

Volume 36, Issue 11
December 2016



THE RESOURCE

San Diego Society for Human Resource Management

San Diego SHRM Holiday Party

Join us for our Annual Holiday Party to Celebrate our 2016 Successes!

Every year at our Holiday Party, we host a silent auction to benefit a selected charity. Through the generous contributions from our members and local businesses, we are able to make a donation to our selected charity. We are pleased that this year's charity is the SHRM Foundation.

Register Today!

Wednesday, December 14
5:30-8:30 p.m.
Neighborhood House Association
5660 Copley Drive
San Diego, 92111

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Calendar

December 14
2016 Holiday Party

January 11
2017 Law Day

From the President

Heather Whitley-Quinn

In November 2015 I was working closely with SHRM Past Presidents Brenda Kasper and Nina Woodard to finalize what would become the San Diego SHRM 2016 Board of Directors. Over the past twelve months, it has been a privilege to work with such a dynamic group of professionals to execute the San Diego SHRM's 2016 strategy: Connect, Build, Sustain, Contribute. As we find ourselves smack dab in the middle of "reflection season", it is only fitting to take a look back on our year as a chapter and celebrate our accomplishments.

- New roles – with a renewed focus on building stronger relationships in our community, the 2016 Board included a position that has been vacant for the past two years. Meisha Sherman, our VP of Sponsorship, has been focused on developing corporate sponsorships, developing partnerships, and increasing visibility for SD SHRM in the greater business community. A few of Meisha's key "wins" were securing a major sponsorship from Hewlett Packard Enterprise as well as hosting the July FLSA program, assisting with our August mixer at "Club Manpower", securing the USD Campus for our Workplace Strategies Conference and our 2017 Law Day, and partnering with Neighborhood House Association for our 2016 Holiday event. The VP of Sponsorship role is critical in sustaining the Chapter and providing value for our members. Meisha will continue her fine work and continue to grow this role as Sponsorship VP in 2017. Another addition to our 2016 Board was the role of VP of Diversity, which was held by Brett Pugliesi. This board role is becoming increasingly prevalent throughout the California, as chapters acknowledge the importance of diversity and inclusion, and members seek out resources and support for their organizations' D&I initiatives. In 2016, Brett's influence was felt in our programming, special projects and community partnerships. He will continue to champion diversity and inclusion in our local chapter in 2017.
- With a continued commitment to connecting members to timely, relevant resources, 2016 also saw the pilot of the SD SHRM Webinar Series. The first webinar was launched within a week of new FLSA regulations. Not only was SD SHRM the first to provide programming on the implications of the new FLSA revisions, this resource

was free for members. Over 70 local HR professionals participated in this session. Our follow-up webinar, with over 100 participants, dealt with the new San Diego Sick Leave and Minimum Wage ordinance. SD SHRM was in the forefront once again, being the first to provide valuable information, free of charge to our members.

- Advancing the profession is the core objective of San Diego SHRM. It was also the key driver for our inaugural SD SHRM HR Career Day. This event gave us all an opportunity to contribute. Our collaboration, which included San Diego SHRM, the San Diego Workforce Partnership, Cal State San Marcos, UCSD Extension, the San Diego Continuing Education Complex - Cesar Chavez Campus and CalSHRM was a huge success. It was a very rewarding experience to have more than 40 HR volunteers engaging high school and college students – sharing information about the diversity of HR careers available in San Diego, providing career coaching, resume feedback and job search advice. We look forward to building on the success of this year's HR Career Day in the years to come.
- Our strategy could not have been realized without a stellar 2016 Law Day and Workplace Strategies Conference and top-quality monthly programming covering such topics as the experience and practice of inclusion at work, transgender workplace success, abolishing the employee performance review and building a coaching culture.

What's in store for 2017? Our President-Elect, Andy Covell will be sharing the details in the next edition of The Resource (how's that for a cliff hanger?). I can share that Andy and the 2017 board will expand on all that was built in 2016, seek out additional ways to add valuable resources for our members and outline strategies for sustaining and moving our chapter forward.

In closing, I'd like to extend the most heartfelt THANK YOU to the San Diego SHRM 2016 Board of Directors! You have worked tirelessly to make this an amazing year, and I am humbled and honored to have worked alongside you all.



