

April, 2011



Carolinas Chapter of SHRM

E-NEWS



A Note from our President....



April is living up to its reputation by bringing in those showers... or should I say hail storms. I watched from my back deck this past weekend as the golf ball size hail was bouncing off the grass and lake and I know some other areas were hit by tennis ball size hail!

No matter what comes our way, be it the potential looming Federal government shut down, constant changes on the healthcare reform law and all the other rules/regulations that we as HR Leaders have to keep abreast of... we seem to be able to weather those storms with ease. One way we hope to help you ease the storms is by periodically reaching out to our members to find out what you need in your company or role to stay informed. This was in fact done just a few weeks ago by emailing our members via Survey Monkey to understand what **you** want to hear and learn at the May Legal Update. We are very excited to partner with Winthrop University this year to accommodate our various breakout sessions and growing attendee needs!

I look forward to seeing you all at the April meeting!

Michele



Volume 4

CCSHRM Scholarship winners will be announced at our April Meeting. 

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SAVE THE DATE!

2011 Legal Update
May 19, 2011

More info coming soon!



Meet the 2011 Human Resource Professionals of the Year



Organizations over 750 employees



Rita Revels, HR Manager
Schaeffler Group USA

Rita is described as being extremely business savvy and well respected by the Operations Management teams she supports. With multiple company locations that manufacture an extremely technical product, she has also introduced new training programs that give candidates the skills needed to be successful employees of Schaeffler Group USA.

Organizations of 201 to 750 Employees

Tricia joined Williams & Fudge, Inc. to establish the human resources function. Since then, she has brought focus to the role of HR and has initiated leadership training for managers that helped bridge communications between various teams and departments at her company.



Tricia Palm, Director of HR
Williams & Fudge, Inc.

Organizations for 200 or Less Employees



Russ Knight,
EAP Professional, First
Sun EAP

Russ has been an integral part of the HR community in SC for a number of years and most recently served as Chapter President for CCSHRM. Not only does his work directly help organizations through employee training and support, but he is also known for the countless hours of "pro-bono" time he gives to helping the community at large.

CCSHRM April Luncheon Meeting

Medical emergencies at work.... Something we all want to prevent. Learn to identify the risk factors as well as signs and symptoms of a stroke BEFORE it happens using the FAST acronym. At our next meeting on April 21st, Tina Cronin, Director of Neurosciences and Stroke Director for Piedmont Medical Center in Rock Hill, will present, **Brain Attack: A Medical Emergency.**

Sponsored by:

Register online at
www.CarolinasSHRM.org or email Jill
Mikels at jill.mikels@ycnga.com.



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BOARD MEMBERS

Michele Lorusso, President
CCSHRMPresident@gmail.com

April Simpkins, VP— Programs
april@hrsurveys.net

Kayci Black, VP—Finance
SHRM Foundation
kblack@employersassoc.com

Diane Borella, VP—Membership
Diane.Borella@sunbeltrentals.com

Jill Mikels, VP—Administration
Jill.Mikels@ycnga.com

Russ Knight, Past President
OLDRUSS@aol.com

Members At Large

Julie Voges
jvoges@chmuseums.org

Rita Revels
Rita.revels@schaeffler.com

Greg Day
President Elect/Non-Dues Revenue
gregday@talentconnections.net

CORE LEADERSHIP

Keith Wheeler
Special Events/2011 Professional of the
Year
kwheeler@benefitcontrolsnc.com

Cheryl Forlines
Professional Dev/Govt Relations
ForlinesCheryl@JohnDeere.com

Christine Turner
ctturner@sces.org
Melissa Gladden
mgladden@carolinarecruitment.com
Workforce Readiness

Anicia Stevenson
College Relations/Scholarships
Anicia.Stevenson@comporium.com.

Sherry Archie
Website/E News
Sherry.archie@foundersfcu.com

Who Should Conduct the Investigation for Workplace Harassment?

