

Council Prospector

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Nuggets From Alaska SHRM



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The mission of the Alaska State Council is to be a strategic partner with individuals, businesses, community organizations, SHRM and NHRMA in order to encourage the advancement and knowledge of dedicated human resources professionals by providing communication and professional development resources throughout Alaska.



Alaska SHRM State Council **message**

Nancy Miller, SPHR Director, Alaska SHRM State Council

What a Busy Year We Have Had So Far!



As we head into the autumn season, I stop and realize how fast this year is flying by! It is such a pleasure to be a part of this organization and I appreciate the wonderful opportunities that have presented themselves to me so far.

SHRM once again provided us with a wonderful Annual Conference and Exhibition in Orlando last June! Opening keynote speaker, Robin Roberts was very engaging and inspirational. As always, the conference offered us hundreds of concurrent sessions of value to all levels of HR professionals. SHRM likes to have some fun too with a great performance by Tim McGraw!

Besides providing us with wonderful educational opportunities, the annual conference gave attendees the chance to make a difference in someone's life. I had the pleasure of assembling hygiene kits at the Clean the World booth. This organization provides relief in the form of hygiene kits to local residents in need. I appreciate SHRM partnering with this organization and offering us the opportunity to participate in this worthwhile project.

I would like to congratulate the Anchorage SHRM Chapter! During the annual SHRM Foundation luncheon, the top 10 chapters with the highest contributions during 2013 were announced. I was so proud to see ASHRM make the list! The SHRM Foundation is a wonderful organization and does so much for the HR community.

At the conference, SHRM did acknowledge that many of their members have a lot of questions regarding the new SHRM certifications. SHRM is working hard to continually provide us with more information and updates regarding their competency-based certifications. For more on the new SHRM certifications, please visit www.shrmcertification.org.

Your Alaska SHRM State Council held an event on July 23 to educate our HR community on the value of the Prisoner Re-entry program and how employers can benefit from capturing talent from an untapped resource. They also worked hard on a clothing drive to provide new or gently used work clothing to help individuals newly released from the corrections system to dress of job search and employment. My congratulations to our Workforce Readiness team for a job well done!

Our Pinnacle award winning webinar series continues with a full schedule throughout 2014. It is a wonderful way for us to meet the needs of our Alaskan members by offering complimentary, first class presentations while earning preapproved HRCI credits. For upcoming programs please visit <http://alaska.shrm.org> for more information.

If you are interested in becoming involved as a volunteer with the Alaska SHRM State Council, please visit our website at alaska.shrm.org. We would love to hear from you! ✨



Anchorage Campus Student Chapter 5583 of the Society for Human Resource Management (SHRM) Receives SHRM Top Honors

The Society for Human Resource Management (SHRM) recognized Wayland Baptist University (WBU), Anchorage Campus SHRM Student Chapter 5583 with the Outstanding Student Chapter award for academic year 2013-2014. The Student Chapter President, Megan Hughes remarked: "Our chapter competed with 459 other university and college student chapters. Our Student Chapter was one of nineteen selected with this distinguished award. Additionally, this is the second year in a row that the WBU, Anchorage Campus SHRM Student Chapter received the Outstanding Student Chapter award." The Outstanding Student Chapter Award for WBU, Anchorage Campus SHRM Student Chapter was announced at the national SHRM conference in Orlando, June 22.



For academic year 2013-2014, the WBU, Anchorage Campus SHRM Student Chapter members focused their efforts in two directions. Members focused externally on community service. The student chapter engaged in four community service projects aimed at supporting the mission of Bean's Café. These four projects delivered resources necessary to support the homeless and working poor population that Bean's Café services. The first project was a winter clothing drive; the second project was a fund raising to purchase ten Thanksgiving turkeys; the third project was "beanie boxes" for Christmas presents, and the last project was the chapter's fourth annual Idita-Roll toilet paper drive for Bean's Café. Chapter members enlisted community members, government agencies, and Anchorage businesses into this project. Bean's Café uses over 56,000 rolls of toilet paper in support of over 500 homeless and working poor. The chapter drive raised 12,556 rolls. More importantly, the student chapter's efforts raised the awareness within the Anchorage community for this basic human needs necessity at Bean's Café.