*San Diego SHRM President,
Heather Whitley-Quinn*

New Members

San Diego SHRM Welcomes All New Members Since November 1!



Quyen Phan
Kalia Kincade
Anthony Jemison
Kristi San Nicolas
Cheryl Hurst

Our annual holiday party is just around the corner!

If you or your organization would like to donate items for the holiday party opportunity drawing or silent auction, please reach out to

Vice President of Programs, Karla Boudreaux at karla.boudreaux@eset.com.

2016 Board of Directors

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Manpower

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My Efficient Edge

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Meisha Sherman
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Superior Mobile Medics, Inc.

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Manny Delatorre, Brandman University

Executive Director

Emily Cabbage
The Grassley Group

2017 Law Day

JANUARY 11, 2017

Presented by:
San Diego Society for Human
Resource Management

CONNECT - BUILD - SUSTAIN - CONTRIBUTE

AN EVENT NOT TO BE MISSED!

1 DAY 15 TOPICS

Your Opportunity to Learn, Share, and Network on the Beautiful University of San Diego Campus

REASONS TO ATTEND:

- ✓ Get a clear understanding of the complex world of employment laws and court decisions that impact how you do business.
- ✓ Identify and address common pitfalls that can put your organization at risk, such as pre-employment screening, FLSA compliance and sexual harassment claims.
- ✓ Get tools, tips and resources that help minimize your organization's exposure to litigation.
- ✓ Build your network of peers and resources.

	Early Bird	Advanced	Regular	Late
2017 SDSHRM Law Day Registration	Until Nov 24	Nov 25- Dec 25	Dec 26- Jan 7	After Jan 7
Dual SDSHRM & SHRM Member*	\$205	\$245	\$295	\$330
SDSHRM Chapter Only Member	\$245	\$285	\$325	\$370
Non-Member	\$370	\$410	\$450	\$495
Student SD SHRM Member*	\$50	\$50	\$50	\$50
Student Non Member/Veteran/In Transition Rate*	\$75	\$75	\$75	\$75

*Please call 866-632-1492 or email info@sdshrm.org to receive this discounted rate! Group discounts also available – call today for more information!

Become a member of SD SHRM BEFORE signing up for Law Day and we will waive the \$25 processing fee!

Register Here:

<http://www.sdshrm.org/event/2017LawDay>



San Diego Society of Human Resource Management, Chapter 130
600 State Street, Suite A, Cedar Falls, Iowa 50613
Phone: 1-866-632-1492 • Fax: 1-619-243-1353 • info@sdshrm.org



Hot Topics Covered:

California Legal Updates

Ethical Dilemmas

Assessments

Immigration

Marijuana

ACA Health Care

Social Media

Medical Leaves

Many More!

2017 Law Day

Presented by:
San Diego Society for Human
Resource Management

JANUARY 11, 2017

CONNECT - BUILD - SUSTAIN - CONTRIBUTE

Keynotes

Ethical Dilemmas and the HR Professional, by Harvey Berger, Paul Falcone, Janice Brown

Harvey Berger and Janice Brown, two of San Diego's top employment attorneys join Paul Falcone, a distinguished HR executive and best-selling author to discuss the ethical dilemmas HR professionals face in their day to day work. These range from taking an unpopular stand, to providing advice that will not be well received by management, to being asked to do things that are believed to be illegal. The panelist will explore such issues and provide insight on how best to deal with them. To learn more about our panelist, view their profiles here:

Harvey Berger

Janice Brown

Paul Falcone

2017 Employment Law Update: The HR Essentials You Need to Know Now, by Brenda Kasper

Prepare your workplace for 2017 and beyond. Join Brenda Kasper for a practical and entertaining seminar that provides the most important information you need to know for 2017. Topics include: Key case law, legislative and regulatory updates that will affect employers in 2017, an overview of absence management issues related to California's local and state paid sick leave laws, significant wage and hour risks for 2017, including new legal requirements for equity pay issues.

To learn more about Brenda, [click here.](#)

Concurrent Sessions

We will have three concurrent breakout sessions going on throughout the conference. You will be able to choose the topics that interest or challenge you the most from compliance to best practices.

