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May 2 0 1 1

Affirmative Action

The OFCCP has published proposed revisions to the VEVRAA (Vietnam Era Veterans' Readjustment Assistance Act of 1974) regulations. The proposed changes were published in a 67-page Federal Register on April 26, 2011. The bottom line of these proposals is that the Veteran Affirmative Action Plan would have a statistical component rather than be a "narrative only" plan, as it is currently. The key proposed revisions include specific actions that a contractor would be required to take to satisfy its obligations, increased data collection obligations by contractors, and the establishment of statistical hiring benchmarks to measure the effectiveness of affirmative action efforts. There are several other changes also proposed that deal with the VEVRAA title in order to incorporate changes from the Jobs for Veterans Act of 2002 (JVA).

Contractors would be required to establish a link with three organizations to assist in obtaining veteran applicants. In addition, the contractor would be required to annually assess its external outreach efforts including identifying the effectiveness of recruiting qualified protected veterans for each effort. The evaluation would require an analysis called a referral ratio. In the event outreach efforts were unsuccessful, the contractor would be required to identify and implement alternative efforts suggested in the proposed regulations.

The annual evaluation must be documented and maintained for the current year and the prior two years.

The regulations propose annual (rather than periodic) meetings with all employees to discuss the AAP; meetings with executive, management and supervisory employees to explain the AAP; and responsibilities for implementing it; and discuss the AAP policy at employee orientation and training programs. Also proposed are annual (rather than periodic) review of personnel processes and all physical and mental job qualifications and documentation confirming the annual review. Employers would also be required to specifically document personnel actions taken with regard to protected veterans including promotions and training opportunities.

Increased data collection obligations include soliciting from applicants whether or not he or she is a protected veteran at the pre-offer stage and soliciting specific veteran status post-offer (on a voluntary basis).

Hiring benchmarks create a quantifiable method for contractors (and the OFCCP) to measure progress toward equal employment opportunity for protected veterans. Benchmarks would be established through comparing the average percentage of veterans in the civilian labor force in the

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From the President



Jennifer Graft, SPHR

Training for Your Future

I have read a lot of articles lately about dissatisfied employees. Now that the economy is rebounding, employees may start to feel like the “grass is greener” and they are ready to pursue other opportunities. I am not sure I completely believe this story. There is still a lot of uncertainty out there, and a lot of people are not willing to take the risks associated with changing jobs. However, you need to remain careful about maintaining your employees’ morale, even if the budget is not there for pay increases or new hires to help ease the workload. There are a few economical solutions that will help your employees feel appreciated and will help boost productivity and performance. Training courses are a great way to meet both the needs of your employees and your employer.

Training sends a strong message that the company cares about its employees. Employees feel that their contribution to the organization is valued and it helps them see that they have an opportunity to grow within the organization. Employees appreciate the added education as an asset for future opportunities for advancement or job promotions.

Employees can also see training as a gesture of trust. Good employees expect trust from their organization. The knowledge gained during training provides employees with the self-confidence they need to do a better job. Moreover, employees appreciate being fully trained to do a job. They begin to listen and hear opportunities to assist the organization in reaching

goals. Well-trained employees gain recognition from others for doing a better job.

Employees view training with a sense of job security. Training is essentially an investment for a future payoff. Employees recognize this and feel more secure within the company. After all, employees see where a company spends its money. This aspect helps build strong relationships and long-term commitment towards the organization, and turnover becomes less of an issue.

Good employees are looking for a sense of purpose in the workplace. Employers, recognizing that an employee who is secure and self-confident within his/her position, translates into lower turnover and higher productivity. In the end, training can be a win-win proposition for all involved.





Here are the current survey deadlines:

- *The 2011 Executive Compensation Survey has been extended until: **Friday, June 3***
- *The 2011 Wage and Salary Adjustment Survey will be sent out on: **Wednesday, June 22***

Survey Update

The deadline for the 2011 Executive Compensation Survey has been extended until Friday, June 3. This comprehensive survey covers salary data for **20** director and executive-level positions. This survey is a bit different from our other surveys, as data will be presented according to the following categories: company size, industry, and revenue. Data will be provided on base salary, bonus, and total compensation. Please be sure to participate so that you can receive a free copy of the survey report.