The second direction members focused their efforts was internally on professional development for members and campus students on the significant role Human Resource Management (HRM) plays within organizations. Some of the activities and programs developed by the WBU, Anchorage Campus SHRM Student Chapter included:

- Hosting three meetings where three HR professionals spoke to students about the significant role of HRM within profit and not-for-profit organizations.
- Conducting eight workshop presentations focused on the chapter theme of "Raising Your Human Capital".
- Implementing a chapter sponsored mentoring program where local HR professionals mentored chapter students.
- Training and sending a graduate HR Student Chapter Team to the SHRM Pacific West Regional HR Games competition in Portland, Oregon. The chapter's HR Team placed second out of sixteen university teams.
- Planning, organizing, and hosting an all day Career Enrichment Conference focused on networking, resume writing, and interviewing skills.

Dr. Dave Rambow, faculty advisor to the Anchorage Student Chapter of SHRM, commented: "I am extremely proud of the student chapter leadership and members for their hard work and commitment to their chapter goals. The recognition by SHRM with the Outstanding Student Chapter award validated their hard work and dedication."

The Wayland Baptist University, Anchorage Campus SHRM Student Chapter was chartered by SHRM in 2006 and currently has 22 student members. For more information on the WBU, Anchorage Campus SHRM Student Chapter 5583, visit the chapter's web site at: <http://wbushrm.wix.com/wbushrm>.

Alaska Council / Junior Achievement Partnership Teaches Career Planning

By Ann Flister, SPHR, 2014 Workforce Readiness Director



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Several Alaska State Council volunteers tag-teamed to present a Junior Achievement (J.A.) career preparation module over several days at Central Middle School in January. “It’s My Future,” a classroom program developed and promoted by J.A., helps students learn the importance of building a positive personal “brand” for the future, starting in middle school. Students explored career clusters and identified jobs for additional research. With plenty of hands-on activities, the students took a close look at high-growth ca-

reer fields, explored how to use life experiences to develop work skills, and learned how to map a path to employment goals. A scavenger hunt to introduce the basics of job hunting was a class favorite! “I learned from this program that there are many different types of careers available and that it is important to think about what you want to do and how you are going to get there,” said one student.

This was the second year that the Alaska Council has partnered with Junior Achieve-

ment and with Mr. Bret Clark’s eight-graders at Central Middle School. A special thanks to Nancy Miller, Patty Hickok, Ben Krisher, Megan Hughes, Karen Zemba, and Louis Christie for volunteering their time to teach these valuable life skills through the J.A. program! The program will be repeated in the fall of 2014. If you would like to be involved, contact Ann Flister, 2014 Workforce Readiness Director, at aflister@pndengineers.com. ✨

2014 Diversity Survey Issues and Information

By Anne Sakumoto, PHR

Earlier this year, a survey was conducted to identify diversity issues important and relevant to the Alaska Society for Human Resource Management (SHRM) State Council members. The survey responses and open comments provided helpful insight into members' thoughts on "diversity."

TOP ISSUES IN SURVEY RESPONSES

Definition of Diversity. While there was an appreciation for diversity, there was also a need for clarity regarding the definition of "diversity."

Many HR professionals commonly understand the term "diversity" as an individual's standing in a legally protected class, such as an individual's race, sex, age, religion, disability, etc. However, the Society for Human Resources Management's definition of "diversity" in the workplace is more expansive to include "Invisible Diversity Traits" with examples such as Communication Style, Functional Specialty, Personality, Socio-economic Status, Thinking Styles, etc.¹ SHRM defines "diversity" as:

"The collective mixture of differences and similarities that includes for example, individual and organizational characteristics, values, beliefs, experiences, backgrounds, preferences, and behaviors."

