



October 2023

# VSHRM REVIEW



## WHO WE ARE

VSHRM is an affiliate of the [Society for Human Resource Management](#) and an organization dedicated to helping professionals with human resource functions in the [Great Lakes Bay Region](#). Our intent is to provide our members with an educational forum, and an opportunity to network and enhance their volunteer skills.

## UPCOMING EVENT

# October Luncheon

Tuesday, October 10, 2023

11:20 AM - 1:15 PM

*Networking: 11:20 - 11:40 a.m.*

*Lunch: 11:30 a.m. - Noon*

*Program: Noon - 1:00 p.m.*

*Closing: 1:00 - 1:15 p.m.*

## Doubletree Bay City Riverfront

One Wenonah Park Place  
Bay City, MI 48708

[REGISTER TO ATTEND](#)

Legal Updates Impacting HR

Presented by Joshua Leadford, Partner, Masud Labor Law

Josh is back with a labor law update!! Since his May 2023 labor and employment law seminar, there have been a number of rulings and developments from the NLRB that serve to advance a pro-union agenda. In addition to discussing the new I-9 form, Josh will discuss key issues raised by the NLRB and how they pose a serious threat to non-union workplaces. Indeed, think the only way a union can take hold in your organization is to win a secret ballot election? Think again. As always, Josh will remain available to answer questions and engage in interactive discussion over this important topic.

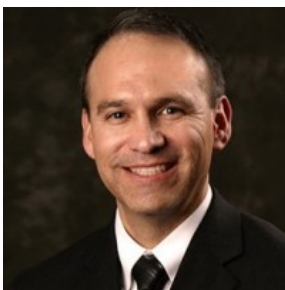
**Josh Leadford** is a partner with Masud Labor Law Group and joined the firm in 2011. He focuses his practice exclusively on representing management in labor and employment law matters. During his tenure, Josh has successfully defended employers in numerous arbitrations, unfair labor practice cases, discrimination claims, other labor and employment related matters, and provides first chair representation in collective bargaining matters. Josh is admitted to practice in all state and federal courts for the State of Michigan, including the Sixth Circuit Court of Appeals.

Before beginning his legal career, Josh gained significant experience dealing with labor and employment related issues. He worked for a unionized employer as a supervisor and confronted labor issues head on. The workplace division between management and union proved intriguing and, thereafter, Josh focused his education on employment related matters earning a Bachelor's Degree in Human Resource Management from Central Michigan University. After graduating from Central Michigan, Josh began law school and was selected for a clerkship with the Michigan Employment Relations Commission where he worked directly in the contentious area of public sector labor law. Josh graduated from Thomas M. Cooley Law School where he focused his studies in the area of labor and employment law. In addition to graduating Magna Cum Laude, he received Book Awards in several courses, including Collective Bargaining.

Please note – registrations received after  
Thursday, October 5th, will be subject to an additional \$10 late fee.

\*\*\*The virtual version of this meeting will go live no later than 11:45 a.m.\*\*\*  
[The virtual meeting link will be sent to participants via email on Tuesday morning.](#)

[Register Here](#)



## MESSAGE FROM THE PRESIDENT Ricardo Resio, SHRM-SCP, SPHR

By now, you each are embracing the spirit of fall as we step into the enchanting month of October unfolds around us. The air turns brisk, leaves whisper their secrets, and shadows grow long, signaling the approach of Halloween—the spookiest night of the year.

Our upcoming VSHRM meeting, scheduled for October 10th, promises to be an illuminating and slightly eerie experience, uniquely suited to this season. We are delighted to feature our very own Diversity & Legislative Chair, Josh Leadford, as our guest presenter. Josh is not only a legal expert but also possesses a remarkable talent for unraveling the mysterious and sometimes spooky aspects of HR legislation.

During this meeting, Josh will unveil legal updates that may send a chill down your HR spine. One particularly intriguing subject he will explore is the new I-9 form, slated to go into effect just after midnight on October 31st. This new form introduces a range of changes and updates that will keep us

all on our toes. Be prepared for a journey through the intricate world of employment eligibility compliance and more. You won't want to miss this hair-raising presentation!

For those planning to attend the meeting at the DoubleTree in downtown Bay City, please be aware that there is a toll for using the Liberty Bridge to cross the river. This toll is electronic, with no booths for cash payments. To find out more about tolling information and payment methods, please visit <https://baycitybridgepartners.com/>.

We look forward to seeing you on October 10th for a captivating and informative afternoon.

