

What's Inside...

President's Message.....	2
Treasurer's Report.....	2
SAHRA Board Minutes	3
SAHRA Meeting Minutes	4
Ebeltoft Sickler Lawyers.....	5
Dickinson Backpack Program.....	7
Membership List.....	8

DON'T FORGET 2017 MEMBERSHIP DUES!

Anyone who pays their 2017 membership dues by the Membership Social on December 8, 2016 will be eligible for the drawing for a \$50 Visa gift card!

December Meeting Information

Member Social

Thursday,
December 8, 2016
Fluffy Fields Winery
4-6 pm MT

Hors d'oeuvres provided by
SAHRA.
Cash bar available.

New Officers Elected

The Southwest Area Human Resource Association would like to welcome its new officers to the Board of Directors. At the November membership meeting, the following members were elected:

Uma Hoffmann President Elect / Legislative Director
Carissa Suter Program Chair
Amanda Pearson Community Relations Chair

We would also like to welcome Krissy Kilwein who will be assisting Carissa with the programming duties. Directors who were re-elected include Carrie Zubke-Certification Director, DeEil Jordre-Secretary/Treasurer, and Melissa Stoltz-Membership Director. Those continuing their terms for an additional year include DeAnn Scheeler-Past President / SHRM Foundation Director, Sarita Haag-President, Chelsea Dicke-Diversity Director, Amber Mathieson-Publicity / Technology Director, and Kathleen Obritsch-Workforce Readiness Director. ■

December Membership Social

The Southwest Area Human Resource Association is pleased to announce a membership social on Thursday, December 8, 2016 from 4-6 pm MT at the Fluffy Fields Vineyard & Winery in Dickinson. This event will be held in place of our regular noon meeting. Join us for a short presentation by The Power of 100 Women organization, the Dickinson Area Chamber of Commerce, and Stark County Development Corporation. In addition, our annual SHRM Foundation Grand Prize Drawing will take place, along with our \$50 Visa drawing for those members that have renewed their membership for 2017 by the December 8th early bird deadline. This will be a great opportunity to network with chapter leaders and members and unwind a bit before the holidays! You don't want to miss it! ■



Like us on Facebook!

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



President's Message



I'm so excited for our December "meeting" at Fluffy Fields Vineyard! I look forward to networking with you, and spending a bit of time enjoying some hot sangria in appreciation for another great year for the Southwest Area Human Resources Association!

I have thoroughly enjoyed serving you as President for the past two years. You are a great group of people, and I have learned a lot in this role. This is my last newsletter article before the amazing Sarita Haag takes the reins. It will be fun to see where she takes us in the coming year. Thank you to all of you who have participated, volunteered, and made SAHRA the great organization that it is. Congratulations to all of our new board members, and welcome to all of our new members for 2017!

I wish each of you a Merry Christmas, and a happy and healthy new year! ■

DeAnn Scheeler, SHRM-SCP
SAHRA Chapter President
dscheeler@fisherind.com

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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

Treasurer's Report

Southwest Area Human Resource Association
November, 2016

New Statement Balance				\$14,546.31
Current Checks / Deposits		Interest Earned		\$0.25
	10/6/16	Deposit	Membership dues	\$75.00
	572	11/7/16	USPS	Box fee (\$70.00)
	573	11/14/16	Melissa Stoltz	Membership Month door prizes (\$162.36)
	574	11/14/16	Carrie Zubke	Membership Month door prizes (\$145.96)
	575	11/17/16	DeAnn Scheeler	Speaker meal (\$14.00)
Compare to ending bank statement balance		\$14,229.24		
Outstanding Checks / Deposits		Deposit	Membership dues	\$590.00
TOTAL:				\$14,819.24

SAHRA Board Meeting Minutes

November 10, 2016

Present: DeAnn Scheeler, DeEll Jordre, Kathleen Obritsch, Melissa Stoltz, Carrie Zubke, Amber Mathieson, Sarita Haag. Absent: Chelsea Dicke and Christina Anthony. Guest- Carissa Suter

President DeAnn Scheeler called the meeting to order.

