



BV-SHRM Newsletter

Chapter #0330

November 2010

Board Officers

President

Cheryl Young, PHR

President Elect

Stacy Overby

VP of Programs

Katherine Kleemann

VP of Membership

Geanna Kincanon, SPHR

Treasurer

Krystal Broussard, PHR

Secretary

Amber Crawford

Past President

Joyce Thornton

Committee Chairs

Business Seminar

Liz Galvan, PHR

Certification

Sarah Tobola PHR, CEBS

Diversity

Jennifer Humphries

Legislation

Mike Roth, PHR

Newsletter & PR

Tara Seely

School to Work

Kristal Floyd

SHRM Foundation

Thom Holt, SPHR

Student Liaison

Maria Herrera

Website

Bob Hensz, SPHR

HRSW Ambassador

Stacy Overby

Monthly Program & Luncheon

TOPIC: The Relationship Between Economic Development & City Government

WHEN: Thursday, November 4, 2010

TIME: Lunch served from 11:30AM to noon; Program from noon to 1:00PM

WHERE: College Station Conference Center

COST: \$10/member & first time guest
\$15/non-RSVP guest

SPEAKER: Mark Conlee

Speaker Bio

Program Title:

The Relationship Between Economic Development & City Government

Speaker Bio:

Mark Conlee is a 4th generation Brazos County resident who grew up attending Bryan ISD schools. He received a Finance degree from Sam Houston State University. He has been a business man since 1977 serving as Managing Partner for a diverse array of businesses including 3C Bar-B-Q, Cathy's Corner Convenience Store and the Red Bandanna Restaurant. He has also been involved in Real Estate investment and management since the early 1990's. Most of us will recognize his name through his community leadership as a member of the Bryan City Council and Bryan City Mayor from 2004-2010.

Mr. Conlee will be discussing the relationship between city government and economic development. Please come for this discussion and ask questions of this experienced city leader.

In addition to the speaker presentation, we will be electing the 2011 BV-SHRM Board Officers. Below is a list of individuals who have expressed interest in the positions. Nominations will also be accepted from the floor.

President – Stacy Overby (elected in 2009)	VP of Membership – Geanna Kincanon, SPHR
President Elect – Retha Blakely, SPHR	VP of Programs – Katherine Kleemann
Secretary – Amber Crawford	Treasurer – Krystal Broussard, PHR

Inside this Issue:

- Monthly Program & Luncheon
- New BV-SHRM Website
- Student Mentor Program
- BV-SHRM Holiday Luncheon & Award Ceremony
- Building Value with HR Excellence Award Program
- Welcome New Members
- Refer-a-Friend
- Upcoming Events & Prof. Development Opportunities
- HR Southwest 2010
- Legal Briefs



Please RSVP for the monthly luncheon by noon on Tuesday, 11/2/10!
rsvpprograms@gmail.com





Member Newsletter



The Deadline to late register for the PHR/SPHR exam for the Winter testing (Dec/Jan) window is November 12, 2010

*“The single biggest problem in communication is the illusion that it has taken place”
~George Bernard Shaw~*

Invest in your professional development through BV-SHRM and SHRM National Membership.

Visit us and become a Fan of BV-SHRM on

facebook

New BV-SHRM Website

Along with a new name comes many additional changes. Now that we are BV-SHRM, we have a nice new colorful logo and new newsletter to match. AND now, thanks to a lot of hard work from Bob Hensz, we have a new look for our website too. Please take an opportunity to view and bookmark the new page:

www.bv-shrm.org

At this site, you will be able to:

- get information on upcoming BV-SHRM events and other SHRM sponsored events
- receive a news feed directly from SHRM
- link to other great HR related links including information for our elected representatives
- obtain chapter information including information about leadership positions
- view past archived newsletters
- apply for membership
- receive contact information for Board and chapter members

Thanks again to Bob for making this such a great and useful resource for our members.

Student Mentor Program

Several BV-SHRM members have been paired with students studying Human Resources or Human Resource Development from the student SHRM chapter through the BV-SHRM Student Mentor program. I think all of us can look back in our careers and either wish we had a mentor or are thankful to the individual who might have taken of their time to mentor or help give us guidance. We want to sincerely thank the following members who have decided to give back to the community and help shape the future for students entering the HR field.

THANKS FOR YOUR COMMITMENT TO THE PROFESSION AND THE FUTURE OF HR!!!!

Chantale Deuel
Bill Dixon
Lee Felder
Maria Herrera
Kevin Karli
Katherine Kleemann

Guy Mortenson
Stacy Overby
Jan Pfannstiel
Sarah Tobola
DeAnna White
Cheryl Young

Special thanks also goes to Maria Herrera our Student Chapter Liason and Ellen Foushee for coordinating this program between the two chapters. Through this program, 31 students received mentors.



AFFILIATE OF
SHRMTM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT



Member Newsletter



DATES AT A GLANCE:

October 29th

Submission deadline for nominations to Building Value with HR Excellence Award

November 12th

Deadline to register for Total Rewards Seminar

November 16th

Total Rewards Seminar sponsored by BV-SHRM & Workforce Solutions

December 2nd

Annual Holiday Luncheon and Awards Ceremony

BV-SHRM Annual Holiday Luncheon & Awards Ceremony

DEC 2ND

Save the Date



BV-SHRM will hold the annual holiday luncheon celebration and award ceremony on Thursday, December 2nd at the Hilton in College Station.

We will be recognizing current Board members, installing the 2011 Board members and giving out the attendance and referral awards. In addition, we will be honoring the inaugural Building Value with HR Excellence Award recipient (see below).

We will also have great door prizes and a fundraiser with great goodies for the SHRM Foundation and really yummy food. Please make sure to join us and bring non-perishable food items for the food drive.

Building Value with HR Excellence Award Program

BV-SHRM recently announced and mailed out the nomination packets for the new award program *Building Value with HR Excellence Award*.

The BV-SHRM *Building Value with HR Excellence Award* program recognizes and rewards an outstanding HR Professional for their accomplishments within their organization, advancing the HR Profession, and providing service to the community as a HR Practitioner.

If you received this mailing, please give to your boss or supervisor. If you are a boss or supervisor of one of our members, please complete the nomination on behalf of your outstanding HR Professional.

Announcements

Welcome New Members!

Diana Dean

&

Elvia Oliva

HR Representative, TTI



Refer-a-Friend Program

Share BV-SHRM with a friend or co-worker in the HR field by completing the *Refer-a-Friend* form located at the end of the newsletter. Help them achieve professional growth and networking.



Member Newsletter



"We all have dreams. But in order to make dreams come into reality, it takes an awful lot of determination, dedication, self-discipline, and effort"
~Jesse Owens~

Professional Development Opportunities

Fun Monthly Observances:

- Cookie Monster Day (2)
- Origami Day (11)
- Have a Bad Day Day (19)
- World Toilet Day (19)

A BAD day day would be if you made little origami figures out of your Affirmative Action Plan and the EEOC comes knocking on your door. You might want to flush them down the toilet and claim that cookie monster ate your document.

Some Actual Useful Observances:

- Election Day 2
- End Daylight Saving Time 7
- Veterans Day 11
- America Recycles Day 15
- Celebrate Your Unique Talent Day 24
- National Day of Listening 27
- Military Family Appreciation Month
- World Kindness Week
- World Communication Week
- Fraud Awareness Week

Don't Miss Out



It's not too late to register!

TOTAL REWARDS SEMINAR

BV-SHRM and Workforce Solutions - Brazos Valley have again teamed up to offer a quality program **HERE** in Bryan/College Station

Tuesday, November 16, 2010 8AM to 5PM

(Registration begins at 7:30am)

@ the Center for Regional Services, 3991 East 29th Street

A light breakfast, lunch, and a small afternoon snack will be provided.

Session I

Employee Engagement and it's Application to Total Rewards
Paul Glogowski, Regional Director of Reward Services for Hay Group

Session II

Workers' Compensation – It's an HR Thing
Pat Crawford, Education Coordinator for Texas Department of Insurance Division of Workers' Compensation

Session III

Compensation for the HR Generalist
Kim Walter, Sr. Manager of Comp & Benefits for Solar Winds

For more information & registration form, please visit www.BV-SHRM.org
Questions, contact Seminar Chair Liz Galvan at LGalvan1984@gmail.com or 458-2574.

Registration fee of \$99.00, and must be received by November 12th.

This seminar is pre-approved for 7.00 (General) recertification credit hours thru the Human Resource Certification Institute.





Member Newsletter



HR Southwest 2010 *Written by Bob Hensz*

WOW! What a great conference! Awesome! Wonderful session! Very moving presentation!

These and other comments were heard from attendees of the 2010 HR Southwest conference as they walked down the halls from their sessions or the keynote addresses attesting to the value they saw in attending the conference. I too, had similar impressions after attending the conference which was entitled "Super Heroes of HR" this year.

The conference started off with a reception on Sunday evening which provided an array of heavy hors d'oeuvre and a chance to meet with the other attendees and make new friends. Monday morning started off early for those attending the 7:00 AM Early Bird Sessions and wanting to get a bit of coffee and a muffin before their chosen session. I attended the "Getting Employee Engagement Right" session, which turned out to be a very informative session with a lot of tips to help HR professionals work within their organization to help boost employee engagement. The keynote session was by "The Passing Zone" which was a fun filled presentation by two jugglers who really displayed the essentials of working together. Following this session, they opened the Exhibit Hall, where everyone was able to meet with the various vendors while they collected small goodies and tokens, and dropped in cards for prize drawings. Monday afternoon was again filled with sessions that I found to be extremely beneficial (and also earned me CEU credits for my certification). The evening was free for us to go out for dinner so a group of the BV-SHRM members, along with the two students we sponsored, headed to the rooftop of a restaurant to have a light dinner. The cool evening and the view of the skyline of Ft Worth really set off the evening.



Tuesday again started off with early sessions followed by an extremely moving keynote session by Chad Hymas. An accident at 27 left him a quadriplegic, yet he was able to take this tragedy and use it for good. He showed us how we can all make a difference and touch the lives of others, and while doing so, he so moved everyone that at times I am sure there was not a dry eye in the audience. All of us left feeling empowered and totally inspired. After a great lunch in the Exhibit Hall and some prize drawings, we scattered again to attend some of the numerous afternoon sessions. As I was attending mostly the strategic sessions, I was able to gain insight into the future of HR, leadership development, and transitioning from manager to leader. As soon as the sessions ended on Tuesday, we all headed to the main ballroom for food and the grand prize drawing. This was a great time to reflect on our sessions and the get to know others better. BV-SHRM members all gathered at one big table to eat and just talk - followed by a photop for the entire group. Of course we were also able to have a bit of fun seeing Super Heroes come to life to overcome HR Challenges.

Wednesday morning was again filled with sessions and especially one I found fascinating titled "Are you grooming your organization for failure" presented by Aman Motwane (<http://skills2.com>). He had a really new and refreshing take on our "Do This" "Don't do That" mentality and infused ideas on changing the way we look at things. This was followed by another keynote session and then the drive home.

Plan to attend next year!





Member Newsletter



Legal Briefs by Audrey Mross

Welcome to Legal Briefs for HR, an update on employment issues sent to over 4800 HR professionals, in-house counsel and business owners all over the U.S. to help them stay in the know about employment issues. Anyone is welcome to join the email group . . . just let me know you'd like to be added to the list and you're in! Back issues are posted on my firm's NEWLY UPDATED WEBSITE at www.munckcarter.com under Media Center/Legal Briefs. Welcome to new subscribers who attended my session at the Physician Insurers Association of America annual conference in Austin, TX on Sept. 16!

Here's an even dozen of tricks and treats:

- Add It Up** - When recording the time worked by nonexempt workers, the FLSA regulations allow employers to disregard certain "insubstantial or insignificant periods of time." See 29 CFR sec. 785.47. One employer learned the hard way that this exception is not nearly as broad as it seems. In order to use the *de minimis* exception, first consider [1] the practical difficulty of recording the time; [2] the aggregate amount of compensable time foregone; and [3] the regularity with which the exception is applied. In the case of Las Vegas casino dealers who attended mandatory 10-15 minute pre-shift meetings, the court found such time was not *de minimis* and was therefore compensable under the FLSA. The court observed it would've been easy enough to record that time on employee's time cards, the lost time amounted to more than a weeks' pay per year and the meetings occurred regularly, prior to every shift. *Daprizio v. Harrah's Las Vegas Inc.* (D. Nev. 8-10).
- Just Dreadful?** - An applicant rejected for a security guard position because his dreadlocks violated the employer's dress and grooming policy did not prevail on his claim of religious discrimination under Title VII. The plaintiff argued that his adopted name (Xodus), his dreadlocks and use of the phrase "It's against my belief!" during the interview were sufficient to put the interviewing manager on notice of his Rastafarian religion and the tenets of that religion, but the Court did not agree. *Xodus v. Wackenhut Corp.* (7th Cir. 8-10). To avoid similar hairy situations with your managers and supervisors, be sure they've been briefed on practical application of Title VII of the Civil Rights Act of 1964 and other basics of employment law. If you don't have a training program in place, give me a call.
- ICE, ICE Baby** - With the federal fiscal year at an end (Sept. 30), stats show it was not your imagination if you thought that ICE had upped the number of employer inspections this year. There were more than 2000 workplace inspections with two weeks to go in FY2010, compared to prior years' numbers of 1444 inspections (FY2009), 503 (FY2008) and 254 (FY2007). Arrests of 170 employers in FY2009 is a new record and final penalties came in at \$5.3 million compared to just over \$1 million in FY2009 and around \$675,000 in FY2008.
- Laundry Liability** - A couple both work at a petrochemical plant. The wife develops mesothelioma, a cancer linked to asbestos exposure, after leaving her job. The couple sues the employer for negligence and argues that the employer should be liable because the wife has been washing her husband's asbestos-laden work clothes for 30 years. The employer argues that her disease may have been occupational and incurred while on the job, in which case workers' compensation is a bar to any other claims. In affirming a \$7.5 million verdict for the couple, the appeals court found that the employer had a "dual persona" in its dealings with the wife. While it was admittedly the wife's employer during part of the period of exposure to asbestos, it had a separate duty to protect her as a

bystander from the foreseeable effects of laundering her husband's tainted work clothes. *Anderson v. A.J. Freidman Supply* (N.J. Super. Ct. App. 8-10).

5. **Stress Test** - An IT worker was unsuccessful in his bid to claim workers' compensation benefits because the stress of a computer crashing twice aggravated a pre-existing depressive disorder. The judge opined that a compensable injury requires "a level of stress above one's subjective reaction to normal working conditions" and the employee's claim that he was required to be on call 24/7 was disingenuous, since he had seniority and had opted to work the extra hours. *DeSalvo v. Workers' Compensation Appeal Board* (PA Commonwealth Ct. 8-10).
6. **Ax This Tax** - The Telecommuter Tax Fairness Act (H.R. 2600), if passed, will remove the potential for double taxation on income earned by a telecommuter, in both the state of the worker's residence and the state where the employer is located. A second benefit would be to nix the mini-trend of states levying a business income tax on an employer due to the presence of even a single telecommuter in the state. Supporters of the bill cite benefits of telework as [1] providing new jobs; [2] lessening dependence on foreign oil; [3] relieving traffic congestion; [4] slowing the rate of crumbling infrastructure (e.g., roads, bridges); [5] alleviating strain on public transportation; [6] reducing carbon emissions; [7] facilitating employees' work/life balance; and [8] allowing work to continue when commuting to work is not possible (e.g., extreme weather) or not a good idea (e.g., pandemic). If you are interested in following the progress of this bill, check it out <http://thomas.loc.gov>.
7. **Fun with Form I-9** - Puerto Rico began issuing a new version of birth certificates on July 1, 2010. The upshot is that effective October 31, 2010 the "old" version (i.e., a PR birth certificate dated prior to July 1, 2010) cannot be accepted as a Form I-9 List C document, to prove the applicant's authorization to work in the U.S. I-9s already on file using the "old" birth certificate do not need to be updated.
8. **Another Form** - A revised Form 941-X and instructions for use of the form are now available at www.irs.gov to be used by employers who are seeking a HIRE Act tax exemption on wages already paid to a qualified employee during a prior quarter or to make adjustments to the payroll tax reported on those prior wages. There is a separate form and set of instructions for use by employers in Puerto Rico.
9. **Risky Business** - The FDIC issued guidance (FIL-56-2010) for financial institutions, warning of the risk posed by sensitive personal information which is copied, transmitted or stored on copiers, fax machines and printers that have a hard drive or flash memory. Often the equipment is leased and later returned to a provider to be re-leased or sold, with the sensitive data still on the drive. The guidance suggests mitigation of the risk by having written policies and procedures to identify the devices that store digital data and ensure that such data is erased, encrypted or destroyed before being returned to a leasing company, sold to a third party or otherwise disposed of (including charitable donations). While the guidance is directed at financial institutions, sounds like good advice for all of us, no?
10. **R U Nutz?** - Texting while driving is now banned in 30 states and DC. And new rules announced during the recent U.S. Dep't of Transportation's National Distracted Driving Summit will prohibit bus and truck drivers from texting while driving and also ban train operators from using cell phones and other electronic communications devices while on the job. For a map showing the scope of state laws, check out www.iihs.org/laws/maptextingbans.aspx.
11. **Stated Differently** - Here are some morsels for you multi-state employers:
 1. California - Employees' earned vacation and personal leave is treated as a type of vested wages which cannot be subject to the kind of "use it or lose it" approach which is lawful in other states. One employer learned this lesson from a judge who found it liable for \$8.3 million in damages. With the statute of limitations tolled, those employed from 1991 to date can collect. *Molina v. Lexmark Int'l Inc.* (Cal. Super. Ct. 8-10).

2. Connecticut - Effective May 5, 2010, employees who lose their group health insurance for certain reasons may continue their coverage up to 30 months after employment ends (vs. the 18-month period offered under federal COBRA).

3. Kentucky - Effective July 15, employers in KY can offer discounted health insurance coverage to non-smokers, without running afoul of the KY law that prohibits employment-related discrimination against smokers, but be sure to comply with federal HIPAA non-discrimination rules. For a good refresher on those rules and related issues, check out a new publication offered by the Congressional Research Service called "Wellness Programs: Selected Legal Issues." You can find a copy of the 19-page study at www.nahu.org/legislative/resources/CRS%20-%20Wellness%20Programs%20-%20Selected%20Legal%20Issues.pdf.

12. **For the Birds** - If you like being tweeted and want breaking news on employment law changes, follow me on Twitter. I'm at @amross.

Until next time,

Audrey E. Mross
Labor & Employment Attorney
Munck Carter LLP
600 Banner Place
12770 Coit Road
Dallas, TX 75251

972.628.3661 (direct)
972.628.3616 (fax)
214.868.3033 (iPhone)
amross@munckcarter.com
www.munckcarter.com



REFER A FRIEND!

I would like to refer a friend to BV-SHRM.

Please send information about this organization to:

Name: _____

Address: _____

Phone: _____

Email: _____

Your Name: _____
(Optional)