

## What's Inside...

President's Message .....	2
Treasurer's Report .....	2
SAHRA Board Minutes .....	3
SAHRA Meeting Minutes .....	4
Ebeltoft . Sickler Lawyers .....	5
SHRM Foundation Raffle .....	6
Celebrate March .....	6
Learn to Bounce Back from Set Backs..	6
Membership List .....	8

## March Meeting Information

---

### Bismarck Cancer Center Foundation

March 14, 2019  
 11:30 am MT  
 Lady J's Restaurant & Catering

## March Meeting



The Southwest Area Human Resource Association would like to welcome the Bismarck Cancer Center Foundation to our March meeting.

The Bismarck Cancer Center Foundation (BCCF) provides support services and programs to ease the burden of cancer throughout the state and region. This presentation will provide insight into the programs and resources offered including financial aid, transportation and lodging assistance, support groups, nutrition care, massage therapy and so much more.

In addition, the BCCF also offers education and screening programs to businesses, schools, and groups throughout North Dakota. They will present information about these programs and how they can be used for employee education and wellness talks. Education tools will be available to provide attendees with a look at the benefits of cancer education and screening programs.

*(Continued on page 2)*

## Are You Attending SAHRA in March?

Please RSVP at [NDSAHRA.shrm.org](http://NDSAHRA.shrm.org), scroll down to Upcoming Events and click "Register Here." This month's lunch menu includes: Italian grilled chicken breast, chicken rice pilaf, green beans, dinner bun, and brownie. \$12 per person includes tax and tip. Credit card or cash accepted with advance RSVP; no checks please. ■



## Like us on Facebook!

SAHRA is on Facebook! For updates and reminders on SAHRA events and activities, LIKE us on Facebook.



### Society for Human Resource Management

1800 Duke Street  
 Alexandria, VA 22314  
 Phone: 703.543.3340  
 Toll Free: 800.293.SHRM  
 Email: [shrm@shrm.org](mailto:shrm@shrm.org)  
 Website: [www.shrm.org](http://www.shrm.org)

#### Thank You!

Thank you for your contributions to this edition of the SAHRA Newsletter.

### Southwest Area Human Resource Association

This newsletter is a publication of the Southwest Area Human Resource Association Chapter #0571  
 PO Box 132 • Dickinson ND 58601  
<http://ndsahra.shrm.org>  
 Newsletter Editor: Carrie Zubke

## President's Message



Winners are losers who got back up and gave it one more try.

- Dennis DeYoung

## March Meeting

(Continued from page 1)

The learning objectives of this month's program will include:

- Understand the cancer care programs offered in the region.
- Gain knowledge in the importance of workplace cancer education and screening opportunities.
- Learn about resources to help individuals through a cancer diagnosis.
- Receive hands on education on the derma scan machine.

Dana Hager is the Education Coordinator for BCCF. Dana started at the Bismarck Cancer Center in 2016. Prior to joining the BCC staff, Dana enjoyed a very diverse professional path. She served as the Marketing & Information Director for the ND Department of Agriculture and prior to that she was at the Roosevelt Park Zoo in Minot for 14 years. She received her education at Minot State University. ■

## Treasurer's Report

Southwest Area Human Resource Assoc  
 February, 2019

New Statement Balance				\$13,026.17
Current Checks / Deposits	21/21/2019	Deposit	Interest earned	\$0.11
	1/21/2019	Deposit	Membership Dues	\$750.00
Compare to ending bank statement balance		\$13,776.28		
Outstanding Checks / Deposits		\$0		
TOTAL:				\$13,776.28

# SAHRA Board Minutes

February 14, 2019

Present: Kathleen Obritsch, DeEll Jordre, Carrie Zubke, Lynae Harper, Alison Johnson, Krissy Kilwein, Amanda Pearson. Absent: Carissa Suter, Sarita Haag, April Frank and Melissa Stoltz.

Carrie Zubke called the meeting to order.

Kathleen Obritsch motioned to approve the January treasurer's report; Lynae Harper seconded. Motion carried.

