



HR MATTERS

Issue 16

November 2011

Welcome to a new chapter year! Congratulations to Ellen Mantel, our new CT-IPMA President. The 2011-12 Executive Board is already working diligently planning a variety of professional development opportunities. Please take a look inside to see what our members are up to so far—and stay tuned for more information to come in the months ahead.

Kim Barberi
Editor

INSIDE THIS ISSUE

Message from the President	Page	1
Eastern Region News	Page	2
IPMA Certification	Page	3
Member Spotlight	Page	5
Kudos Corner	Page	6
Shipman & Goodwin, LLP Legal Spotlight	Page	7

UPCOMING EVENTS



- ✓ February 3, 2012 CCSU, Program TBD
- ✓ March 29, 2012 Location/Program TBD
- ✓ May 18, 2012 Town and County Club/
End of the Year Program/
Recognition Ceremony

A MESSAGE FROM THE PRESIDENT

By Ellen Mantel
CT IPMA-HR President

Hello everyone! On behalf of the 2011-2012 Executive Board of the Connecticut Chapter of IPMA-HR I wish to welcome you to a new year of programs, events and networking! We started off this year with our annual Legal Update, presented by Attorney Lisa Banatoski Mehta, a Partner with Shipman & Goodwin LLP, and hosted by Tony Lewis and the Military Department. Thank-you to Lisa for ensuring we are current on our understanding of recent cases which have impacted the law and to Tony for serving as our program host. But of course this is only the beginning...Dave Lynn and the Program Committee have been working furiously to ensure we offer you many more relevant events during the coming months that are sure to peak your interest. On November 17, 2011 staff from the Education, Safety and Health Division of the State Workers' Compensation Commission presented an overview of the workers' compensation process from the filing of a first report of injury through the hearings and appeal process and also provided us with information on how to keep your employees safe and healthy in the workplace.

There's no better time than the present to invest in your personal development and your Connecticut chapter of IPMA-HR can

help. The benefits are here for you – affordable seminars that provide a forum for gaining knowledge and improving competencies in a diverse selection of topics, access to a variety of online resources and the opportunity to interact and network with other human resources professionals from a variety of state agencies and municipalities. Please feel free to contact me or any of our chapter

Board members if you have any questions about our organization, wish to renew your membership or are ready to explore the benefits of IPMA-HR for the first time.

We look forward to seeing you at future programs and encourage you to get involved in your Connecticut Chapter IPMA-HR! Thank you for your interest and support!

EASTERN REGION NEWS

**By Vicki Arpin, President-Elect
IPMA Eastern Region**

The 83rd Annual IPMA-HR Eastern Region Conference was held in Glens Falls, New York from October 16 – 19, 2011.



***Back Row (L to R): Dave Lynn, Dan Callahan, Don Kruk
Front Row (L to R): Ellen Mantel, Toni Alphonse,
Josephine Agnello-Veley, Debi Freund, Cheryl Cepelak,
Tracey Butler, Sandy Cunningham***

Connecticut was well represented in attendance and well recognized by the Region at the Awards meeting. The Connecticut Chapter should be very proud to have received Outstanding Chapter of the Year; Supervisor/Program Manager of the Year, Debra Freund; HR Supervisor/Manager of the Year, Judy Hall; Human Resources Specialist of the Year and Sandra Bilon Memorial Scholarship, Don Kruk; Outstanding Chapter Member, Joel Schweidel; Charles Cushman Award, Linda Yelmini. Congratulations to the nominees and to the Chapter! Ellen Mantel headed up the Exhibitor Committee for the conference and did a wonderful job in assisting the Albany Chapter in having a successful conference. In addition,

Connecticut was also well represented in the nominations for Eastern Region leadership opportunities. Sandy Cunningham was elected to Member-at-Large and I was elected as President-Elect. We should all be very proud of the Connecticut Chapter's recognition in the Region. I encourage you all to consider future opportunities to represent Connecticut and the Region as they may arise. It is a great way to expand your networking and discuss best practices with your peers, as well as set a path for the HR profession at the Regional level. I look forward to the next couple of years with the Eastern Region Executive Board and proudly representing Connecticut.

