

Council Prospector

ISSUE 3 | 2015

Nuggets From Alaska SHRM



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2015 ALASKA
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Mission Statement

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, SHRM-SCP, Director, Alaska SHRM State Council

MESSAGE FROM THE PRESIDENT



Alaskans at SHRM Conference

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 during my term as your Alaska SHRM State Council Director.

SHRM once again provided us with a wonderful Annual Conference and Exhibition in Las Vegas last June encouraging us to THRIVE! Opening keynote speaker, Mike “Coach K” Krzyzewski, 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 Jennifer Hudson!

Besides providing us with wonderful educational opportunities, for the second year in a row, 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 those in need worldwide. I appreciate SHRM partnering with this organization and offering us the opportunity to participate in

this worthwhile project. For more information on Clean the World, you can visit their website at cleantheworld.org.

I would like to congratulate the Anchorage SHRM Chapter! During the annual SHRM Foundation luncheon in Las Vegas, the top 25 chapters with the highest contributions during 2014 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.

The 2015 Alaska State HR Conference will be here before we know it. Be prepared to “HR us Roar”! Our conference is scheduled for September 24 – 25 at the Anchorage Hilton. The two day conference has been preapproved by SHRM for 14 professional development credits and HRCI for 14 general credits including 9 business credits. We are on schedule for another record breaking event! We have a great line up of keynote speakers and presenters I know you will enjoy!

We are having a “Sock it to Unemployment” sock and underwear drive at our State Conference. We are challenging all attendees and HR professionals in the area to donate at least one pair of socks or underwear during the conference. This clothing drive is part of our ongoing efforts to assist the Prisoner Re-entry program and to increase employer awareness. My congratulations to our Workforce Readiness team for a job well done!

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! ✨

Respectfully,
Nancy Miller, SPHR, SHRM-SCP
Director, Alaska SHRM State Council

ALASKA SHRM WEBINARS
Winner of SHRM's National Pinnacle Award

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SEPTEMBER 24-25

2015 ALASKA STATE HR CONFERENCE

Pre-approved for 14 HRCI (9 Business) and 14 SHRM PDCs

<http://alaska.shrm.org/conference>

If you did not register and are interested in attending or are a vendor, please contact Patty Hickok at hickok_p@yahoo.com for any cancellations.

THANK YOU ALL FOR YOUR SUPPORT!

OCTOBER 9, 2015

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Beverly Dennis, MBA, CHAE, CHTP, Assistant Professor of
Business Administration and Management

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CREDITS!

NOVEMBER 6, 2015

WHAT IS THE IMPACT OF THE NEW MARIJUANA LAWS ON EMPLOYERS?

Gregory Fisher, Davis Wright Tremaine

JANUARY 15, 2016

GETTING IT RIGHT, ERISA.

Know Your Fiduciary Responsibilities

Jane Weiss, Benefits Advisor with the Seattle District Office of the
U. S. Department of Labor's Employee Benefits Security Administration

FEBRUARY 2016

HOW DO I KEEP MY EMPLOYEES MOTIVATED?

The Practice of Empathy-Based Management

George Langelett, Professor of Management and
Economics at South Dakota State University



Tribute to Lou Christie

Patty Hickok with Lou Christie

Terrified. That is exactly how I felt the first time I went to an ASHRM luncheon 14 years ago. I had just joined the UAA SHRM Student Chapter. Although I avoided eye contact when they asked for nominations for President, I was still voted in and one of my responsibilities was to represent the student chapter at the ASHRM board meetings and luncheons.

I had heart palpitations as I made my way to the Hilton to my first luncheon. The angel and devil were sitting on my shoulders, and the devil was clearly winning the battle. I was only a student, I didn't know anyone, where was I going to sit, was anyone going to talk to me, what were they going to serve, and the list went on and on. I was in a state of panic by the time I got there and thought about not going in more than once.

I checked in at the registration desk and someone said *"Good morning! My name is Lou Christie. I don't think I have seen you here before, is this the first time that you are joining us?"* Wow! Someone was talking to me and his nametag indicated he was a board member! He asked if I would like to join his table and I immediately accepted. He introduced me around and made me feel like a million dollars. I returned month after month and Lou always took me under his wing and made sure I met more people each time.

A year later, I was selected to participate in Class 6 of Leadership Anchorage. Mentoring is part of the program and I told them that I would love it if Lou would serve that role—which he accepted. I was ecstatic. He was an HR professional that I admired and respected and that had already helped me so much. We had a fantastic mentor-protégé relationship that continues to this day.

