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Click [here](#) to visit our LinkedIn page

March 2 0 1 0

# Build Bridges, Don't Burn Them

2009 was a year of big challenges with staggering unemployment numbers and limited job creation. HR professionals certainly had their hands full with all of the fallout that comes with such issues. In recent years, studies have confirmed a correlation between the economy and the number of workplace lawsuits and claims. In fact, 2009 was a record year with 93,277 discrimination charges filed with the EEOC through September 30, 2009. In addition, \$376 million was collected in monetary relief for victims, and another \$294 million through administrative enforcement and mediation.

With job creation remaining down and unemployment still very high, HR professionals and managers will want to make sure that they have their employee relations radar up and their investigatory skills at their sharpest to ensure that they are equipped to handle any potential claim in their organization. Because all types of workplace claims tend to increase during tough economic times, the likelihood of encountering the need for an internal investigation will also increase. Internal investigations that are carefully conducted and result in appropriate action can alleviate further liability and increase the loyalty of affected employees. As a result, your employees know that all claims will be handled in a fair, thorough and respectful manner and

that all employees are accountable for their actions. This creates an environment of trust and a sense of security amongst your employees. However, a poorly conducted investigation could result in more trauma to the organization from both a morale and financial perspective.

The ability to recognize when an internal investigation is necessary and then execute a balanced, thorough and appropriate investigation is a critical skill for HR professionals to possess and comes with training and experience. A successfully trained investigator can ensure that your organization is not only acting on claims in a timely and professional manner, but also guarantees that everyone in your organization is treated fairly – even the accused. From a bigger picture perspective, successful workplace investigations can have a long-term impact on the ability of your organization to stay focused on your business mission. You will see the time and financial investment from EEOC or DOL claims lessen and the need for future internal investigations decline as well. Most importantly, the environment of trust and confidence that you have created will lend itself to greater productivity and loyalty from your employees.

## Inside this issue:

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# From the President



Jennifer Graft, SPHR

## *Training for Your Future Growth*

According to our surveys, approximately 40% of our members aren't planning on giving a wage increase this year. In addition to this loss of increased pay, employees are still feeling the effects of the recession in other ways, such as through smaller departments with fewer people doing more work. This has a bad effect on morale, and makes many employees feel like they aren't valued as highly. How can you help boost employee morale and productivity, without spending the money for company-wide increases and hiring new staff? Consider sending your employees to training.

Training sends a strong message that the company cares about its employees. Employees feel that their contribution to the organization is valued. Even if you can't do much in the way of increases, training can help the employees 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. Some view the opportunity to receive training as an honor. 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. 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 recognize that an employee that 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.





# Survey Update

*Here are the current survey deadlines:*

- *Professional and Supervisory: **Extended to Wednesday, March 31***
- *The 2010 Turnover/Layoff Survey: **Monday, April 12***
- *Engineering & Technical questionnaire will be mailed: **Thursday, April 1***
- *The 2010 Mini Health Survey will be sent on: **Monday, April 12***

The 2010 Production, Maintenance and Service Survey is now available! This survey covers 92 positions in fields such as: Machine Operations, Quality Control/Inspection, Maintenance, Assembly, Service and Medical. We received responses from 249 member organizations, who sent in data on over 16,000 employees. Data is broken down by company size, industry, geographic location and union status. Participants have already received their complimentary copies. If you would like to purchase a copy, please contact the survey department. Also, look for the 2010 Engineering and Technical Survey Questionnaire, which will be sent out on April 1.

The deadline for the 2010 Professional & Supervisory Survey has been extended until Wednesday, March 31. This survey covers salary data for **119** professional, managerial, and supervisory related occupations in fields such as:

- Accounting
- Administrative
- Human Resources
- Customer Service
- Marketing
- Production

## **Please Participate in the 2010 Turnover/Layoff Survey**

Are you curious about how your turnover rate stacks up against other

local companies in your industry? Did you have to lay off some employees last year, and you want to know how many other companies did too? Our Turnover Survey addresses these questions, and more issues relating to the recession and economic recovery. This short survey only takes a few minutes to complete, but the results are invaluable. To participate, please click [here](#).

Please do not hesitate to contact the Survey Department at 513-679-4120, toll free at 888-237-9554, or email Douglas C. Matthews at [dmatthews@hrxperts.org](mailto:dmatthews@hrxperts.org) if you have any questions about our survey processes or need assistance with completing your survey questionnaires.