Sessions will include:

Workplace Drug Policy Conundrums: Marijuana Legalization and More, presented by Christopher Olmsted

In November, California voters legalized the recreational use of marijuana. Employers will need to develop and enforce workplace drug and alcohol policies and what, specifically, should be done now to respond to determine the growing trend of medical and recreational marijuana use. This session will provide tips and best practices to follow so that your policies with respect to applicants and employees are up to date.

Conducting a Gender Equity Audit, presented by Fred Plevin, Esq.

With the passage of the California Fair Pay Act, the EEOC's upcoming requirement that employers report pay data by gender and many high-profile gender equity lawsuits, it is more important than ever for employers to conduct a gender equity audit. This session will explain the steps for conducting an effective gender equity audit.

Creating Severance Agreements That Protect Your Organization, presented by David Monks, Esq.

The best way to avoid litigation is to prevent it. One way to do that is through the use of severance agreements. But courts may not enforce an agreement that is vague or overreaching, or does not have required features. Learn how to create an effective, well written agreement that will give your organization what it's paying for – peace of mind.

Top 10 Things Employers do to get Sued by Their Employees, presented by Lauraine Bifulco

Without realizing the potential consequences, every day, employers make some very common mistakes that create significant liability for their company.



Less Risk, Better Talent: Using Assessments the Legal Way, by Greg Barnett, Ph.D.

This session will cover the foundations of a legally sound assessment strategy that improves talent decision-making while minimizing legal risk. We will explore the basics of EEOC and ADA law with respect to assessments and review best practices for being both safe and effective when using these valuable tools.

Social Media in the Workplace, presented by Jenna Leyton-Jones, Esq. and Jennifer Lutz, Esq.

This presentation will explore the pros, cons, and pitfalls of social media use in the workplace. Topics covered will include the latest legislative and judicial guidance, as well as practical tips on issues such as checking social media during the hiring process, disciplining employees for social media posts, and regulating social media use during work hours. Attendees will also be provided tips on drafting effective and enforceable social media policies.

California Legislative Update, presented by Mike Drenan, Esq.

The California employment law landscape is ever-evolving. Learn about recent changes and steps employers can take to remain compliant. Issues covered will include: New signage ordinances, pay equity, domestic violence leave, paid sick leave, wage and hour laws and worker classification.

Investigations that Work, presented by Don Phin, Esq.

In this fast moving presentation Don will share with you seven very important tips: 1. Where there is smoke... investigate! 2. Be prompt, thorough and independent; 3. Get to the truth and assess credibility; 4. Don't make things worse! 5. Use attorneys wisely; 6. Use appropriate discipline; 7. Make victims whole. Don will also provide an Investigation Checklist and other tools you can use!

Identity Theft in the Workplace and its Impact on HR, presented by Kris Evans

Identity Theft is currently the fastest growing white collar crime in the country and the risk has never been greater. From employees to customers, there is a major need to educate on all levels and protect sensitive data. Participants will learn the 5 major types of identity theft and to be more prepared to protect non-public information (NPI).

Challenges for US Employers Hiring Foreign National Students, presented by Marlene Z. Stanger, Esq.

There are approximately one million foreign students in the US. Employers who hire foreign students and significantly invest in their training face the prospect of losing them, together with their skills and talents, if they cannot remain in the US in employment authorized status. We will provide insights and solutions on how to maintain their employment authorization.

ACA IRS Enforcement - What to Expect; presented by John Barkley, Esq.

With IRS Employer Shared Responsibility Payment notices due to come out in late January and early February, Employers need to be prepared to respond. The presentation will overview the IRS selection process, examination process, as well as the documents and information employers will need to respond.

San Diego SHRM Legal and Legislative Update

Christine Mueller, Esq., Vice President of Legislation



Christine Mueller, Esq., VP of Legislation

New I-9 Form Published

Beginning January 22, 2017, all employers will be required to use the new version of the Employment Eligibility Verification Form I-9. The new form contains “smart” features such as drop-down menus, calendars, and embedded instructions, which are intended to help employers complete it electronically. While there are some structural changes to the form, the main verification requirements remain the same. The new form is designed to be completed on the USCIS website, but employers must still print a copy of the form and proceed with normal verification, signing, and storing practices.