Secretary's Report: The October board minutes were submitted. Upon motion by Kathleen Obritsch, second by Amber Mathieson, motion carried to approve the October minutes as presented.

Treasurer's Report: The July-October treasurer's report was submitted in the November newsletter. Upon motion by Carrie Zubke, second by Melissa Stoltz, motion carried to approve the treasurer's report as submitted.

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

NOMINATING REPORT:

Discussion was held on the open board positions and interested parties. Final nominations will be sought during the November meetings prior to election taking place. The current nominations are as follows:

President Elect / Legislative Director- Uma Hoffmann
Secretary / Treasurer- DeEll Jordre
Membership Director- Melissa Stoltz
Program Director- Carissa Suter
Certification Director- Carrie Zubke
Community Relations Director- Amanda Pearson

COMMITTEE REPORTS:

Program: The program details are being covered for the remainder of the year by the board.

November: Jen Messer with Fisher Industries will present on I-9's
December: Dickinson Chamber/Stark Development/Power of 100 Women
January: Voc Rehab- pending
February- Open

Diversity: Chelsea Dicke: No report.

SHRM Certification-Carrie Zubke: Carrie stated that we have two members in the process of certifying. Currently, there isn't an active study group. However, if interest returns further discussion will be held.

SHRM Foundation: Today's basket is an Italian basket donated by Carrie Zubke. Carrie will purchase the annual SHRM raffle prize for the December meeting.

President Elect / Legislative Director: Sarita will be attending the SHRM Leadership Conference in Washington, DC later this month and will provide updates at the next meeting.

Membership-Melissa Stoltz: Melissa indicated that we completed our audit and are reviewing the findings. Currently, out of our total membership, 55% are SHRM members. Melissa added we have the following new members to approve: Cal Oraw, Kara Visger, Sara Diede, Jessica Jahraus, Sara Turner, and Zafar Dave.

Publicity –Amber Mathieson: no report.

Workforce Readiness-Kathleen Obritsch: No report.

(Continued on page 6)

Southwest Area Human Resource Association Board of Directors

President:

DeAnn Scheeler-Fisher Industries
dscheeler@fisherind.com
701-456-2179

Past President / SHRM Foundation Director:

Open

President Elect / Legislative Director:

Sarita Haag-Killdeer Mountain Manufacturing
sarita.haag@kmmnet.com
701-456-3502

Secretary-Treasurer:

DeEll Jordre-Dakota Prairie Refining, LLC
deell.jordre@tsocorp.com
701-456-6912

SHRM Certification Director:

Carrie Zubke-American Bancor, Ltd.
czubke@weareamerican.com
701-483-3287

Diversity Director:

Chelsea Dicke -Theodore Roosevelt Medora Found
chelsead@medora.com
701-623- 4444 ext 8802

Membership Director:

Melissa Stoltz-American Bancor, Ltd.
mstoltz@weareamerican.com
701-483-6811

Program Director:

Open

Public Relations Director:

Amber Mathieson-Dickinson Parks & Recreation
amathieson@dickinsonparks.org
701-456-2074

Workforce Readiness Director:

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

Technology Director:

Christina Anthony, CHI St Joseph's Health
christinaanthony@catholichealth.net
701-456-4278

SAHRA Meeting Minutes

November 10, 2016

Present: Melissa Stoltz, Kathleen Obritsch, Sarita Haag, Carrie Zubke, Tammy Haugen, Connie Lindbo, DeAnn Scheeler, April Frank, Aimee Kovash, Donna Giese, Kaela Thornton, Amanda Pearson, Danita Tysver, Amber Mathieson, DeEil Jordre, Carissa Suter, Shelly Hanson, Lindsey Cook, Jennifer Strange, Shar Tuhy, Linda Krebs, and Uma Hoffmann.

