



# SHRMC

State Human Resource Management Council

## MEETING NOTES February 11, 2016

### In attendance:

Tom Fast, OA	Sara Seaver, DSS	Dwan Ruppel, DOC
Stacy Jacobs, STC	Kelly Gardner, DSS	Ida Mitchell, DMH
Brandy Klouzek, MGC	Jennifer Terry, DNR	Michelle Jacobsen, DHSS
Victoria Hillstrom, Lottery	Dana Muessig, DNR	Carey Haley, DHSS
Keith Dudenhoeffer, DIFP	Jennifer Eddy, DNR	Mary Beckwith, DPS
Amanda Bock, MDC	Dana Kixmiller, DHE	Peggy de Meurers, MCHCP
Lisa Verslues, MOSERS	Anna Wainscott, DSS	Leah Norment, DED
Gina Hall, PD	Dawn Plybon, DSS	Rachel Potts, DED
Jane Duncan, PD	Steve Beck, OA	
Carol Newgaard, SAO	Kim Johnson, OA	
Arlene Taylor, DOLIR	Darlene Robinett, DOR	
Jennifer Hentges, MDA	Dan Follett, DOR	

### Welcome – Tom Fast

### Employment Law Update – Julianne Germinder, AGO

Julianne works in litigation dealing with employment discrimination. The number of staff working on these types of cases has increased in the last several years. Julianne said that what HR people do day in and day out is what she sees at trial. Documentation is key.

Julianne reminded us that anything we say or write can be used at trial. Managers asking questions or advice from HR is not always covered under attorney-client privilege. Just because an attorney is copied does not make the communication privileged. It must be clear that advice is being sought from the attorney or that that is the intent. E-mail discovery is becoming a bigger and bigger issue at trial. One email can change the outcome of a case.

It is becoming harder to get summary judgment in human rights cases as they are usually being sent to trial.

Retaliation appeals to jurors as studies have shown that the belief of jurors is that people in charge do not share the same values. Studies also show that jurors are more likely to believe a lower level employee over a manager and that management would lie.

It is important to be able to show not just that an employee is not doing something but why not doing that thing matters. Why is it important? What consequences does it have?

Some retaliation items Julianne has seen include an employee's work location assignment, how long it takes to be relieved so they can go to break, and how an employee is talked to. There have been four bathroom cases over the last year, involving how long an employee takes, how often they go, and not being allowed to go. To a juror, the complainant's story can be easier to understand than the employer's.

Sometimes the issue is such that even though it doesn't meet the strict legal definition, you must still be able to explain why the issue wasn't considered a big deal.

### **Other items**

There was some discussion on what agencies were experiencing and doing regarding the upcoming Missouri River Bridge closing.

1095C forms will be sealed when they come out. They will have the pay location printed on the outside of the envelope.

There was also discussion on electronic personnel files. DNR, Missouri Gaming Commission, Conservation, and MOSERS all have some sort of system in place.

The meeting was adjourned.

**Next Meeting**  
**March 10, 2016 – 8:30 a.m. to 10:00 a.m.**  
**Room 500 HSTOB**