CERTIFICATIONS

IPMA Certification

By Josephine Agnello-Veley
CT IPMA-HR Past President

Colleagues often ask why should I obtain my IPMA-HR certification? In a nutshell this achievement (1) represents a significant milestone in your professional HR career; (2) marks a career-long commitment that demonstrates to your peers and your organization that you are driven to be successful in HR management; (3) positively links you to IPMA-HR as a career partner; (4) allows you to increase your professional confidence; (5) sets you apart from your peers; (6) results in recognition as a seasoned practitioner and a professional with global credential recognition; and (7) assists you in establishing a first impression recognition and credibility with newly

appointed and elected officials. IPMA-HR strives to encourage excellence in public sector human resources, promote continuous learning and develop the next generation of leaders. To that end, IPMA-HR offers two internationally recognized **certification programs** to the public HR community: the [IPMA-CP](#) and the [IPMA-CS](#).

IPMA-Certified Professional (IPMA-CP)

The IPMA-CP certification is for human resources generalists who have had experience in multiple areas of human resource management.

Requirements

To be eligible for certification, your experience must be considered at the professional/managerial level and be considered exempt under the Fair Labor Standards Act (FLSA). You must meet one of the following education/experience requirements:

- A Graduate level degree, and 2 years of HR experience, 1 year of public-sector HR experience
- A Bachelor's degree, and 4 years of HR experience, including 1 year in public sector HR
- An Associate's degree and 6 years of HR experience, including 1 year in public sector HR, or
- No degree and 8 years of HR experience, including 1 year in public sector HR

If you are the HR director or its equivalent for your organization and have at least 10 years of HR managerial experience, including 3 years of HR managerial experience in the public sector, you may be eligible to receive the [IPMA-CP Executive Level](#). While the certification is the same as the IPMA-CP, if your experience is at the managerial level and considered exempt under the Fair Labor Standards Act (FLSA), your IPMA-CP examination will be waived.

IPMA-Certified Specialist (IPMA-CS)

The IPMA-CS is for those HR professionals who have specialized skill and mastery in an area of human resource management.

Requirements

To be eligible for certification, your experience must be considered at the professional/managerial level and be

considered exempt under the Fair Labor Standards Act (FLSA). You must demonstrate technical proficiency at the mastery level in one of the 10 HR skill areas and you must meet one of the following education/experience requirements:

- A Graduate level degree, and 2 years of HR experience, 1 year of public sector HR experience
- A Bachelor's degree, and 4 years of HR experience, including 1 year in public sector HR
- An Associate's degree and 6 years of HR experience, including 1 year in public sector HR, or
- No degree and 8 years of HR experience, including 1 year in public sector HR

The exam consists of 85 multiple choice questions. The exam is administered online via the internet. Candidates are given two hours to complete the exam.

There is a requirement that everyone who is certified needs to be recertified every three years. This requirement was established in order to encourage continuous learning and to ensure that those who have been certified are remaining current in the HR profession. Forty (40) points are currently needed for recertification.

The CT Chapter encourages every member to consider pursuing IPMA certification. For questions regarding IPMA-HR certification, contact Debbie Tankersely-Snook at tankersely@ipma-hr.org or (703) 549-7100 ext. 250



MEMBER SPOTLIGHT – Don Kruk
By Josephine Agnello-Veley, Past President

Our *Member Spotlight* for this edition of HR Matters shines on Don Kruk, who recently retired having dedicated over 33 years of service with the State of Connecticut in the HR field. Most recently, Don worked with the Department of Administrative Services (DAS), Core-CT Workers' Compensation Unit.

While working at DAS, Don's knowledge of the HR business rules and practices greatly enhanced the ability of DAS to customize the product and develop training tools that were most beneficial to all state employees. The training, both during the implementation and ongoing as improvements and new initiatives are developed, is invaluable to the HR community for the State. Don's historical knowledge and development acumen have proven to be incredibly beneficial in the transition. He was instrumental in several key modules including the development, training, creation of job aids and procedures, testing, troubleshooting, and upgrade related to the implementation of the Workers' Compensation module. Given the complexities of the laws and regulations surrounding these topics, as well as the impact of multiple and unique bargaining unit contract requirements, where considerable attention to detail was necessary, Don fulfilled this role exceptionally.

Don began his career with the State of Connecticut at the Department of Correction in 1978 as a Connecticut Careers

Trainee in the Personnel Department. He rose through the ranks to the position of Assistant Agency Human Resources Administrator.

When the Department of Correction regionalized its operations, Don served as the Regional Support Services Administrator for a region which covered multiple correctional facilities.