Doug Matthews, PHR



## *Welcome New Columbus Staff Members*

# Columbus Connection

Please join us in welcoming Scott Barrett, Jessica Coleman and Shirley Leung as staff members to our Columbus office.

As the Membership Development Manager for the Columbus Ohio market, Scott Barrett is responsible for achieving new membership growth and retention. Scott comes to us with over 25 years in the Material Handling industry, serving operations and marketing functions in branches throughout the Ohio, Kentucky and Indiana areas. He even worked for an ERA member company and experienced our training programs in the past.

Scott is particularly knowledgeable and familiar with businesses in and around the Columbus area and shares many long-term relationships throughout the market. Scott's customer and solution-based focus make him a wonderful representative of our Organization, and addition to our team.

Jessica Coleman comes to the Association with extensive training experience in both the public and private sector, including the financial services industry, state and local government, as well as serving as an

HR Generalist for a minor league baseball team. She has designed and delivered a number classes in management and leadership development, communication skills, employee engagement, career development and other organizational effectiveness topics. She also has experience in career transition, focusing on resume writing and interviewing. Jessica holds a BA in Communications from Asbury College and an MA in Training and Organizational Development from Ball State University.

Shirley Leung is the Administrative Assistant in the Columbus ERA office. She provides support and customer service to the Manager of HR Services, HR Consultants, Membership Development and member companies. Shirley also handles training registration, scheduling and general office management, including the preparation for training classes and Roundtables.

**Date:**

Thursdays, April 15, 22, 29,  
May 6, 13 & 20

**Time:** 8:15 am - 12:15 pm

**Location:**

**ERA Cincinnati Office**

**PHR/SPHR/GPHR**

**Recertification Credits:** 24

**CEUs:** 2.4

**CPEs:** 24 management

**Member Fee:** \$400.00

**\*Non-member Fee:** \$560.00

**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](mailto:training@hrxperts.org)  
or call 513.679.4120

**Who Should Attend?**

Any manager or supervisor with six months or more experience. Less than six months should consider *Making the Transition to Supervisor*.

# Excellence in Leadership I

**Benefits of Participation**

This intensive workshop is a key component of the core "Excellence in Leadership" series for managers and supervisors. Participants will be exposed to a variety of competencies necessary to be successful leading others in today's complex workplace. Highly interactive, participants will apply what they learn while in the classroom.

**Learning Objectives:**

- Adopt the qualities of a great leader
- Use authority and influence appropriately
- Flexing leadership styles to meet the needs of team members
- Discover the "true" nature of motivation
- Utilize motivational techniques to get better results
- Identify the laws that govern the workplace such as Title VII, FLSA, FMLA, OSHA, ADA and many more

- Avoid common leadership landmines that land them and companies in legal trouble.

**About Your Instructor...**

**Susan Sterritt, SPHR**, leads this HR development program for the Association. She has devoted much of her career to developing and delivering educational experiences, and brings a wealth of practical HR management knowledge to this program.



Susan Sterritt, 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:**

Wednesdays, April 7, 14, 21 & 28

**Time:**

Time: 8:30 am - 3:00 pm  
Lunch is included

**Location:**

**ERA Columbus Office**

**PHR/SPHR/GPHR**

**Recertification Credits:** 24

**CEUs:** 2.4

**CPEs:** 24 management

**Member Fee:** \$400.00

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To register, e-mail

[training@hrxperts.org](mailto:training@hrxperts.org)

or call 614.538.9410

**Who Should Attend?**

Current or future HR generalists, managers and others overseeing HR functions.

# Human Resource Management I

**Benefits of Participation**

This comprehensive 24-hour program provides an intensive overview of the key elements of the contemporary HR function. Participants are offered practical, usable ideas and suggestions for handling HR matters. The focus is on learning "what questions to ask" rather than trying to provide all the answers in the ever-changing, complicated HR field.

**Learning Objectives:**

- Identify and apply federal/state laws to your workplace rules and standards
- Master the employment process/employee relations/record-keeping requirements
- Comply with Equal Opportunity rulings
- Grasp compensation/benefits administration principles
- Improve communication and employee training.

**About your instructors...**

**Tom Eberwein, SPHR**, HR Compliance & Association Counsel, will help lead this practical and information-packed program for the Association. Participants will benefit from his entertaining and insightful real-life examples.