Alison Johnson motioned to approve the January board minutes; Amanda Pearson seconded. Motion carried.

Newsletter: The February newsletter was posted on the website and an email notification was sent to all registered members.

## COMMITTEE REPORTS:

Program-Lynae Harper: Board discussed upcoming programs.

February- ND Job Service  
March- Bismarck Cancer Center  
April- WSI 101 and Updates  
May- Vocational Rehab

Diversity-Allison Johnson: Board discussed reaching out to DSU or the Chamber of Commerce to speak on diversity.

Certification-Carrie Zubke: No report.

Foundation-Sarita Haag: Monthly raffle basket was donated by Carrie Zubke.

Krissy Kilwein is donating the March basket. If anyone is interested or able to help support the monthly basket please let Sarita know.

Membership-Melissa Stoltz: Two new members to vote in- Jessica Ziebarth, First National Bank and Trust- Williston and Mary Anderson, Able.

Public Affairs/Technology- Krissy Kilwein: Krissy is currently working on ideas for speaker gifts, as well as anniversary gifts for this fall.

Workforce Readiness-Kathleen Obritsch: DSU and Job Service Multi-Industry Career Fair will be held on March 19<sup>th</sup> at the BAC. DSU will be hosting a Rural Women's Conference on March 22<sup>nd</sup> and 23<sup>rd</sup>. Ashley Tillman with DSU has been working on a Career Day to be held on April 3<sup>rd</sup>. SAHRA discussed potential to host mock interviews during this event.

Community Relations- Amanda Pearson: Looking for volunteers to help with the Dickinson Backpack program on March 14, April 11, and May 2. If anyone is able to assist, please contact Amanda.

Secretary/Treasurer- DeEll Jordre: Board reviewed budget. Amanda made a motion to approve the 2019 budget; Krissy seconded. Motion carried.

## OLD BUSINESS:

Board reviewed and discussed the

*(Continued on page 7)*

## Southwest Area Human Resource Association Board of Directors

### President:

Carissa Suter, SHRM-CP  
McKenzie Electric Cooperative, Watford City  
csuter@mckenzieelectric.com | 701-870-4110

### Past President / SHRM Foundation Director:

Sarita Haag  
Continental Resources, Inc., Dickinson  
sarita.haag@clr.com | 701-764-6582

### President Elect / Legislative Director:

April Frank, PHR, SHRM-CP  
Dry Bulk Rentals, LLC, Dickinson  
aprilhouseholder@yahoo.com | 701-590-2900

### Secretary-Treasurer:

DeEll Jordre  
Marathon Petroleum, Dickinson  
dmjordre@marathonpetroleum.com | 701-456-6912

### Certification Director:

Carrie Zubke, SHRM-SCP, SPHR  
American Bancor, Ltd., Dickinson  
czubke@weareamerican.com | 701-483-3287

### Community Relations Director:

Amanda Pearson, SHRM-CP  
Patterson-UTI Drilling Company, Dickinson  
amanda.pearson@patenergy.com | 701-260-2852

### Diversity Director:

Alison Johnson  
Dickinson T-R Regional Airport, Dickinson  
ajohnson@dickinsonairport.com | 701-483-1042

### Membership Director:

Melissa Stoltz, SHRM-SCP  
a\_mstoltz@yahoo.com | 701-260-3729

### Program Director:

Lynae Harper, SHRM-CP  
Whiting Oil and Gas, Dickinson  
lynae.harper@whiting.com

### Public Relations / Technology Director:

Krissy Kilwein  
Dickinson State University, Dickinson  
krissy.kilwein@dickinsonstate.edu | 701-483-2530

### Workforce Readiness Director:

Kathleen Obritsch  
Dickinson State University, Dickinson  
kathleen.obritsch@dickinsonstate.edu | 701-483-2541

# SAHRA Meeting Minutes

February 14, 2019

Present: Amanda Pearson, Alison Johnson, Carrie Zubke, Kathleen Obritsch, Krissy Kilwein, Lynae Harper, DeEll Jordre, Sarah Wallace, Rosie Jahner, Aimee Kovash, Tammy Haugen, Kristen Coleman, Shelly Nameniuk, Amanda Heidt, Brandon Sickler, Jan Murtha, and Tiffany Benner.