Guests: Sarah Diede-Wyoming Casing, Jessica Jahraus-Wyoming Casing, Miranda Swisher, Bethany Morris-Fisher, Perzen Polishwalla-DSU, Martin Skoryra-DSU, Zafar Dave-KMM.

DeAnn Scheeler called the meeting to order. Guests were introduced.

The chapter meeting minutes from October were included in the November newsletter. Upon motion by Kathleen Obritsch, second by Carrie Zubke, motion carried to approve the minutes as presented.

The treasurer's report for July-October was included in the monthly newsletter.

NEW MEMBERS:

Melissa Stoltz made the motion to accept new member applications from Cal Oraw-Parke Investment Management, Kara Visger-Dickinson Parks and Rec, Sara Diede-Wyoming Casing, Jessica Jahraus-Wyoming Casing, Kimberly Heidt- CHI Dickinson, Sara Turner-Dickinson Parks and Rec, and Zafar Dave-Killdeer Mountain Manufacturing. Kathleen Obritsch seconded, motion carried. Welcome new members!

ANNOUNCEMENTS:

Uma Hoffmann indicated that there is an upcoming SHRM meeting to address the post-election changes. It will be held on

November 15th at 2:00 pm and will address the first 100 days in office and Trump's ideas of the changing the workplace. For more information please consult the SHRM website.

COMMITTEE REPORTS:

SHRM Certification – Carrie Zubke: No report.

Diversity – Chelsea Dicke: No report.

Foundation / Past President: Foundation raffle basket this month is an Italian themed pasta basket donated by Carrie Zubke; tickets are \$1.00.

Government Affairs / President-Elect:

Sarita reported that we currently have the following nominations for board positions: President Elect-Uma Hoffmann, Program-Carissa Suter, SHRM Certification- Carrie Zubke, Secretary/Treasurer-DeEil Jordre, Membership- Melissa Stoltz, and Community Relations- Amanda Pearson. DeAnn called for any additional nominations for these positions. Carrie Zubke moved that nominations cease and a unanimous ballot be cast for Uma Hoffmann, Carissa Suter, Carrie Zubke, DeEil Jordre, Melissa Stoltz, and Amanda Pearson. Sarita seconded; motion carried. Welcome to board!

Membership – Melissa Stoltz: No report.

Program: No report.

Publicity – Amber Mathieson: No report.

Workforce Readiness – Kathleen Obritsch: No report.

Secretary / Treasurer – DeEil Jordre: No report.

Technology – Christina Anthony: No report.

OLD BUSINESS:

Members were encouraged to help out with the Dickinson Backpack Program; we have 2 more weeks of volunteering held each

Mock Interviews!

South Heart High School has reached out to SAHRA once again this year to assist with mock interviews on Dec 12, 14, & 16. If you are able to assist or would like more information, please email Uma Hoffman (uhoffmann@steffes.com).

Thursday at St. John's Lutheran Church at 6pm. Thanksgiving week will be conducted on that Tuesday.

DeAnn indicated that for any new member that submits a membership application, they will get the remainder of 2016 and 2017 for the price of an annual membership (\$35 SHRM member, \$40 Non-SHRM member). Also, anyone who submits a new application or renewal will be included in the drawing for a \$50 gift card if paid before December 8th.

DeAnn reminded the membership that the December SAHRA meeting will be held at Fluffy Fields Winery. We will be having appetizers and a networking social. No meeting at the Elk's Lodge in December. The Dickinson Chamber of Commerce, Stark Development, and Power of 100 Women will be speaking. There will be a small fee for non-members to attend. Look for RSVP and more information to be sent out!

NEW BUSINESS:

DeAnn asked the membership to submit programming ideas for 2017.