The next questionnaire being released will be the 2011 Wage and Salary Adjustment Survey. This is one of our most popular surveys, and it is very short and easy to complete. Please take a few minutes to participate. The more data we have, the better our report will reflect the local area. After a few years of little or no increases, many employers are planning to start giving a minimal increase. Make sure that you stay competitive with your wage and salary offerings!

Please contact the Survey Department at 513-679-4120, toll free at 888-237-9554, or contact Douglas C. Matthews at dmatthews@hrxperts.org if you have any questions about our survey processes or need assistance with completing your survey questionnaires.



Doug Matthews, PHR

**Date:**

Tuesdays, June 7 & 14, 2011

Time: 8:00 am - 12:30 pm

Location:

ERA Cincinnati Office

PHR/SPHR/GPHR

Recertification Credits: 9

CEUs: 0.9

CPEs: 9 personal development



Member Fee: \$210.00

***Non-member Fee:** \$295.00

Member Discount

Register three or more people at least 14 business days prior to the program to qualify for a 5% Group Discount. Members who are paying 14 business days prior to the program may also take a 5% Earlybird Discount.

*Pre-payment is required for non-members.

To register, e-mail

training@hrxperts.org

or call 513.679.4120

Who Should Attend?

Anyone who wants to learn and practice negotiation techniques. **(Not for union contract negotiations)**

The Art of Negotiation: Strategies for Success

Benefits of Participation

Any dealing with another individual is a negotiation. The ability to negotiate successful win-win outcomes is a critical business skill. We negotiate with vendors, suppliers, team members, and even our bosses to establish goals, to gain access to resources, and to help each other. This course explores all facets of successful negotiations.

Learning Objectives:

- Utilize common negotiation tactics to gain advantage
- Utilize counter-tactics to "defend" yourself and your position
- Influence others without having to resort to authority or threat
- Use time to your advantage
- Gather information that is useful and relevant to the negotiation
- Factor in and read the negotiation style of others and use that to your advantage

- Master "meta-messages", understanding body language and "hidden" meanings in speech

About your instructor...

Ralph Neal, SPHR, Vice President, Educational Services, leads this program. Ralph is responsible for the development and quality of all educational programs produced or provided by the association and its various instructors. He shares his knowledge and experience from a wide range of industries with participants.



Ralph Neal, SPHR

CANCELLATION POLICY:

Substitutions may be made at any time prior to the first class session. No-shows or cancellations in writing within 2 full business days will be charged.



Date:
Wednesday, June 15, 2011

Time:
Time: 8:30 am - 4:00 pm
Lunch is included

Location:
ERA Columbus Office

PHR/SPHR/GPHR
Recertification Credits: 6.5

CEUs: 0.7



CPEs: 7 management

Member Fee: \$180.00

***Non-member Fee:** \$250.00

Member Discount

Register three or more people at least 14 business days prior to the program to qualify for a 5% Group Discount. Members who are paying 14 business days prior to the program may also take a 5% Earlybird Discount.

*Pre-payment is required for non-members.

To register, e-mail
training@hrxperts.org
or call 614.538.9410

Who Should Attend?

Exempt managers, supervisors, executives, non-EL series participants.

Avoiding Liability Landmines

Employment Landmines for Managers and Supervisors

This program is designed to help frontline managers and supervisors understand why they can no longer simply rely on "good judgment" in dealing with employees. Interacting the most with employees, these participants are also the most likely to violate employee rights protected by law. This eye-opening program will expose participants to a myriad of laws impacting their management activities. It will also examine the most common mistakes they make that lead them and the company into legal trouble.

