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THE RESOURCE

San Diego Society for Human Resource Management



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Calendar

- March 16
Membership Mixer
- April 20
Lunch Education Program
- May 18
Breakfast Education Program
- June 15
Membership Mixer

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Manpower

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Superior Mobile Medics, Inc.

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San Diego State University

Executive Director

Michele Grassley Clarke
The Grassley Group

New Members

*San Diego SHRM welcomes all new members since
December 1!*

Liza Amog

Jamie Kenney

Melissa Rockoff

Kathryn Campbell

Roshan Lal

Jessica Rothstein

Rick Caprario

Danny Lawrence

Lisa Saxton

Denille Castillo

Malisa Magana

Kris Sheffler

Madeline Chavez

Bo Maximova

Douglas Sjoberg

Katie Childs

Jennifer McDaniel

Jessica Tapia

Jenna Coyne

Angela McLemore

Theresa Weber

Christie Crager

Felicia Milligan

Lisa Willhoite

Travis Doderlein

Taylor Miville

Cortland Williams

Carla Dykstra

Alyssa Moniz

Jasmine Yankajtis

Maria Gotes

Wendy Nevak

Parisa Yazdani

Sarah Howell

Susan Oleson

Kurt Kalbfleisch

Elaine Ramirez



Member Spotlight

Sabrina Patterson, PHR

Vice President of Human Resources at BST NanoCarbon

Sabrina became interested in HR following college graduation while working for a company that had recently been acquired and needed assistance transitioning employees to the new company's benefits plans, as well as assisting with payroll and outplacement. She realized that she really enjoyed the experience of working directly with employees, thus her career in Human Resources began.

Sabrina feels a great sense of accomplishment in matching a job candidate to a job opening, bringing together an effective team and partnering with management to develop a plan on how to assimilate the new employee(s) into an existing team. She also enjoys developing programs, streamlining processes and implementing procedures.

Sabrina earned her Bachelor's degree from University of Southern California in Business Administration, her Human Resources certification eight years later and her PHR designation five years following that. When asked of what she is particularly proud of, she states:

- Being part of a recruiting team that grew the company from 1,200 employees to 3,000 employees
- Leading two very successful HRIS software implementations
- Developing and administering the company 401K plan
- Developing a successful internship program

When asked where she sees the HR field going in the future, Sabrina states, "Throughout my career in Human Resources, I have had the opportunity to increase my partnership with the executive team. I see Human Resources continuing to increase its role in business decision making discussions. Human capital is integral in the success of a business. HR leadership is integral in determining the correct rate of staffing growth, compensation structure and in impacting the productivity of the employees. For these reasons Human Resources is gaining in popularity as a necessary leadership role in all sized companies."

Upon joining San Diego SHRM, Sabrina joined the Communications Committee and also serves on the Conferences Committee and hopes to move into a board member role in the future.



Sabrina Patterson, PHR

Member Spotlight

Christie Crager, PHR

Clinicomp Intl

Attracted to Human Resources because of her people and business skills, Christie Crager has been working in the Human Resources field for more than 20 years. She has been an HR Manager, Generalist and Consultant for various organizations including non-profit, private, educational and government entities. She earned her PHR designation in 2007.

Christie recently moved to San Diego from Colorado, where she was active in the local HR association for 18 years. She is excited to join San Diego SHRM in order to network, share knowledge and experiences, as well as to keep abreast with the ever-changing field of HR.



Christie Crager, PHR



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San Diego SHRM Legal and Legislative Update.....

Christine Mueller, Esq., VP of Legislation



Christine Mueller, Esq., VP of Legislation

Legislative Update: New California Laws for the New Year

What better way to ring in the new year than to review some of the California laws that impact California employers beginning in 2016. This is an opportune time to review your policies and procedures regarding these recent changes.

