



May 2023

# *VSHRM REVIEW*



## WHAT WE DO

Valley Society for Human Resource Management strives to be the principal voice for human resource issues for the Great Lakes Bay Region. It promotes and assists the profession by providing valuable human resource information to area employers, resulting in the highest professional and personal development of their employees.



UPCOMING EVENT

# Annual May Seminar

Tuesday, May 9, 2023

11:00 AM - 4:00 PM

Welcome: 11:00 - 11:15 a.m.

Lunch: 11:15 a.m. - Noon

Silent Auction: 11:15 a.m. - 3:45 p.m.

Program: Noon - 4:00 p.m.

Wrap Up: 4:00 p.m.

## Soaring Eagle Casino and Resort

6800 Soaring Eagle Blvd.

Mt. Pleasant, MI 48858

[REGISTER TO ATTEND](#)

### HR Labor and Employment Law Legal Update

Presented by Joshua Leadford, Partner, Masud Labor Law Group and David Bryce, Partner, Masud Labor Law Group

Josh and David will present an informative half-day event for VHSRM's members and guests. Josh will present an update on recent developments in labor and employment law. The presentation will provide detail about the new laws and regulations that your business must contend with. Josh will also discuss relevant case law examples which provide real world examples of what to do when faced with a volatile situation involving your employees. With the Biden administration focused on championing a pro-labor agenda (to the detriment of unionized and non-unionized employers alike), this is an update you do not want to miss.

In addition, the presentation will include four "speed-dating" sessions focused on topics of direct interest to VSHRM members. Indeed, you asked, and the Masud Labor Law Group will answer! These presentations will provide actionable advice on topics including: best practices for employee handbook policies; handling investigations with federal and state agencies – specifically the EEOC; dos and don'ts associated with medical examinations of employees and job applicants; and what HR needs to know about the anti-at-will legislation seemingly gaining momentum in the United States.

As always, Josh and David will devote significant time to questions raised during the presentation and look forward to a valuable and conversational meeting with VSHRM's members and their guests.

**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.

A Michigan native, **David Bryce** has been practicing law since 2006. After graduating law school, he spent a year clerking for the First Court of Appeals in Houston, TX. He then worked for a law firm for 8 years, handling multiple litigation and transactional matters in employment sector. David later worked as in-house counsel for a public sector employer, where he represented an agency with over 200 employees on a number of complex matters ranging from the FMLA to EEOC complaints. David returned to Michigan in 2018, joining the Masud Labor Law Group. David also has extensive commercial litigation experience.

David received his B.A. in History from the University of Michigan, his M.A. in Sociology from the University of Texas and his J.D. from the University of Minnesota, cum laude. His jurisdiction includes all federal and state courts for the State of Michigan, including the Sixth Circuit Court of Appeals as well as the Fifth Circuit Court of Texas, including both the Eastern and Southern Districts of Texas. David joined Masud Labor Law Group in 2018 when he returned to Michigan and is now a Partner with the law firm.

Please note – registrations received after Thursday, May 4th, will be subject to an additional \$5 late fee.

[Register Here](#)



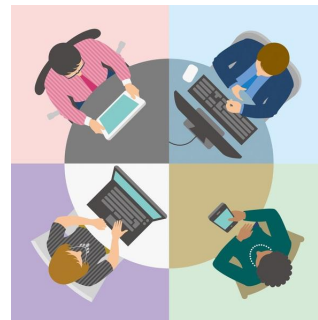
VSHRM is accepting organizational donations for our annual silent auction to be held on May 9, 2023. Proceeds will support the SHRM Foundation and VSHRM funded scholarships. To notify us of a planned donation, please send an email to [communications@vshrm.org](mailto:communications@vshrm.org) or contact Julie Bellamy by phone at (810)240-7668.

## May Member-to-Member Roundtable

Virtual Event

Thursday, May 25, 2023

12:00 Noon - 1:00 PM



This event is free to members and is a great way to connect with other HR Professionals to discuss current Human Resource issues. You don't need to register for this meeting. There is no set agenda, so feel free to bring your questions and current topics of interest to the meeting! For more information, including a calendar and zoom links, click [HERE](#).

## SHRM CP/SHRM SCP Scholarship Grant Opportunity!



# Earn Your SHRM-SCP | SHRM-CP

## Apply for the SHRM 2023 Professional Certification Grant

HR professionals and students are encouraged to apply for the **Valley Society for Human Resource Management (VSHRM)** professional development grant. This grant awards one SHRM-CP or SHRM-SCP certification exam, as well as SHRM's online Learning System.