OSHA Publishes Guidance Related to Its Upcoming Injury and Illness Tracking Rule

After multiple delays, OSHA's new anti-retaliation provisions in its injury and illness tracking rule are scheduled to go into effect December 1, 2016. The delays were due to pending litigation challenging the rule. The new provisions were scheduled to begin August 10, 2016, and were initially delayed until November 10, 2016. OSHA also issued a letter of interpretation to clarify certain provisions of the rule, which highlights certain types of policies that have the potential to discourage employees from reporting injuries, such as disciplinary policies, post-injury drug testing policies, and employee incentive programs. For example:

- Employers may discipline employees for violating safety rules, but should not discipline employees simply for reporting workplace injuries.
- Drug and alcohol testing of injured employees should occur only when there is an objectively reasonable basis for testing (i.e., if there was a reasonable possibility that drug or alcohol use was a contributing factor to the injury).
- Employers should not promote incentive programs that relate to recordable injury rates; rather, OSHA recommends incentive programs that reward employees for participating in safety-related activities.

OSHA's new interpretive guidance can be found here: https://www.osha.gov/recordkeeping/finalrule/interp_recordkeeping_101816.html. Employers with the types of policies noted above should evaluate them to ensure that they conform to OSHA's expectations.

Court Enjoins Fair Pay and Safe Workplaces “Blacklisting” Rules

The day before they were scheduled to take effect, a federal court issued a nationwide preliminary injunction blocking implementation of several major provisions of President Obama's Fair Pay and Safe Workplaces Executive Order and its final rules. Those rules would have required certain federal contractors to disclose “violations” of employment laws to be used as a factor in determining whether the contractor was a responsible bidder eligible to receive a federal contract. Although determining the legal validity of these rules could take years to resolve, the issue could become moot if President-elect Trump rescinds the Executive Order, which many experts believe he will do. The paycheck transparency portion of the rules survived the court's scrutiny, and is still scheduled to go into effect on January 1, 2017.

Judicial Update

California Court of Appeal Rejects Retaliation Claim

In *Dinslage v. City and County of San Francisco et al.*, a California appellate court clarified that “protected activity” sufficient to make out a retaliation claim may not be as broad as it seems.

David Dinslage (“Dinslage”) was formerly employed by the Recreation and Parks Department of the City and County of San Francisco. Part of his job duties included organizing programs for the disabled. When his department changed focus to inclusive programming rather than segregated programming for the disabled community, Dinslage’s position was eliminated. After being laid off, Dinslage sued for retaliation and other claims under the California Fair Employment and Housing Act (FEHA). He argued that his employment was terminated, in part, because of his opposition to his employer’s actions that he believed discriminated against people with disabilities.

In order to prevail on his retaliation claim, Dinslage was required to show that he suffered an adverse employment action because he had engaged in protected activity. The court found that his opposition to his employer’s policies and practices which he viewed as discriminating against disabled members of the general public was not protected activity, because it was not directed at an unlawful employment practice. Thus, Dinslage could not reasonably have believed the practices he opposed were prohibited by the FEHA. Dinslage’s issues were not related to any employment practices, but instead related to individuals who were not in an employment relationship with his employer. This case affirms the standard for what constitutes protected activity under the FEHA.

Employers Need Not Include the Monetary Value of Accrued Vacation on Wage Statements

A California Court of Appeal held that Labor Code section 226(a) does not require employers to include the monetary value of accrued paid vacation time in employee wage statements unless and until a payment is due at the termination of the employment relationship.

In *Soto v. Motel 6 Operating L.P.*, Lidia Soto (“Soto”) sued her former employer, Motel 6 Operating, L.P., alleging that it violated Labor Code section 226(a) by failing to include the monetary amount of accrued vacation pay in its employees’ wage statements. She brought the action under the Private Attorneys General Act of 2004 (PAGA) in her individual capacity and on behalf of all aggrieved workers. Labor Code section 226(a) requires that employers provide certain information on wage statements, including an itemization of gross and net wages earned. California has recognized that wages include vacation pay.

The appellate court dismissed Soto’s case. First, section 226(a) does not identify accrued paid vacation as one of the categories that must be included on wage statements. Second, while vacation pay is a type of wage, unused vacation time does not become a quantifiable vacation wage until the employee separates from employment. Therefore, vacation pay cannot be defined as “gross wages earned” or “net wages earned” until the termination of employment. Until a vacation benefit is required to be paid, it need not be included in a wage statement under Section 226(a).

