate students currently enrolled in a Master's Degree program at a Delaware college and clearly pursuing an emphasis area in Human Resources or a related program with a 3.0 GPA or above

All applicants must be enrolled in a degree program and continuing their education during the 2007-2008 academic year. All applicants must complete and submit an application, including letters of recommendation, resume, transcript, and essay to the address above by September 10, 2007.

The Delaware SHRM Scholarship committee will review the packages and provide feedback in late September. We will consider your passion for the HR field, commitment to a career in human resources, and scholastic average and standing. We also will consider the total achievements and need of each applicant. We recognize that strength in one area could outweigh deficiency in another.

Find a copy of the application [http://deshrm.org/documents/DE\\_SHRM\\_Student\\_Scholarship\\_Letter\\_&\\_App\\_2007.pdf](http://deshrm.org/documents/DE_SHRM_Student_Scholarship_Letter_&_App_2007.pdf). If you have any questions, please e-mail [kstewart@cciconsulting.com](mailto:kstewart@cciconsulting.com). We look forward to hearing from you!

## SHRM FOUNDATION SCHOLARSHIPS FOR 2007

### Deadline is October 12, 2007

The SHRM Foundation Board of Directors has established the funding of three (3) HR scholarships: one graduate scholarship (\$5,000) and two undergraduate scholarships (\$2,500 each).

Scholarship applicants must be national student members of SHRM, as verified by the SHRM Student Program Manager.

Undergraduate student applicants must have completed at least 55 semester hours of course work in an HR major or HR emphasis area, including at least one HR Management course. An overall GPA of at least 3.0 on a 4.0 point scale is required.

Graduate student applicants must be enrolled in a Master's Degree program and clearly pursuing an emphasis area in HR and/or IR and have completed at least 12 hours of graduate course work with at least a 3.5 GPA.

### Scholarship applications should include:

- Completed scholarship application form ([http://www.shrm.org/students/ags\\_published/CMS\\_009469.pdf](http://www.shrm.org/students/ags_published/CMS_009469.pdf))
- Official, sealed copy of student transcript(s)
- 1 or 2 page typed resume
- 2 scholarship reference letters, one from the SHRM Student Chapter Faculty Advisor and one from a local SHRM professional. A third reference from a work-related source is optional.

### Submittal of application:

- Applicants should submit **three (3) copies** of the completed application, **three (3) copies** of all attachments to the application (except the transcript(s)), and one (1) copy of each official, sealed transcript.
- Entries should be mailed to: SHRM Foundation  
Scholarship Selection Committee 1800 Duke Street  
Alexandria, VA 22314

### October 12, 2007: Deadline for submitting scholarship application

### December 7, 2007: Announcement of scholarship winners

Please direct inquiries by email [speyton@shrm.org](mailto:speyton@shrm.org), SHRM Foundation Administrator, or by phone at (703)535-6020.

## RESOURCES FROM THE STATE OF DELAWARE

Visit <http://www.dedo.delaware.gov/delawareworkforce/default.shtml> for the most complete contact information available on navigating the Delaware Workforce terrain.

## DELAWARE SHRM MEMBERS

Update your personal information in the Delaware SHRM membership directory. Visit Membership page ([http://www.shrmde.org/member\\_directory.cfm?location=md](http://www.shrmde.org/member_directory.cfm?location=md)), login and click on "Update User Profile." Simply change your information and click Reset. Your record will update immediately.

2007	Program/Event
August 14	<p><b>Delaware SHRM monthly meeting: Talent Pipelines, Staffing Supply Chains and the Candidate Experience, Gerry Crispin, SPHR, author of Career XRoads.</b></p> <p>Dinner meeting: 5:30 pm registration &amp; networking; 6:20 pm dinner, 6:45 pm Program. Cavalier Country Club, 100 Addison Drive, Newark, DE</p> <p>Registration deadline: Monday, August 13 at noon. Discounts for early registrations! Register online at <a href="http://www.deshrm.org/monthlymeeting.cfm">www.deshrm.org/monthlymeeting.cfm</a> or by phone at 302-367-7476. Cancellations after deadline and no shows will be billed.</p>
Sept 11	<p><b>Delaware SHRM monthly meeting: Diversity Program</b></p> <p>Wilmington College <b>NOTE CHANGE OF VENUE</b></p> <p>Dinner meeting: 5:30 pm registration &amp; networking; 6:20 pm dinner, 6:45 pm Program.</p> <p>Registration deadline: Monday, September 7 at noon. Discounts for early registrations! Register online at <a href="http://www.deshrm.org/monthlymeeting.cfm">www.deshrm.org/monthlymeeting.cfm</a> or by phone at 302-367-7476. Cancellations after deadline and no shows will be billed.</p>
October 9 -10	<p><b>New this year! Combined Delaware SHRM State HR Conference and the Governor's Recruiting, Retention &amp; Resources Conference, Wilmington, DE</b></p> <p>Chase Center on the Riverfront   Wilmington, DE</p> <p>Mark your calendar now! Join HR professionals in the region at this one and a half day conference. This year's theme is "Pathway to Performance: Motivating and Rewarding People to Succeed."</p> <p>Watch <a href="http://www.deshrm.org">www.deshrm.org</a> for updates.</p>
October 9-10	<p><b>SHRM Strategic Conference</b></p> <p>Tampa, Florida</p> <p>For more information &amp; registration: <a href="http://shrm.org/conferences">http://shrm.org/conferences</a></p>
October 18-20	<p><b>SHRM Workplace Diversity Conference &amp; Exposition</b></p> <p>Philadelphia, PA</p> <p>For more information &amp; registration: <a href="http://shrm.org/conferences">http://shrm.org/conferences</a></p>