

A View From the Bench

How Your Employment Case Goes Through The Appellate Court

Presenter: Judge Edward C. LaRose



Judge LaRose has written and spoken frequently in the areas of antitrust and employment law. He was appointed to the Second District Court of Appeal by Governor Jeb Bush in February 2005.

Judge LaRose began his legal career with Howrey & Smon in Washington, D.C., where he practiced extensively in the area of antitrust

law. He joined Trenam Kemker Scharf Barkin Frye O'Neill & Mullis as an associate in 1983 and became a shareholder in 1987. While at Trenam Kemker, Judge LaRose practiced in the areas of commercial litigation, antitrust and employment law. He headed the firm's employment law practice group.

Judge LaRose is Board certified in Antitrust and Trade Regulation Law by The Florida Bar Board of Legal Specialization and Education. He is certified as a circuit-civil mediator and served as an arbitrator for the American Arbitration Association and the National Association of Securities Dealers. He serves as an adjunct professor of law at Stetson University College of Law and is an active member of the Hillsborough County Bar Association and The Florida Bar.

Judge LaRose received his undergraduate degree, summa cum laude, in 1977 from Boston College and he received his Juris Doctor degree, cum laude, from Cornell Law School.



Cultivating Leaders Is Top Reason Why Companies Provide Coaching To Employees

54% Of Organizations Supply Coaching, According To Survey

October 2005 - Organizations are primarily providing coaching to employees to better develop today's and tomorrow's leaders, rather than to address poor management behaviors, according to a survey by Right Management Consultants, the world's largest career transition and organizational consulting firm.

"As today's companies face the growing shortage of qualified leaders, being assigned an executive coach is most likely a sign that an employee is on the way up, not on the way out," notes Jim Parker, Senior Vice President of Organizational Consulting for Right Management Consultants' eight-office Florida/ Caribbean region.

More than twice as many organizations that provide coaching to employees cited leadership development goals as the primary coaching objective, according to the survey of 328 organizations by Right. 63% of respondents chose the development of today's and future leaders as the main reason for providing coaching, compared with 25% that chose a desire to change poor management behaviors.

The top reason why organizations provide coaching is to sharpen the leadership skills of high-potential individuals, selected by 38% of organizations that supply coaching.

54% of respondents said their organizations provide coaching to managers, executives, and high-potential individuals, and 46% do not.

Continued on Page 5

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Employment Case

"How Your Employment Case Goes Through the Appellate Court"

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HR Florida And...



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Todd York sworn in as HR Florida Treasurer.

HR Tampa News

*The once and future HR Tampa Presidents
(l to r) Carol McDaniel and Sherry Moore.*



*Lori Weiss dancing at Pleasure
Island, Tuesday evening, 9/ 20/ 05.*



Jodie Mutchler and Linda Woods



Colleen Carter and Julia Harding

Networking at Gabriella's

November 2, 2005



Paulette Beaudoin & Pamela Kauten



Al Brown

Michael Crosslin



Glenn Nagel

Karen O'Brien



Ray Walsh

Guido Fiermonte



Bill Moine

Gabriella Vera

Please Help Guido Get His PhD

Many of you have met Robert "Guido" Fiermonte at the last HR Tampa meeting or the Networking Nite event at Gabriella's. To those of you have already taken his survey, thank you for your help. To those of you who have not, please take a few minutes to do so now. His Doctoral dissertation depends on a good percentage of responses from HR Tampa members to his survey, which will take no more than 5 minutes and is completely anonymous. Thank you!

<http://www.keysurvey.com/survey/81582/4e76/>

Revealing Workplace Realities

Using Exit Interviews to Improve Performance

Senior executives in organizations of all sizes, and across all industries, continue to raise concerns about their ability to retain and attract top talent. Turning to their HR leaders, senior executives expect the implementation and execution of policies, practices, and procedures that will address this issue. Most HR leaders continue to use measurement methods that do not accurately reflect the effectiveness or efficiency of HR initiatives, nor do they get at the root cause of employee turnover.

One of the most effective tools that should be used to measure an organization's ability to retain and attract the top talent it needs to achieve competitive advantage is the Exit Interview Process. Exit interviews with employees who have decided to voluntarily leave an organization provide valuable insights into the effectiveness of HR policy, practice, and procedure. The Exit Interview Process reveals workplace realities that cannot be understood through any other method.

