



BV-SHRM Newsletter

Chapter #0330

October 2010

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Monthly Program & Luncheon

TOPIC: CREDIBILITY & INFLUENCE - *Building Blocks of Every HR Business Partner*

WHEN: Thursday, October 7, 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: Brian McMullin

Speaker Bio

Program Title:

CREDIBILITY & INFLUENCE:

Building Blocks of Every HR Business Partner

Program Objectives:

- Enable participants to define his or her "credibility factor"
- Learn strategies to increase credibility with every client
- Conduct a stakeholder analysis on a current situation to properly assess and define credibility
- Practice applying techniques to influence others by using empathy

Speaker Bio:

Brian McMullin is North America HR Manager for CGGVeritas. He has 15+ years of experience specializing in international Human Resources. Prior to joining CGGVeritas, Brian was Vice President for a management consulting firm in Houston, Texas. He has diverse professional experience including work with Fortune 200 organizations; start-ups; oil and gas; and multi-division, matrix organizations. He possesses strong skills in professional sales, staffing and recruiting, administration, organizational and employee development, and employee relations. Brian progressed in his career by holding a number of key internal human resource positions—one with a Big Four professional service firm and another for a Fortune 500 international drilling company. In these positions, Brian focused on international HR issues, as well as expatriate and repatriate policies and programs. Brian holds a MBA from Sam Houston State University and double BBA degrees from Baylor University.

Note: This program has been approved for 1.00 (General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute.

Inside this Issue:

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Welcome New Members

Legal Briefs



Please RSVP for the monthly luncheon by noon on Tuesday, 9/30/10!
rsvpprograms@gmail.com





Member Newsletter



The Deadline to register for the PHR/SPHR exam for the Winter testing window is October 8, 2010

*“All that is valuable in human society depends upon the opportunity for development accorded the individual”
~Albert Einstein~*

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

Visit us and become a Fan of BV-SHRM on

facebook



Board 2011 – Are you our next Chapter Leader?

Serving on the Board of BV-SHRM is a great way to gain valuable experience and contribute to chapter goals. We are looking for new people to volunteer to fill roles on the Board. Are you the next person to make a difference in BV-SHRM’s history?

Top 10 Reasons to Serve on the Board

10. Develop closer relationships with fellow Board Members (could even be a #1 reason).
9. Free lunch while attending Board meetings.
8. It will look good on your resume.
7. A more politically way to say #8 - build your reputation and credentials in the HR field.
6. Enhance personal skills and have some fun all at the same time.
5. Most of the work is already done for you - great volunteer resources available via SHRM
4. Develop stronger connections within the community.
3. You can obtain yearly HRCI recertification credits just by being on the Board.
2. Your contributions help in the overall advancement of the HR Profession.
1. Ability to shape the activities of BVHRMA and make a difference in the organization.

Please consider being more than just a member - be an ACTIVE member. Help contribute to the success of BV-SHRM by joining the Board or serving on a committee. We look forward to another fantastic year and hope you will decide to join the leadership team. Contact a current Board member if you have questions.

Announcements

A **BIG, HUGE** thank you goes out to the volunteer facilitators of the certification prep course! Thank you for serving the profession and donating your time to help chapter members achieve professional certification: **Bob Hensz, SPHR, Cheryl Young, PHR, Julie Irvin, SPHR, Gib Sawtelle, SPHR, Sarah Tobola, PHR, Thom Holt, SPHR, Dwayne Walters, SPHR.**



And **GOOD LUCK** to all our class members who are taking the exam this winter!!!! Can’t wait to celebrate your accomplishment with you



Congratulations!



The Leading Women Express Network of Bryan/College Station, a chapter of the **American Business Women’s Association**, named **Geanna Kincanon** its 2011 Express Network Top Ten Candidate. Each year LWEN recognizes a member that has made notable contributions to the American Business Women’s Association, her community and her career. Nominees for the award were submitted to a three-member committee made up of Leading Women Express Network members:

Way to Go!!!



