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## March

### Meeting Information

#### Training Supervisors- Not an Option, a Necessity

Presented by Troy Seibel,  
ND Labor Commissioner

Thursday, March 10, 2016  
Dickinson Elk's Lodge  
11:30 am MT

## ND Labor Commissioner to Present in March

You are invited to attend a special presentation by the North Dakota Labor Commissioner, Troy Seibel. His presentation "Training Supervisors—Not an Option, A Necessity", will cover information important to all companies, large and small.

Mr. Seibel was appointed North Dakota's Commissioner of Labor by Governor Jack Dalrymple in September of 2014. As Labor Commissioner, he oversees the North Dakota Department of Labor and Human Rights, which is responsible for the enforcement and education of North Dakota's labor, human rights and housing laws. Prior to his appointment, Troy was an assistant attorney general with the North Dakota Attorney General's office, where he served as legal counsel for the department and handled employment matters for various state agencies. Prior to joining the Attorney General's office, Troy was in private practice for 11 years.



*Troy Seibel  
ND Labor Commissioner*

A native of Minot, Troy received a B.A. in Political Science from the University of North Dakota and a J.D. from the University of Denver. Troy and his wife, Melissa, have two daughters. ■





### **Society for Human Resource Management**

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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

## President's Message

I want to take a moment to say thank you to our SHRM Certification Chair, Carrie Zubke. She has done a wonderful job promoting SHRM Certification within our chapter in the past year! I am so excited about the study group that has formed, and is meeting after our March meeting at American Bank Center (see [ndsahra.shrm.org](http://ndsahra.shrm.org) for details.) SHRM Certification prep, whether you take the test or not, is something that is incredibly beneficial as an HR professional. Also, this is a fantastic networking opportunity to meet and engage with other HR professionals in southwestern ND. I learned so much when I went through it myself, and I know that those of you who are joining the group will be glad that you did!

It's also a great month to attend our SAHRA meeting. Last year one of our biggest turnouts was for Troy Seibel, the ND Labor Commissioner, and his presentation did not disappoint! The topic this year is incredibly fitting for many of us as we work with supervisors in our companies. I highly encourage you to attend, and bring a guest! ■

DeAnn Scheeler, SHRM-SCP  
SAHRA Chapter President



## Treasurer's Report

Southwest Area  
Human Resource Association  
February, 2016

New Statement				\$13,031.18
Current Checks / Deposits		Interest Earned		\$0.11
#566	1/29/2016	DeAnn Scheeler	Ebeltoft Sickler Thank	(\$103.85)
	2/15/2016	Elk's Lodge	Speaker meal	(\$13.81)
	2/17/2016	Deposit	Membership dues	\$295.00
	2/17/2016	Deposit	Membership dues	\$370.00
Compare to ending bank statement balance		\$13,578.63		
Outstanding Checks				
TOTAL:				\$13,578.63

## SAHRA Board Meeting Minutes

February 11<sup>th</sup>, 2016

Present: DeAnn Scheeler, Melissa Stoltz, DeEll Jordre, Kathleen Obritsch, Marie Bittner, Amber Mathieson, and Shelly Nameniuk.

Absent: Carrie Zubke, Chelsea Dicke, and Christina Anthony.

President DeAnn Scheeler called the meeting to order.

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

Treasurer's Report: The December and January treasurer's report was submitted. Upon motion by Amber Mathieson, second by Melissa Stoltz, motion carried to approve the report as presented.

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

### COMMITTEE REPORTS:

Program – Shelly Nameniuk: The board discussed upcoming programming for 2016.

February- School to Work  
March- ND Department of Labor  
April-open  
May-contact made  
June- Jobs HQ  
July- contact made  
August-contact made  
September- open  
October- Kari Shea  
November-open  
December-open

Discussion was held on individuals/businesses that might be interested in speaking at our membership meetings along with sponsorship by others.

Diversity-Chelsea Dicke– No report.

Certification-Carrie Zubke: No report.