Upon researching this topic, one will find in-depth articles about the need and strategy for developing diversity programs. You will also find articles referencing "diversity fatigue." This particular concept speaks to people experiencing overload on the topic and expressing a concern about discussing differences, in essence, believing they may offend those who have different beliefs, customs and lifestyles.

Recognizing that we're all different in a variety of ways, perhaps it's time to shift the conversation to "inclusion." This specifically was raised in the open comment survey responses.

What does "inclusion" mean? In SHRM's Diversity and Inclusion Initiative, "inclusion" is defined as:

the State Council website <http://alaska.shrm.org/board-directors>. Click on the position name and the position description will open identifying the function, responsibilities and requirements.

Don't forget to contact your chapter and state council leaders serving in that particular role

"There never were in the world two opinions alike, no more than two hairs or two grains; the most universal quality is diversity"

Michel de Montaigne (French Philosopher and Writer. 1533-1592)

"the achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the organization's success."

There are additional resources available elsewhere on diversity and inclusion (D&I) strategies and competencies. For example, a helpful resource by Indra Lahiri, Ph.D. "Creating a Competency Model for Diversity and Inclusion Practitioners"² describes Global D&I competencies and may be downloaded free of charge by visiting www.conference-board.org.

Leadership Roles. Closer to home, members expressed an interest in being involved in leadership roles within the Alaska council and regional chapters. Although most members are busy with work or personal commitments, there was a curiosity to learn more about the role and responsibilities of the leadership positions.

Position descriptions for the Alaska SHRM State Council leadership roles are available on

to discuss your interest and ask questions, whether it be about current or past projects, meetings, time commitments and any other questions you may have. Leaders' email addresses and telephone numbers are posted on the respective state council and chapter websites. Every year, opportunities are available to serve and we welcome your enthusiasm and commitment to volunteer!

To access additional articles, you may visit the SHRM website <http://www.shrm.org/hrdisciplines/diversity/pages/default.aspx>

Or see a sample Strategic Diversity and Inclusion Plan <http://www.shrm.org/hrdisciplines/diversity/articles/pages/strategicdiversitymanagementplan.aspx>

Note: Membership and log-in credentials are required to access most resources

The above information reflects only a portion of the survey responses and Council information in responding to member feedback. Questions? Contact Anne Sakumoto at aksakumoto@yahoo.com ✨

¹SHRM's Diversity & Inclusion Initiative, Definition of Diversity, 2008.

²Indra Lahiri, Ph.D. Creating a Competency Model for Diversity and Inclusion Practitioners, The Conference Board Council of Workforce Diversity, The Conference Board, May 2008.

Be Prepared for Immigration Issues

By Susan Morgan, the newsLINK Group



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Immigration is one of the major issues of our time, in part because of the complicated relationship between race, citizenship, civil rights, and the realities of the labor market. Over time, the U.S. has struggled over who should be given the right to be a citizen of the U.S., who should be allowed to vote, and who should be allowed to work. For example:

- African Americans were not legally considered to be citizens until 1868, and were not allowed to vote until 1870.
- Laws passed between 1882 and 1934 excluded Asian immigrants from citizenship and property ownership. These laws, which were later repealed, affected people from China, India, Japan, and the Philippines.
- Between 1882 and 1888, Congress worked to prevent Chinese laborers from coming to the U.S. in search of work, and prevented Chinese immigrants who were already in the U.S. from becoming citizens.
- Asian Indians were excluded in 1917.
- Although women were considered to be citizens, they were not allowed to vote as citizens until 1920.

- Even more acts were passed to restrict immigration between 1922 and 1917, but between 1943 and 1952, many of these restricts were either loosened or removed.