I credit him with opening up my eyes to Alaska Native Corporations (ANCs). One day we were having a conversation on the Alaska economy and the role of ANCs and how they were great companies to work for. He dispelled the myth that only shareholders or Alaska Natives could work in said organizations. At the time it was only a conversation, but a year later I applied to one of them (since now I knew I could) and was hired for the job - I have now been working for 2 ANCs for over 12 years!

He has provided unwavering support and encouragement over the past 14 years as I faced professional dilemmas and encouraged me as I considered advancing through SHRM volunteer leader roles at the local, state and regional levels.

Lou recently relocated back to Texas. Our farewell lunch was bittersweet – I was happy for him, but sad that I would not see him as often anymore. He is one of the individuals that has had a tremendous impact in my SHRM "career" – not only for making me feel welcome and engaged to a group I really knew nothing about but for showing me all the different opportunities I never even knew existed.

He taught me the impact that one person can have on another. Next time you go to your next chapter program, make sure that you engage fellow attendees, make them feel welcome, encourage them to return and to get involved. I want to thank Lou a million times for the impact he has had in my life. He may be gone from Alaska but never from my life. *

Terrified No More. Thanks to Lou Christie!

State Council Supports Alaska Re-Entry Program

By Ann Flister, SPHR, Workforce Development Director

HR and Labor representatives got a close-up look at the network of public and social services teaming up to reduce criminal recidivism on Friday, May 15. The State Council organized a “Re-Entry Walk,” led by Cathleen McLaughlin, Executive Director of the Partners Re-Entry Program in Anchorage. Approximately 15 people participated in the tour along 4th Avenue that began at the Anchorage Jail and through the “steps” of a newly released prisoner after completion of his/her sentence. Stops on the tour included the Alaska Community Mental Health Service Day Center, the Alaska Office of Public Assistance, the Re-Entry Center, Henry House (transitional housing), The Downtown Soup Kitchen, and Brother Francis Shelter.

Participants included Alaska State Council members Nancy Miller and Ann Flister, Anchorage SHRM chapter members, and representatives from the U.S. and Alaska Departments of Labor, Bristol Bay Native Association, and the Department of Veterans Affairs. BBNA representatives traveled from Dillingham for the event.

This activity was a continuation of the partnership begun last year between the Alaska SHRM State Council and the Partners Re-Entry Program when the State Council hosted an employer workshop. A similar workshop is on the agenda for the 2015 State Conference this September, along with a clothing drive to help supply the Center with



Alaska's Deputy Commissioner of Labor Joe Thomas and others listen to Cathleen McLaughlin describe the Partners Re-Entry Center on May 15.

desperately needed men's clothing. The Re-Entry Center serves an average of 240 open cases at any given time, and more than 1700 individuals since its inception, who are working towards self-sufficiency. Research shows that housing and stable employment are crucial factors in reducing Alaska's high rate of criminal recidivism. *

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CinemAbility



Anchorage HR professionals were treated to a special event Monday, May 11! The Regal Tikahtnu Theater was the site of the exclusive screening of CineAbility. This event was made possible by the Alaska Mental Health Trust Authority, the Governor's Council on Disabilities and Special Education, and the Alaska APSE chapter. This documentary explored the evolution of disabilities in entertainment and how it shapes our society's perception. The film included interviews of some of our favorite actors and clips from many of our beloved movies such as Forrest Gump, The Wizard of Oz, and many more!



For more information on CineAbility, please visit their website at www.cinemability.com. *

Practical Ways to Avoid Litigation

By Susan Morgan, The newsLINK Group

The good news about business litigation is that it usually concerns business matters, not important principles. After all, most businesses only exist as a way for its owners to make money. But when a lawsuit does get in the way of making that money, the cost and the distraction can both be substantial. In fact, it's possible that the distraction and lost productivity will cost you more than any dollar amount you might pay to your lawyer.

Another fact to examine at length is the uncertainty of the outcome. You don't know how long it will take to try your case, deal with postponements, and wait through appeals, but the amount of time can easily extend to years. In addition, it could be that the judge and (if there is one) the jury won't decide in your favor. You just don't know what is going to happen after you walk through those courtroom doors. Even if the case results in a settlement, the truth is that most judges and attorneys think the settlement is a fair one only when both sides don't like the results.

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How can you protect yourself from litigation? The best tactic, obviously, is to avoid it as much as possible. But that might not always be possible. However, even if all you do is minimize your chances of going to court, that translates into huge savings of time, money, and energy.