Foundation-Marie Bittner: This month's SHRM Foundation Raffle basket was donated by Carrie Zubke.  
March- Susan Lengowski  
April-Amber Mathieson  
May- DeEll Jordre  
June-American Bank Center

Marie indicated that she would approach the membership to help fill the second half of 2016.

Government Affairs-Marie Bittner: Melissa Stoltz nominated Marie Bittner to fill the President Elect / Government Affairs board position for the remaining term by email on February 2<sup>nd</sup>, 2016. Carrie Zubke seconded. No further discussion or nominations from the board. Vote was called for and all were in favor. Marie will fill the remaining 1 year term.

Membership-Melissa Stoltz: membership list has been revised. We are missing lots of renewals from past members. She will wait one more month prior to making personal contacts.

Publicity –Amber Mathieson: No report.

Technology-Christina Anthony: No report.

## Southwest Area Human Resource Association Board of Directors

### **President:**

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

### **Past President / Foundation Director:**

Marie Bittner, Blue Cross Blue Shield of ND  
Marie.Bittner@bcbsnd.com  
701-260-5964

### **President Elect / Governmental Affairs:**

Marie Bittner, Blue Cross Blue Shield of ND  
Marie.Bittner@bcbsnd.com  
701-260-5964

### **Secretary-Treasurer:**

DeEll Jordre-Dakota Prairie Refining, LLC  
DeEll.Jordre@dprefining.com  
701-456-6912

### **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:**

Shelly Nameniuk-City of Dickinson  
shelly.nameniuk@dickinsongov.com  
701-456-7801

### **Public Relations Director:**

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

### **School to Work 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

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# SAHRA Meeting Minutes

February 11, 2016

Present: Amber Mathieson, Melissa Stoltz, Amanda Willis, Amanda Pearson, Kaela Thomson, Donna Giese, Kari Shea, Dave Huizenga, Sarah Wallace, Amy Spangler, Rosie Jahner, Jennifer Gooss, Aimee Kovash, Laura Perry, Connie Lindbo, Jen Messer, Shelly Hanson, Cal Kolling, Shelly Nameniuk, Lindsey Cook, Sheena Schwindt, Uma Hoffman, DeEll Jordre, Marie Bittner, DeAnn Scheeler, Kathleen Obritsch, Heidi Stenger, Kristy Hintz.

Guests present: Becki Hoff-NDDVR

President DeAnn Scheeler called the meeting to order.

Guests were introduced.

Upon motion by Kari Shea, second by Kathleen Obritsch, motion to approve the January membership meeting minutes as presented in the newsletter.

The treasurer's report was also in the February newsletter.

## NEW MEMBERS:

Marie Bittner made a motion to accept Tiffany Benner-DSU Student and Rebecca Reindel-USC as new members. Shelly Nameniuk seconded, motion carried. Welcome!

## ANNOUNCEMENTS:

DeAnn informed the membership that the board accepted the resignation of Sarita Haven as our President Elect / Government Affairs director. Marie Bittner has been appointed to fulfill the remaining one year term and move to President in 2017. We appreciate her willingness to serve additional terms on the SAHRA board.

ND Job Service is coordinating a job fair at

the Dickinson State University's Biesiot Activities Center on March 22<sup>nd</sup>, 2016. Registration closes today; companies are able to register after today but will not be listed in any advertising.

Train ND has courses open for enrollment.

## COMMITTEE REPORTS:

Foundation / Past President-Marie Bittner: Carrie Zubke donated this month's basket. Raffle tickets are \$1.00 each to benefit the SHRM Foundation.

Membership-Melissa Stoltz: Melissa informed the membership that renewals are needed and the membership list has been updated. Please submit your 2016 membership applications. She also added that if you are not currently receiving the monthly newsletter to please contact a board member.

Certification-Carrie Zubke: No report.

Diversity-Chelsea Dicke: No report.

Government Affairs/President Elect-Marie Bittner: No report.

Program-Shelly Nameniuk: No report.