**Lori Hall, SPHR**, HR Consultant. In this role, she interacts with members on a regular basis and will walk participants through all required statistical analyses in this hands-on, learn-as-you-go program.



Tom Eberwein, J.D., SPHR



Lori Hall, 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.



Carol Reubel, SPHR

*The Good News is that Business is Better. The Bad News is.....*

# HR Onsite Services

The good news is that business is better. The bad news is you “cut to the bone” during this bad economy and now just don’t have the time to handle the hiring process. Or perhaps your bad news is that you had to let your HR person go and now you don’t have anyone to hire or perform any of the HR responsibilities. Or perhaps it’s not bad news, but you don’t feel that you need a full time HR person and the good news is that you have the budget to have someone to assist with HR on a part time basis.

If any of those statements above describe you, we have the solution! ERA

has experienced HR professionals available to assist you on whatever basis you need. Perhaps it is as simple as assisting you while you hire more people or maybe you have a project that needs to be done. Perhaps you want a part time person that will be on-site one day a week. Whatever your need, give us a call to talk about it!

In Columbus contact Lori Hall at [lhall@hrxperts.org](mailto:lhall@hrxperts.org) or call 614-538-9410. In Cincinnati contact Carol Reubel at [creubel@hrxperts.org](mailto:creubel@hrxperts.org) or call 513-679-4120.

## Healthcare Reform

The House of Representatives voted to approve the healthcare reform bill on Sunday, March 20, and it was signed into law on Wednesday, March 23. This is only the beginning of the healthcare reform process. The Senate is currently debating a set of revisions to the new law, and the final outcome is not yet completely certain. There are portions of the bill that will impact the way employers provide benefits, and HR professionals will need to be aware of the changes.

Rest assured that Employers Resource Association is closely monitoring the issue, and, no matter what happens, we will be here to help keep you current, compliant and confident through legal updates, Issues Forums, our HR Hotline and more.

# Affirmative Action Update



Carolyn Potter

## *Obligations to Internally Disseminate Information About Your Affirmative Action Plan*

Within the next month, the OFCCP will likely be sending out audit letters to contractors. In last month's newsletter, we outlined specific record-keeping items and policies and practices that the OFCCP will review in the event of an on-site audit. An item that can be overlooked is the obligation to internally disseminate information about your affirmative action plan. While human resources is typically responsible for the procedures and policies necessary to implement the affirmative action plan, this cannot occur in a vacuum. The obligation is not limited to individuals in human resources but also employees with hiring, promotion and termination decision-making authority. Simply posting your EEO/AAP policy does not satisfy the internal dissemination requirement. The management of your company must also be informed regarding the existence of the affirmative action plan, its impact on your company and whether there are any issues such as placement goals.

One of our members received an on-site audit and while on-site, the compliance officer interviewed members of management who were not sufficiently informed regarding the affirmative action plan. The OFCCP cited the com-

pany and included the failure to inform and update management as part of the violation.

We can help you with this important compliance piece. If you are responsible for an affirmative action plan or plans and haven't briefed your supervisors, managers and top managers ERA is offering a new service - an AAP informational session at your work-site. Our AAP information program is generally two hours long and covers what is contained in an affirmative action plan, a broad outline of your company's plan and OFCCP hot button issues. We can also design a program to address your specific needs or modify our program. Educating company management is not only a regulatory issue, it can result in greater awareness and cooperation in complying with AAP requirements within your company.

If you have questions or need assistance, please contact Carol Reubel or Carolyn Potter in Cincinnati at 513-679-4120 or [creubel@hrxperts.org](mailto:creubel@hrxperts.org) and [cpotter@hrxperts.org](mailto:cpotter@hrxperts.org) or Lori Hall in Columbus at 614-538-9410 or [lhall@hrxperts.org](mailto:lhall@hrxperts.org).



# Member Highlights



Welcome new

members to ERA

## TechColumbus



TechColumbus was formed in 2005 through the merger of the Columbus Technology Council, the leading membership organization for tech-based and tech-enabled business in Central Ohio, and the Business Technology Center, regarded as one of the country's top technology business incubators. Through the support and leadership of the regional partners and stakeholders, this new organization set out on its mission: to advance the business of technology in Central Ohio.

## Wayne Water Systems



Wayne Water Systems have been surging ahead for six decades, manufacturing superior pumps and water transfer systems for consumers and professionals. They offer the industry's leading comprehensive line of consumer sump, utility, sewage, lawn and pool pumps, as well as accessories and service parts.