Member Newsletter



DATES AT A GLANCE:

September 30th

Deadline to apply for SHRM Fellowship

October 7th

Next BV-SHRM Monthly luncheon

October 8th

Deadline to register for HRCI exam without late fee

October 10th -13th

HR Southwest

October 29th

Early-bird deadline for Total Rewards Seminar

October 29th

Submission deadline for nominations to Building Value with HR Excellence Award

November 16th

Total Rewards Seminar sponsored by BV-SHRM & Workforce Solutions

SHRM Foundation – A GREAT resource

The SHRM Foundation is a 503c organization separate from SHRM and the mission of the SHRM Foundation is to maximize the impact of the HR profession on organizational decision-making and performance by promoting innovation, education, research, and the use of research-based knowledge.

Some of the great resources available are:

DVD & On-line videos

Once the Deal is Done: Making Mergers Work
World Economic Forum: Creating Global Leaders
Seeing Forward: Succession Planning at 3M
Trust Travels: The Starbucks Story
Ethics: The Fabric of Business
Fueling the Talent Engine - Finding & Keeping High Performers
HR in Alignment: The Link to Business Results
HR Role Models

Effective Practice Guidelines

The Search for Executive Talent
Employment Downsizing and Its Alternatives
Recruiting & Attracting Talent
Learning System Design
Human Resource Strategy
Implementing Total Rewards Strategies
Employee Engagement & Commitment
Performance Management

More information is available on the SHRM Foundation website www.shrm.org/foundation and consider making a tax deductible donation to support the profession.

Student Mentor Program

The Texas A&M University chapter of SHRM is once again partnering with BV-SHRM for the SHRM Mentor Program! SHRM is looking for experienced human resources professionals who would like to mentor the future HR professionals from Texas A&M. This can be a very mutually rewarding experience by giving you the opportunity to share your experience with the highly motivated and professional members of SHRM. Mentors meet with their mentee at their convenience, either once or twice a month, to speak about HR topics that interest the mentee and topics that their mentor has experience with.

Please contact the BV-SHRM Liaison, Ellen Foushee via e-mail at ellenfoushee@hotmail.com by Tuesday, September 28th if you are interested in being a mentor.

Building Value with HR Excellence Award Program

BV-SHRM recently announced the new award program *Building Value with HR Excellence Award*. If you have not already, please send in your boss's name, title and e-mail address so that we can forward the nomination packet so you may be considered for the 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.

The candidate selected to receive the *Building Value with HR Excellence Award* will be presented a plaque and a \$250.00 donation to the SHRM Foundation will be made in the recipient's name. The award will be presented at the annual December holiday luncheon and award program. The recipient will also receive public recognition through the chapter newsletter and BV-SHRM website.

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



"I know the price of success: dedication, hard work, and an unremitting devotion to the things you want to see happen"
~Frank Lloyd Wright~

Professional Development Opportunities

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.

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

Financial Aid forms are due by 5pm on September 29th.

For the Early Bird Registration fee of \$75.00, please have your envelope postmarked by October 20, 2010.

This seminar is pending 7.00 (General) recertification credit hours thru the Human Resource Certification Institute.

Fun Monthly Observances:

- National Popcorn Poppin' Month
- Roller Skating Month
- Squirrel Awareness Month
- World Space Week
- International Magic Week
- Cranky Co-workers Day

So if you are skating down the street at night with your popcorn and checking out the stars, watch out so you don't trip over the squirrel that popped out of the magic hat or you might just be a cranky co-worker the next day.

Some Actual Useful Observances:

- National Diversity Day 1
- Improve Your Office Day 4
- Face Your Fears Day 12
- BOSS'S DAY 15
- Get to Know Your Customer's Day 21
- Make a Difference Day 23
- Customer Service Week
- Financial Planning Week

The HRSouthwest Conference:

The largest regional human resources conference in the United States. The Conference offers world-renowned keynote speakers, over 100 concurrent conference sessions, networking opportunities and exposure to the newest HR products, techniques and services. The HRSouthwest Conference is THE Conference that meets and exceeds your HR education needs! This year's theme: *Superheroes of HR.*

October 10 – 13, Ft. Worth.

For more info:

<http://www.hrsouthwest.com/>

Diversity & Inclusion Conference:

This year's theme is "Striking the Right Chord for Success." Gain new perspective & greater understanding of the benefits of diversity at the SHRM Diversity & Inclusion Conference. Here you will discover the strategic business value in having a diverse, inclusive and well-balanced workforce; how to use the changes in global demographics as opportunities and how to realign your strategy to maximize performance and profits.