Publicity-Amber Mathieson : No report.

School to Work-Kathleen Obritsch: No report.

Technology-Christina Anthony: No report.

Secretary/Treasurer-DeEll Jordre: No report.

## OLD BUSINESS:

No old business was discussed.

## NEW BUSINESS:

No new business was discussed.

## PROGRAM:

School-to-Work Programs in Dickinson-Martha Erickson

Meeting adjourned. ■

Minutes submitted by DeEll Jordre  
SAHRA Secretary and Treasurer

Approved by DeAnn Scheeler  
SAHRA President

## SAHRA Certification Study Group to Meet

If you are interested in learning more about professional HR certification, join us Thursday, March 10<sup>th</sup> for our first SAHRA Certification Group Meeting, 4:30 pm at American Bank Center. If you are unable to attend but are still interested in the study group, email Carrie Zubke, SAHRA Certification Director, at [czubke@weareamericna.com](mailto:czubke@weareamericna.com) for more information.

Information follows on a scholarship that is available from the AVHRA Chapter if you are interested in testing for one of the senior level certifications.

Agassiz Valley HR Association has established a certification scholarship for which ND SHRM affiliate chapter members may apply. AVHRA will award scholarships to selected applicants who obtain SPHR, GPHR or SHRM-SCP status during the May/Spring testing window .

The information is posted on the AVHRA web site: <http://avhrand.shrm.org/avhra-legacy-scholarship> ■



## Is Obesity a Qualifying Disability Under the ADA?

This is the question currently before the Eighth Circuit Court of Appeals in *Morriss v. BNSF Ry. Co.* This decision will be directly binding on the Federal Court for the District of North Dakota.

Melvin A. Morriss sought a job at BNSF as a machinist. He received a conditional offer of employment, but was required to complete a health assessment. At that assessment, the physician determined that Mr. Morriss was 5'10" and weighed 285 pounds, which means he has a BMI of 40.9. The CDC considers anyone with a BMI of over 30 to be obese. After this examination, BNSF revoked its offer of employment, stating that Morriss was "Not currently qualified for the safety sensitive Machinist position due to significant health and safety risks associated with Class 3 obesity (Body Mass Index of 40 or greater)."

Mr. Morriss subsequently brought suit under Title I of the Americans with Disabilities Act (ADA) and Nebraska state law, claiming first, that he was actually disabled under the act, and second, that BNSF regarded him as disabled.

### ADA Standards

The ADA definition of disability is three pronged: (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual, (2) a record of such impairment, or (3) being regarded as having such an impairment. It was amended in 2008 to clarify and expand the statute's reach. First, the amendment explained that the term "substantially limits" should be broadly construed by courts. Second, it indicated that a "regarded as" disability covers physiological disorders even where those disorders do not cause any functional impairment.

The EEOC offers guidance on what is considered a physical impairment: "Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine." It goes on to state that an impairment "does not include characteristic predisposition to illness or disease."

A handful of courts have previously determined the issue, but the majority of the circuits have held that obesity itself, even morbid obesity, must be the result of an underlying physiological condition in order to be considered an impairment under the ADA.

### The Federal District Court

Consistent with the majority position, Judge Kopf of the United States District Court for the District of Nebraska held that obesity itself is not a disability under the ADA. In other words, Morriss either needed to show that his obesity was caused by a physiological disorder or that it negatively affected one of his body systems. When asked to provide such evidence, Morriss was unable—his obesity was not caused by any disease and it did not limit him physically. In addition, Morriss was unable to provide evidence that BNSF refused to hire him because BNSF regarded him as having a current health risk.

Morriss has since appealed the District Court decision and both parties have submitted their briefs to the Eighth Circuit for consideration. Other groups have also shown significant interest. The EEOC and AARP have each submitted a brief in support of Morriss, while the Equal Employment Advisory Council, the U.S. Chamber of Commerce, and the National Federation of Independent Business have all joined in one brief in support of BNSF.

