



UPDATE

AN ELECTRONIC REPORT FROM THE CUNA HUMAN RESOURCE COUNCIL

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SUPREME COURT NARROWS DISABILITY DEFINITIONS

The Supreme Court on June 22, 1999, ruled that the Americans with Disabilities Act (ADA) may not necessarily apply to someone with a physical impairment, such as weak eyesight or high blood pressure, that can be corrected. The decision is expected to significantly reduce the number of people who would qualify for federal protection from discrimination and give employers clearer guidelines for hiring and rejecting job applicants. The 1990 act prohibits discrimination against individuals with physical or mental impairments. In three related ADA cases before the court, the justices ruled against people whose impairments were correctable. ♦

COURT RULING EASES WAY FOR JOB-BIAS VICTIMS AND COMPANIES

The Supreme Court made it somewhat easier for victims of job discrimination to force their employers to pay extra damages as punishment. Ruling 7 - 2 in the case of a woman denied a promotion because of her sex, the court said job-bias victims could collect punitive damages without having to show that their employers' conduct was "egregious." But they ruled 5 - 4 in the same case that employers could not be forced to pay such damages if a manager's discriminatory conduct ran counter to the employer's good-faith efforts to run a bias-free workplace. At issue in *Kolstad v. American Dental Association* was the availability of damage awards intended to punish or deter misconduct.

A federal appeals court had said such awards were never available unless an employ-

ee could prove that the employer's conduct was egregious.

But the Supreme Court ruled the standard was too high and was not required by Title VII of the Federal Civil Rights Act of 1964, which bars employment discrimination based on race, sex, national origin, or religion. Since 1991, the law has allowed victims of intentional discrimination to collect up to \$300,000 in punitive damages if they show that their employers acted with "malice or with reckless indifference" to their rights.

Last year, the court made it easier to win sexual-harassment lawsuits and compensatory damages against employers. It said employers could always be held responsible for harassment, a form of discrimination, that results in tangible professional injury such as firing or demotion. ♦

EEOC ISSUES COMPREHENSIVE POLICY GUIDE ON EMPLOYER LIABILITY FOR HARRASSMENT BY SUPERVISORS

The U.S. Equal Employment Opportunity Commission (EEOC) released a comprehensive policy guide explaining the circumstances under which employers can be held liable for unlawful harassment by supervisors. The guidance, which analyzes the recent Supreme Court decisions in *Burlington Industries, Inc. v. Ellerth* and *Faragher v. City of Boca Raton*, addresses the steps employers should take to prevent and correct harassment. It also explains the nature of employees' obligation to bring complaints of harassment to their employers' attention. The EEOC also released a summary of the guidance geared to small employers.

"Issuing this guidance marks another step in the Commission's on-going effort to promote

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voluntary compliance with the equal employment opportunity laws,” said EEOC Chairwoman Ida L. Castro. “The guidance will broaden the understanding regarding the legal obligation of employers to effectively address harassment, and the obligation of employees to utilize their company’s complaint mechanisms prior to filing a charge of discrimination. Following the steps set forth in this guidance will help employers and employees safeguard their rights and avoid violations of the law.”

In *Ellerth and Faragher*, the Supreme Court ruled that employers are “vicariously liable” for harassment by supervisors. However, if the harassment did not result in a tangible job action, the employer can raise an affirmative defense that it exercised “reasonable care” to prevent and correct the harassment, and that the employee unreasonably failed to use its complaint procedure. The guidance explains that based on the Supreme Court rulings, the standard of liability in a sexual harassment case also applies to harassment based on race, sex (of a sexual or non-sexual nature), national origin, age, disability, and harassment based

on opposition to discrimination or participation in complaint proceedings.