Guests: Kristen Schock-Patterson UTI, Marie Bittner- CBIZ Benefits, Mary Urlacher-Dickinson Job Service, Jacalynn Hendrickson-DSU, Ali Huber-City of Dickinson.

Carrie Zubke called the meeting to order and welcomed the guests.

The chapter meeting minutes from January were included in the February newsletter. A motion to approve the minutes was made by Kathleen Obristch. Seconded by Tiffany Brenner. Motion passed.

The treasurer's report for January was included in the monthly newsletter.

New member applications for Marie Bittner- CBIZ Benefits and Insurance, Mary Anderson- Able, Jessica Ziebarth- 1<sup>st</sup> National Bank and Trust Williston were presented. Amanda Pearson made a motion to accept the applications. Lynae Harper seconded . Motion passed. Welcome new members!

Aimee Kovash announced the Multi-Industry Career Fair on March 19<sup>th</sup> at the BAC. If interested in obtaining a booth, please contact Aimee.

## COMMITTEE REPORTS:

Community Relations – Amanda Pearson: Volunteer opportunities to support the Dickinson Backpack Program on March 14<sup>th</sup>, April 11<sup>th</sup>, and May 2<sup>nd</sup>. Please contact Amanda if able to assist.

Secretary/Treasurer- DeEll Jordre: 2019 Budget has been reviewed and approved. Copies are located on the membership table. Please see DeEll if you have any questions.

## OLD BUSINESS:

No old business discussed.

## NEW BUSINESS:

The Foundation Basket was donated by Carrie Zubke; raffle tickets are \$1 each.

## PROGRAM:

Mary Urlacher, ND Job Service

The meeting adjourned. ■

Minutes submitted by:  
DeEll Jordre – Secretary/Treasurer



## Time is Money!

The early bird gets the worm! This is a phrase most of us probably heard in our childhood from a parent, teacher, or family member. The gist of the phrase is that promptness yields rewards. Just like the bird who gets up early to search for a worm will be rewarded with a catch, so too will the person who gets up early accomplish his or her goals. Undoubtedly, this principle can also be applied to the workplace, such as reporting injuries sustained on the job. If injuries are not reported on time, an injured worker's claim will be time barred, resulting in an otherwise valid claim being denied.

### WSI Statutory Scheme:

North Dakota Workforce Safety & Insurance ("WSI") is the sole provider and administrator of the workers' compensation system in North Dakota. When a worker is injured on the job, state law provides that: "All original claims for benefits must be filed by the injured employee, or someone on the injured employee's behalf, within one year after the injury." N.D.C.C. § 65-05-01. The date of injury is defined as: "the first date that a reasonable person knew or should have known that the employee suffered a work-related injury and has either lost wages because of a resulting disability or received medical treatment." N.D.C.C. § 65-05-01. In other words, workers need to be aware that they must file WSI claims within one year of the date of their injury.

However, even if a worker files after the

one-year statute of limitations, there are instances where the one-year statute of limitations will not apply, and WSI cannot deny the claim. If "an employer's willful conduct prevented an injured employee from filing a claim in a timely manner, that employer shall reimburse the organization [WSI] for the full amount of all benefits paid during the first five years of that claim." N.D.C.C. § 65-05-01. This means that employers have an obligation to avoid willful conduct that prevents workers from timely filing WSI claims, otherwise they are liable to WSI for benefits paid out on an injured worker's claim. An employer's actions do not have to be purposely deceptive in order to amount to willful conduct. It is sufficient that an employer's actions misled the claimant into believing that he or she can postpone filing their claim until the period of limitations has expired. These misleading statements will prevent the employer from applying the one-year statute of limitations as a bar to a late claim.