### Certification Grant - Window #2

Open: April 11, 2023

Close: June 7, 2023

For more information or to apply,  
visit [SHRMfoundation.org/scholarships](https://shrmfoundation.org/scholarships)  
Questions: [SHRMscholarships@shrm.org](mailto:SHRMscholarships@shrm.org)



**Kristy Furgeson** - *Standard Electric Company*  
**Lindsey Barsaleau** - *1st State Bank*  
**Kimberly Burns** - *J.E. Johnson*  
**Manuel Garcia** - *V.O.I.C.E., Inc. of Michigan*

## VSHRM Leadership Opportunities

The VSHRM Board of Directors is currently updating the job descriptions for positions whose terms are up for



election in June. If you are interested in volunteering for a leadership position, please send an email to [communications@vshrm.org](mailto:communications@vshrm.org) or speak with a current board member at the May Seminar. Thank you!

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## Monthly Gift Card Winner!!

The winner of the gift card drawing is

**Sheryl Bivens**

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

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Just a reminder that you can post any HR-related job openings on the VSHRM website ([Jobs Page](#)) *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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## ASK THE LAWYER

Submitted by Joshua J. Leadford

VSHRM Board of Directors  
Diversity & Legislative Chair

Greasy Greg is a truck driver at Big Rig Trucking and Transport in Marlette, Michigan. Greasy Greg is but one employee at Big Rig, as it is the only trucking company that transports the most delicious of candies, pink Starbursts. Greasy Greg is the highest seniority trucker at Big Rig, and he makes sure everyone knows he is “top dog.” Specifically, Greasy Greg will frequent the warehouse when loading the pink Starbursts and strike up conversations with the stocking crew that loads his truck. Tulip is a female stocking crew warehouse employee. Unbeknownst to Tulip, Greasy Greg has a crush on her, which blossomed when Greasy Greg regularly removed snow from her driveway in the winter months of 2022.

Tulip’s friend, Rose—employed at the company for the last 20 years and respected as the most honest and forthcoming employee—notified Big Rig’s HR Department that Tulip may have been sexually harassed by Greasy Greg a week prior. Rose told HR, that Tulip told her, that Greasy Greg brushed Tulip’s backside and then grabbed her breast when she turned around. Rose told HR that Tulip asked her not to say anything, but Rose was so disturbed by the incident and concerned for Tulip’s emotional

health that she felt compelled to report the allegation to HR.

Big Rig immediately conducted a thorough investigation regarding the complaint. It was found that there were no witnesses to the alleged harassment and, while the video surveillance equipment was operational, it did not capture footage of the relevant area of the warehouse. However, camera footage confirmed Greasy Greg and Tulip were in the same area in the warehouse around the time the harassment allegedly occurred. Big Rig's interview with Tulip led to the following statement: "I did not report the sexual harassment because I did not want anyone to get fired or cause trouble. My father always taught me how to stand on my own two feet. After Greasy Greg grabbed my breast, I pushed him back and felt like it would not happen again." HR was also able to uncover call and text records that Greasy Greg has contacted Tulip on multiple occasions to remove snow from her driveway during the recent winter storms, but Tulip did not respond. When HR interviewed Greasy Greg, he denied anything untoward occurred.

**Question:** Assume Big Rig believes Tulip's story given the corroborated evidence and determines the harassment occurred. What is the employer to do?

**Answer:** HR has a duty to promptly investigate and take remedial action meant to prevent harassment from happening in the workplace. The perceived problem in this instance is that the company does not have 100% proof that the harassment occurred. It would, therefore, be convenient to kick the can down the road on this one. That is, to close the investigation finding insufficient evidence to make a final determination and, thus, limit remedial action to warning Greasy Greg to keep his hands to himself and reminding Tulip to immediately report any other harassment in the future (with the typical reminders of company policy also prohibiting retaliation and the like).

But is that really the way the company should go on this one? Looking at the facts more closely, your author is of the opinion that more should be done to protect the company and its employees. Indeed, imagine if this happens again or if a suit is filed in response to this single incident of touching. HR is going to be deposed. HR is going to testify honestly that it believed Tulip's story. Why did he believe Tulip's story? Because all the facts taken together corroborated her version of events. What was the corroboration? Tulip reported this to a co-worker contemporaneous with the event. Tulip's story remained consistent when being questioned by HR. Her demeanor during questioning revealed a woman who was emotional and obviously shaken by the events. The cameras confirmed both employees were in the warehouse and that Greasy Greg was in an area of the warehouse which provided him with an opportunity. The investigation did not reveal any reason Tulip would fabricate the story or that she could be mistaken.