In addition, the document includes practical advice, such as how an employer should conduct an investigation. It also lists examples of corrective measures that employers may take. The guide will be available on the EEOC’s Web site (www.eeoc.gov) shortly after release of the document. It can also be obtained by calling or writing the EEOC’s Office of Communications and Legislative Affairs, 1801 L Street, NW, Washington, D.C. 20507. The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Age Discrimination in Employment Act, which protects workers 40 and older; the Equal Pay Act; the Americans with Disabilities Act, which prohibits discrimination against qualified individuals with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting persons with disabilities in the federal government; and sections of the Civil Rights Act of 1991. ♦

NEW DISCOUNTS FOR HR COUNCIL MEMBERS

The Plotkin Group, one of HRC’s 1999 Summit sponsors, has generously offered discounts (20% to 37%) to CUNA HR Council members:

Assessment	Annual Qty	Cost Per Item*	TPG Scores	Min. Order	Description
Honesty Tests	250**	\$9.50	\$11.50	10	Assesses applicant’s attitudes and experiences relating to integrity.
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*Based on client purchasing software for \$125 to score booklet and produce evaluation report.

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To order, call (800)877-5685 or e-mail: buytests@plotkingroup.com. Their Web site is www.plotkingroup.com. Our thanks to The Plotkin Group for these wonderful discounts!



BULLETIN

Employee Assistance Programs

The EAP paper authored by Dave Dubuc, president, Directions, Lansing, MI, should be in all HRC members' hands by now. If you did not receive one, please call (800) 356-9655, ext. 4141 to request another copy to be sent.

New Executive Committee Member

Please help us welcome our newest HRC Executive Committee member, G. Kent Streuling, HR Administrator, America First CU, Riverdale, UT. Kent replaces Linda Stevenson who, due to a promotion, had to step down from the Executive Committee.

HR Schools

CUNA & Affiliates' Human Resource Management Schools are coming up fast! Both the Introduction and Advanced Update are scheduled for October 24 - 29, in Nashville, TN. Call Gwen Holmes at (800) 356-9655, ext. 4387 for more information.

Photos and Evaluations from the 1999 HRC Summit

If you haven't reviewed the evaluations and seen the photos from the HRC Summit in San Diego, please do so. Hit the Web at www.cuna.org, select COUNCILS, then the CUNA HR Council for the full scoop.

On-Line Chat

Another Web site you must-visit is the HRC's on-line chat group. Select HR Internet Forum off of the HRC's home page, near the bottom, to get involved or just learn what others are doing. It's a great resource!

Managing Staff Recruitment

A new book is available from CUNA & Affiliates' Center for Professional Development which is co-branded with the HR

Council. Its called Managing Staff Recruitment: How to Hire the Best & the Brightest and is a must-have in this time of tight labor markets. Order stock #22258 by calling (800) 356-8010, ext. 4157.

More Great Discounts

The CUNA Technology Council (CTC) is once again extending its member discount to HR Council members for their annual Summit. The CTC has an excellent conference planned with some of the hottest technology topics and speakers slated to give you the education you need.

The beautiful Vancouver, B.C., Canada will host this fourth annual event August 18 - 21, 1999, at the Hyatt Regency Hotel. Technology isn't just for the techies any more, so take advantage of the \$100 member discount and sign-up today! Hit the Web site at www.cuna.org, select COUNCILS, then the CUNA Technology Council, or call (800) 356-9655, ext. 4141 for complete information. ♦

COMMUNICATION IS THE KEY

We'd like HRC members to share information about their shops that may be of interest to other HRC members. This could be a policy, process or form. You don't have to be a writer to do so, simply send us the information and we'll format for the newsletter - its easy and helps your credit union HR peers.

Please call Dan Hoover at Council Administration at (800) 356-9655, ext. 4141, or e-mail dhoover@cuna.com with questions or your information.

Thanks to those people currently on the Communications Committee:

Co-Chair— Todd Surline <i>MSU FCU</i>	Co-Chair— G. Kent Streuling <i>America First CU</i>
Kathleen Obara <i>Bell FCU</i>	Flora Caranci <i>American Heritage FCU</i>
Bruce Cheney <i>Harborstone CU</i>	Riochelle Fitzpatrick <i>Mazuma CU</i>
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