October 11 – 13, New Orleans

For more info:

<http://www.shrm.org/Conferences/Diversity/Pages/Registration.aspx>

**Welcome
New Members!**

Welcome!

Retha Blakeely, SPHR
Risk Manage, City of College Station

Doris Tykal
HR/Payroll Specialist, Agrilife

Liz Holick
HR Representative, TTI

Kathryn Symank
Assoc. VP for HR & Admin., TAMU

Crystal Chaapel
Sr. Class & Comp Analyst, TAMU





Member Newsletter



Legal Briefs by Audrey Mross

Welcome to Legal Briefs for HR, an update on employment issues sent to over 4700 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. I look forward to speaking at the Physician Insurers Association of America annual conference in Austin, TX on Sept. 16!

Here's the latest:

1. **ReHIRE** - The proposed Americans Want to Work Act (S. 3706) would, if passed, extend the HIRE Act tax credit (for hiring certain unemployed workers) for an additional year, through 2011. Also, the FAQs on the HIRE Act have been updated on the IRS website (www.irs.gov, then click on Businesses, then on HIRE Act: Questions and Answers for Employers) to address questions such as whether independent contractors who have worked more than 40 hours in the 60 days prior to hire are "qualified employees" who trigger a payroll tax exemption for their new employer, if hired. The IRS says the self-employed individual is not "employed" so their prior work won't make them ineligible, but be careful that the classification of independent contractor is correct. If they really were employees and did more than 40 hours of work in the 60 days prior to hire, there is no tax break.
2. **Donning and Doffing** - In the ongoing saga of whether the donning and doffing of certain clothing or equipment is compensable "hours worked," some employers have availed themselves of the sec. 203(o) exception in the FLSA which allows such time be without pay, if agreed to in a collective bargaining agreement ("CBA"). But what one employer didn't see coming is that a state's wage and hour laws may require payment for those activities regardless of what the CBA says, as it does not have a similar exception. Further, sec. 218(a) of the FLSA makes clear that the federal law does not preempt a state law which is more generous to workers. The 7th Circuit agreed that the workers should be paid for time spent putting on "safety gear, such as steel-toed boots and hard hats, plus a smock that keeps other garments clean . . . [and] hair nets and beard nets to protect the food from dandruff and other contaminants." *Spoerle v. Kraft Foods Global* (7th Cir. Aug. 2010). Lesson? Always check the interplay of federal and state law, especially when it comes to wage and hour issues.
3. **Freeze!** - As evidence relevant to court proceedings is increasingly in electronic form, this case is a good reminder about employers' duty to preserve evidence from destruction. An employee filed an EEOC charge in 10-07 and a lawsuit in 6-08. The employer did tell managers to cull out emails and other documents they deemed relevant, but waited until 10-08 to put a "litigation hold" on their records systems' periodic destruction of old emails. The plaintiff moved for sanctions on her former employer and the court found the employer grossly negligent because [1] the duty to preserve attached with the filing of the charge, not the filing of the lawsuit; and [2] the plaintiff was harmed when employees with an interest in the litigation (e.g., plaintiff's manager) were not given instruction as to what info was relevant. Further, the person(s) charged with culling of emails may have been motivated to allow destruction of certain info. *Jones v. Bremen High School* (N.D. Ill. 5-10).
4. **Whistle While You Work?** - In response to the Gulf oil spill, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010 (H.R. 5851) has been tacked onto related spill-response legislation. The bill, if passed, will give whistleblower protection to employees in the offshore oil and gas industries who support or carry out

exploration, development, production, processing or transportation of oil or gas, or oil spill cleanup, emergency response, environmental surveillance, protection or restoration, or other oil spill activities related to workplace safety and health.