Payroll Service Not Considered a Joint Employer

Sharmalene Goonewardene (“Plaintiff”) was an employee of Altour International Inc. (“Altour”), which provides travel-related services. Plaintiff claimed that she did not receive compensation due to her, and sued Altour for various alleged wage and hour violations. She also sued her employer’s payroll service ADP, LLC et al. (“ADP”), alleging that ADP was also responsible because it maintained her earnings records, calculated her earnings, and provided her with her earnings statements.

Plaintiff brought claims against Altour and ADP for discrimination, wrongful termination, and violations of the California Labor Code and the Fair Labor Standards Act, under the theory that ADP was Plaintiff’s alternative or joint employer. In *Goonewardene v. ADP, LLC et al.*, the appellate court determined that ADP could not be sued under these claims. There was no employer-employee relationship between Plaintiff and ADP, and ADP simply took over payroll functions for Altour.

Plaintiff also brought claims against ADP for breach of contract, negligent misrepresentation, and negligence. The appellate court ruled that Plaintiff could file her complaint for these claims. Under Plaintiff's theory, Altour and ADP had a contract for wage-related services, and Plaintiff was a third party beneficiary of that contract.

It is uncertain as to whether Plaintiff can prevail in proving her claims against ADP. Nonetheless, this case is validation that payroll services are generally not deemed joint employers for purposes of employment law claims.

California Court of Appeal Permits Plaintiff to Sue Based on Non-Cancerous Tumor that Allegedly Limited Her Ability to Work

In *Soria v. Univision Radio Los Angeles, Inc.*, a California Court of Appeal discussed disability-related claims where the employer disputed that the employee had any disability. Sofia Soria ("Soria") worked for Univision Radio Los Angeles, Inc. ("Univision") as an on-air personality for over ten years. She was diagnosed with a small tumor that was benign and underwent medical tests relating to the tumor for a few years. She had no physical symptoms as a result of the tumor that interfered with her ability to perform her job duties, but she told Univision that she was thinking about potential surgery. Over a period of seven months, Soria missed work or arrived late nine times due to doctor appointments related to her tumor. In addition to requests for time off, Soria had several conversations with her supervisors regarding her appointments and diagnosis. Soria's last supervisor took issue with Soria's tardiness since Soria continued to arrive to work only minutes before her on-air time or after her show had started. Due to the ongoing tardiness, Univision terminated Soria's employment.

Soria filed a lawsuit against Univision alleging claims for disability discrimination, failure to accommodate, failure to engage in the interactive process, violation of the California Family Rights Act (CFRA), retaliation under the CFRA, and wrongful termination of employment. The trial court granted summary judgment for Univision, after Univision argued that Soria did not have a disability, had never requested CFRA leave, and that it terminated her employment for legitimate reasons. The appellate court reversed and determined that Soria could bring her claims.

The court determined that Univision terminated her employment with knowledge that she was seeing a doctor regarding a tumor. The treatment, consisting of doctor visits and potential surgery, prevented her from coming to work on occasion. Even if Soria did not have an actual disability, Univision treated Soria as having a disability or potential disability. Furthermore, while Univision presented evidence that it discharged Soria for her tardiness (which may or may not have been related to her tumor), there were inconsistencies and contradictions in the evidence which established pretext. For example, Soria had received consistently favorable performance evaluations, and one of her supervisors testified that her tardiness had been an issue for ten years. The court noted that it was not until Soria disclosed her medical issue to her supervisor that her tardiness became a problem.

The court also determined that Univision failed in its duties to accommodate Soria and engage in the interactive process. Once she requested time off, the burden was on Univision to inquire further regarding scheduling her potential surgery. The CFRA does not require a specific form of notice by an employee, and Univision also had an obligation under the CFRA to obtain necessary information concerning her need for CFRA leave. This case is a reminder that regarding or perceiving an employee as having a disability can trigger obligations on the part of the employer, even if no disability is actually present.