Learning Objectives:

- Identify management activities impacted by laws
- Identify common legal errors supervisors make with Title VII, ADA, ADEA, USERRA, OSHA, FMLA and other laws
- Explain employment-at-will and ways supervisors unintentionally create implied employment contracts
- Understand the concepts of wrongful and constructive discharge
- Illustrate the following nine legal landmines, utilizing video enactments, team exercises and class discussion: 1. Failure to

document, 2. Failure to train, 3. Failure to keep evidence, 4. Grade inflation on performance evaluations, 5. Failure to consult HR, 6. Inappropriate electronic messages, 7. Inconsistent treatment, 8. Inappropriate talk about ex-employees, and 9. Uncontrolled references.

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Ralph Neal, SPHR

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*Welcome, new
members to ERA!*

Member Highlights

Nifco America Corporation



Nifco is a plastic injection molding company located in Canal Winchester, Ohio. They also have manufacturing sites in Tennessee and Kentucky along with two sales offices in Michigan and California. Nifco primarily manufactures fasteners such as string, nails, nuts and bolts, plastic rivets, screw grommets, and weather strip clips.

Technicolor



Technicolor started in Ohio in 1993 due to a need to improve movie distribution. Since 1993 this location has grown into many areas of theatre distribution. They now distribute screen advertising, marketing services material and digital media. Now with digital, Technicolor distributes for countries worldwide.

GameMaster



GameMaster began in 1975 as a sporting goods supplier to team dealers, sporting good chains, and mass merchants. In 1983, GameMaster became one of the first licensees with CLC introducing a line of collegiate licensed inflatables. Expanding its licensed products, in 1999, GameMaster signed an agreement with Louisville Slugger to sell a line of baseball training items.

Environmental Quality Management



EQ was formed in October 1990 to provide high quality environmental consulting services. EQ's motto is: *Solving Problems, Creating Cost-Effective, Sustainable Solutions*. EQ celebrated its 20th anniversary in October 2010.

Hohman Plating



Established in 1918, Hohman Plating has over 90 years of experience in matching the right coating to the evolving demands of a multitude of industries. They serve customers in the commercial, medical, military, aerospace, nuclear and oil drilling industries.

Gummer Wholesale, Inc.



Gummer a family owned and operated wholesale distribution company. They have been servicing the convenience store industry for over 50 years. Their current service area includes Ohio, Northern Kentucky, and Northern West Virginia.



*These companies
have recently
joined ERA:*

New Members

Environmental Quality Management, Inc. is located in Cincinnati. Jack Greber is the CEO.

Fund Evaluation Group is located in Cincinnati. Scott Harsh is the President & CEO.

GameMaster is located in Erlanger. Garry Kamstra is the President & CEO.

Gummer Wholesale, Inc. is located in Heath. Chad Gummer is the President.

Hohman Plating is located in Dayton. Bill Miller is the President.

Nifco America Corporation is located in Canal Winchester. John Kosik is the CFO.

Reliant Capital Solutions LLC is located in Columbus. Margie Brickner is the President.

Technicolor is located in Wilmington. Frederic Rose is the CEO.

Safety Spotlight

Could Your Organization Continue Operations In An Emergency?

Recent events in Japan and Alabama have been especially tragic, as there was very little that anyone could do to predict the level of destruction or its aftermath. Could your organization continue operations under such circumstances?

All employers who do not have a Disaster Recovery Plan should make it a priority to develop one. Those who already have a plan should take frequent opportunities to review their plans throughout the year and educate new employees and managers about the procedures. Update your plan as necessary and provide training so that employees will know what to do in the event of an emergency.

The U.S. Department of Homeland Security recommends that employers take the following steps to familiarize employees with emergency procedures:

- Incorporate preparedness training into orientation programs for new hires
- Establish an emergency management team and designate responsibilities
- Conduct walk-through drills in which each member of the emergency management team practices his/her responsibilities

- Have all employees practice evacuating and put test controls in place to account for them
- If your organization shares office space, coordinate and practice your emergency plans with other occupants of your facility
- Document efforts and results and make adjustments to your plan accordingly

In an emergency situation, the ability to successfully communicate with employees is usually impacted. Therefore, it is very important to have a plan in place for communicating prior to a crisis. Make sure employees know their safety is a priority for the company. Set up an employee hotline as a way of putting information out to employees and gathering information from them during an emergency.