Exiting employees are much more likely to tell the truth about what's really going on in the organization. Without the fear of retribution, exiting employees are more willing to speak about unethical co-worker behavior, workplace abuses, or failure of corporate initiatives. Exiting employees are also more willing to discuss practices that work and why.

To enable exiting employees to feel comfortable revealing workplace realities, it is best to use an objective third party. Outsourcing the Exit Interview Process is the most effective way to insure employee anonymity and openness. By using a combination of on-line survey and "live" interview, the organization is able to gain both a quantitative and qualitative understanding of HR effectiveness.

One of the unique ways we have been able to produce results for our clients, is to use a double rating on the on-line survey. By asking what is important to the employee and how the organization is performing, we have been able to provide a unique insight into employee motivation and performance. This approach provides insight, direction, and a focus on critical issues that other methods can't.



A common concern voiced by HR regarding the use of surveys has been that surveys raise the expectation that the organization will have to act on employee feedback! Exiting employees do not have this as an expectation. When the purpose and importance of the exit interview is properly communicated to the exiting employees, they have been very willing to provide actionable information. In one instance, an exiting employee made it very clear to us that she only had 10 minutes to spare for the "live" interview. After 45 minutes of questions and honest answers, we asked if she needed to go. She said yes, but there were a few more things we should know. We were able to assure this exiting employee that she could trust us with her concerns and issues. She

revealed to us an abusive manager who needed counseling. Had this information not been provided, this manager may have been the cause of greater problems for the company. (Harassment lawsuits can cost an organization 10 times more than the cost of an outsourced Exit Management Process).

Another valuable use of exit interview data is as a lead indicator in the HR measurement system. The reasons employees decide to voluntarily leave an organization can be seen as early indicators of a disengaged workforce. Disengaged employees are very costly to organizations. They are less productive, produce more errors, have higher health care costs and higher absence rates. Understanding what has led to "disengagement" is an important first step in retaining top talent.

HR leaders should not forget that employees are ambassadors of their companies, recruiting and referring other employees to the workplace. Ex-employees who have had a positive employment experience can also help to recruit and refer employees to the company. In much the way that dissatisfied customers tell their story to anyone they can, so do disengaged employees. Unfortunately, ex-employees whose employment experiences have not been so positive are more likely to reveal your workplace realities to the very people you hope to attract. The exit interview is an excellent tool to enable you to not only understand what your ex-employee will be saying about your company, but more importantly to enable the employee to leave with positive feelings and kind words.

Continued on Page 5

Revealing Workplace Realities

Continued from Page 4

HR leaders and senior executives must understand that it costs more to recruit top talent than it takes to retain top talent! One of the most effective measurement tools that an organization can use to retain and attract the top talent they need to improve corporate performance is the Exit Interview Process.

We invite you to assess your own Exit Management efforts. Click on the link below to answer questions about your exit management process. You will receive a benchmark report that compares your exit management practices and provides insight into the success of your process.

<http://www.thebenchmarkpartners.com/survey/TakeSurvey.asp?SurveyID=9J0m632L393KG>

The Benchmark Partners, LLC, is dedicated to helping companies create a great workplace for all employees. Using a comprehensive set of measurement tools, we provide our clients with insights, analysis, and recommendations that ensure a meaningful return on their Human Capital investments. Our tools include organizational assessments based on the Performance Excellence Model; functional assessments that identify Human Resource Effectiveness; Leadership and Employee Assessments that enable productivity improvement; Benchmarking; Measurement and Scorecard Systems, and Technology Utilization and Deployment. Having worked with a diverse set of companies across all industries and size, The Benchmark Partners bring to each client engagement a unique set of solutions that are guaranteed to improve business results.

Brian D. Lowenthal is a co-founder and Managing Partner of The Benchmark Partners. He may be reached by calling 216.295.9589 or e-mailing blowenthal@thebenchmarkpartners.com



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Cultivating Leaders

Continued from Page 1

To sharpen the leadership skills of high-potential individuals	38%
To correct management behavior problems, such as improving communication skills, ability to develop subordinates, or indecisiveness	15%
To invest in the development of multiple levels of leaders, thereby improving leader retention	14%
To ensure the success, and decrease the failure rate, of newly promoted managers and executives	11%
To correct employee relations problems, such as improving interpersonal skills, disorganization, demeaning or arrogant behavior	10%

"The trend is clear. Executive coaching is increasingly being used by organizations for leadership development purposes - ensuring that they have the right leaders for today and tomorrow," said Parker.