PROGRAM:

Jennifer Messer- I-9 Compliance

The meeting adjourned. ■

Minutes submitted by:
DeEil Jordre-Secretary/Treasurer
DeAnn Scheeler, President



Requesting Accommodation: Kowitz v. Trinity Health

In a recent opinion, *Kowitz v. Trinity Health*, 839 F.3d 742, the Eighth Circuit Court of Appeals revisited the prerequisites for a failure to accommodate claim under the Americans with Disabilities Act (ADA) and the North Dakota Human Rights Act. The court used the same analysis for both laws.

Generally, there are two preliminary elements that a plaintiff employee in an accommodation case must show in order to proceed:

That the employer knew about the employee's disability; and
That the employee requested an accommodation or assistance for that disability.

Once these are established, the employer has a duty to engage in an "interactive process" to determine whether a reasonable accommodation is possible.

In *Kowitz*, the second element was in question. In the past, the employee was required to clearly request an accommodation. However, the *Kowitz* court has made this showing much easier for plaintiffs in the Eighth Circuit.

The Facts:

In *Kowitz*, Plaintiff was a respiratory therapist at a hospital, the Defendant. She suffered from cervical spinal stenosis, which eventually required surgery. When she returned from surgery, she informed her supervisor that she would have physical work restrictions, including an inability to work her regular twelve hour shifts. Defendant accommodated this restriction by limiting her to eight hour shifts.

About a month after Plaintiff's return from work, Defendant requested that all employees update their certifications to provide basic life support, including CPR. Plaintiff informed Defendant that she could not complete the re-certification until she had her doctor's approval. Thereafter, her doctor determined that she would not be able to meet the test's requirements for four months. She relayed this information to Defendant. Defendant terminated Plaintiff the next day for her inability to perform a necessary

function of her job.

Plaintiff brought suit for failure to accommodate her disability. It was undisputed that Plaintiff never requested an accommodation for her inability to complete life support training.

Majority Opinion:

The majority first acknowledged that it is the employee's responsibility to initiate the accommodation process by "making [the] employer aware of the need for an accommodation." There are no "magic words" or "technical language" for making a request for an accommodation.

In the past, the court has evaluated whether a plaintiff "clearly" makes an accommodation request. In this case, however, the court evaluated whether the accommodation request could be implied from the information provided by a plaintiff.

The court ultimately held that Plaintiff provided enough evidence to raise the question of whether Plaintiff requested an accommodation (ultimately this will be a question for the jury). This evidence included the fact that Defendant knew about Plaintiff's condition and that Plaintiff told Defendant that she could not complete her certification due to her condition.

In other words, the court held that Plaintiff's mere notification of her disability was the request for accommodation.

Dissenting Opinion:

One judge did not agree with this analysis. The dissenter would have dismissed Plaintiff's claim because she did not actually make a request for an accommodation. Judge Colloton agreed that there are no "magic words" to invoke an accommodation request, but would have imposed a clear request requirement. In sum, he thought that the majority confused the test, and needlessly eliminated one of the requirements for an accommodation claim.

The Takeaway:

The *Kowitz* opinion is a departure from the Eighth Circuit's previous precedent, which required that the employee actually make a request for an accommodation. Now, a request may be implied from disability information provided by an employee. Arguably, any employer that knows an employee has a disability must determine whether a reasonable accommodation can be offered.



Allison Mann | Lawyer

(Continued on page 6)

Requesting Accommodation: Kowitz v Trinity Health

The following tips may help employers in this process:

Be proactive. If an employee notifies you of a disability that prevents them from performing a function of their job, assess whether a reasonable accommodation should be provided. Document the reasonable accommodation process. Evaluate whether a reasonable accommodation can be offered before terminating an employee on the basis of disability (i.e. terminating the employee because they cannot perform an essential function of their job).

As always, if there are any specific questions, competent legal counsel should be engaged.

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. 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. ■

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701.225.9650 fax



SAHRA Board Meeting Minutes

(Continued from page 3)

OLD BUSINESS:

Strategic Planning and Budgeting Meeting was moved to December 14th at 3:00 pm at American Bancor. Please submit your meal selection to DeAnn via email. No regular board meeting for December.