### Injured on the Job: A Case Study

In one such case, a woman was injured on the job in 2002, and filed a WSI claim for her injuries. At the same time, she also claimed damage to her teeth that she sustained in falls in 1999 and in 2000 while at work. She did not report these to WSI within one year of the injuries, as required by the WSI statute of limitations. As a result, WSI denied her claim for dental injuries, citing that she failed to report her claim within the one-year statute of limitations for her 1999 and 2000 falls. As a defense, the woman argued that she did not report her injuries to WSI because her employer had told her that WSI did not cover dental injuries.

On appeal of this case, the North Dakota Supreme Court stated, with respect to workers compensation benefits: "[i]t is reasonable for an employee to rely on the employer's presumably greater knowledge of such matters." *Nagel v. Workforce Safety & Ins.*, 2007 ND 202, ¶ 12, 743 N.W.2d 112 (citing, *Linnertz v. N.D. Workers' Comp. Bureau*, 502 N.W.2d 528, 530 (N.D. 1993)). However, in this case, the court held that the 1999 and 2000 injuries were barred as she "failed to file a claim for these injuries after the notifying event in May of 2002, which ended the tolling of the statute of limitations for these injuries." This notifying event should have alerted her to the fact that WSI did in fact accept dental claims, and she should have filed her claims for the 1999 and 2000 injuries. The fact that she did not file these claims after being made aware by the notifying event, resulted in her claims being time barred. The court, therefore, upheld WSI's decision to deny her claim for dental benefits, and the employer was not required to compensate WSI for her damages related to late-filed claims.

In another such case the employer was not so lucky. A court found misrepresentations where an employer discouraged employees from filing workers' compensation claims, while encouraging them to use the company's private insurance carrier. *Linnertz v. N.D. Workers' Comp. Bureau*, 502 N.W.2d 528, 530 (N.D. 1993). Employees had free access to medical forms for the company's insurance provider, but limited access to workers' compensation forms. The court held that this fostered employer-generated confusion

(Continued on page 7)

## SHRM Foundation Raffle

Time to BBQ! This month's basket includes a set of grilling tools, two sets of grilling forks, and a BBQ basket / condiment set donated by Krissy Kilwein, SAHRA Technology / Public Relations Director.

For each \$1 donation to the SHRM Foundation, your name will be entered into the raffle drawing for a prize. Drawing to be held March 14, 2019 at the SAHRA meeting. Thank you for your support of the SHRM Foundation!

Permit #18-47

*If you or your business would be interested in donating an item for the SHRM Foundation Fundraiser, please contact: Sarita Haag, SAHRA Past President / Foundation Director.*



## Celebrate March!

Daylight Savings Time Begins  
March 10

National Potato Chip Day  
March 14

St. Patrick's Day  
March 17



First Day of Spring  
March 20

National Waffle Day  
March 26

## Learn to Bounce Back from Setbacks

Every career comes with a few—or more—setbacks. You can't avoid them, so you have to learn how to deal with them and bounce back. From the CNBC's Make It website comes this advice for recovering from even the toughest failures:

- **Learn and adjust.** When a disaster strikes, even a small one, take the time to figure out what happened. Then you can adjust your strategy so it doesn't happen again.
- **Help other people.** If you're generous with your time and expertise, people will willingly help you out when you fail. Make a point of assisting your co-workers and friends so they'll feel inclined to return the favor when you need them.
- **Focus on what you can control.** Obviously, some things are beyond your reach. Don't worry about them, and keep your mind on what's in your control. This will help you move forward.
- **Keep the faith.** Remember that you've succeeded before and will again. Think of the setbacks you've survived, and remind yourself that you didn't give up then. Next, commit yourself to action.

- **Find allies.** Surround yourself with people who not only help you, but encourage you. A circle of positive people who believe in you can give you the confidence to keep going in spite of failure.

- **Accept responsibility.** Don't blame others for your failure. Maybe they broke promises, but in the end, the responsibility for fixing things is up to you. Own up to your mistakes



honestly, and share what you're doing to rectify them today and avoid them in the future. ■

First Draft  
March 2019

## Time is Money!

*(Continued from page 5)*

among employees as to when to file workers' compensation claims, and led to an employee failing to file his claim within the statute of limitations. The court held that such action was enough to preclude the application of the one-year statute of limitations. Employers must avoid such willful conduct as it can mislead employees.