"Companies are placing a priority on cultivating the leadership skills of high-potential employees, developing multiple levels of leaders, and ensuring the success of those leaders they promote from within and recruit from outside," Parker added. "Most executives believe it is necessary to continuously build their talent and leadership pipelines in order for them to be and remain competitive."

Right Management Consultants (www.right.com) is the world's largest career transition and organizational consulting firm. It offers services to corporations of all sizes through a global network of more than 300 service locations and the Internet.

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The Book Corner

November Book Suggestions



Daniel T. Bloom
Corporate and Educational Sales
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According to the various sources we have at our disposal there are 118 new business management books scheduled for release during the month of November. Some of the more useful titles are the following books. More information can be obtained by calling us at 908-1845.

Cases in Gender and Diversity in Organizations by Alison Konrad

Cases in Gender & Diversity in Organizations is a compilation of real-life business cases illustrating the unique opportunities and challenges for managers of the new, more demographically diverse workplace. The Casebook provides a thorough overview of the issues and challenges facing organizations as more women enter the workplace, as parents struggle to create more balance between their work and family lives, and as members of different ethnic groups interact more frequently in work organizations around the world. Cases in Gender & Diversity in Organizations offers students the opportunity to develop strategies to make effective decisions regarding a wide array of workplace diversity issues. The Casebook offers contemporary managers a clear sense of the relevance and importance of diversity.

Coaching Leaders: Guiding People who Guide Others by Daniel White

"Coaching Leaders is written for coaches who are in the challenging position of working with leaders and helping them excel as the top executives and managers in their organizations. The book is filled with illustrative examples from Daniel White's practice as a successful executive coach. His clients' stories reveal the human drama of becoming a leader and explore the courageous and fascinating accomplishments these individuals have achieved in order to grow professionally. These stories also clearly show how a skilled coach adjusts to meet an individual client's personality and targeted challenge. "Coaching Leaders includes a wide variety of effective coaching concepts and the information needed to guide leaders

and help them maintain the motivation to change; battle anxiety, fear, and resistance; and achieve emotional intelligence.

Communicating Across Cultures at Work by Maureen Guirdham

Communicating Across Cultures at Work examines intercultural communication in the workplace. Firmly grounded in theory, it offers practical suggestions on how people can develop cultural awareness and communication skills to enable greater understanding and appreciation of those from different backgrounds.

High-Maintenance Employees: Why Your Best People Will Also Be Your Most Difficult...and What You Can Do about It by Kathi Graham-Leviss

By following steps inside this text, managers will learn how to maximize their employees' performance, and thereby maximize their business.

The Outside-In Corporation by Barbara Bund

Drawing on insights from Dell, FedEx and eBay, a leading business innovator shows you how to transform your company, putting customer needs at the center. Business strategies and company-wide initiatives must be based on customer needs, even when little hard customer information is available. "The Outside-In Corporation" helps you develop "customer pictures" and, through rigorous customer analysis, create unique value propositions. Barbara Bund, recognized as an innovator in both academia and business, outlines techniques for devising and implementing customer-based strategy, pricing, communication, and distribution initiatives that will drive success in the marketplace by building or remaking a business "from the outside in."

A Survival Guide for Working With Bad Bosses: Dealing with Bullies, Idiots, Back-stabbers and other Bosses from Hell by Gini Scott

Being saddled with a terrible supervisor can turn even the best job into a nightmare. Unfortunately, not every boss is the great symbol of managerial perfection one would hope for. In fact, more people than not consider themselves stuck with a "bad boss." But short of remaining miserable or quitting a job, what can be done about it? Whether a boss is high-strung, incompetent, or a power-mad tyrant, this book has the solution.

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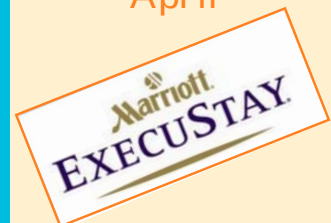
January



February

March

April



May

June

July

August

September

October

November

December

TIPS for Communicating with your Elected Representatives

As a Floridian, one of your greatest responsibilities is to help elect the representatives who represent you and the state's more than 14 million other residents. But your role in the democratic process of government does not end at the polls. By sharing your opinions and ideas with your representatives and senators in Tallahassee, you help them decide what to do about the issues and pending legislation that affect us all. They value your suggestions and encourage you to express them.