The Immigration Act of 1965 created a new set of rules for who could become a citizen. Preference was given to the following groups:

- The adult children of U.S. citizens (married or unmarried)
- Exceptionally talented artists, professionals, and scientists
- Skilled and unskilled workers whose labor was needed because not enough U.S. citizens could do the work
- Siblings of adult U.S. citizens
- Political refugees or those affected by natural disasters

Additional changes came in 1975 (the Indochina Migration and Refugee Assistance Act), 1980 (the Refugee Act), and 1987 (the Amerasian Homecoming Act). The biggest change since 1965 came in 1986 with the Immigration Reform and Control Act (IRCA), followed in turn by the Immigration Act of 1990.

None of these acts solved the underlying problem: the fact is that undocumented immigrants from Latin America and Mexico have been a source of low-wage labor since the 1950s, often with third-world conditions (and matching wages) that U.S. citizens won't accept.

Today, people in the U.S. can be classified in one of four ways:

- Citizens are those who are born on U.S. soil, are born to U.S. parents abroad, or are naturalized (that is, people who meet residency requirements and who are then granted U.S. citizenship).
- Permanent resident aliens. People in this category are granted the status for life. They are required to carry proof of their status with them, but they are not required to report an address every year.
- Non-immigrant aliens. These are people who visit the U.S. temporarily. For example, someone might be in the U.S. as a tourist or as a student.
- Undocumented aliens. This group of people is in the U.S. illegally, either because they crossed the border or were smuggled into the U.S. It also includes those who were here legally to begin with but who violated their status by staying too long, accepting an unauthorized job, or violating the rules in some other way. Some undocumented aliens buy counterfeit documents or engage in identity theft.

Human resource departments are required to implement IRCA despite the underlying problems. The idea is to make sure that the only people working in the U.S. are those who have a right to do so. Since it is illegal for any company in the U.S. to hire anyone who is not authorized to work in the U.S., employers are responsible to make sure that an I-9 Form is filled out for each new employee. Fortunately, this is not a problem for many companies.

Whenever a company hires a new employee, the federal government requires the employee to show documentation.

- On the first day of work, the employee has to show proof that he or she has the right to work in the U.S.
- Sometime during the first three days of work, the employee must also provide written documentation to establish not only that it is legal for the employee to work in the U.S., but also to verify his or her specific identity.

Most employees choose to use documents that establish both identity and eligibility to work:

- A U.S. passport. It doesn't have to be current.
- A current foreign passport that has Form I-94 attached to it. This form can be used to show that the passport's owner has an unexpired authorization to work.
- A certificate of U.S. Citizenship.
- A certificate of Naturalization.
- A Permanent Resident Card or an Alien Registration Receipt Card with a photograph. The Permanent Resident Card is often called a green card.



- Any of the following unexpired cards: Temporary Resident, Employment Authorization, Reentry Permit, Refugee Travel Document, or Employment Authorization Document.

To establish only identity, employers can use any of the following:

- A driver's license or ID card that has a photograph, name, date of birth, gender, height, eye color, and address. A school ID card can also be used.
- A Canadian driver's license.
- A U.S. military card or draft record.
- A military dependent ID card.
- A Merchant Mariner card for the U.S. Coast Guard.
- A tribal document for Native Americans.
- A voter registration card.

Minors under the age of 18 can use a school record or report card; records from a clinic, doctor, or hospital; or records from day care or nursery school.

To establish only employment eligibility, employers can use any of the following:

- A U.S. social security card
- A U.S. citizen ID card.
- A Resident U.S. citizen ID card.
- An original or certified U.S. birth certificate with an official seal.
- A Department of State certification of birth abroad
- A tribal document for Native Americans.
- An unexpired document, issued by DHS, authorizing employment.

Not verifying a new employee's identity and employment authorization has serious consequences for the employer, because it is a violation of U.S. immigration law. Failure to comply means possibly paying a fine, ranging in cost from \$100 to \$1,000, and — if an employer has made a practice or pattern of noncompliance — there is also a possibility of ending up in jail. *



The Easiest Way to Reclassify Contractors

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Employees who miscategorize employees as contractors open themselves to liability for two or three years, depending on circumstances.