## ThinkVine Corporation



Since 1999, ThinkVine has helped some of the world's most respected companies make smarter marketing investments. Their marketing simulation and planning tool reveals the future impact of different marketing plans on different groups of consumers. By taking a simulation approach, marketers can run an unlimited number of "what if" scenarios and see how well plans will perform before spends are made. ThinkVine is

currently deployed in consumer packaged goods (CPG), food & beverage, online retail, technology and other vertical markets.

## Coldwater Café & Catering, Inc.



The Coldwater Cafe opened in February of 1994, housed in a former bank building in the heart of downtown Tipp City. The restaurant offers quality dining in a small-town setting. An easy drive from all points in the Dayton area, words cannot do it justice. The name "Coldwater Cafe" came from the nickname of owner Betty Peachey's late father "Coldwater Joe" Peachey, who came from a small valley in Pennsylvania. In the front of the home where he was reared ran a creek and this area became known as Coldwater.

## Xanodyne Pharmaceuticals, Inc



Xanodyne Pharmaceuticals, Inc., founded in 2001, is an integrated specialty pharmaceutical company with both development and commercial capabilities focused on pain management and women's healthcare. They market a portfolio of prescription pharmaceuticals and a line of prenatal vitamins and they are advancing a late stage pipeline of product candidates targeted at significant potential markets in Xanodyne's focus areas.



*These companies  
have recently  
joined ERA*

# New Members

**360 American Title Services, LLC** is located in Ft. Mitchell, Kentucky. Lisa Armbruster is the Vice President of Operations.

**CDO Technologies** is located in Dayton, Ohio. Al Wofford is the President & CEO.

**Deceuninck North America** is located in Monroe, Ohio. Mark Parrish is the President & CEO.

**INTRUST GROUP** is located in Cincinnati, Ohio. Timothy Rettig is the President.

**Kanet Pol Bridges Inc.** is located in Cincinnati, Ohio. Robert E. Bridges is the President.

**Keir Educational Resources** is located in Middletown, Ohio. Henrietta Nye is the President.

**Kohrs, Lonnemann, Heil Engineers, PSC** is located in Ft. Thomas, Kentucky. Joseph R. Kohrs is the President.

**NuWaves Engineering** is located in Middletown, Ohio. Jeff Wells is the President & CEO.

**ThinkVine Corporation** is located in Cincinnati, Ohio. Damon Ragusa is the CEO.

**Wayne Water Systems** is located in Harrison, Ohio. Joe Mauro is the President.

**Xanodyne Pharmaceuticals, Inc.** is located in Newport, Kentucky. Peter Wentworth is the Senior Vice President of HR.

# Employment Law Update Reflections



Tom Eberwein, J.D., SPHR

## *Reflections on Current and Pending Legislation*

I wanted to share just a few reflections that I have from attending the ERA Employment Law event on March 11.

First of all, as I met the attendees as they arrived, most of the 107 who attended that I greeted, seemed to be at a point of "if I find out that there is one more regulation that I am required by law to follow or observe, I swear that I will scream!" That tells me that employers have finally reached the saturation point with legislators who don't seem to know what is reasonable to require and what is ridiculous to require of employers.

And now for some of the topics.

### **Retaliation**

The prize for the current law that's gone from reasonable to ridiculous the quickest is the employer retaliation for the exercise of rights protected under Title VII (and this one is not the fault of a legislature but of the United States Supreme Court). It's hard to imagine that by canceling a scheduled lunch recognizing the service of an employee who has filed an EEO charge, an employer can still be determined to have retaliated and be subject to money damages, fines and everybody's attorney fees.

### **The Perils of Technology**

The current million dollar question that I came away from the presentations with is this: How can an employer who is apparently sophisticated enough to recognize the value in taking advantage of every cutting edge electronic

communication tool that becomes available not also be wise enough not to install any such device until it really understands the potential minuses as well as the pluses? Guess what? You can't easily put the genie back in the bottle once you allow it to escape!

### **Pending Legislation**

Katharine Weber's presentation about the potential new laws that employers need to know are "out there" waiting for Congress to get to in the near future. How many statutory employee leave acts does Congress intend to force in to law before an employer has nobody left at work to answer the phone? But more scary than that to me is that now every class action is like a lawsuit on steroids because it can tie up an employer's time and assets exponentially, while making a plaintiff lawyer's payday bigger and better while doing the same amount of work.