Your representatives receive a huge amount of phone calls and mail from their constituents. Unfortunately, their full agendas limit their ability to personally read and respond to it all. How then, can you be sure your voice is heard? Here are some tips to help you get the most impact out of your communications with your representatives in Tallahassee.

General Tips

- ▶ Know who your representatives are and how to contact them. If you don't know who represents you, you can find out by using the online guide. Your representatives' web pages will give you their mailing addresses, phone numbers, and e-mail addresses.
- ▶ Make sure you understand the legislative process. Even the most basic understanding of the process will help you effectively express your ideas.
- ▶ Contact your representative about a particular issue before the Legislature takes action on it. Most matters coming before the Legislature are well publicized before session.
- ▶ Use a variety of communication methods. You might choose to telephone, write, e-mail, fax, or visit your representative. You might also choose to give testimony at public hearings held by the Legislature. (To give testimony, you would need to contact the appropriate committee secretary before the hearing to sign up.)
- ▶ Tell your representative what effect you think a particular bill, if it becomes law, will have on you, your children, business, or community. Be concise, but specific.
- ▶ Be polite, even if you disagree strongly with the representative you are addressing. Lawmakers cannot please everyone. Your communication will be more effective if you are reasonable in your approach.
- ▶ Suggest a course of action and offer assistance. Don't make promises or threats.

Writing Effective Letters

- ▶ **Address letters to the House of Representatives this way:**
The Honorable John Doe
Florida House of Representatives
The Capitol
Tallahassee, FL 32399-1300.
- ▶ **Address letters to senators this way:**
Senator Jane Doe
The Capitol
Tallahassee, FL 32399-1100.
- ▶ Be absolutely certain you spell your representative's name correctly and use the correct address. If you don't, you could lose your audience.

- ▶ Type or print legibly. Sign your name neatly and give your address correctly so they can respond to your letter.
- ▶ Keep letters, e-mail, and faxes brief. Never write more than one page. Concise written correspondence is more likely to grab and keep the reader's attention.
- ▶ Identify your issue or opinion at the beginning of the letter. Don't bury your main point under trivial text.
- ▶ Suggest a course of action and offer assistance. Don't make promises or threats.
- ▶ Cover only one issue per letter. If you have another issue to address, write another letter.
- ▶ Back up your opinions with supporting facts. Your letter should inform the reader.
- ▶ Avoid abbreviations or acronyms, and don't use technical jargon. Rather than impressing your reader, such terms will only frustrate him or her.
- ▶ Don't send the same letter to more than one representative. Personalized letters have more impact.

Calling or Visiting Your Representative

- ▶ Plan your call or visit carefully. Keep to the point and discuss only one issue. Organize your thoughts ahead of time and make notes to help you stay on track.
- ▶ When planning to visit your representative, make an appointment. Don't just drop by your representative's office and expect him or her to drop everything to see you. Call or write for an appointment as soon as you know when you are going to be at the Capitol.
- ▶ Prepare a one-page fact sheet concerning your issue to give to your representative. This will help him or her better retain what you present.

SH RMA Silent Auction
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5:30-9:00 p.m.

Feather Sound Radisson Hotel.

**Food, Entertainment
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charge of attending
a breakfast meeting;
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go to the SHRM Foundation.**

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suncoasthr.org**

HRCI Recertification: Is It Time to Renew?



Once certified as a Professional in Human Resources (PHR), a Senior Professional in Human Resources (SPHR), or a Global Professional in Human Resources (GPHR), you must recertify every 3 years (from date of original certification or last recertification).

- Sixty (60) hours of learning credit is required during those 3 years
- Credit earned on hour-for-hour basis (one hour learning = one hour recertification credit)
- If you don't submit recertification form, you must retake the exam
- No supporting documentation should be submitted to HRCI, but should be maintained for your records in case you are audited
- Recertification requirements have changed; so make sure to review them at www.hrci.org
- Recertification credits can be earned online at <http://www.hrci.org/recertification/credits.html>.
- There are now two ways to recertify--by completing the paper application (available at www.hrci.org/Recertification/PDFAPP) or by accessing your online recertification file by clicking "My Recert File" at www.hrci.org.