- **Minimum wage increase:** California's minimum wage increased to \$10 per hour effective January 1, 2016. Employers should ensure that exempt employees meet the salary basis test in light of this increase.
- **Equal pay (SB 358):** California's new law addressing equal pay holds employers liable for pay differentials between men and women for jobs which require the same or substantially similar work, regardless of whether the employees are within the same establishment. Also, employers cannot prevent an employee from inquiring about another employee's wages or aiding or encouraging any other employee to exercise his or her rights under the law. This law also extends related recordkeeping obligations from two years to three years.
- **FEHA protections for requesting reasonable accommodations (AB 987):** This law expands protections under the Fair Employment and Housing Act to prohibit retaliation or discrimination against an employee who requests accommodations, regardless of whether his or her request is granted.
- **Expanded whistleblower protection (AB 1509):** This law expands retaliation protection to family members of employees who engage in, or are perceived to engage in, protected activity.
- **Expanded child care leave (SB 579):** The types of protected activities under this law include attending to emergencies, and finding, enrolling, or reenrolling a child in a school or with a child care provider. The law also expands the definition of parent to include stepparents, foster parents, and persons standing in loco parentis to a child. Employers with 25 or more employees are covered under the law.
- **E-Verify limitations (AB 622):** Employers are prohibited from using the federal E-Verify system to check the employment authorization status of any existing employee or applicant who has not yet been offered employment, unless the employer is required by federal law to use the system. In addition, if an employer uses E-Verify in an authorized manner and obtains a tentative non-confirmation, the employer must provide notification to the employee as soon as practicable.
- **Piece-rate compensation (AB 1513):** This law makes it significantly more difficult for employers to pay employees by piece rate. Employers must compensate piece-rate employees for rest and recovery periods and other nonproductive time. In addition, wage statements must show the total hours of rest and recovery periods, the rate of compensation paid for them, and total gross wages. Employers who pay piece-rate wages may want to reconsider doing so.

Judicial Update

U.S. Supreme Court Rejects California Court's Attempt to Invalidate Class Arbitration Waivers

The U.S. Supreme Court issued an important ruling regarding arbitration agreements in *DirecTV, Inc. v. Imburgia*. While this case did not arise in an employment context, it has implications for employers who use arbitration agreements containing class action waivers. DirecTV's service contract with customers included a mandatory binding arbitration provision with a class arbitration waiver, meaning that the customer would be forced to seek only individual relief in arbitration. A California Court of Appeal found that the class arbitration waiver was unenforceable under its interpretation of the service contract.

The U.S. Supreme Court, however, reiterated that the Federal Arbitration Act preempts state law judicial interpretations that do not place arbitration contracts on an equal footing with other types of contracts, and upheld the class waiver. California courts have routinely attempted to invalidate arbitration contracts, ignoring federal authority on the topic. This decision may finally send a message to California courts that the U.S. Supreme Court will no longer tolerate California's distaste for arbitration.

Ninth Circuit Court of Appeals Allows HR Director's FLSA Retaliation Claim to Proceed

In *Rosenfield v. GlobalTranz Enterprises, Inc.*, the Ninth Circuit Court of Appeals ruled that a former employee could proceed with a retaliation claim under the federal Fair Labor Standards Act (FLSA). The employee, a director of human resources for GlobalTranz Enterprises, Inc. (GlobalTranz), reported to her superiors throughout her employment that she believed the company was not compliant with the FLSA, even though monitoring FLSA compliance was not her direct responsibility. After she was fired, the employee sued GlobalTranz under the FLSA and Arizona state law.

The district court granted summary judgment for GlobalTranz, finding that the employee had not filed a "complaint" which would trigger protection under the FLSA because her job was ensuring compliance. The employee appealed. On appeal, the Ninth Circuit discussed the employee's role as a manager and director of human resources. The court acknowledged that a managerial employee who is tasked with reporting on the company's compliance ordinarily would not put the employer on notice that the manager was filing a complaint. But the question must be resolved on a case-by-case basis. In this case, the court determined that the manager was not directly responsible for ensuring compliance with the FLSA, and her advocacy on the part of other employees was not merely part of her regular job duties. The court found that the frequency and formality of the manager's complaints could lead a reasonable jury to conclude that she engaged in protected activity under the FLSA. The fact that the complaining employee was a manager was an important consideration in the analysis, but there is no bright-line rule.

This case underscores the broad protections given to employees in all positions who raise complaints about wage and hour laws. Because of the lack of a bright-line rule, future litigation is likely regarding the standard for "filing a complaint" in the context of FLSA retaliation claims, and employers are less likely to succeed on summary judgment motions attacking those claims.

