



**Mark this date on your Calendar!**

**August 8, 2012**  
Louis Falcone

**September 12, 2012**  
Dan Weedin

**October 1-3, 2012**  
NHRMA Conference & Tradeshow

**June 24-27, 2012**  
SHRM 2012 Annual Conference & Exposition

Please continue to check our website at [www.wshrma.org](http://www.wshrma.org) for updated information on the above event.

**Reminder:** For all WSHRMA meetings, "no shows" will be billed the cost of the event, without exception, unless the cancellation is received prior to the RSVP deadline.

WSHRMA's chapter #0229



## West Sound Human Resource Management Association West Sound Happenings

### August Newsletter

## Retaliation in the Workplace

**Presented by: Louis Falcone**

The number of lawsuits asserting retaliation is soaring. Over the past 10 years, retaliation claims filed with the Equal Employment Opportunity Commission (EEOC) have increased by 67 percent, now accounting for more than 36 percent of all charges filed with the EEOC. That's up from 27 percent 10 years ago.

Why are retaliation claims different? One theory is that jurors, as a general rule, don't want to believe that managers are racist or sexist, but they understand it is human nature to want to strike back at someone who attacks them or the company. In fact, there are a growing number of cases in which the employee fails to establish an underlying discrimination claim but succeeds on the accompanying retaliation claim.

Given the dangers posed by retaliation claims, it is essential that the training you provide each year to your supervisors and managers includes specific training on retaliation. Make sure they know what to do — and what not to do — when an employee makes a complaint or accuses them of wrongdoing. An effective training program will include the following elements, which will be demonstrated:

#### Learning Point Highlights

- Convey the serious legal consequences and workplace impacts of retaliation
- Present a practical model for recognizing, responding to and resolving retaliatory behavior
- Demonstrate how a culture of integrity is most effective in preventing retaliation

#### Workshop Objectives

- Define retaliation in the workplace
- Recognize situations that are or have the potential to become retaliatory
- Identify common types of overt and subtle retaliatory behavior
- Identify the primary negative impacts of retaliation on the organization Prevent and/or stop retaliation

**About the presenter:** Louis Falcone, a Kitsap County resident, has spent over 20 years working hard to help businesses, public sector and non-profit employers establish and maintain positive, productive workplaces, while carefully managing their risks. His primary areas of concentration include State and Federal Regulation of Employment, Labor Contract Administration and Collective Bargaining, and Personnel Policies and Practices; working with employers to prevent employee relations problems before they occur. Louis provides responsive, personalized service focused on devising practical solutions for his clients. Clients include employers ranging from small, non-profit agencies to Fortune 500 corporations. Louis received his Bachelor's Degree from UCLA, and went on to earn a law degree and MBA from Willamette University.

This program has been approved for 1.0 (General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute. Please be sure to note the program ID number on your recertification application form. For more information about certification or recertification, please visit the HR Certification Institute website at [www.hrci.org](http://www.hrci.org).

**August Luncheon Sponsor:** West Sound Workforce

**Featuring:** YWCA

**Date:** August 8th, 2012

**Time:** 12:00 p.m. to 1:30 p.m.

Registration begins @ 11:45 a.m.

**Place:** Silverdale Beach Hotel  
3073 NW Bucklin Hill Road  
Silverdale, WA 98383

**Price:** WSHRMA members \$25  
non-members \$35

**To register email:** [wshrma@artanderson.com](mailto:wshrma@artanderson.com)



**Last Day to Register**  
**August 5, 2012**



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## Become A Member

Are you interested in a SHRM Membership or transferring your membership to our chapter? Please contact Kyrsten Wooster, PHR, Membership Director with any questions: 360.782.3648 or [kwooster@thedoctorsclinic.com](mailto:kwooster@thedoctorsclinic.com).

**Chapter # 0229**

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## Job Bank

Please check out our website at [www.wshrma.org](http://www.wshrma.org) for current job openings. If you would like to advertise an open HR position in the WSHRMA job bank, go to the WSHRMA website to upload your posting.