NEW On the HR Insights Hour



Mary Yama
*Business Process Analyst,
 Mitchell*
**Myths and Truths
 of Working with
 Millennials**

[LISTEN HERE!](#)



Nicole D. Price
CEO, Lively Paradox
**Lively Paradox:
 Confirmation Bias
 and Structure**

[LISTEN HERE!](#)



Cath DeStafano
*CEO of the Human
 TuneUp Company*
Customer Care

[LISTEN HERE!](#)

**If you have not yet listened to San Diego SHRM's HR Insights Hour radio program,
 join us for an exceptional lineup of guests!**

[CLICK FOR WEBSITE](#)

[CLICK TO LISTEN to ARCHIVES](#)

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

Travis Doderlein, SHRM SDSU President and San Diego SHRM Student Liaison

It is hard to believe that the semester is almost over! We had a number of professional development events and activities for our members this past month.

We were happy to kick off the month with having our Executive in Residence, **Andy Esparza**, back on campus to visit with us on Nov. 4. Our members had the opportunity to meet with Andy and talk about HR issues as well as to discuss our strategic planning for the spring semester. Andy and his wife, Karen, both SDSU alums, recently started a scholarship to assist HR students seeking HR experience in an unpaid internship. Andy was pleased to be able to announce **Oscar Flores** as the first recipient of the *Andrew and Karen Esparza HR Internship Scholarship*. Congratulations, Oscar! Oscar is SHRM SDSU's Treasurer, and he is interning this semester with a local non-profit organization geared towards assisting minority youth and their parents in low-income communities. His internship involves the recruitment and selection activities for positions which are difficult to staff. We strongly encourage our members who are going into unpaid HR internships in the spring to apply for this scholarship next semester.

We held our first SHRM Homecoming Tailgate on Nov. 5. We all had a great time and had a great turnout for this event. We are looking forward to planning more social events for our members this coming semester so that we can have fun while teambuilding and getting to know each other.

On Nov. 8, we had our 2nd Annual Clean the World Hygiene Kit Build Event. This is an important community service event because we bring the community service to campus making it easy for students to participate. We partnered with Clean the World which recycles hygiene products from the hospitality industry. We assembled 350 hygiene kits at

this event and had a great turnout of students. On Nov. 18, SHRM members - Nicole Duong, Krystal Wetsel and I, delivered the hygiene kits to Alpha Project and Toussaint Academy. Alpha Project is a non-profit human services organization that serves over 4,000 men, women and children each day through affordable housing, residential substance abuse treatment, supportive housing for people with special needs, basic and emergency services for the homeless, transportation assistance, mental health counselling, employment training, preparation and placement, education, outreach and prevention, and community services. Toussaint Academy is a licensed group home serving homeless youth in San Diego County ages 14-18.

Officer elections for Spring 2017 were held on Nov. 15. We will introduce our slate of officers for Spring in next month's Resource along with their goals for moving the chapter forward in the new year.

It is that time again to start thinking about possible internship opportunities that you may have to help an HR student gain valuable career-related

experience. Internship experiences are a critical component for students to prepare for an HR position upon graduation. Spring semester is a popular time for students to seek out internship opportunities. Our HR students must have an internship experience (minimum of 135 hours) as part of their coursework. The spring semester at SDSU starts Jan. 18, so now is a great time to prepare to get a student in place. If you need more information on having a student intern and/or need our help in getting the word out to our HR students on your job opportunities, please contact our Faculty Advisor, Dr. Michelle Dean (michelle.dean@sdsu.edu).



Travis Doderlein, SHRM SDSU President and San Diego SHRM Student Liaison

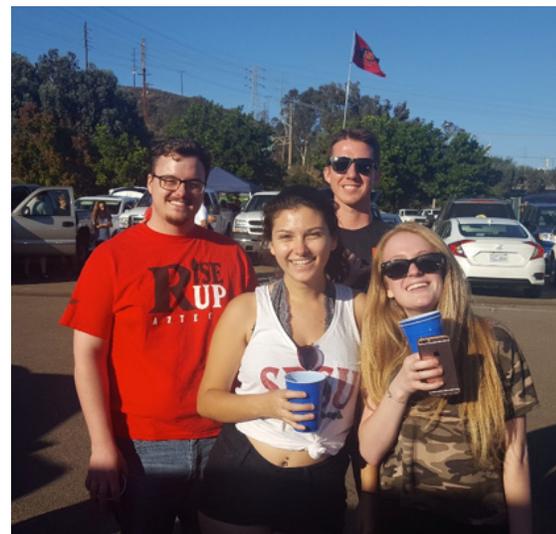


Oscar Flores, first recipient of the Andrew and Karen Esparza HR Internship Scholarship, with Andy Esparza

We would like to give a special thanks to **Brad Weinstein**, SD SHRM VP of Workforce Readiness for coming to campus to participate in our Nov. 1 officer meeting and engaging in a dialogue to put initiatives in place to prepare students for careers in HR. Thanks again for your continued outreach efforts with our chapter, and we look forward to working with you and SD SHRM in 2017.