For small businesses, there are seven broad categories to think about when it comes to legal risk:

1. **Brands and trade names:** A trademark dispute can put a company out of business.
2. **Business property:** This would include any injury or death that occurs while someone is on a brick-and-mortar property.
3. **Complaints:** The most common reason for complaints occurs when someone is unhappy with a product or service. Someone might also think that the company's advertising and marketing materials are deceptive.
4. **Contracts:** It is imperative that all important decision makers at a company know what they are signing, because the company is obligated to honor a signed contract unless an exception can be reasonably identified, such as a provision that violates one or more of a specific state's laws.

5. **Disagreements between owners:** In the absence of well-written bylaws, buy-sell agreements, and shareholder agreements, sometimes there is no good way for owners to settle conflicts over major business decisions, compensation, or payments.

6. **Employee management:** Federal and state laws also require compliance with employment laws. These laws involve matters such as discrimination, accommodating employees who are disabled in some way, and sometimes might also include salary and benefits.

7. **Raising capital:** When a business is asking prospective investors for money that will be used as capital, the business is required by state and federal law to make specific disclosures. It is extremely unwise not to do so.

Sometimes the way to mitigate risk is fairly simple: buy liability insurance, for example, or have well-defined policies for owners and a comprehensive set of rules for employment policies. But no matter how well-prepared you think you are, you still might end up having someone threaten you.

The following sections contain some of our best advice about what to do when that happens.

Intellectual property is one of your most valuable business assets. . . you should talk to a lawyer about how to protect it.

Make, Keep, and Study Records

- Intellectual property is one of your most valuable business assets. That means you should talk to a lawyer about how to protect it. If you choose a specific business name, for example, have legal counsel handle a trademark search and registration. This is done by dealing with the U.S. Patent and Trademark Office, and it probably isn't as expensive as you might think to have your lawyer do an outside search and legal review. In addition to protecting any key names, also pay attention to patents, trademarks, and copyrights. For patents and trademarks, you will register with the U.S. Patent and Trademark Office; for copyrights, registration is with the U.S. Copyright Office.
- Keep records of problems and what you've done to solve them. If you have a problem employee, for example, it is extremely helpful to have a history showing your professionalism and fairness throughout.
- Learn from the past. Do you need to change policies or implement new procedures? What areas of your business are most likely to attract litigation? Which conflicts were resolved most successfully, and how did that come about? The deeper your

understanding is, the less likely it is that you will have a similar problem in the future, because you will know what you need to do in order to avoid it.

Protect Yourself

- If your business has two or more owners, make sure you have agreements in place to resolve any differences of opinion that might develop. Start with bylaws, agreements between shareholders, and buy-sell agreements. For example, you want to make sure you have a stipulated price formula so that if the company needs to buy out a minority shareholder, it can do so. This is especially important because unhappy minority shareholders are often exactly the people who are most likely to escalate a conflict into the court system. A buy-sell agreement can make it possible to remove someone who has become a real problem; once removed according to the rules, the chance of litigation goes down accordingly.
- If your business employs anyone other than the owners, make sure you have appropriate employment processes that keep you on the right side of state and federal laws. Include subjects such as discrimination and harassment, confidentiality, excessive employee absences, sick leave, vacation time, and any other helpful information about benefits or employee rights. Train managers, educate new employees, and apply the standards consistently. Why is this so important? Again, it's because your employees (if unhappy) are a group of potential litigators.
- Give serious attention to contracts, because a good contract can protect you. A good contract will define roles, duties, obligations, potential problems, and ways to resolve those problems. A great contract will ensure that you have the advantage legally when it comes to a potential dispute. For example, you can require that disputes be tried in your jurisdiction, mandate strict limits on pre-trial discovery, take advantage of expedited arbitration, and even stipulate that you can recover costs of collection, including legal fees, from someone who files a lawsuit against you. When details are spelled out precisely in documents, both sides know from the beginning what to expect and what to do. And if someone signing a contract has made key concessions to you, that person is much less likely to initiate expensive legal proceedings.

A good contract can protect you.
A good contract will define roles,
duties, obligations, potential
problems, and ways to resolve
those problems.

- Buy appropriate insurance for yourself and for any business property, and pay the premiums. Of course, you should also review the insurance and the premiums on a regular schedule



to make sure that the coverage you've selected is still appropriate. Sometimes a lawsuit is unavoidable. If you do have to go to court, it's nice to know that an adverse judgment won't ruin you financially.