Dickinson Backpack Program has been going well and encourage those who had not signed up to still show up to help.

Currently, Sarita and Uma are attending the ND Leadership Council meetings in Fargo on December 6th-7th.

December membership meeting will be held at Fluffy Fields on Thursday, December 15th from 4:00-6:00 pm MT. Carrie is working out the details for the hors d'oeuvres and cash bar. DeAnn will remind the membership that we will not have our membership meeting at the Elks that afternoon.

NEW BUSINESS:

No new business discussed.

Meeting adjourned. ■

Submitted by:
DeEll Jordre, Secretary/Treasurer

Approved by:
DeAnn Scheeler, President

SHRM Membership Special

Special end of the year offer for SAHRA Members!

Save \$15 on a new or renewal SHRM membership by 12/15/2016 with promo code **CH16A** and get access to the HR tools and resources to help you be confident, compliant and current on all things HR.

https://membership.shrm.org?PRODUCT_DISCOUNT_ID=CH16A

Dickinson Backpack Program

Thank you to all our SAHRA members and their family members who came out to assist with packing the backpacks for the Dickinson Backpack Program. Each week, volunteers gathered at St John Lutheran Church to assemble food for kids in need. The bags of food are then delivered to area schools where they are discreetly tucked into lockers for kids to take home over the weekend. The need continues to grow in our community. The group packed 271 bags of food one evening. You can make a difference by making a donation or volunteering your time! More information is available on their Facebook page! ■