But I thought the scariest was what we saved for last. Having two Plaintiff Super Lawyers explaining in detail how they can take what a well-meaning but unsophisticated employer puts in writing and use it to convince a jury that a lousy employee is the victim and not the problem shows that justice is about as rare as an honest politician. That's what I think. How about you?



### Columbus Training

**Microsoft Office Excel I** will take place on Thursday, April 8, 8:30 am - 12:30 pm

**Microsoft Office PowerPoint I** will take place on Thursday, April 8, 1:00 pm - 5:00 pm

**Behavioral Interviewing Techniques** will take place on Tuesday, April 27, 8:30 am - 3:00 pm

### Cincinnati Training

**Microsoft Office Excel I** will take place on Tuesday, March 30, 8:30 am - 12:30 pm

**OSHA 30-Hour General Industry Outreach Training** will take place on Thursdays, April 1, 8, 15, 22, & 29, 9:00 am - 4:00 pm

**Perfecting Your Presentation Skills** will take place on Thursdays, April 1 & 8, 9:00 am - 3:30 pm

**Interpersonal Development Series** will take place on Tuesdays, April 6, 13 & 20, 8:30 am - 11:30 am

**Microsoft Office Excel II** will take place on Tuesday, April 13, 8:30 am - 12:30 pm

**Microsoft Office PowerPoint I** will take place on Tuesday, April 13, 1:00 pm - 5:00 pm

**Discipline & Discharge for Managers and Supervisors** will take place on Thursday, April 22, 8:15 am - 12:15 pm

**To register for classes, e-mail [training@hrxperts.org](mailto:training@hrxperts.org) or call 888.237.9554.**

# CINCINNATI HR ROUNDTABLE HAS MEMBER OPPORTUNITIES

Where can you go to discuss issues directly with other HR professionals about subjects of mutual interest? Do you want an avenue in which to confidentially share problems to gain practical advice and insight from peers? Look no further than ERA.

ERA currently has openings in an existing Cincinnati noon HR Roundtable. Roundtables are created to provide an informal forum for the sharing of information, ideas and experience among professionals with similar responsibilities in ERA member organizations. This

particular Roundtable has included members who hold varied HR positions, from HR Assistant to HR Generalist, and has no minimum HR experience requirement necessary in order to take advantage of this forum.

If you have questions and would like to join, please contact Tom Eberwein at 513-679-4120 or [teberwein@hrxperts.org](mailto:teberwein@hrxperts.org)

## Military Pay Differential

Some employers have a policy of providing employees a pay differential when they are serving in the military, whether it be a short term assignment or being called up for active duty. This pay makes up the difference between the pay these employees receive for their military service and compensation they would have received from their employer if such is higher. There is no Ohio, Kentucky, Indiana or federal law that requires such payment. If, however, the differential pay policy does exist, it should be clearly communicated to comply with state wage payment laws.

There are specific IRS regulations regarding this pay differential as it applies to employees called up for active duty. The regulations speak to tax treatment of this pay, how it should be reported by employers and by the employee. ERA recommends that members consult with their accountant and/or accounting firm regarding this issue.

For more information on military pay differential, go to the IRS website [here](#).

## ERA Staff Members

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BARBARA ENGLAND

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# Congratulations

## *Car-Part.com Receives Blue Ribbon Small Business Award*

Car-Part.com is a leading provider of web solutions for auto recyclers in areas such as inventory searching (serving 120 million part searches per year on behalf of 3800 auto recyclers), web design and hosting, promotion, inventory management and email services.

We are pleased to announce that Car-Part.com has received the 2010 Blue Ribbon Small Business Award from the U.S. Chamber of Commerce! This award honors small businesses' critical role in creating jobs and growing the economy. Thomas Donohue, U.S. Chamber of Commerce president and CEO, said,

*"This year's recipients of the Blue Ribbon Small Business Award are proof that the American entrepreneurial spirit is as strong as ever. We're relying on small businesses to lead us out of this recession, create new jobs, and get our economy moving again, and these companies are leading the way....The Blue Ribbon Small Business award is about more than recognizing financially successful businesses. It's about honoring those that show a commitment to their employees, sound business practices and bettering their communities.*

*These companies have made these commitments, and the Chamber is proud to recognize their contributions."*

A record number of applicants from many different industries across the nation competed for the award, and Car-Part.com is one of only 75 recipients. This is a truly outstanding achievement and they are honored to be included. On March 15, seven of the award recipients will be named as finalists, and one will go on to receive the DREAM BIG Small Business Award of the Year award.