Having a plan in place to ensure the safety of your employees in a crisis, and the continuation of a business that represents their financial security once the crisis has passed, will give your employees and your organization the confidence necessary to move forward.



Ohio BWC Safety & Hygiene Training Center Classes for Ohio Workers

Dozens of training courses are available through BWC's Division of Safety & Hygiene. These courses are offered through the training center in Pickerington at the Ohio Center for Occupational Safety and Health (OCOSH), at branch sites and BWC service offices across the state, including Toledo, Cincinnati, Canton, Cambridge, Portsmouth, Youngstown, and Cleveland. Employers may enroll any number of employees at no additional cost.

To enroll or learn more about the courses available April - June 2011, call 1.800.OHIOBWC, or visit the BWC Learning Center, click [here](#).

Columbus Training

Taking Back Control of Your Time will take place on Wednesday, June 1, 8:30 am - 12:30 pm

Avoiding Liability Landmines will take place on Wednesday, June 15, 8:30 am - 4:00 pm

Discipline and Discharge for Managers and Supervisors will take place on Thursday, June 16, 8:15 am - 12:15 pm

Coaching Skills for Managers and Supervisors will take place on Thursday, June 23, 8:30 am - 3:00 pm

Cincinnati Training

We've Got to Stop Meeting Like This will take place on Wednesday, June 1, 9:00 am - 3:30 pm

ADA Essentials will take place on Wednesday, June 1, 8:30 am - 11:30 am

Perfecting Your Presentation Skills will take place on Thursdays, June 2 & 9, 9:00 am - 3:30 pm

Communication Skills for Teamwork will take place on Thursday, June 2, 9:00 am - 3:30 pm

The Art of Negotiation: Strategies for Success will take place on Tuesdays, June 7 & 14, 8:00 am - 12:30 pm

Advanced FMLA will take place on Tuesday, June 7, 8:30 am - 11:30 am

Skill-Based Training Techniques will take place on Wednesday, June 8, 8:30 am - 4:00 pm

To register for classes, e-mail training@hrxperts.org or call 888.237.9554.

ERA Special Events

Legal Breakfast Briefing *Cincinnati*

"Retaliation Claims: An Employer's Latest Nightmare"

Jeffrey S. Shoskin -
Frost Brown Todd, LLC

Tuesday, June 21
8:30 am - 9:30 am
ERA Cincinnati Office

Member Fee: \$25.00

[To Register...](#)

Legal Breakfast Briefing *Columbus*

"Retaliation Claims: An Employer's Latest Nightmare"

Jeffrey N. Lindemann -
Frost Brown Todd, LLC

Wednesday, June 29
8:30 am - 9:30 am
ERA Columbus Office

Member Fee: \$25.00

[To Register...](#)

Issues Forum

Health Care Reform: The Current State of Affairs

Leslie Miller -
Horan Associates
William M. Freedman -
Dinsmore & Shohl LLP

Date & Time Coming Soon
ERA Cincinnati Office

ERA Six Month Training Catalog

January—June 2011

[Cincinnati Catalog](#)

[Columbus Catalog](#)

July—December 2011
Coming Soon!

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Using Demographic Faultlines to Alleviate Organizational Stress

The National Mental Health Association reports that psychological distress costs American businesses a startling \$193 billion annually. This suggests strongly that HR professionals and other workplace experts need to address issues that impact their employees' mental health to improve their organizations' bottom lines.

According to Chester Spell, associate professor of management at Rutgers University, "Psychological distress is often caused by an injustice, either real or perceived, which can lead to depression, anxiety, irritability, exhaustion, and disengagement from fellow workers."

Interpersonal injustice had the most effect on psychological distress. Employees who felt their supervisors did not support them or look out for their interests were the most distressed. This was compounded if injustices like bullying and abuse were directed at an employee personally and in front of others.