### The Takeaway:

Workers that are injured on the job must report injuries to WSI within the one-year statute of limitations, or their claim will be time barred and WSI will deny benefits. Employers have a statutory duty to avoid willful conduct that would prevent an injured worker from filing a claim in a timely manner, or risk becoming liable to WSI for payment of all benefits in an injured worker's claim for the first five years of the

claim. An employer can eliminate the tolling of the statute of limitations, by clearly notifying workers of the necessity of filing a claim within the statutory period.

Employers also ought to keep up to date on WSI regulations and encourage workers to timely file claims. Employers can educate and encourage their employees by using flyers in common areas in the workplace, highlighting early filing of WSI claims, keeping a record of workplace injuries, and advising injured employees of WSI requirements. Employers can also reach out to WSI for resources regarding WSI regulations.

### Our Interest in Serving You:

My law firm's goal is to give understandable information and to foster discussion about real-life issues facing human resource professionals. If we are not achieving that goal or if you would like us to address other employment law issues, please email me at [amann@ndlaw.com](mailto:amann@ndlaw.com). We promise to take

your comments and ideas to heart.

### Disclaimers

**(Otherwise known as "the fine print")**

I make a serious effort to be accurate in my writings. These articles are not exhaustive treatises, though, so do not consider them complete or authoritative. Providing this information to you does not create an attorney-client relationship with my firm or me. Do not act upon the contents of this or of any article on our homepage or consider it a replacement for professional advice.

Allison Mann | Lawyer  
2272 Eighth Street West | Dickinson, ND  
58601  
701.225.LAWS (5297) tel  
701.225.9650 fax ■



## Board Minutes

*(Continued from page 3)*

proposal for Director's & Officers Insurance. Board decided against D&O Insurance due to SAHRA being a small chapter, low risk potential, and high cost of insurance.

April Frank submitted our SHAPE application.

### NEW BUSINESS:

ND State SHRM Council will be in Dickinson on July 11<sup>th</sup>.

Meeting adjourned.