### The Takeaway

One commentator predicts that if the Eighth Circuit categorizes obesity as a disability it will wrongly extend ADA protection to all physical attributes and characteristics than an employer may find undesirable or unattractive, and, as a result, it will leave every employment decision open to second-guessing based on a physical attribute that may be considered "abnormal."

While the consequences of the decision may not be quite so dramatic, extending ADA coverage to obese individuals will impact employers subject to the ADA (any employer with more than 15 employees). Proactive employers should be ready to react to the decision the Eighth Circuit, whatever the outcome. What this means is that employers should monitor this litigation, and if the need arises, will have to offer reasonable accommodations to otherwise qualified candidates that are not able to perform essential job duties because of their obesity.

Stay tuned.

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## SAHRA Board Meeting Minutes

(Continued from page 3)

School to Work-Kathleen Obritsch: No report.

Secretary / Treasurer-DeEll Jordre: No report.

### OLD BUSINESS:

The final draft of the 2016 budget was reviewed. Marie made the motion to accept the budget with the following changes: Lower SHRM certification income to \$180, networking social-\$0, Other Conferences \$1500, advertising \$250. Melissa seconded, motion carried.

DeAnn asked Kathleen to check with DSU to see if there are any plans for attendance at the HR Games. She reported that Kostas Voustas stated he would try, but didn't think there would be a team for 2016.

The Board discussed job descriptions and potential of combining job descriptions to better align with other chapters across the nation. Melissa made the motion to change the Certification Director title to SHRM Certification Director. Amber seconded, motion carried. Marie made the motion to change the School-to-Work Director title to Workforce Readiness Director. Amber seconded, motion carried. Remaining positions will be reviewed prior to 2017.

### NEW BUSINESS:

DeAnn informed the board that the State Council will be in Dickinson for their board meeting in May.

Meeting adjourned. ■

Submitted by:  
DeEll Jordre, Secretary/Treasurer

Approved by:  
DeAnn Scheeler, President

## Reduce Stress With These Simple Steps

Stress can undercut your effectiveness at work. Every job has less than enjoyable moments, but when you start feeling ready to burst, put some of these techniques into action:

- **Take a 15 minute break.** Once a day, spend 15 minutes relaxing. Try meditation, a quick walk, or some inspirational reading. Don't think about your problems, just immerse yourself in the activity. You'll feel better when you get back to work.
- **Learn to say no.** You probably can't turn down orders from your boss, but you can take more control of your time by not letting co-workers bury you with requests. Help out as much as you can, but let people know—politely- that you've got to stick to priorities. You'll avoid being overwhelmed by extraneous tasks.
- **Identify your motivations.** Figure out what you like about your current job—and what drives you crazy. Seek ways to maximize the first and minimize the second. The better you know what you're looking for in your career, the quicker you'll find it. •



First Draft  
February 2016

## Like us on Facebook!



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

## SHRM Annual Conference & Expo Scheduled for Washington, DC

If you are interested in attending SHRM's Annual Conference & Expo in Washington, DC on June 19–22, 2016, contact DeAnn Scheeler. You may be eligible for a \$200 discount for being a SHRM member and a SAHRA member. Deadline is April 8th. ■



## Is Obesity a Qualifying Disability Under the ADA?

*(Continued from page 5)*

### 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 58602-1598  
701.225.LAWS (5297) tel  
701.225.9650 fax ■

## SAHRA Spotlight

**Name:** Rebecca Reindel

**Company/Position:** USC Staffing, Inc. / Business Development Manager

**Years with company:** Since November 2015

**Education:** AAS in Accounting

**Previous Employment:** I have been a bookkeeper, bank teller and in property management. I was also a stay at home mom for close to 15 years.



*Rebecca Reindel*

**Community Involvement:** In Virginia I volunteered at my kids' schools, at the local food bank and led the Women's Ministry at my church. In Dickinson, I'm just settling in.