SDSU Alumni Career Development Participants: Back row - Andy Esparza, Sophie Zavala, Kelly Barrios, Casie Martinez, Marie Huerta; Front row - Beckie Joy, Jenna Bilj-Coyne, Lexi Saba, Ryan Prout, Jennifer Dar, Patricia Rosiles, Priscilla Santos



SHRM SDSU officers Trevor McCoy, Neil Palmer, Jenna Schier and Mollie Sreden at the SHRM SDSU Homecoming Tailgate at Qualcomm Stadium



SHRM SDSU members preparing hygiene kit supplies for the Clean the World event



Clean the World event participants

Our November Breakfast Program

Our November program had over 60 attendees and featured Leadership and Human Resources Consultant, Paul Falcone. Paul provided valuable insight on building a coaching culture and how to coach employees starting from the hiring process forward. He shared different ways that anyone can be a leader even if they are not a manager. Based on his latest book "75 Ways for Managers to Hire, Develop, and Keep Great Employees," Paul presented a powerful and enjoyable presentation illustrated with stories and examples drawing from his experience working as a high level executive at Nickelodeon, Paramount Pictures and Time Warner.



Volunteer Opportunities in 2017!

2017 Workplace Strategies Conference

Plans are underway now for next year's fall strategies conference. Specific needs include volunteers with marketing background to develop a marketing strategy, review graphics, draft emails and proofread content. Also needed are volunteers to work on sponsorships.

Please contact Sabrina Patterson at spatters2011@gmail.com for more info.

Special Projects

This coming year we have three projects designed to let SDSHRM engage with the broader San Diego Community.

- 1) **Career Day** – outreach to students ages 16 to 24 for an HR Career Day Event (partnership with the San Diego Workforce Partnership, ATD, Student chapters of SHRM, members and broader community)
- 2) **When Work Works** – outreach to the past winners of this National SHRM Award and encourage broader participation from San Diego
- 3) **WS Radio** – continue to produce two WS Radio Shows each month designed to deliver Competency Based programming. (Approved for recertification)

Please contact Nina Woodard at nina@ninaewoodard.com for more information.

Register to volunteer here! <http://www.sdshrm.org/?page=VolunteerForm>



The Key To Unlocking Access to Information: Asking Effective Questions

Gregg F. Relyea, Esq.

In the first installment in this series, the author addressed the value of “professional listening” and the elements of that process. The second installment in the series, “Asking Effective Questions,” targets techniques for gathering information from one-on-one conversations in the workplace. The way a question is phrased can make a significant difference in the information that is provided, yet most people are not trained in the art of asking effective questions, unless they are in the talking professions, such as counseling, therapy, and law. Without training, it’s possible to randomly ask questions that sometimes produce inconsistent results and lead to resistance. At times, there may be the impression that the conversation is a game of “cat and mouse” and the questioner is not getting through by asking effective questions. Fortunately, there are a number of principles and techniques that can be used to be a more effective questioner in the workplace.

Essentials of Effective Questioning

Understanding the basic types of questions is a critical part of asking effective questions. Professional communicators are aware of the impact of different types of questions and they deliberately ask carefully worded questions that elicit the type of information they seek. For example, open-ended questions are broad and very useful in the early stages of investigation (“What happened on that day?”). Closed questions help narrow the focus and to pin-point specific details (“What was your budget for the program?”). Questions that elicit facts can help to establish the factual background (“What was the contractual deadline for completing the program?”). Questions that elicit law (or other relevant norms/policies) can help to create an understanding of the rules that apply (“What is your departmental policy for handling this type of situation?”). Questions that elicit positions help to understand another person’s perspective (“From your point of view, did the supervisor handle the situation appropriately?”). Questions that elicit arguments are aimed at the reasoning behind a position (“Help me understand how you arrived at that conclusion.”).