Much of the liability has to do with taxes that should have been withheld, such as income taxes, Social Security, and Medicare. Unemployment taxes and coverage for workers' compensation are a factor as well, and so is the employer portion of the Social Security tax and Medicare tax. Since contractors may well be less expensive than employees, employers have a motive for using them. But the employer not only might end up having to pay this money anyway, it's possible that interest and penalties could be added to it.

Misclassification affects the person doing the work, as well. People who are misclassified as an employee or a contractor would have been treated differently if the classification had been correct. Suppose someone should have been identified as an employee. If the actual amount paid is less than the employee would have earned as an employee, then the employee is entitled to that and to an equal amount called "liquidated damages." They are also entitled to lost benefits, too: insurance coverage, vacation pay, preparation

for retirement in a 401(k), and perhaps even stock options.

In general, independence decides whether someone is an employee or a contractor. Someone who is in business provides either a service or a finished product. A business owner is free to buy or not to buy that service or product but doesn't control the specifics; specifics belong to the contractor.

The contractor doesn't have to own a business license, pay for overhead or advertising, show a profit or loss on particular jobs, or have multiple customers. What a contractor does have to demonstrate control over is the choice of the actual person who will complete the job, as well as any necessary tools or methods.

An employee, on the other hand, is hired, usually indefinitely, to do specific work under the direction of the employer.

Sometimes it is hard to tell whether a person is an employee or a contractor. Admittedly, this is a gray area of the law, and this article is not enough to educate you about all the possible ins and outs. But the following list of factors might help you decide whether someone should be considered to be a contractor:

- The person has a place to conduct business and has purchased everything necessary for that business. For example, the business doesn't tell the contractor where to buy supplies.
- The person can make a profit or experience a loss as a result of doing the work.
- The service or product is not the same service or product being provided by the company that hires the person as a contractor.
- The business relationship is often temporary, and there is no reason why the contractor cannot have other customers.
- The service or product requires skilled work: initiative, judgment, and foresight are all involved. Completing the work successfully depends on those skills.
- The person controls how the work gets done and has the authority to delegate it to someone else, such as the contractor's own employee or a subcontractor.

There's a reason why classification is ambiguous. The court makes decisions based on specific circumstances. A case involving money (especially taxes) might have a dif-

ferent result than a case involving neglect or omission. In fact, for a case involving two different statutes, someone could even be classified both ways. But the more someone looks like a contractor, the more likely it is that a court will agree.

Sometimes it's a good idea to reclassify a contractor. To that end, there is a government program dating from 2011 called the Voluntary Classification Settlement Program (VCSP). This is a proactive way to minimize potential tax liability while making a necessary shift. The reclassification has to be accepted in order to be effective, but it can save money and prevent criminal and civil sanctions. The government views it as a reasonable way to give businesses a fresh start.

An employer who participates in this program will only pay 10 percent of the tax liability for the most recent year. In fact, an employer might end up paying only one percent of what

was paid to the now-employee during the previous year. The specifics on the reduced rates can be found in section 3509(a) of the Internal Revenue Code. The employer does not have to face interest and penalties, and doesn't have to go through an employment tax audit for the employees who are being reclassified, either.

In exchange for this great deal, the employer agrees to extend the statute of limitations from three years to six years and also commits to treating the employees as employees.

Using the VCSP does have some requirements for the employer:

- The employer has to have consistently treated the people being reclassified as contractors in the past.
- The employer has to have filed IRS Forms 1099 for the reclassified employees during the last three years. The forms have to be filed within six months of the deadline.

- The employer can't be dealing currently with other problems, like an audit, examination, or investigation that is being conducted by the IRS, a state government agency, or the Department of Labor. If there has been something along those lines, then the employer must have complied with whatever was required.

To apply for VCSP, submit IRS Form 8952 within 60 days of the time when you want to reclassify one or more employees. You don't have to pay the money then; if the deal is accepted, you will have a closing agreement where you will pay what you owe.