# WSHRMA President's Message

## Did You Know?

As a member of SHRM did you know that...

- SHRM Board members are compensated between \$20,000 and \$35,000 annually for attending four Board meetings;
- SHRM Board members are allowed to fly premium-class for SHRM Board related business;
- Only five of the 13 SHRM Board members are PHR, SPHR or GPHR certified; and
- SHRM Board members determine and approve their own compensation.

It is my belief that as a non-profit individual membership association that these practices appear to be incongruent with recognized good business practices. If you agree, I suggest you check out the SHRM Members for Transparency (SMFT) website to learn more about these issues and others such as non-HR professionals on the SHRM Board and SHRM's investment in India and China.

SHRM Members for Transparency is an organization of SHRM members who are former volunteer leaders and current volunteer leaders who share a dissenting opinion about some SHRM Board policies and practices. The mission of SMFT is to ensure that the values upon which SHRM was founded continue to be honored. SMFT members are dedicated to the future success of SHRM.

For additional information on these issues and others check out the SMFT website at:

[www.shrmmembersfortransparency.com](http://www.shrmmembersfortransparency.com)

To become a part of the SHRM Members for Transparency and receive updates sign up at:

[members@shrmmembersfortransparency.com](mailto:members@shrmmembersfortransparency.com)

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Marilyn Hoppen, SPHR  
2012 WSHRMA President

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## HOW BIG IS YOURS?

Find out how much you should plan for pay increases next year by participating in this free survey.

### Compensation Trends Survey is now open!

Compensation Works is conducting its 4th Annual Puget Sound Compensation Trends Survey to gather data about salary increase planning for 2013. Participants in this survey will receive a complete report of projected trends for 2013 at no cost. Additionally, there will be a free HRCI accredited recap for all participants in September.

The survey takes less than 10 minutes and must be completed by August 10th. You can access the survey via the attached link:

<https://www.surveymonkey.com/s/368YTSL>



# September WSHRMA's Annual Breakfast Meeting



## Crisis Leadership

Presented by: Dan Weedin

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**When:** Wednesday, September 12th

**Time:** 8:00 a.m. to 9:30 a.m.

**Where:** Silverdale Beach Hotel  
3073 NW Bucklin Hill Road  
Silverdale, WA 98383

**Registration Begins at:** 7:45 a.m.

**Register By:** September 9, 2012

**Cost:** WSHRMA Members \$25 / Non-members \$35

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Mark your calendars for our annual breakfast meeting. It will be a great opportunity to start your day off the right way with great people and a great speaker. Don't be caught short in an crisis situation make sure you attend this breakfast meeting to help you prepare for those situations we all hope we never encounter.

This meeting is currently being reviewed for HRCI credit.



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**REMINDER:** For all WSHRMA luncheons, "no shows" will be billed the cost of the event, without exception, unless the cancellation is received prior to the RSVP deadline. We know that life happens and sometimes members are not able to make it at the last minute. However, the Chapter is still responsible for the RSVP and is billed for the meal whether or not you are there.



## Dropping Health Coverage Not Clearly Advantageous, Study Finds

By: Ilyse Schuman, Littler Mendelson

Employers opting to drop their health care plans in 2014 and pay the penalty imposed by the Patient Protection and Affordable Care Act (PPACA) will not benefit economically in the short or long term, a study published in July 2012 by Truven Health Analytics found.

Beginning in 2014, employers with 50 or more full-time employees will be required to provide “minimum essential” health care coverage for their full-time employees or pay an annual penalty of \$2,000 per employee (excluding the first 30 employees). The study, [Modeling the Impact of “Pay or Play” Strategies on Employer Health Costs](#), analyzes four separate benefit design scenarios in which employers eliminate their group health coverage to determine how employers fare under this “pay or play” system.