**Family:** Married for almost 16 years, 3 kids; my eldest daughter is 18 and living in Virginia, I also have a daughter that is a sophomore at DHS and a 7<sup>th</sup> grade son at Hagen. My husband was born and raised in Dickinson and had moved away for close to 20 years and now we have come here to settle down. ■

Thanks Rebecca!

Welcome to SAHRA!

## SHRM Foundation Fundraiser "Green" Basket

For each \$1 donation to the SHRM Foundation, your name will be entered into the raffle drawing for this prize. Drawing to be held **March 10, 2016** at the SAHRA meeting. Thank you for your support of the SHRM Foundation!

Permit #15-25

If you or your business are interested in donating an item for the SHRM Foundation Fundraiser, please contact:  
Marie Bittner, Past President / SHRM Foundation Chair.



1. Beerbower, Mandy-Herberger's, Dickinson
2. Benner, Tiffany-Dickinson State University (student member)
3. Bittner, Marie\*- Blue Cross Blue Shield, Dickinson
4. Bren, Erv\*- Community Action Partnership, Dickinson
5. Cook, Lindsey, SHRM-CP\*- Steffes Corporation, Dickinson
6. Dicke, Chelsea -Theodore Roosevelt Medora Foundation, Medora
7. Gonzalez, Amy\*-McKenzie County Healthcare System, Watford City
8. Hanson, Shelly\* - Fisher Industries, Dickinson
9. Harper, Lynae\*-Whiting Oil & Gas, Dickinson
10. Haugen, Tammy-Dakota Prairie Refining, LLC, Dickinson
11. Hendricks, Brittney\*- Western Cooperative Credit Union, Dickinson
12. Hoffmann, Uma, SPHR, SHRM-SCP\*- Steffes Corporation, Dickinson
13. Hutzenbiler, Rebecca, SPHR, SHRM-SCP\*- Baker Hughes, Dickinson
14. Jackson, Andrea\*-Whiting Oil & Gas, Dickinson
15. Jordre, DeEll\* - Dakota Prairie Refining, LLC, Dickinson
16. Kilwein, Krissy-Dickinson State University, Dickinson (student member)
17. Kovash, Aimee - Job Service North Dakota, Dickinson
18. Krebs, Linda-Stark County, Dickinson
19. Lantz, Nancy - Southwestern District Health Unit, Dickinson
20. Lindbo, Connie - Community Action, Dickinson
21. Marquardt, Dawn- City of Killdeer, Killdeer
22. Messer, Jennefer, SHRM-SCP\*- Fisher Industries, Dickinson
23. Morris, Shauna\*-Theodore Roosevelt Medora Foundation, Medora
24. Mural, Olyana-Dickinson State University, Dickinson (student member)
25. Nameniuk, Shelly\*- City of Dickinson, Dickinson
26. Nash, Tracy\*-Tooz Construction, Dickinson
27. Pearson, Amanda\*-Continental Resources, Dickinson
28. Reiger-Kempenich, Cindy-Sackman Electric & Controls, Dickinson
29. Scheeler, DeAnn, SHRM-SCP\*- Fisher Industries, Dickinson
30. Schwindt, Scott - Western Cooperative Credit Union, Dickinson
31. Schwindt, Sheena-Steffes Corporation, Dickinson
32. Shea, Kari - North Dakota Vocational Rehabilitation, Dickinson
33. Spangler, Amy - City of Dickinson
34. Stenger, Heidi-Theodore Roosevelt Regional Airport, Dickinson
35. Stoltz, Melissa\*- American Bancor, Ltd., Dickinson
36. Thornton, Kaela\*-Continental Resources, Dickinson
37. Tuhy, Shar - American Bank Center, Dickinson
38. Tysver, Danita - Stark County Development, Dickinson
39. Volesky, Janel\*-St Luke's Home, Dickinson
40. Wald, Irene\*- Consolidated Telcom, Dickinson
41. Zubke, Carrie, SPHR, SHRM-SCP\*- American Bancor, Ltd., Dickinson



\* - indicates SHRM 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