Don't worry about triggering an audit just by making the application. You might be audited for some other reason, but not for that. And the IRS will keep the matter private. It won't share your information with state government agencies or the Department of Labor. ✪

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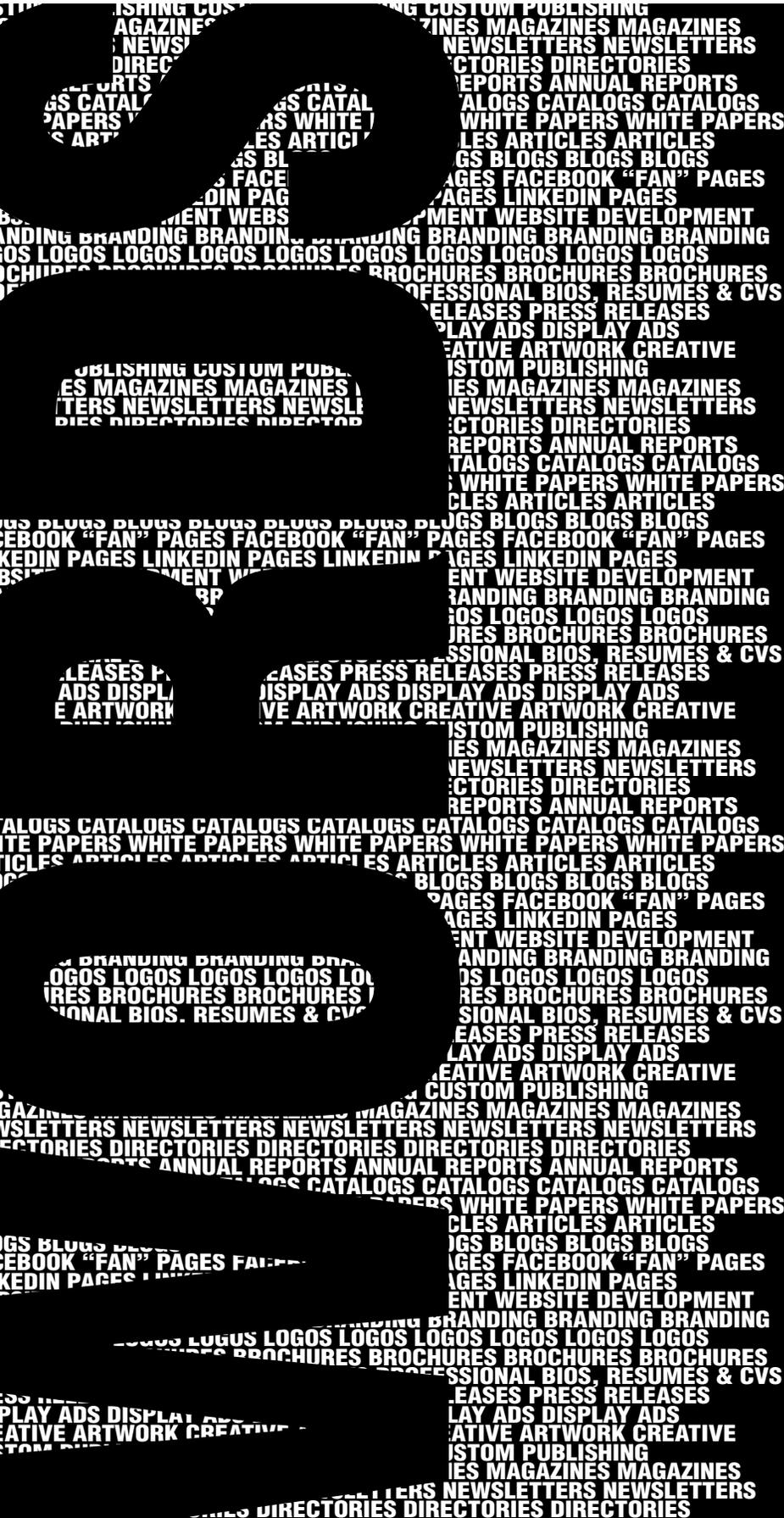
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