Submitted by:  
DeEll Jordre, Secretary/Treasurer

Approved by:  
Carrie Zubke, Certification Director

1. Anderson, Mary-ABLE, Inc., Dickinson
2. Beaudoin, Leann-Southwest Water Authority, Dickinson
3. Benner, Tiffany-Dickinson State University (student member)
4. Berry-Gietzen, LeAnne-Trial Runners, Dickinson
5. Bittner, Marie-CBIZ Benefits, Glen Ullin
6. Canen, Jade-White Owl Energy Services, Dickinson
7. Cloutier, Jon\*-St Luke's Nursing Home, Dickinson
8. Coleman, Kristen—Titan Energy Services, Dickinson
9. Cook, Lindsey, SHRM-CP\*, PHR- Creek Energy Services, Dickinson
10. Dave, Zafar-Killdeer Mountain Manufacturing , Dickinson
11. Diede, Sarah-Wyoming Casing, Dickinson
12. Fetch, Cindy – Southwest Water Authority, Dickinson
13. Fox, Etta-Sax Motor Co., Dickinson
14. Frank, April, SHRM-CP, PHR\* - Dry Bulk Rentals, LLC, Dickinson
15. Haag, Sarita\*-Continental Resources, Inc., Killdeer
16. Haderlie, Cindy-City of Dickinson
17. Hanson, Shelly\* - Fisher Industries, Dickinson
18. Harper, Lynae, SHRM-CP\*-Whiting Oil & Gas, Dickinson
19. Haugen, Tammy-Marathon Petroleum, Dickinson
20. Heidt, Amanda-Steffes Corporation, Dickinson
21. Heidt, Kim\*-Steffes Corporation, Dickinson
22. Hellman, Julie-American Insurance Center, Dickinson
23. Hendricks, Britney-SHRM-SCP,\* Western Cooperative Credit Union, Dickinson
24. Hintz, Kristy\*-The Medora Corporation, Dickinson
25. Honcharenko, Vicky-American Bancor, Ltd., Dickinson
26. Howe, Rebecca, SPHR, SHRM-SCP\*- Titan Energy Services, Dickinson
27. Hueske, Coley\*-Savanna Well Servicing, Dickinson
28. Huizenga, David-Bismarck State College/Train ND, Bismarck
29. Jackson, Andrea, SHRM-CP\*-Whiting Oil & Gas, Dickinson
30. Jahner, Rosie\* - Able, Inc., Dickinson
31. Jahner, Zach - Baker Boy, Dickinson
32. Jirges, Karen\*-Ebeltoft . Sickler . Lawyers, Dickinson
33. Johnson, Alison-Theodore Roosevelt Regional Airport, Dickinson
34. Jordre, DeEll\* - Marathon Petroleum, Dickinson
35. Kilwein, Krissy\*-Dickinson State University, Dickinson
36. Kovash, Aimee - Job Service North Dakota, Dickinson
37. Krebs, Linda, SHRM-CP\*-Stark County, Dickinson
38. Lantz, Nancy - Southwestern District Health Unit, Dickinson
39. Lengowski, Susan\*- St. Benedict's Health Center, Dickinson
40. Lindbo, Connie - Community Action, Dickinson
41. Lorge, Dorene\*-Dakota Western Bank, Bowman
42. Mann, Allison-Ebeltoft . Sickler . Lawyers, Dickinson
43. Massad, Mary\*- SW Water Authority, Dickinson
44. Messer, Jennefer, SHRM-SCP\*- Fisher Industries, Dickinson
45. Murtha, Janilyn, SHRM-SCP\*-City of Dickinson, ND
46. Nameniuk, Shelly\*- City of Dickinson, ND
47. Oase, Matt\*-City of Killdeer, ND
48. Obritsch, Kathleen - Sysko Business Solutions, Dickinson
49. Olson, Hanna-Baker Boy, Dickinson
50. Pavlicek, Pam, PHR - Southwest Grain, Dickinson
51. Pearson, Amanda, SHRM-CP\*-Patterson-UTI Drilling Company, Dickinson
52. Praus, Carey\*-Benz Oil Co, Killdeer
53. Reiger-Kempenich, Cindy-Sackman Electric & Controls, Dickinson
54. Roller, Sue, SPHR, SHRM-SCP\*- Baker Boy, Dickinson
55. Scheeler, DeAnn, SHRM-SCP\*- Trinity Catholic Schools, Dickinson
56. Sickler, Brandon\*-Steffes LLC, Dickinson
57. Simonieg, Alexandra-Theodore Roosevelt Medora Foundation, Medora
58. Spangler, Amy - City of Dickinson, ND
59. Stoltz, Ashley\*-Steffes LLC, Dickinson
60. Stoltz, Melissa, SHRM-SCP\*- Dickinson
61. Suter, Carissa\*-SHRM-CP, McKenzie Electric Cooperative, Watford City
62. Tuhy, Shar - American Bank Center, Dickinson
63. Turbiville, Bev-ND Division of Vocational Rehabilitation, Dickinson
64. Turner, Sara-Dickinson Parks & Recreation, Dickinson
65. Tysver, Danita - Stark County Development, Dickinson
66. Vollmer, Sarah, CPP, CCT-Bismarck State College, Bismarck
67. Wallace, Sarah\*- Therapy Solutions, Dickinson
68. Working, Suzanne\*-White Owl Energy Services, Dickinson
69. Ziebarth, Jessica-First National Bank & Trust, Williston
70. Zubke, Carrie, SPHR, SHRM-SCP\*- American Bancor, Ltd., Dickinson

\* - indicates SHRM National Membership

**PHR** indicates HRCI's Professional in Human Resources certification

**SPHR** indicates HRCI's Senior Professional in Human Resources certification

**SHRM-CP** indicates SHRM's Certified Professional certification

**SHRM-SCP** indicates SHRM's Senior Certified Professional certification