According to researchers "demographic faultlines" are alignments of group member characteristics (e.g. age, gender, seniority, education, etc.). One of

the dynamics with the demographic faultlines is that people with faultline subgroups with similarities in age/gender/race will tend to gravitate towards each other.

Spell believes this might actually create a social support mechanism which can help alleviate stress and provide a healthy outlet. While perceived or actual injustices have limited avenues for successful resolution, having a work group that functions almost as a support group might actually help employees cope with workplace stresses better.

Worried about the levels of stress in your workplace? ERA can help you measure your employee's workplace satisfaction. Contact Carol Reubel in our Cincinnati office at creubel@hrxperts.org or 513-679-4120 or Lori Hall in Columbus at lhall@hrxperts.org or 614-538-9410 to learn more about our Employee Engagement Surveys.

Survey Databases

Many of our members call our survey department to get salary data for positions and geographic locations that are not included in our regular surveys. For most of these requests, we use data from the Economic Research Institute (ERI). ERI allows us access to base salary and total cash compensation data for over 6,000 different positions in every major city in the U.S. (and even some foreign cities), with breakouts by SIC industry codes, company revenue size, and years of experience in the positions.

As a reminder, because of the time involved in accessing the database by all of these factors, we have some limitations regarding ERI searches. For requests of more than 5 positions, we will need to charge at our hourly compensation project fee rate on a pro-rated basis. We will begin charging \$25 per request at the time of the 6th request in a year. While there is no charge for singular position requests, there would be after 5 requests have been filled within a one-year period of time.

We appreciate your understanding in this matter. Remember, Employers Resource Association conducts approximately 20 local and national surveys per year, most of which are free to participants. We are expand-

ing our survey offerings all the time, and it is our goal to have our regular surveys meet your needs as much as possible. Please be sure to participate in our surveys, and contact the survey department at 513-679-4120, toll free at 888-237-9554, or contact Douglas C. Matthews at dmatthews@hrxperts.org if you would like us to add any positions into our surveys.



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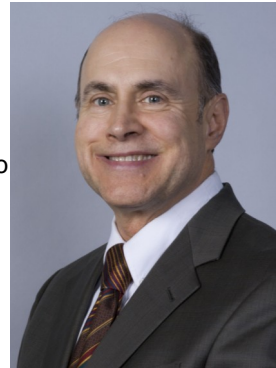
The Law Review

This month, I just wanted to share some reflections about ERA's recent training on the EEOC's Final ADA Amendments Act Regulations that was presented by Jeff Shoskin and Christine Robek of Frost, Brown, Todd and Wilma Javey, Director of the Cincinnati Area Office of the U.S. Equal Employment Opportunity Commission. Each of these presenters used their considerable familiarity with these final regulations to not only identify what changes were made to these final regulations but also offer real world -based examples (and in Ms. Javey's case, first-hand knowledge of how the EEOC viewed these changes). They also provided valuable comments on where these final regulations leave the current state of enforcement of the Americans with Disabilities Act (ADA).

The EEOC interprets the action of Congress in passing the amendments act as a reaction to the courts system, starting with the U.S. Supreme Court, limiting the interpretation of the original ADA to the extent that most disabled individuals in the employment area were not being given the extent of protection intended in the original legislation, if being considered as disabled at all.

The attorneys of Frost, Brown Todd were as equally certain that the amendments act was an attempt by Congress to re-define the scope of the original ADA from the Americans with Disabilities Act to a broader and expanded Americans with Medical Conditions Act. The bottom line conclusion that Jeff Shoskin and Christine

Robek determined was employers were now wasting time and effort in trying to attack an ADA claim on the assumption that a particular employee was not disabled because of not having a



Tom Eberwein, J.D., SPHR

physical or mental impairment that impacted a major life function that was of "central importance to daily life." By expanding those activities that passed as major life activities, adding a new subset of major life activities called "major bodily functions" and eliminating the requirement that the life activity/ function had to be of "central importance", the new final regulations guarantee that almost any diagnosed medical condition will qualify for coverage under the ADA as a covered disability.