Questions that are open/closed or that elicit facts, rules, positions and arguments are helpful in establishing the background of a situation.

The focus of these types of questions, generally, is the past, e.g., past behavior, past conduct, past actions. Another type of question — one that focuses on a person’s interests — reveals a person’s true needs, goals, and motivators. Importantly, questions about interests focus on the past, the present circumstances, and the future.

In conflict resolution practice and communication theory, an interest is defined as an underlying need or concern. Often, interests are the driving force behind the way a person perceives behavior of others and interprets that behavior. Every person comes into a workplace conversation with their own unique set of interests, yet there are universal interests that generally have value for many people, including the need for respect/recognition/patience/kindness, certainty, finality, timing, (job) safety and (job) security, and health. Figuring out a person’s interests is a challenging task and it is possible if the right questions are asked.

Interest-based questions include:

What are your main concerns?

What is important to you?

What is this really about?

What is driving this?

What’s behind this?

What do you want to accomplish (short-term, mid-range, long-term)?

Identifying and incorporating interests in work place conflict resolution involves a 3-step process: (1) Identify (ask questions about and understand) a person’s interests; (2) prioritize their interests (ask them what is most



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important to them and try to get a sense of their ranking of interests); (3) develop options for agreement and solutions by incorporating their most important interests (using the information gathered in Steps 1 and 2). Using this 3-step process will enable a questioner to be confident in their questions and to ask questions that are targeted to reveal underlying interests. Not every conversation requires an interest-based analysis, but any dispute involving a long-term employment or commercial relationship or the desire for one, warrants an interest-based approach.

Asking interest-based questions isn't time-consuming or burdensome — it simply requires an understanding of ways to ask questions that elicit information about interests and applying the 3-step process outlined above.

Note that many people express their interests in a negative form (e.g., I don't want this to drag on forever = I want to get this over with.). To be an effective communicator, it is necessary to translate negative comments into positive interests. When confronted with information about things an employee does not want to happen, it is critical to mentally analyze the employee's statements and to figure out what they do want to happen. Affirmative framing of interests opens the pathway to problem-solving because a human resources professional can understand what is most important to the employee and can shape solutions to serve the interests of both the employee and the company.

Questions and statements that open the door to communication include: "I want to understand your way of seeing pricing/staffing/technical aspects of a project?" "What are your priorities at this point?" "I appreciate the information you have provided." "I'll convey your information to the Board/Executive Committee/supervisor/the other department." "Moving forward, what ideas do you have for handling this?"

In gathering information, it is helpful to beware of door-closing statements that may threaten to derail communication, including: "That's a non-starter." "This is a waste of time." "Take it or leave it." In most situations, there are positive ways to manage these door-closing statements, including, in sequence, "Help me understand the reasons that doesn't work for you." "We've come a long way — let's focus on pricing." "That idea is agreeable if you can make it happen in 30 days."

Some words are not conducive to constructive communications: "What is your *problem*?" "What is your *side of the story*?" "What is your *version*?" "What were you *thinking*?" "Why did you do that?" These questions imply that the speaker isn't telling the truth, that their recollection amounts to nothing more than an opinion, that their reasoning must be faulty, and that they need to explain themselves. To reframe these questions, try asking, "Tell me about the background." "How do you see it?" "I want to understand your calculations." "Walk me through your reasoning and the choices that were made about ways to handle the situation."

With concerted effort, it is possible to strengthen and enhance communication skills for all levels of employees. Asking effective questions can be a very valuable as one tool to facilitate the communication process. To use this tool, it's critical to keep in mind the type of information that a particular question elicits and to shape questions purposefully. In addition, it's valuable to focus on interests of the employee (and company) by asking questions that elicit information about their most important interests and to incorporate information about interests into the process of developing solutions to conflict. A professional communicator understands that, often, personal interests are expressed in the negative and they need to be converted into affirmative form in order to serve as a springboard for problem-solving. Along the way, it is crucial to be mindful of statements and questions that are "door-openers" and "door-closers" and ways to manage them effectively. Finally, it's helpful to be aware that certain commonly used words and phrases tend to shut down communication rather than opening it. Using these powerful communication tools, it will be possible to have consistently productive and constructive conversations in the workplace.