News from San Diego State University's Student SHRM Chapter (SHRM SDSU)

Ryan Prout, SHRM SDSU President and San Diego SHRM Student Liaison

SHRM SDSU wrapped up the semester strong and are already preparing for the upcoming semester. We have a new slate of Executive Officers who will be leading the charge and helping SHRM SDSU reach its many goals for 2016, including a strong showing at the SHRM HR Case Competition and a "three-peat" for receiving the SHRM Outstanding Chapter Award. Only 10 student chapters nationwide will receive this award in 2016. Our chapter was the only student chapter to earn this designation in California (and one of only two in the western US in 2015.) In preparation for their upcoming roles, we asked each of the new executive officers to reflect on why they love SHRM:

- **Debbie Te'o** (President-elect): "SHRM has allowed me to become connected to a professional network that continues to grow; post-graduation, I will use SHRM as a resource for my career in the HR field."
- **Alexandra Saba** (Vice President-elect): "All of the opportunities that SHRM offers, as well as the great support system of the students involved in the organization!"
- **Ryan Prout** (Secretary-elect): "SHRM has helped me develop professionally and personally. SHRM has offered me plenty of resources to become better prepared for my future in HR."
- **Travis Doderlein** (Treasurer-elect): "SHRM offers a professional and friendly environment--deciding to join SHRM was my best decision of the fall semester, and I wish I would have joined sooner. I can't wait to see what's in store for us this semester."

SHRM SDSU will also have two students serving on San Diego SHRM Committees in the spring:

- **Kelly Barrios** (San Diego SHRM Liaison – Membership Committee): "SHRM has provided me with the tools needed to be successful in my transition from student to human resources professional."
- **Gabriela Verendia** (San Diego SHRM Liaison – Workforce Readiness Committee): "I have met amazing, friendly and driven people in SHRM who are proud to support an organization that is dedicated to helping students prepare for professional business careers."

Speaking of plans for 2016, we are currently in need of mentors for our **third-annual HR Professional Mentoring**

Event planned for **April 5, 2016** from 4-6 p.m. Peter Kane is in! Please join him in being a mentor for our students! Peter has participated as a mentor every year and can vouch for how much fun it is! We have had a number of San Diego SHRM members participate as mentors in this event in the past, and we likewise hope many of you will come back to participate this year, as well as inviting those of you who have not participated in the past to please hold the date!

The event is organized in a "speed-dating" format which allows students to meet one-on-one with a number of HR professionals at five minute intervals to talk about job search strategies, HR careers, etc. This format also allows you to meet a number of motivated students, many of whom will be graduating soon. The SDSU chapter is grateful to San Diego SHRM for its support and participation in making the past two year's mentoring events successful. Many of our past mentors have found this event to be enjoyable and rewarding. Students get great career perspectives and advice as well as the ability to hone their networking skills. We will also be awarding our first annual SHRM SDSU Natasha Sandrock Arthur Outstanding Service Award at this year's Mentoring Event. Natasha had a huge impact on our organization, and we are happy to honor her memory and her commitment to serving others. We are currently recruiting mentors, so if you are interested in participating in this rewarding and fun event, please email sdsushrm@gmail.com for more information!



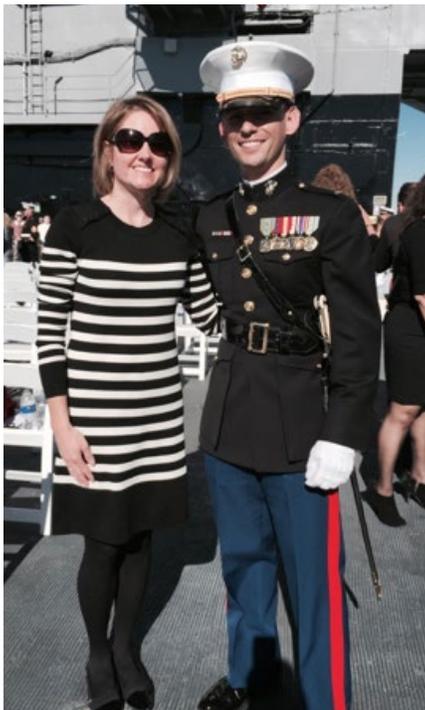
Ryan Prout, SHRM SDSU President and San Diego SHRM Student Liaison



SHRM SDSU members with Jennifer Dar

Need help with HR projects at your organization? We can help! We have many HR students, including some of the officers listed above, who would appreciate the opportunity to apply their academic training to help you! All of our HR students must have an internship experience (a minimum of 135 hours which can be either paid or unpaid) in order to graduate. It is important that they locate an internship that aligns with their career interests and that fits with the knowledge they have acquired through their HR coursework. We are asking that San Diego SHRM members consider having an SDSU HR student intern at their respective organizations for the Spring 2016 semester. This is a great way to give back to the HR profession by helping develop the next generation of HR professionals—as well as getting help with projects you may have. We have a number of students looking for internships right now for the spring semester who need to have their internship experience lined up by late January/early February, so now is the time to start thinking about how we can help you! SDSU has many individuals ready to help you start the process to employ an intern and get the word out to HR majors about your internship opportunities. For more information, please contact Dr. Michelle Dean michelle.dean@sdsu.edu, SHRM SDSU Faculty Advisor and HR Program Coordinator, and she will be happy to answer your questions and get you started with locating an SDSU HR intern!