Credit is awarded for HR-related activities in these categories:

- Continuing Education: Credit awarded hour for hour. (Chapter meetings can be pre-approved for HRCI recertification credit.)
- Instruction: 1 hour taught = 1.5 credit hours awarded. (Includes courses taught at work such as workplace violence prevention, sexual harassment prevention, etc.)
- On-the-Job Experience: Credit is awarded for first-time work activity if it broadens your knowledge of the field of HR, such as developing a strategic plan, rolling out a new 401K plan, etc.
- Research/ Publishing: Research, write, or publish on HR topics.
- Leadership: External leadership activities count, including being an SHRM volunteer leader.
- Professional Membership: Be a member of a national HR-related professional association and earn credit hours. (SHRM, ASTD, World at Work, etc.)
- Answer to ALL your recertification questions can be found at www.hrci.org.
- A recertification form can be found at <http://www.hrci.org/Recertification/PDFAPP>.
- HRCI now offers ONLINE storage of your certification documentation so you can complete the form as you go.
- There is a \$100 processing fee to recertify.
- If you have changed jobs or addresses, notify HRCI (not just SHRM) at hrci@hrci.org.
- HRCI sends recertification reminders via email, so they must have your current/ correct email address.



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LEGISLATIVE UPDATE

By William D. Mitchell

Reminder: Cafeteria Plans Can Be Amended to Provide for Grace Period After End of Year

The IRS has issued a notice that permits employers sponsoring cafeteria plans to amend the plan document to provide for a grace period after the end of the year in which unused benefits and contributions to a flexible spending account can be used. The grace period cannot extend beyond March 15 of the year following the year in which the contributions were made or for which benefits were accrued. Under prior IRS authority, participants in flexible spending accounts had to use up the accrued benefits or contributions or forfeit them. *IRS Notice 2005-42*

The Eleventh Circuit Says Creation of Alternative to Union Grievance Process Was Unlawful

Georgia Power Co.'s unilateral implementation of a system for employees to file complaints outside of the usual grievance process was unlawful. (*Georgia Power Co. v. NLRB* 10/14/05). In reaching its decision the court held that Georgia Power took unilateral action on a subject--the grievance process--that was a mandatory subject of bargaining.

Before 2001, Georgia Power had one company-wide program to address equal employment opportunity concerns, and another program to deal with corporate ethics and fairness issues. Georgia Power notified the union on May 30, 2001, that they were creating a new workplace ethics initiative to replace both existing programs. Employees received a memorandum two days later explaining that the new program would cover the entire workforce and would include provisions for an independent ombudsman and peer review of certain employee concerns.

Under the new procedures, workplace ethics officials would notify labor relations managers of all cases or concerns raised involving union-represented employees. If a case involved a complaint filed by an employee on an issue covered under the collective

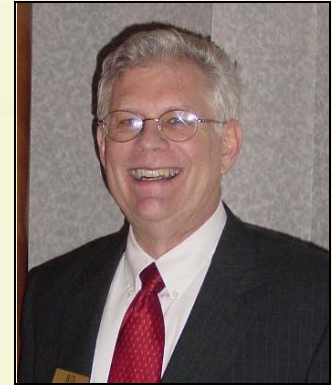
bargaining agreement, it would be handled according to the contract's grievance provisions. In cases involving discharge or demotion, management officials would determine on a case-by-case basis whether employees could choose to use the workplace ethics procedures. Cases certified for arbitration under the contract's grievance procedure were not handled through the workplace ethics program.

The union objected to the new program during Georgia Power's presentation, arguing that the union was the sole representative of covered employees, that the collective bargaining agreement already had a grievance procedure, and that the company unlawfully dealt directly with employees.

After implementing the workplace ethics program, Georgia Power did not advise the union when it received a workplace ethics grievance or allow the union to represent unit employees who brought complaints through the workplace ethics procedure.

An NLRB Administrative Law Judge concluded that while the workplace ethics program itself was lawful, the way it was implemented was illegal because it resulted in changes to the grievance process--a mandatory subject of bargaining. The NLRB upheld the Administrative Law Judge's decision.