- Civility is always a good idea. You need to watch the tone of any discussion, because staying professional and courteous may be exactly what you need to diffuse a suddenly tense situation. If you are perceived as being abrasive or harsh, or if you become upset and confrontational, it will be extremely difficult for you to work out a good solution with someone else.
- If someone is threatening you with a lawsuit, try to meet for a negotiation. Sometimes two people having a quiet, amicable conversation can work things out together. At the same time, you can leave the lawyers out of this only if the other side doesn't have one or more lawyers there. During your meeting, you should talk about the problem, explain your position (along with any supporting documentation), listen carefully to what the other person has to say, and talk frankly about the expense and difficulties of litigation. If your attempt doesn't work, that's fine. You might want to try again at a later time. Sometimes people are eager to litigate when they know it will take a while, but when they are looking at a court date in the near future, suddenly they feel the pressure to figure out a better solution instead.
- Don't give in to the temptation of making a situation worse by retaliating when someone behaves badly. If you try to negotiate in good faith and the other side is openly hostile and angry, don't reciprocate by being hostile and angry in return. Take a break if you need to, set some ground rules for behavior if necessary, and consider finding someone to act as a mediator if you are having a hard time getting the other side to practice basic courtesy. Wait before sending off any inflammatory letters or emails; if you must send something in writing, ask another person to read what you've written and to help you keep your communication

polite. The goal is to act, not to react. Make your decisions about what actions to take on the basis of the best possible outcome.

- Don't escalate a dispute by threatening someone else. If you do, your opponent might call in lawyers to talk about counterclaims and you will be more likely to end up in court. Intimidation is a poor way to try to negotiate because it backfires so often.
- Talk to your legal counsel as soon as you know you might have a problem. Talking doesn't mean going to court; it just means you are allowing a lawyer the chance to advise you early in the process while the situation is still minor. You might also want to involve your lawyers about mistakes that have been made, because it might be that the smartest thing to do is to fix a problem without admitting liability or wrongdoing. Do the right thing because it is the right thing ... but first, protect yourself as much as you can.

Be Proactive

- Always be willing to meet, talk, and work things out. If a situation is too heated, take a break, but then resume your communications later, if you can, when people have had a chance to think more rationally.
- Pay attention and fix problems as soon as you know about them. In addition to talking to your lawyer on a regular basis, that also means looking for potential problems, such as unsafe areas in a

company area, and correcting them.

- Involve the experts, if any. That might mean talking to a lawyer, an engineer, or an accountant, but whoever it is who has the expertise to help you, find them and if necessary pay them to give you the benefit of their advice.
- Don't procrastinate. Queen Elizabeth I may have avoided many problems by refusing to act immediately, but when it comes to legal conflicts, pretending it doesn't exist is not a good idea. The conflict may not be urgent today, but if you avoid dealing with it when it is easiest to do so, it may become both urgent and unavoidable. And unfortunately, "urgent" and "unavoidable" also means it will almost certainly become expensive. Have a way to fast-track problems in a timely way so that the necessary resources and expertise are available to figure out the right course of action as soon as possible.
- Try to identify potential problems early so you can deal with them while they are still small. You want the people on the other side to know you are being reasonable, respectful, and cooperative. As much as possible, give them every reason to make peace with you.

Build Good Relationships

- A frequent reason some people have for going to court is feeling that they are not being heard or understood. (Another reason is greed, but there's not much you can do about that other than abide by any contracts and agreements that have been made.) When someone gives you the opportunity to solve a problem, you should take it. Listen to what this person has to say, and make your understanding of their problem plain so that you can prevent more serious problems from developing. If people know that you have a history of valuing them, they are more likely to listen to what you have to say when a problem has developed. They trust you to deal with them as fairly as you always have. Never underestimate the power of a positive shared history.
- Be as objective as possible, and do your best not to let your emotions get the better of you. To do this, start by looking at the situation from the other side. You might even want to see whether you can get your legal opponents to put their position into writing by encouraging them to make their case to you. Someone once said there is no piece of paper so thin it doesn't have two sides. You should know what the other side is for any business conflict that presents itself. How else can you evaluate its merits? This is a good idea for a couple of reasons. First, it gives you understanding. Second, it can make it possible for you to find empathy, which in turn can help you diffuse someone else's negative feelings.
- Do your best to remove the possibility for any miscommunication, and exercise some diplomacy. You won't succeed



Always be willing
to meet, talk, and
work things out.

LITIGATION | *continued on page 12*

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Beacon was developed with your business in mind. From on-site requirements and examinations to drug screen collections, to medical and safety staffing, Beacon brings quality health and safety services to your workplace.