1. Anderson, Amber-Diamond H Services, LLC, Bowman
2. Beerbower, Mandy-Herberger's, Dickinson
3. Benner, Tiffany-Dickinson State University (student member)
4. Berry-Gietzen, LeAnne-Trial Runners, Dickinson
5. Bittner, Marie* - Blue Cross Blue Shield of ND, Bismarck
6. Bren, Erv* - Community Action Partnership, Dickinson
7. Boyd, Brad-Impact Dakota, Bismarck
8. Burwick, Sandra - Southwest Water Authority, Dickinson
9. Cook, Lindsey, SHRM-CP* - Steffes Corporation, Dickinson
10. Cordova, Rosemary-Baker Boy, Dickinson
11. David, Zafar-Killdeer Mountain Manufacturing, Dickinson
12. Dicke, Chelsea -Theodore Roosevelt Medora Foundation, Medora
13. Diede, Sarah-Wyoming Casing, Dickinson
14. Fetch, Cindy – Southwest Water Authority, Dickinson
15. Frank, April, SHRM-CP, PHR* - Dry Bulk Rentals, Dickinson
16. Giese, Donna*-Continental Resources, Dickinson
17. Golke, Rynae, PHR* -Trial Runners, Dickinson
18. Gonzalez, Amy*-McKenzie County Healthcare System, Watford City
19. Gooss, Jennifer-SHRM-SCP*-Dickinson
20. Haag, Sarita-Killdeer Mountain Manufacturing, Dickinson
21. Hanson, Shelly* - Fisher Industries, Dickinson
22. Harper, Lynae, SHRM-CP*-Whiting Oil & Gas, Dickinson
23. Haugen, Tammy-Dakota Prairie Refining, LLC, Dickinson
24. Heidt, Amanda-St. Benedict's Health Center, Dickinson
25. Heidt, Kimberly*-CHI/St Alexius, Dickinson
26. Hendricks, Brittney* - Western Cooperative Credit Union, Dickinson
27. Hintz, Kristy -The Medora Corporation, Dickinson
28. Hoffmann, Uma, SHRM-SCP*, SPHR- Steffes Corporation, Dickinson
29. Huizenga, David-Bismarck State College/Train ND, Bismarck
30. Hutzenbiler, Rebecca, SPHR, SHRM-SCP*- Killdeer Mountain Manufacturing, Dickinson
31. Jackson, Andrea, SHRM-CP*-Whiting Oil & Gas, Dickinson
32. Jahner, Rosie - Able, Inc., Dickinson
33. Jahner, Zach - Baker Boy, Dickinson
34. Jahraus, Jessica-Wyoming Casing, Dickinson
35. Jirges, Karen*-Ebeltoft.Sickler Lawyers, Dickinson
36. Jordre, DeEll* - Dakota Prairie Refining, LLC, Dickinson
37. Kilwein, Krissy-Dickinson State University, Dickinson (student member)
38. Kolling, Cal, SPHR, SHRM-SCP* - Kolling HR Associates, Dickinson
39. Kovash, Aimee - Job Service North Dakota, Dickinson
40. Krebs, Linda*-Stark County, Dickinson
41. Lantz, Nancy - Southwestern District Health Unit, Dickinson
42. Lengowski, Susan* - St. Benedict's Health Center, Dickinson
43. Lindbo, Connie - Community Action, Dickinson
44. Mann, Allison-Ebeltoft.Sickler Lawyers, Dickinson
45. Massad, Mary*- SW Water Authority, Dickinson
46. Mathieson, Amber, SHRM-CP*-Dickinson Parks & Recreation, Dickinson
47. Marquardt, Dawn– City of Killdeer, Killdeer
48. Messer, Jennefer, SHRM-SCP* - Fisher Industries, Dickinson
49. Morris, Shauna*-Theodore Roosevelt Medora Foundation, Medora
50. Mural, Olyana-Dickinson State University, Dickinson (student member)
51. Nameniuk, Shelly* - City of Dickinson, Dickinson
52. Nash, Tracy*-Tooz Construction, Dickinson
53. Obritsch, Kathleen - Sysko Business Solutions, Dickinson
54. Oraw, Cal-Parke Investment Management, Dickinson
55. Pavlicek, Pam, PHR SHRM-CP* - Southwest Grain, Dickinson
56. Pearson, Amanda, SHRM-CP*-Continental Resources, Dickinson
57. Perry, Laura* - Dickinson
58. Peterson, Donette, SPHR, SHRM-SCP* - Missouri Valley Petroleum, Mandan / Belfield
59. Praus, Carey*-Benz Oil Co, Killdeer
60. Price, Christopher-Southwest Water Authority, Dickinson
61. Reiger-Kempenich, Cindy-Sackman Electric & Controls, Dickinson
62. Reindel, Rebecca-USC Staffing, Inc., Dickinson
63. Roller, Sue, SPHR, SHRM-SCP* - Baker Boy, Dickinson
64. Scheeler, DeAnn, SHRM-SCP* - Fisher Industries, Dickinson
65. Schwindt, Scott - Western Cooperative Credit Union, Dickinson
66. Senator Heidi Heitkamp Office—Dickinson
67. Shea, Kari - North Dakota Vocational Rehabilitation, Dickinson
68. Spangler, Amy - City of Dickinson
69. Stenger, Heidi-Theodore Roosevelt Regional Airport, Dickinson
70. Stoltz, Melissa, SHRM-SCP*- American Bancor, Ltd., Dickinson
71. Suter, Carissa*-SHRM-CP, McKenzie Electric Co-Op, Watford City
72. Thornton, Kaela*-Continental Resources, Dickinson
73. Tuhy, Shar - American Bank Center, Dickinson
74. Turner, Sara-Dickinson Parks & Recreation, Dickinson
75. Tysver, Danita - Stark County Development, Dickinson
76. Visgar, Kara-Dickinson Parks & Recreation, Dickinson
77. Volesky, Janel*-St Luke's Home, Dickinson
78. Vollmer, Sara , CPP, CCT- Bismarck State College, Bismarck
79. Wagner, Stacy*-Red Trail Energy, Richardton
80. Wald, Irene* - Consolidated Telcom, Dickinson
81. Wallace, Sarah* - Able, Inc., Dickinson
82. 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