In other chapter news, Michelle Dean, was featured in a San Diego Union-Tribune article on November 30th in which she discussed HR education and what we are doing at SDSU to educate the next generation of HR professionals.



Dr. Michelle Dean and Second Lieutenant David Alonso at this Marine Corps Commissioning Ceremony.

We are proud to announce that SDSU HR major, David Alonso, was commissioned as Second Lieutenant in the United States Marine Corps on December 18 at the Joint ROTC Commissioning Ceremony on the USS Midway. We are confident that David's HR education will serve him well as he assumes a leadership role in the military. Upon Commissioning, Second Lieutenant Alonso will report to The Basic School at Marine Corps Base, Quantico, Virginia.

A number of us enjoyed attending the San Diego SHRM Board Dinner and San Diego SHRM Holiday Party and appreciate the opportunity to learn from and network with San Diego SHRM HR professionals. SHRM SDSU is grateful for the outstanding relationship between our two organizations, and we look forward to working together to advance HR in 2016.



Jennifer Dar, Debbie Te'o, and Laurie Chua



Sophie Zavala, Jennifer Dar, Peter Kane, Debbie Te'o, Alexandra Saba, and Ryan Prout

In Transition Group Meetings

Are You Seeking Your Next Human Resource Opportunity?

Join the HR Career Networking Group for positive support, connections, leads, and mini education sessions. These sessions will take place on the second and fourth Thursdays of the month beginning at 5:45 p.m. All meetings will take place at the address below.

Brandman University
7460 Mission Valley Rd.
San Diego, Calif. 92108

▶ [CLICK HERE](#)

***Should you have any questions,
please contact Susan Wheeler at 858-349-1731
or susanjoycewheeler@gmail.com.***



Call for Volunteers

Thank you for your membership and participation in San Diego SHRM!

We would like to make you aware of some volunteer positions that would allow you to network faster with San Diego SHRM and get you involved in the community. It is a great resume builder to be involved on a leadership team, plus it is rewarding and a lot of fun!

We have committee member spaces on the Sponsorship, Programs, Diversity, Foundation and the WS Radio Show committees. These require the ability to participate in monthly phone conference calls and take on small projects. All volunteers must be a member in good standing with San Diego SHRM.

If this sounds interesting, or you'd like to hear more, please fill out the volunteer sign-up form.

▶ [CLICK HERE](#)

Thank you again for being a part of San Diego SHRM and we look forward to seeing your application!



Dear CBA Friends,

As a busy human resources and total rewards professional where can you turn for the intelligence and ideas to solve challenges, improve performance and advance professionally?

At [WorldatWork's 2016 Total Rewards Conference & Exhibition](#), to be held right here in San Diego, you'll gain the strategic insight to develop forward-thinking plans and the tactical, practical tools to make your plans a reality.

[Register](#) for the June 6-8, 2016 Total Rewards Conference and Exhibition and you will:

- Gain continuing education credits for your professional certifications!
- Network with peers, hear from expert speakers, and meet solutions providers.
- Add to your total rewards expertise by also [registering](#) for CBASD-hosted WorldatWork Courses right after the conference on June 9-10:

[B1 - Regulatory Environment for Benefits Programs](#)

[C8 - Business Acumen for Comp Professionals](#)

(this course facilitates achievement of the ACCP designation - Advanced Certified Compensation Professional for current CCP holders)

We are committed to your professional development and these programs provide members with special pricing discounts on conference and course attendance, educational resources, and membership.

Thank you,
CBASD Board

www.cbasd.org/



2016 Law Day

Presented by:
San Diego Society for Human
Resource Management

Cutting Edge Legal News Abounds at 2016 Law Day

San Diego SHRM 2016 Law Day was a resounding success! We had over 300 professionals in attendance, and many of the programs offered were standing room only.

[Jennifer Lutz](#), from Pettit Kohn Ingrassia & Lutz PC, presented the 2016 California Compliance and Legislative Update. Jennifer was able to provide us guidance on the importance of complying with the California Fair Pay Act, using e-Verify, Piece-Rate Compensation, expansion of school activity and sick leaves, as well as, labor commission expansions and PAGA cures. Also with the changes to minimum wage, reminded us of the need to ensure our exempt employees are meeting the salary thresholds, and least we should forget, the annual salary change for computer professionals.