Don Kruk

He returned to Human Resources when the agency re-centralized, and subsequently served as the Director of Affirmation Action prior to his transfer to DAS.

Don has worked diligently to get the best product possible for the HR professionals of the State of Connecticut. He has consistently proven to be a reliable and responsive problem solver. Don has been frequently referred to as "dedicated," "professional," "committed," "respected," and as a "contributor." These are true qualities deserving of recognition in our profession. Don has also been an active participant in the monthly Agency Personnel Council Meetings (APCM), further demonstrating his commitment to the consistency and appropriate application of the policies, rules, regulations and laws governing the HR field. Throughout his career, Don has served as a mentor to many HR professionals as they entered into the HR field and as they moved up in the HR field. He has been an active member of the Connecticut Chapter of IPMA-HR for many

years, and served on the board from July 1, 2005 through June 30, 2011.

Don received a Bachelor of Science in Manpower Management and Labor Relations as well as a Masters of Business Administration, from the University of Connecticut. He has been an avid supporter of the UConn Huskies ever since as a season ticket holder of the football team and both men's and women's basketball teams, traveling to many exotic locations to attend games.

It comes as no surprise that Don was awarded the 2011 Eastern Region Human Resource Specialist of the Year Award. This particular award is presented to a member of the IPMA-HR Eastern Region who has

demonstrated the abilities to properly apply management procedures, gain the confidence of management and employees at all organizational levels, instill an understanding of proper management techniques and procedures in clients and customers and resolve complex personnel management issues. We could not think of a more deserving recipient. In addition, he is a past recipient of the Manager of the Year award from the State of Connecticut Department of Correction and received a statewide Distinguished Managerial Services Award in 1992.

We wish Don a long, happy and healthy retirement. Go, Huskies!

Kudos Corner

Anne Alling, Chief Human Resources Officer, CCSU, received a 2011 Women in Leadership award from the New Britain YMCA

Damaris Hernandez, Department of Education, received a promotion to Human Resources Associate

Jennifer Hobby, Middlesex Community College, received a promotion to Human Resources Associate



If you know of any current or former CT Chapter IPMA-HR members who have recently been awarded with promotions or other recognition, please let a Board member know.

SHIPMAN & GOODWIN, LLC
LEGAL SPOTLIGHT



SHIPMAN & GOODWIN LLP'S LEGAL SPOTLIGHT
IT'S ALL "RELATIVE:" RETALIATION CLAIMS IN THE WAKE
OF THOMPSON V. NORTH AMERICAN STAINLESS, LP

By Lisa Banatoski Mehta
CT IPMA-HR Member

Earlier this year, the Supreme Court expanded the classes of individuals who *may* file retaliation claims under the nation's anti-discrimination laws. Specifically, the Supreme Court, ruled in a unanimous decision issued on January 24, 2011 that not only are workers who file discrimination claims protected from retaliation, but so are their family members and friends. See *Thompson v. North American Stainless LP*, Docket No. 09-291 (Argued December 7, 2010, Decided January 24, 2011).

The Plaintiff, Eric Thompson, was employed as a metallurgical engineer for North American Stainless LP, a stainless steel manufacturing facility in Kentucky, from February of 1997 until March of 2003. In 2000, North American Stainless hired Miriam Regalado. Shortly thereafter, Thompson met Regalado and the two started dating. In September of 2002, Regalado filed a complaint with the Equal Employment Opportunity Commission (EEOC), alleging that North American Stainless had discriminated against her based on her gender because she was not receiving the same salary increases as her male counterparts. North American Stainless was notified of the Regalado's complaint on or about February 13, 2003. By that time, Regalado and Thompson were engaged to be married and their relationship was well known by coworkers and management officials at North American Stainless.

On March 7, 2003, North American Stainless terminated Thompson's employment, citing performance-based reasons.

Thompson filed a charge with the EEOC, claiming that his termination was in retaliation for his fiancé's discrimination complaint and was intended to discourage others from making discrimination claims.

The EEOC's investigation found that there was "reasonable cause to believe that North American Stainless violated Title VII." After efforts to settle the matter failed, the EEOC issued Thompson a right-to-sue letter and he filed suit against North American Stainless in the Eastern District of Kentucky. North American Stainless filed a motion to have the case dismissed before trial. The Company claimed that Thompson's relationship with Regalado was "insufficient as a matter of law to support a cause of action under Title VII. The District Court agreed with North American Stainless and dismissed Thompson's case.