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## Mock Interview Volunteers Needed 10 a.m. - Noon November 13th

The Saginaw Rescue Mission is looking for up to 10 volunteers to participate in Mock interviews. It will take place at Adult and Teen Challenge located at 818 S. Michigan Ave. in Saginaw. Volunteers are to arrive by 10 a.m. If interested, please contact Dawn Boucher, [dawn@mannorgroup.com](mailto:dawn@mannorgroup.com).

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## New I-9 Form Available!

A new, more streamlined I-9 form is available to download. Employers **must** use the new form after **October 31st** or face financial penalties. Josh Leadford will be sharing information about the form in the October 10th meeting.

For your convenience, here is a link to the form on the [USCIS Website](#).

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## TO OUR NEWEST MEMBERS!!

**Justin Graham** - Northwood University

**Michelle Gricar** - SERVPRO

**Vicki Berreles** - Koops Automotive Systems

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### Monthly Gift Card Winner!!

The winner of the gift card drawing is

**Debby Curpenski**

*All meeting attendees who respond to the survey and provide their name at the end are eligible for the drawing.*



### Recertification Credit Opportunities!

**Did you know that VSHRM has two committees?** By becoming an active member of a committee, certified members receive leadership recertification credit for both SHRM & HRCI certifications.

#### **Workforce Readiness Committee:**

- As HR professionals, VSHRM members are a resource to our community.
- When you join and participate in this committee you serve as a resource for organizations who assist students or individuals with resume writing and interviewing skills.
- You are asked to volunteer at a minimum of two events during the program year (August through June).
- You will be contacted by the committee chair when volunteers are needed for specific events.
- For more information about the committee, you may contact the chairperson, Dawn Boucher, [dawn@mannorgroup.com](mailto:dawn@mannorgroup.com).

#### **Member Connections Committee:**

- This committee supports the board of directors and our members.
- When you join this committee, you are asked to fill a volunteer role a minimum of two in-person meetings in the program year.
- For more information about the committee, you may contact the chairperson, Annette



# JOB POSTING

We currently have three positions posted on our website - Benefits Coordinator at Northwood University and an HR Assistant for the City of Bay City and the Midland Center for the Arts. Please click on the Job Postings link below for detailed information for the positions!

Just a reminder that you can post any HR-related job openings on the VSHRM website ([Job Postings](#)) *at no charge* to your organization! With a membership base covering the entire Great Lakes Bay Region and beyond, you can cast your net to a larger talent pool. It is a great **FREE** way to find the right HR professional you have been looking for.

Email all job postings to:

[tomb@outdooradventuresinc.com](mailto:tomb@outdooradventuresinc.com)

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**LAST CHANCE TO REGISTER/PARTICIPATE!!!**

**Early Registration Closes September 27th!**

Limited registration will be available after September 27th.

Join us at  
DeVos Place  
Grand Rapids, MI

October 18-20, 2023

## This year's theme is "Untangle Your Inspiration"

HR Professionals know the frequent exhaustion of taking care of everyone else in a fairly thankless role. By this time next year the world and our people should be far more settled but likely the HR professional hasn't stopped to look in the mirror and reflect on themselves and what they need. Coming off a year where HR professionals have been working to 'make their mark', 2023 brings us a fresh perspective to untangle our own development, our growth, and our own careers to focus on what inspires us and where we shall go.

Join us as we engage with world-renowned keynote speakers, an optional pre-conference workshop day focused on Legal or Leadership, two days of educational sessions, networking opportunities and exposure to the latest HR products and services. Whether you are just starting out in HR or are a senior level executive, MISHRM State Conference has something for you to learn and amazing people for you to connect with onsite.

#MISHRM23

For more information and to register, click [HERE](#).

The conference sessions have been approved for  
13 HRCI Business Credits and 37 HRCI General Credits!



### ASK THE LAWYER

Submitted by Joshua J. Leadford

VSHRM Board of Directors  
Diversity & Legislative Chair

Lumina Corporation ("Lumina") manufactures specialty lightbulbs used for outdoor lighting. Their factory employs approximately ninety non-unionized employees.

In March 2023, Lumina was forced to suspend operations and layoff all factory employees due to a plant-wide fire. However, on June 1, Lumina resumed operations and called its factory employees back to work. To attract new hires, Lumina announced wage increases. Pay for new hires in the factory increased from \$14 to \$16 per hour. Current factory employees making less than \$16 per hour received an increase to \$16 per hour.

The current factory employees were enraged by the new wage plan because it resulted in new hires receiving the same rate of pay as long-tenured employees. As a result, a factory employee named Greg, who worked the first shift, approached the operations manager to express how dissatisfied tenured factory employees on the first shift were with the new wage plan. Fifteen other first shift factory employees witnessed Greg making these comments to the operations manager. The operations manager told Greg that wages for existing factory employees could not be increased but said that he would talk to "corporate" to let them know about Greg's concerns.