During his talk on The Art of Verbal and Documented Disciplinary Interventions to Turn Around Employee Performance and Insulate Your Company from Liability, Paul Falcone [Paul Falcone](#), best-selling author and Vice President of Human Resources with Cox Communication, provided outstanding, practical advice and examples that we can use to coach managers on how to have adult conversations with employees to address performance. Paul's final message: Always focus on shifting responsibility for improvement to the employee and away from your company. Successful verbal and documented interventions allow you to handle matters respectfully, responsibly, and in a timely manner, which are the key tenets to due process and fairness.

Our most popular concurrent sessions:

- Audit Yourself First: What Wage and Hour Audits Should You Do Now to Prepare for 2016, by [Brenda Kasper](#), Esq., SPHR-CA, SHRM-SCP, Kasper & Frank LLP
- He Said/She Said, by [Kim Parker](#), California Employers Association (CEA)
- Conflict Management Coaching to Resolve Employees Disputes, by [Yvette Durazo](#), Unitive Consulting
- Walking the Transgender Tightrope: How to Balance Culture and Compliance in the Modern Workplace, by [Jodi Slavik](#), Vigilant

With the ever changing California and Federal employment law landscape, it is more important than ever for all of us to be informed and in compliance. All of our speakers did a great job and helped the HR community to be better prepared for the complex employment law landscape.



2016 Law Day

Events like 2016 Law Day would not be possible without sponsors and we want to thank [Pettit Kohn Ingrassia & Lutz](#), [OnePoint Human Capital Management LLC](#), and [UC San Diego Extension](#) for their sponsorship of 2016 Law Day.

Lastly, we had an outstanding group of volunteers who gave up their day to help the conference. A big thank you to Allison Gaughan, Diane Clark, Erika Christian, Isabelle Yanez, Jeff Hobbs, Jennifer Dar, Karla Boudreaux, Kim Martin, Linda Kurtz, Marshall Moore, Maxine Price, Peter Kane, Sabrina Patterson and Tricia Zulic. Our association is only as good as our volunteering members and these are some outstanding members.

I am sure I am biased, but I felt it was a very productive and successful conference experience! If you missed it, you can always plan to attend 2017 Law Day!

Laurie Chua

*VP, Conferences
San Diego SHRM*



CA-Knowledge Bowl Questions

1. **An organization wants to reduce its research and development time by 50%. Which of the following training events is MOST closely linked to this corporate goal?**
 - A. Time management training
 - B. Data collection and analysis training
 - C. Leadership training
 - D. Conflict resolution training
2. **Which of the following occurs in a learning organization?**
 - A. The organization selects people who will receive training
 - B. Emphasis is on team learning, not individual learning
 - C. Learning is connected to organizational goals
 - D. Each employee creates his or her own vision of the organization
3. **Which of the following is a work that has fallen into the public domain?**
 - A. A pop song written in 1980
 - B. An article in an HR magazine
 - C. An HR textbook revised in 1997
 - D. A government pamphlet
4. **Under the fair-use standard, trainers may**
 - A. copy a Learning System module for a friend
 - B. cite and copy a paragraph from an article and pass it out at a staff meeting
 - C. copy a chapter from an HR textbook and hand it out to a class
 - D. copy any materials for a free training session
5. **Which of the following is not an unfair use?**
 - A. Photocopying and posting Dilbert cartoons in the training room
 - B. Copying a chapter from a book and distributing it as part of training handouts
 - C. Downloading a three-minute movie clip from the internet and showing it in a training
 - D. Citing a small paragraph from a book in a training handbook
6. **Which of the following is LEAST likely to affect a participant's readiness to learn?**
 - A. Motivation
 - B. Ability
 - C. Tenure with the organization
 - D. Perceptions of the work environment
7. **Which of the following intrinsic factors affect an employee's willingness to do the job?**
 - A. Opportunities for recognition and relationship with coworkers
 - B. Opportunities for personal growth and achievement
 - C. Working conditions and job security
 - D. Job environment and pay
8. **A first-line supervisor desires a management position. However, only college graduates seem to be promoted. The employee decides not to enroll in college since balancing work and school would be too hard. According to Vroom, the employee**
 - A. does not believe that a college degree will lead to a management job
 - B. does not want a management position badly enough
 - C. does not trust organizational management
 - D. lacks confidence in himself

Answers

1. B 2. C 3. D 4. B 5. D 6. C 7. B 8. B