Article provided by Russ Knight, CEAP, S.A.P., CACII—First Sun EAP

All employers have a responsibility to conduct timely, fair, and thorough investigations of all complaints and observations of workplace harassment. Responding promptly to every complaint can help an employer uncover and improve areas of weakness in its prevention policies and procedures and to reduce or eliminate liability if harassment does occur. This doesn't mean that every incident must have a full investigation, but must at least have a documented inquiry to determine if a full investigation is warranted. If there is any doubt, it is always safer to conduct a full investigation. **Many successful lawsuits have been based, not on the original inappropriate behavior, but on the company response to the report. Often the liability came from an investigation that was not done and documented properly as required or because the investigation did not result in appropriate remedial action.**

An Internal investigator may be most appropriate when:

- Some one in the organization is trained in harassment investigating and will be comfortable testifying in court if necessary;
- The investigator understands when an investigation would become a criminal case requiring the involvement of law enforcement authorities;
- The case is relatively straightforward, where the complainant and respondent do not disagree about the facts;
- The complaint is not against a member of management or someone who is seen as having a close association with the internal investigator;
- The internal investigator will be able to go anywhere the investigation takes them in the organization and will be able to make an impartial determination;
- The internal investigator will be perceived as impartial.



An external investigator may be more appropriate when the above conditions are not true. An external investigator usually appears more impartial and may have more experience than someone from inside the organization. This is certainly most advisable when the complaint is about a person who is a high ranking individual in the organization.

To be thorough and to fully document the investigation may take several days. The organization may need to determine if the use of an internal person is more expensive than hiring an outside investigator. Also, one of the most important factors in reducing employer liability is the timeliness of the investigation. The investigation should occur immediately after a report is received or anything happens that would make a supervisor in the organization aware of possible harassment.

The organization will designate who the investigator(s) should be. There are many advantages to having two investigators, i.e. a lead investigator and an assistant investigator. There are also advantages to having an external and internal investigator with one in the lead. Dual investigators with one in the lead can balance the investigation to suit the context of the complaint. In a sexual harassment case where the complainant is a different sex than the respondent, a man and a female investigator team may be appropriate. Likewise when the complaint is race based, having investigators of both races can provide a better perspective for a fair investigation. Determining the truth should be the prime goal of every investigation. The investigation should be able to reach the truth both in actual practice and in appearance.

In all cases, other managers and supervisors should be prohibited conducting any part of the investigation. Often supervisors and managers whose area is a focus of an investigation are tempted to "get to the bottom of this." When this occurs, it increases the liability for the organization. The actual investigation process can be invalidated as a result of a well-meaning manager taking on his or her own investigation.

Internal investigators should be in neutral positions so they can conduct the investigation without regard to organizational politics. The appearance of autonomy, neutrality and thoroughness is extremely important also. This makes the case for hiring an outside investigator, especially if the accused is in higher management or connected to higher management. Investigators should have the authority to take the investigation wherever it leads and make unbiased findings without personal fear.

The lead investigator, at a minimum, should have specific training and experience in conducting investigations governed by Title VII and Title IX. He or she should always be someone who feels comfortable doing the investigation and who will feel comfortable testifying if necessary. The investigator should also be able to recognize when criminal behavior may have occurred and know when and how to report suspicions to law enforcement.

When company executives are considered to perform an investigation, it should be evaluated how open people will be if they believe their evaluations or other opportunities will be affected by their responses. Also the common practice of using company HR personnel should be evaluated in terms of employee perception of their ability to be unbiased.



Chapter Meetings & Events



Regular Chapter Meetings are held the 3rd Thursday of each month
 Hilton Garden Inn (Dave Lyle Blvd)
 11:45 am to 1:15 pm—Program and Lunch (unless otherwise noted below)
REGISTER FOR AN UPCOMING MEETING BY VISITING OUR WEBSITE AT
WWW.CAROLINASSHRM.ORG

www.carolinasshrm.org

DATE	TOPIC	RESOURCE PARTNER
April 21	Brain Attack—A Medical Emergency Presented by Tina Cronin	Piedmont Medical Center
May 19	Legal Update (Full day)	Parker Poe Ogletree Deakins
June 16	Monthly Meeting	Blackbridge Financial

Continued from Page 3—Workplace Harassment

When an outside consultant is used who is not an attorney, the employer may want to consider either:

- If the employer has external legal counsel, ask the attorney to hire the consultant.
- If the employer has internal legal counsel, ask the consultant to report directly to the internal attorney.

Either of these options makes it more likely that the employer can decide what is protected under attorney/client privilege.

Employing organizations have often opened themselves to unnecessary liability by assuming that their HR personnel are automatically qualified to conduct harassment investigations. It is important to be able to answer the specific question, “How are you qualified to conduct an investigation?” There isn’t a single acceptable answer, but it should be more than, “I have been in HR for 18 years.”

Thanks to First Sun EAP for sponsoring our March meeting.



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