Thompson appealed to the United States Court of Appeals for the Sixth Circuit. The Sixth Circuit upheld the decision of the lower court, finding that the plain language of Title VII did not recognize a cause of action for third parties who personally did not "oppose an unlawful discrimination practice, make a charge, testify, assist, or participate in an investigation" as required to mount a valid retaliation complaint. In this case, the Court found it particularly significant that Thompson essentially admitted that he had not engaged in any protected activity on behalf of himself or his fiancé.

The Court's opinion cited several decisions of three other Circuit Courts who likewise had declined to recognize third-party retaliation claims by family members or friends who had filed discrimination complaints. The Sixth Circuit also distinguished the decision of the United States Supreme Court in *Crawford v. Metro Gov't of Nashville and Davidson County, Tenn.*, Docket No. 06-1595 (Argued October 8, 2008, Decided January 26, 2009).

In *Crawford*, the Supreme Court held that third parties who are involuntarily called to testify in a sexual harassment investigation have engaged in protected activity sufficient for coverage under the anti-retaliation provisions of Title VII. However, the Sixth Circuit found the reasoning of the Supreme Court in *Crawford* to be inapplicable where, as here, Thompson himself had not engaged in any protected activity.

On appeal, the United States Supreme Court unanimously reversed the decision of the Sixth Circuit and agreed with Thompson that he too was protected by law despite the fact that he had not personally engaged in protected activity. Justice Scalia, writing for the unanimous court, said that firing a fiancé could clearly rise to illegal retaliation. "We think it obvious," he said, "that a reasonable worker might be dissuaded" from filing a discrimination claim "if she knew that her fiancé would be fired." However, the Supreme Court was less clear about who else would be entitled to protection under the anti-retaliation laws,

and stated that it would depend on the circumstances of each case.

Firing a “close family member will almost always” create a cause of action for unlawful retaliation, but “inflicting a milder reprisal on a mere acquaintance will almost never do so.”

The decision raises as many questions as it answers, as it creates a spectrum of protection depending upon the nature of the “relationship” that may exist among employees, and even leaves open the door that firing a mere acquaintance of an employee who files a discrimination

complaint could give rise to a retaliation claim.

Accordingly, employers must be wary of the potential implications of taking an adverse action against a family member or friend of an employee who has filed a complaint or otherwise engaged in activity that is protected by the anti-discrimination laws. As a result and as discussed in prior articles, the ability of the employer to substantiate through documentation a legitimate reason underlying an adverse action is increasingly critical to defending against these and other claims.

For more information, please contact Attorney Lisa Banatoski Mehta at Shipman & Goodwin LLP (by e-mail at lbantoski@goodwin.com or by telephone at (860) 251-5514). There is no discussion of employer rights and responsibilities can touch on all the questions that may arise. At best, each employer should be aware of these matters, and in doubtful cases, seek further guidance. This information is provided for informational purposes only and should not be substituted for legal advice as applied to a specific set of facts.

**CONNECTICUT CHAPTER IPMA-HR
OFFICERS AND EXECUTIVE BOARD 2011-2012**

President	Ellen Mantel	mantele@ct.edu
Past President	Josephine Agnello-Veley	jagnello-veley@mxcc.commnet.edu
President-Elect	Dave Lynn	dave.lynn@ct.gov
Secretary	Lori Kolakowski	lori.kolakowski@po.state.ct.us
Treasurer	Anna Lenczewski	lenczewskiA@ccsu.edu
Executive Board	Laurie Dunn	dunn@ccsu.edu
	Lori Chapman	lori.chapman@uconn.edu
	Amanda Salvo	salvoa1@southernct.edu
Eastern Region President-Elect	Vicki Arpin	vicki.arpin@po.state.ct.us
Eastern Region Member-At-Large	Sandra Cunningham	sandra.cunningham@ct.gov

MISSION STATEMENT

The Connecticut Chapter of IPMA-HR strives to enhance professional development, recognition and partnerships; provide quality, cost effective programs for continuing education on current HR issues; and develop opportunities for professional growth and networking.

About the newsletter:

If you are interested in contributing to the e-newsletter, please contact Kim Barberi at (860) 713-6691 or email: kim.barberi@ct.gov.

Connecticut Chapter IPMA-HR website:

www.ipma-ct.org

Eastern Region IPMA-HR website: