



November 2015

NUHRA Newsletter

www.nuhra.org

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President's Address

Hello, NUHRA Members!

Wow, did this year go fast or what? December is right around the corner! Is everyone ready for the holiday season?

Well, the meeting in October was different than most of our meetings, to say the least! We had our Weber State University students handling the running of the meeting. It was great to have them all there and be introduced to them. T

hanks Weber State Student Chapter! Our speaker had some issues and was not able to make it so we watched an interesting SHRM Foundation Video and had a good discussion afterwards. This was a certified meeting, so if you attended and did not receive the information, please let us know! The presentation was called "Fueling the Talent Engine – Finding and Keeping High Performers".

I would like to personally thank Christina London for getting this all set up on the fly and handling the discussion as my voice was basically gone that day! THANKS!!!

We will be announcing the new board at the November meeting, on 11/19/15. I will be in Washington, DC at that time, attending the SHRM Volunteer Leaders' Summit, but leave you in very capable hands.

The speakers are Julianna Christie and Dayne Law of Utah Diversity Connections. They will be handling our Diversity Appreciation Month with a presentation on Transgender Employees in the Workplace. This is a very important and timely subject. Please be sure to attend!

I hope everyone has a wonderful Thanksgiving with lots of family, fun, and FOOD!

Veronica Akers
NUHRA President



AFFILIATE OF

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

Clicking ‘Like’ button now protected activity under national labor law?

www.hrmorning.com

by [Tim Gould](#) October 28, 2015



Here’s yet more evidence of how hard it is for employers to control what employees say about them on social media. The latest blow: A federal appeals court in New York City has ruled that clicking the “Like” button on Facebook can be protected activity under the National Labor Relations Act.

Alas, it’s true. The case involved a sports bar called Triple Play. The bar’s owners apparently made some mistakes in deductions from employees’ checks, which prompted this comment on Facebook from a former employee:

Maybe someone should do the owners of Triple Play a favor and buy it from them. They can’t even do the tax paperwork correctly !!! Now I OWE money ... Wtf!!!!

A current employee clicked the “Like” button, and a third added a comment:

I owe too. Such an asshole.

Triple Play fired the two current employees, citing a recent court case in which a Starbucks employee was canned for going on a profane tirade to a manager in front of store customers. In that case, the judge ruled the firing legal under the National Labor Relations Act because it violated the employer’s reasonable policy to not “tolerate employee outbursts containing obscenities in the presence of customers.”

The NLRB decided that the two employees’ Facebook activities constituted protected, concerted activity under the law. Triple Play took the matter to federal court.

Triple Play argued that its situation was parallel to that of Starbuck’s – customers would be able to see the negative comments online – and thus the protections afforded employees to discuss the “terms and conditions” of their jobs should not apply.

Posts not directed at customers:

The appeals court saw things differently than Triple Play. First, the court said, there was no “bright line rule” concerning profanity in the presence of customers. More important, however, was the court’s finding that the comments weren’t directed toward customers and didn’t actually involve the sports bar’s brand.

And that “Like”? The court wrote that the clicking employee had simply “endorsed [another worker’s] claim that Triple Play had erred in her tax withholding.” Finally, “Accepting Triple Play’s argument ... could lead to the undesirable result of chilling virtually all employee speech online,” the court ruled.

The sad lesson here? Here’s what [attorney Jon Hyman had to say](#):

The ultimate lesson about employers’ regulation of employees’ online speech has not changed: While employees must think before the click, employers must think longer before they discipline for fire because of that click. The NLRB, and now the courts, are watching, and, more often than not, the decisions do not favor the employer.

Cite: [Triple D, LLC v. NLRB](#)



**HR TIP:
From SHRM 2015 Las Vegas**

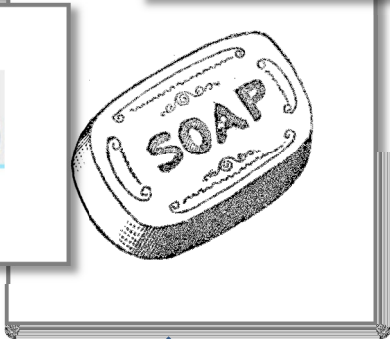
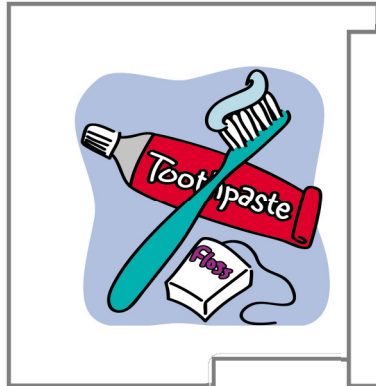
Know the Difference Between Feedback and Coaching. "They say millennials love feedback. No, they don't ... No one wants feedback. Millennials want attention and, in particular, coaching attention. Don't tell me where I stand. Help me get better." -- *author Marcus Buckingham, founder TMBC* (He encouraged managers to conduct regular "light touch" check-ins with employees, asking them, "What are your priorities this week?" and "How can I help?")

Upcoming Events

NUHRA 2015 Calendar

<p>Jeremiah's November 19, 2015 11:30 – 1:00 p.m. Diversity/Transgender Employees in Workplace</p>		<p>Jeremiah's December 17, 2015 11:30 – 1:00 p.m. Hygiene Kit donations due</p>
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NUHRA will be collecting donations for hygiene kits again this year. Last year we were able to help Safe Haven located in Ogden. This year we will be donating to the Safe Harbor in Kaysville and/or the homeless shelter in Ogden.



see calendar items in detail:

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