With this, the ostensible result of the investigation is that the company believed Greasy Greg committed a sexual assault.

Can you allow an employee who you believe assaulted a co-worker to remain employed under this set of circumstances? Sure, you have good attorneys and I know I can make one heck of an argument that this was an isolated incident that should not rise to the level of severe and pervasive harassment. But do you want to be in that position? I don't think so. You don't want the risk of a negligent retention claim in the event this happens again. Indeed, doesn't the reasonableness of such decision-making seem a question for a jury to decide? Could a jury agree that a single instance of such egregious touching rendered the workplace toxic in having to endure the continued presence of the assailant? In my humble opinion, if your investigation concludes a sexual assault occurred, the proper penalty is immediate termination of employment.

All this said, change the facts and change the outcome. If there was evidence that Tulip could be mistaken or exaggerated what occurred, appropriate action could certainly be much less than termination, if any formal discipline at all.

The key point above is that if HR honestly believes a sexual assault did in fact occur, I see real risk in ignoring that determination because the accused wasn't proven guilty beyond a reasonable doubt.

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## FINANCIALS

Patricia Alfano, PHR, SHRM-CP



## Income/Expense by Category

8/1/2022 through 4/14/2023

Category	Aug-22	22-Sep	22-Oct	22-Nov	22-Dec	23-Jan	23-Feb	23-Mar	OVERALL	
									23-Apr	TOTAL
<b>Income</b>										
Conference Income	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,337.01	\$0.00	\$0.00	\$0.00	\$7,337.01
fast pass	\$0.00	\$4,464.00	\$558.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,022.00
May seminar income	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$99.00	-\$99.00
Meeting Receipts	\$410.00	\$685.00	\$315.00	\$495.00	\$960.00	\$1,310.00	\$535.00	\$935.00	\$765.00	\$6,410.00
Membership Dues - New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$270.00	\$270.00
Membership Dues - Renewals	\$0.00	\$135.00	\$45.00	\$200.00	\$1,225.00	\$1,070.00	\$665.00	\$110.00	\$0.00	\$3,450.00
Seminar Income	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,765.00	\$3,765.00
SHRM Rebate	\$0.00	\$625.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$380.00	\$0.00	\$1,005.00
<b>TOTAL Income</b>	<b>\$410.00</b>	<b>\$5,909.00</b>	<b>\$918.00</b>	<b>\$695.00</b>	<b>\$2,185.00</b>	<b>\$9,717.01</b>	<b>\$1,200.00</b>	<b>\$1,425.00</b>	<b>\$4,701.00</b>	<b>\$27,160.01</b>
<b>EXPENSES</b>										
Advertising	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$25.00	\$25.00	\$25.00	\$375.00
Board Expense	\$0.00	\$293.89	\$0.00	\$0.00	\$0.00	\$23.60	\$1,000.00	\$372.00	\$33.42	\$1,722.91
Board Meeting	\$0.00	\$0.00	\$0.00	\$0.00	\$84.76	\$0.00	\$0.00	\$0.00	\$0.00	\$84.76
Lunch Meeting	\$1,030.20	\$0.00	\$2,195.57	\$1,049.40	\$1,500.00	\$1,652.64	\$1,067.76	\$0.00	\$0.00	\$8,495.57
Luncheon	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250.00	\$0.00	\$1,401.20	\$0.00	\$1,651.20
may seminar expense 2022	\$1,870.97	\$0.00	\$0.00	\$242.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,112.97
P.O. Box Renewal	\$0.00	\$0.00	\$166.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$166.00
PayPal Fee	\$23.82	\$194.32	\$38.83	\$35.06	\$104.68	\$116.13	\$53.49	\$52.65	\$192.79	\$811.77
Speakers Fee	\$0.00	\$0.00	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.00
<b>TOTAL EXPENSES</b>	<b>\$2,974.99</b>	<b>\$538.21</b>	<b>\$3,950.40</b>	<b>\$1,376.46</b>	<b>\$1,739.44</b>	<b>\$2,092.37</b>	<b>\$2,146.25</b>	<b>\$1,850.85</b>	<b>\$251.21</b>	<b>\$16,920.18</b>
<b>OVERALL TOTAL</b>	<b>-\$2,564.99</b>	<b>\$5,370.79</b>	<b>-\$3,032.40</b>	<b>-\$681.46</b>	<b>\$445.56</b>	<b>\$7,624.64</b>	<b>-\$946.25</b>	<b>-\$425.85</b>	<b>\$4,449.79</b>	<b>\$10,239.83</b>

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

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