Two weeks went by with no response from "corporate" and there was no employee procedure that the workers could follow to submit their wage complaints. On August 3 at about 10:00 AM, approximately thirty first-shift factory employees stopped working and walked to the operations manager's office, demanding discussions with the corporate office about increasing wages for tenured employees. While they were waiting outside the operations manager's office, the director of human resources, Paul, instructed the employees to return to work or be fired. Half went back to work immediately, while the remaining employees peacefully protested by waiting in the cafeteria to speak with the operations manager and the corporate office. Finally, after two hours, Paul instructed all those in the cafeteria to leave the premises or they would be terminated. No one left and all protesting employees in the

cafeteria were terminated. They were immediately provided termination letters citing their refusal to return to work as the reason for termination. The workers again asked to speak with the operations manager and someone from the corporate office regarding a wage increase. Paul called the police, and the terminated employees left peacefully at 12:30 PM.

**Question:** Was Lumina's decision to fire lawful?

In *Serta Simmons Bedding & Subsidiaries*, 372 NLRB No. 115 (2023), the National Labor Relations Board (NLRB) recently ruled that terminating protesting employees under similar circumstances violates the National Labor Relations Act (NLRA).

The NLRB uses a balancing test to determine if workers should be afforded protection under the NLRA when a work stoppage occurs. The balancing test consists of ten factors, which are:

- The reason the employees stopped working;
- Whether the work stoppage was peaceful;
- Whether the work stoppage interfered with production, or deprived the employer access to its property;
- Whether employees had an adequate opportunity to present grievances to management;
- Whether employees were given any warning that they must leave the premises or face discharge;
- The duration of the work stoppage;
- Whether employees were represented or had an established grievance procedure;
- Whether employees remained on the premises beyond their shift;
- Whether the employees attempted to seize the employer's property; and
- The reason for which the employees were ultimately discharged or disciplined.

None of the factors are determinative standing alone. In view of the NLRB's recent decision, it is highly likely that the NLRB would find the factory employees' discharge unlawful, primarily because of three of the balancing test's factors.

First, the reason for the work stoppage—to demand a wage increase—is generally the type of activity that the NLRA protects. Second, while long work stoppages may in some cases lose the protection of the Act, the work stoppage here was for a short period of time. Third, the fact that factory employees were not unionized and did not have an established grievance procedure would weigh in favor of the employees. Collectively, these three factors would almost certainly combine to cause the NLRB to find that the employer's actions were unlawful under the NLRA.

It is important to note that the analysis would differ if, for example, the employees were unionized and had a collective bargaining agreement (CBA). In a unionized environment, CBAs often include clauses prohibiting strikes, work stoppages, and slowdowns. If the above fact pattern involved a unionized workforce with a CBA containing a no-strike clause, the termination of employees who participated in the work stoppage would have been lawful, since the union would have contractually waived the employees' right to strike by including a no-strike clause in the CBA.

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## FINANCIALS

Patricia Alfano, PHR, SHRM-CP



Income/Expense by Category

8/1/2023 through 9/15/2023

Category	8/1/2023	OVERALL	
		9/1/2023	TOTAL
<b>Income</b>			
fast pass	\$279.00	\$4,743.00	\$5,022.00
Meeting Receipts	\$260.00	\$615.00	\$875.00
Membership Dues - Renewals	\$135.00	\$155.00	\$290.00
Bank Rebate	\$0.00	\$3.63	\$3.63
SHRM Rebate	\$520.00	\$0.00	\$520.00
<b>TOTAL Income</b>	<b>\$1,194.00</b>	<b>\$5,516.63</b>	<b>\$6,710.63</b>
<b>EXPENSES</b>			
Advertising	\$29.00	\$29.00	\$58.00
Bank Charge-checks	\$35.06	\$0.00	\$35.06
Board Expense	\$30.00	\$0.00	\$30.00
Lunch Meeting	\$609.60	\$0.00	\$609.60
PayPal Fee	\$29.41	\$211.10	\$240.51
<b>TOTAL EXPENSES</b>	<b>\$733.07</b>	<b>\$240.10</b>	<b>\$973.17</b>
<b>OVERALL TOTAL</b>	<b>\$460.93</b>	<b>\$5,276.53</b>	<b>\$5,737.46</b>

VSHRM | P.O. Box 5448, Saginaw, MI 48603 <https://vshrm.shrm.org/>

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