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completely, because communication and diplomacy are high-level skills that challenge everyone, but that doesn't mean you can't put some real effort into it. Read everything from email messages to legal documents carefully, and discuss anything you are supposed to sign with someone knowledgeable. Ask questions. Keep good records. Follow procedures that are designed to improve communication, and be very careful to return phone calls as quickly and courteously as possible.

- Good relationships aren't just for the people you serve professionally. It's also for any people who work either with you or under your direction. It's inevitable that person differences will sometimes come up; the better you prepare for that day by building up good will and trust, the more likely it is that everyone concerned will be able to resolve those differences quickly and without a lot of unnecessary drama.

Develop a Process

- Having high standards is great, but don't expect every situation to go strictly according to plan. You are setting yourself up for massive disappointment if you do. Think in terms of needs and wants. Do you need an issue to be resolved in a specific way? Or can you categorize the issue as more of a want? If a problem has to do with safety, for example, then there is probably not much room for any solution that exposes people to some kind of hazard. But if the problem is more stylistic in nature, think twice about getting into a passionate argument.

- Find ways to arbitrate tough decisions. Is there a reference that both sides respect, such as a specific book or set of rules? Does it make sense to appoint someone impartial who can hear any options and then make a decision? Should there be a way to appeal a decision if people feel strongly enough about it? If you can come up with a way to find a solution before the problem has even occurred, and everyone has agreed to use your approach, you will have removed most (if not all) of any potential contention.

Sometimes people won't work with you, no matter how nicely you ask or how reasonable your case is. But you should never consider going to court until you have tried every reasonable alternative that is available to you. If making a phone call might be enough to prevent any additional problems, then don't hesitate to make the phone call. Only when the process has failed should you consider whether it is finally time for litigation. Your decision should include thinking about the cost of going to court. Is it really worth it? Or would it be better to either settle the problem or walk away?

The best strategy in any conflict is to handle the problem with honesty, as complete an understanding of the problem as possible, and your own insight and judgment to guide you. Stay calm, stay reasonable, and keep your eye on coming up with a solution that is as fair as possible to you and to your opponent. Whatever happens, you will have done your best to optimize the outcome even if that outcome is decided in a court of law. *



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CERTIFICATION

Molly Webb, PHR, SHRM-CP, Certification Director

Attending the Alaska State HR Conference September 24-25? Seeking credits towards your PHR, SPHR, SHRM-CP or SHRM-SCP? If you are unsure what all those letters mean, take the time to become knowledgeable on the available certifications from both HRCI and SHRM's new certification. The State Conference is pre-approved for both HRCI and SHRM credits towards recertification.

Don't wait until September 23 to become SHRM certified and miss out on 14 SHRM Professional Development credits (PDCs)! Start now and be on your way to fulfilling 14 of your 60 SHRM PDCs.

SHRM Pathway

If you were HRCI Certified by 1/31/15, you may be eligible to take SHRM's certification tutorial for **free** before 12/31/15 (up to a \$400 value). It's quick and easy! Become SHRM Certified prior to the state conference to start earning your re-certification credits. Simply visit SHRM's certification page at www.shrmcertification.org.

SHRM Exam

If not currently HR Certified - become SHRM Certified by taking the SHRM Certification Exam. Download the Certification Handbook from SHRM's certification page to learn about the exam including:

- Eligibility requirements, testing windows, and application process

SHRM Learning System is a tool to prepare for the SHRM Certification Exam, is available:

- Self-Study or Instructor-Led programs
- Print and e-reader versions
- On-line access for 18 months
- Includes assessment test before taking the exam

Recertification

After receiving your SHRM Certification, begin earning recertification credits - requires 60 Professional Development Credits (PDCs) within a 3-year recertification period. All PDCs are general – no strategic credits.



Not Sure Where to Begin?

1. Determine your eligibility (combination of work experience and education) Visit shrmcertification.org/eligibility
2. Apply for SHRM-CP or SHRM-SCP Exam. Upcoming Exam Schedule:
 - Winter Window: 12/01/15 – 02/15/16
 - Applications Accepted: 05/01/15 – 10/16/15
 - Late Application Deadline: 11/13/15
3. Choose the 2015 SHRM Learning System Learning Option:
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4. Take the Exam and leverage your certification.

If you have any additional questions, reach out to Dianna Gould at Dianna.Gould@shrm.org, Molly Webb, Certification Director, mwebb@ciri.com or contact your local chapter for learning opportunities provided locally. ★



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