As a Blue Ribbon Small Business Award recipient, Car-Part.com is now also eligible for the Community Excellence Award. This award is designed to highlight a small business that demonstrates excellence in the eyes of their customers, community and employees.

## ERA BOARD OF DIRECTORS

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#### **Katharine Weber,**

Attorney at Law  
Jackson Lewis LLP

\* Executive Committee Members

# The Law Review

I was reading an interesting article recently about a San Diego federal district court decision. In *Coyne v. County of San Diego*, the plaintiff, an employee, sued her employer for discrimination and retaliation in violation of Title VII, claiming that she was transferred to a lateral position in a different division because of her gender and her active support for the gender discrimination claims of other employees. The district court decided that there was sufficient evidence of pretext to avoid the employer's motion for summary judgment and to allow the jury to decide whether the employer's explanation of the reason for transfer was justified by legitimate non-discriminatory reasons or whether the transfer was prompted by a materially adverse employment action. What made this decision different was unlike many other cases where the employer's offered explanation can't stand up to the light of day, here the employer's explanation was admittedly plausible as a legitimate, non-discriminatory reason. The problem, at least in this court's eyes, was that the reason for the transfer given by the employer apparently kept changing as the employee complained about it.

This raises a significant warning for employers. When dealing with a charge of discrimination under Title VII, it's not just a matter of being able to articulate a rational, non-discriminatory reason for why the complained of action was taken (and was necessary), but also making sure that the truthful explanation doesn't appear pretextual because of how it is told during the various times when the employee questions the reason for the transfer. This set of facts was dealt with by the *Coyne* court as part of the shifting burdens of proof under Title VII as each party is able to present prima facie evidence to support its argued position.

In *Coyne*, the court found that the plaintiff met her burden of proving a prima facie case of Title VII retaliation. Thus, the burden of proof then shifted to her employer to offer a legitimate non-discriminatory reason for its



Tom Eberwein, J.D., SPHR

transfer of the plaintiff to another division. The County offered more than one legitimate non-discriminatory reason for the transfer. The burden then shifts back to the plaintiff to prove that the tendered reason by the defendant was really just a pretextual reason that was really a cover up for retaliation because of the plaintiff's exercise of her Title VII rights. In essence, by the plaintiff being able to convince the court that the County's reason for the transfer shifted over time from one reason to another, the court concluded that the shift from one reason to another was sufficient to create an issue of fact for a jury whether the non-discriminatory reasons offered by the County were or were not pretexts for unlawful discrimination and retaliation.

So the moral to the story is that yes, it is very important to be able to articulate a legitimate non-discriminatory reason for the action that you take. But it is equally as important to decide on how to honestly articulate your reason(s) for what you did from the beginning. Even if you have been honest and above-board all along, if somebody wasn't able to explain it the same way all the way through, it makes it appear like you have just been making your reasons up as you went along. That's what I think. How about you?

**Employers Resource Association**

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[www.hrxperts.org](http://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 field?  
 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**

	<b>Cincinnati</b>	<b>Columbus</b>
<b>Hotline.....</b>	Dan Chaney	Lori Hall
<b>Administration and Posters.....</b>	April Risen	April Risen
<b>Compensation Services.....</b>	Terry Henley	Terry Henley
<b>Affirmative Action Plans.....</b>	Carol Reubel	Lori Hall
<b>Employee Opinion Survey.....</b>	Carol Reubel	Lori Hall
<b>Customer Satisfaction Surveys.....</b>	Carol Reubel	Lori Hall
<b>HR On-Site Services.....</b>	Carol Reubel	Lori Hall
<b>Training &amp; Development.....</b>	Ralph Neal Brandi Helton	Ralph Neal Jessica Coleman
<b>Compliance Issues.....</b>	Tom Eberwein	Tom Eberwein
<b>Reference Center.....</b>	Dan Chaney	Lori Hall
<b>Roundtables.....</b>	Dan Chaney	Lori Hall
<b>Salary and Benefits Surveys.....</b>	Douglas C. Matthews	Douglas C. Matthews
<b>Membership Development.....</b>	Dolores Cease; Jim Carter	Dolores Cease, Scott Barrett

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