The court reasoned that the establishment of grievance procedures was a mandatory subject for bargaining under the NLRA and that the company's implementation of the workplace ethics program affected grievance procedures, that it was designed without union input and that union-represented employees could ignore the union grievance process by filing a complaint through the new system instead.



NEW SPHR RECERTIFICATION REQUIREMENTS FOR 2006

By Lori S. Barndollar, SPHR



Beginning in 2006 all SPHR Certificants must earn 15 of the required

60 recertification credit hours over a three-year period specifically in the strategic management functional area.

The 15-recertification credit hours can be acquired through a variety of activities, such as, continuing education, instruction, on-the-job or research/ publishing categories.

Strategic management as defined by HRCI is "the processes and activities used to formulate HR objectives, practices and policies to meet the short- and long-range organizational needs and opportunities, to guide and lead the change process, and to evaluate HR's contribution to organizational effectiveness."

The HRCI Recertification Handbook lists 11 areas that compromise strategic management.

1. Interpret information related to the organization's operations from internal sources, including financial/accounting, marketing, operations, information technology and individual employees, in order to participate in strategic planning and policy-making.
2. Interpret information related to the general business environment, industry practices and developments, and technological developments from external sources (for example, publications, government documents, media and trade organizations), in order to participate in strategic planning and policy-making.

3. Participate as a partner in the organization's strategic planning process. Certificants would receive credit for first-time participation in a strategic planning process within their organizations.
4. Establish strategic relationships with individuals in the organization to influence organizational decision-making.
5. Establish relationships/alliances with key individuals in the community and in professional capacities to assist in meeting the organization's strategic needs.
6. Evaluate HR's contribution to organizational effectiveness, including assessment, design, implementation and evaluation of activities with respect to strategic and organizational measurement in HR objectives (refers to participation in change management).
7. Provide direction and guidance during changes in organizational processes, operations, planning, intervention, leadership training and culture that balances the expectations and needs of the organization, its employees and other stakeholders (including customers).
8. Develop and shape organizational policy related to the organization's management of its human resources.
9. Cultivate leadership and ethical values in self and others through modeling and teaching.
10. Provide information for the organizational budgeting process, including budget development and review.
11. Monitor legislative environment for proposed changes in law and take appropriate action to support, modify or stop the proposed action (for example, write to a Member of Congress, provide expert testimony at a public hearing, lobby legislators).

The key is that in the event of an audit you must be fully prepared to demonstrate how a specific program or first time experience added to your strategic management skills and the human resource management function. For more detailed information, log on to www.hrci.org and download the recertification application.

See Crash Course on Page 12

Overview - Recertification Credit Hour Requirements

Designation	PHR	SPHR	GPHR	GPHR & SPHR	GPHR & PHR
Required Credit Hours for Recertification per 3 year cycle	60	60	60	60	60
Specified Credit Hours	NONE	15 Strategic Management	30 International	15 Strategic Management 30 International	30 International

For more detailed information on multiple designation cycles, log on to www.hrci.org and download the recertification application.

New Members

First Name	Last Name	Certification	Company Name	Title
Barbara	Maye	SPHR		
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Sharon	LeSturgeon	PHR	MediaLab Ventures LLC	Human Resource Director
Laura	Prather	JD	Trenam Kemker	
Luis	Cabassa		Thompson, Sizemore & Gonzalez	

Membership Renewal

For 2006

Get ready for another exciting year! It's almost that time to renew your dues for 2006. Stay tuned for more information. We will have the website updated soon. Now is the time to make sure all of your personal information is correct so you will receive any mailings or emails. Visit HRTampa.org and click on Membership Directory on the left side of our home page to update your information.



SPHR Crash Course

Last minute panic...attend the SPHR Crash Course, Saturday December 10th, National Louis University

9AM-12PM Strategic Management 26%

12PM-1PM Lunch Break

1PM-3PM Labor Relations 24%

Course Outline

PART I - Strategic Management

*SPHR Emphasis
Test Taking Tips
HR Planning
Environmental Scanning
Internal Scanning
Measuring HR Effectiveness
Calculating T&D ROI
Primary Research/ Quantitative & Qualitative Analysis
Reliability & Validity
Measures of Central Tendency
Organizational Life Cycle
Organizational Structures
OD Approaches
International EE & Labor Relations
Ethics in HR
Crisis Management Planning
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PART II - Labor Relations

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Contact Lori Barndollar, SPHR for more information and registration form.
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