The new battleground where employers may be able to disqualify an employee with a medical condition from earning a reasonable accommodation is by carefully engaging in dialogue with such employee and being able to either determine that the employee, even with a reasonable accommodation, would not be able to perform the essential functions of the job, or that the reasonable accommodation requested or any substitute one would create a clear and significant undue hardship to the employer.

The other strong message that Jeff

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The Law Review

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Shoskin and Christine Robek relayed to the audience, was that employers need to be careful of the potential harm lurking due to the ADA expanded definition of those employees who employers “regard as disabled”. Often, employers make concessions in job performance that are not required under the law but that they feel are “the right thing to do.” Now, under the new ADA, helping out an employee with humanitarian gestures can make an argument for a

plaintiff’s attorney that it was recognition and/or evidence that the employer “regarded” the employee as disabled and treated him or her differently than everyone else.

It is always better to engage in a dialogue with your employees about potential issues, rather than just assume you are doing the right thing. That’s what I think. How about you?

Affirmative Action

(Continued from page 1)

state where the contractor is located in the preceding three years as calculated by the Bureau of Labor Statistics and published on the OFCCP web site and the number of veterans, over the previous four quarters, who were participants in the employment service delivery system in the contractors’ state as tabulated by the Veterans’ Employment and Training Service and also published on the OFCCP web site. Contractors would be required to gather information and analyze the referral ratio, applicant ratio and hiring ratio for the prior year. The contractor would establish the hiring benchmark and could include other factors such as the nature of the job openings, the location and other factors which might impact the availability of protected veterans. The benchmark and reasoning used to determine it must be documented and retained for a period of five years.

Additionally, the contractor would be required to send written notification of its affirmative action efforts to all subcontractors including vendors and suppliers and requesting appropriate action on their part. Also, the Equal

Opportunity clause for Section 4212 Protected Veterans (approximately a page of text) would have to be including in contracts and subcontracts notifying subcontractors of their obligations.

The proposed changes are significant and increase the burden of compliance for contractors and subcontractors. The OFCCP is accepting comments on the Notice of Proposed Rule Making (NPRM). If you want to make your views known, the website address is <http://www.regulations.gov> or you may mail comments to Debra Carr, Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The identification reference number is 1250-AA00.

If you have any questions or would like more information about Affirmative Action Plans please contact Lori Hall in Columbus at lhall@hrxperts.org or 614-538-9410 or Carol Reubel or Carolyn Potter in Cincinnati at creubel@hrxperts.org or cpotter@hrxperts.org or 513-679-4120.



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www.hrxperts.org

Do you need more information about a service or program offered by ERA?

Would you like to talk to one of our experts in a particular speciality?

Here's a list of some of our most popular services, and the main contact person for each of them.

In Cincinnati, please call: 513.679.4120 | In Columbus, please call: 614.538.9410

	Cincinnati	Columbus
Hotline.....	Dan Chaney	Lori Hall / Barb England
Administration and Posters.....	April Risen	April Risen
Compensation Services.....	Terry Henley	Terry Henley
Affirmative Action Plans.....	Carol Reubel	Lori Hall
Employee Engagement Surveys....	Carol Reubel	Lori Hall
Customer Satisfaction Surveys....	Carol Reubel	Carol Reubel
HR On-Site Services/360's	Carol Reubel	Lori Hall
Training & Development.....	Ralph Neal	Jessica Coleman
Assessments.....	Brandi Helton	
Compliance Issues.....	Tom Eberwein	Tom Eberwein
Reference Center.....	Dan Chaney	Lori Hall
Roundtables.....	Dan Chaney	Lori Hall / Barb England
Salary and Benefits Surveys.....	Douglas C. Matthews	Douglas C. Matthews
Custom Surveys.....	Douglas C. Matthews	Douglas C. Matthews
Membership Development.....	Jim Carter Peter Landesman	Scott Barrett Peter Landesman

Register For Training Today! See Page 9 For Upcoming Classes.