The report includes the following key findings:

- Employers will not experience immediate or long-term cost advantages if they choose to eliminate group health benefits.
- It will be more costly for employers to “make employees whole” when shifting their benefits to a health insurance exchange than to continue existing group health plans.
- Dropping employer-provided coverage will result in a significant reduction in overall employee compensation, as the incremental costs of benefits will shift to the employees.

The study concludes that:

Employers must provide market value—in benefits and compensation—to retain skilled workers and will not be able to unilaterally cut benefits and expect employees to absorb the projected inefficiency of exchanged-based coverage. The potential penalties for dropping group plans, as well as the net gain most employees would need to receive in their compensation packages to make up for not receiving health benefits, should be enough to discourage most companies from discontinuing such services to their workers.

The report emphasized that the economics of the pay or play model will necessarily depend on how efficiently and effectively the future exchanges function, and will therefore require further study once the law is fully implemented. It also emphasized that:

What is clear is that employers should not see the existence of an option not to cover their employees as a “slam dunk” cost-saving measure. An employer’s cost calculations to pay or play are much more complex than simply balancing their current group health costs against the nominal penalties under PPACA. Whether the true cost is felt by the employer or the employee, the impact is the same. Not only is eliminating group health coverage not cost efficient, it may potentially have a large impact on an employer’s competitive market position for retaining and recruiting talent.

*Ilyse Wolens Schuman is a member of the government affairs practice at the law firm Littler Mendelson and works with employers in multiple industries, including trade associations. She also leads the firm's legislative and regulatory practice. A former top congressional staffer and policy advisor, she worked on the Senate Committee on Health, Education, Labor and Pensions from 2001 to 2008, serving as minority staff director and chief counsel.*

## Legislative Update

By: Kim Huyber

### Patient Protection and Affordable Care Act (PPACA)

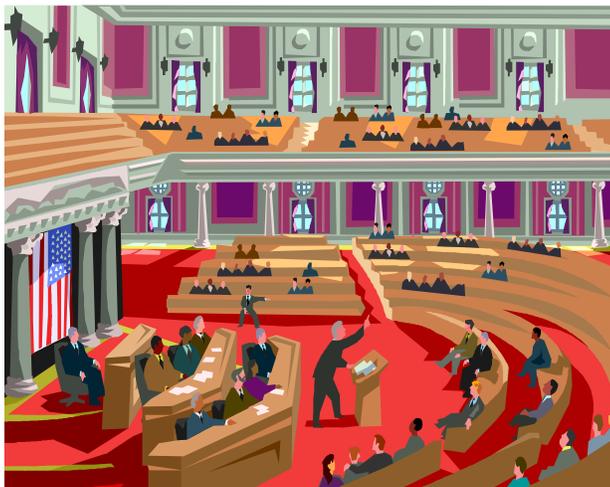
After the Supreme Court upheld the Affordable Care Act, U.S. employers are facing the next set of milestone regulations, and how to most efficiently comply.

A major requirement, which is less than 2 months away for some employers, is the Summary of Benefits and Coverage (SBC). The SBC regulations specify that they are required to be in effect for open enrollment periods beginning on or after September 23, 2012. Of particular note is that employers must have the SBCs in place not only for the plan an employee is enrolled in, but for all plans for which the employee is eligible.

According to the U.S. Department of Health and Human Services, SBCs are meant to benefit the employees by creating “clear, understandable and straightforward information on what health plans will cover, what limitations or conditions will apply, and what they will pay for”.

Another upcoming PPACA requirement is the \$1 per capita fee that must be paid by employers this year. An easy way to calculate the number of employees is to use the Form 5500 for last year and this year and get the total employees and divide the number of employees by two. Next year the fee increases to \$2 per capita.

W-2 reporting requirements are also mandated by the Patient Protection and Affordable Care Act. The Act provides that employers are required to report the cost of employer-provided health care coverage on the Form W-2, beginning with 2012 W-2's issued on January 1, 2012 or later.





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 WSHRMA's Chapter #: 0229

This Newsletter is sponsored by: **Kitsap Sun**



Check out our  
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[www.wshrma.org](http://www.wshrma.org)

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