5. **More Fun with FMLA** - Once again, a bill has been introduced to expand the scope of the Family and Medical Leave Act and require job-protected leave for qualified employees to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling or grandparent who has a serious health condition. Some folks think their pets are "like family" so maybe they should add veterinarian appointments to the mix. See full text and status of S.B. 3680 and H.R. 2132 at <http://thomas.loc.gov>.
6. **More Reach to Data Breach** - For the sixth time, a bill has been introduced in Congress to try to stem the rising tide of identity theft victims, by forcing companies to add data security measures and provide notice to affected individuals, when personal identifiers (e.g., name, address, phone #, SSN, PIN #, account #) fall into the wrong hands due to an intentional or accidental breach of the company's stored data. Another purpose of the bill is to preempt similar laws in 46 states and harmonize the crazy quilt-like procedures put in place by those states. The Data Security Act of 2010 (S. 3579) was introduced in July and can be found and followed at <http://thomas.loc.gov>.
7. **More Savings** - If passed, S. 3760 would require employers of 10 or more employees that offer no retirement plan(s) to have a benefit where employees are automatically enrolled in individual retirement accounts and could opt to divert a portion of their pay to save for retirement. Check it out at <http://thomas.loc.gov>.
8. **Fit to be Tried?** - Although the Americans With Disabilities Act ("ADA") limits circumstances under which employers can make medical inquiries and demand medical exams of employees, one appeals court held that a required fitness-for-duty exam ("FFDE") is OK, even absent poor job performance, under the right circumstances. In this case, a police officer had suffered a head injury and generally performed well but demonstrated "emotionally volatile behavior." After the officer's failure to appear at a FFDE follow-up, he was fired for insubordination and found unfit for duty. He sued under the ADA, arguing his employer had not shown the FFDE was a business necessity. The court sided with the employer and explained that an employer does not have to wait until an employee does real harm or injury before acting by ordering an FFDE, for to do so might expose it to liability for negligent hiring or retention. The officer's swearing at a superior, abruptly leaving a meeting, engaging in loud arguments and exhibiting anger to the degree that his legs were shaking were sufficient to support the employer's doubts about his fitness to, among other things, tote a gun. *Brownfield v. Yakima WA* (9th Cir. 7-10).
9. **Get on Top of SOX Update** - Last month's Legal Briefs for HR summarized changes to Sarbanes Oxley wrought by the Dodd-Frank Reform and Consumer Protection Act. One of those changes was to increase the amount of reward available to certain whistleblowers. On July 23, the SEC announced that it had awarded its largest bounty ever of \$1 million, to an employee who spoke out. This was under the "old" rules which allowed a bounty of up to 10% of the \$10 million penalty it had collected in settling an insider trading action. Under the "new" rules, that percentage can now go as high as 30%. With the increase in payoffs and publication of penalties, expect finger-pointing to become a national sport.
10. **Woo Hoo!** - My hat's off to Texas-based companies recently recognized in Fortune magazine as the 100 Fastest Growing Companies in the world, several of which are LB4HR subscribers! They include: DG Fastchannel (Irving, #16), Life Partners Holdings (Waco, #20), Luminex (Austin, #42), Atwood Oceanics (Houston, #72), Fluor (Irving, #80), Community Health Systems (Franklin, #81), EZCorp (Austin, #87), Southside Bancshares (Tyler, #90) and MetroPCS Communications (Richardson, #100).
11. **Stated Differently** - Here are some morsels for you multi-state employers:

- California - Employee in CA is hired by Employer A and signs a confidentiality and noncompete agreement (even though a CA statute broadly prohibits noncompetes). After being fired, she goes to work for Employer B in the same industry. Employer A calls Employer B and asks for its help in enforcing the noncompete. Employer B acknowledges that the noncompete is not enforceable, but fires employee anyway citing "respect and understanding" with industry colleagues. Employee sues Employer B for wrongful termination and Employer A for interference with contract. The lower court sided with Employer B, but the appeals court found the termination wrongful, equating the employers actions to an unenforceable "no hire" agreement between employers. *Silguero v. Creteguard* (Cal. Ct. App. 7-10)
- Connecticut - When counting noses to see if you have the requisite 75+ employees to be considered an employer subject to the CT FMLA, count those who are employed in-state and outside of CT. *Velez v. Mayfield* (Conn. Super. Ct. 5-10).
- Illinois - Effective 1-1-11, it will be illegal for employers to use personal credit history as a factor in recruitment, hiring, pay or discharge from employment. Employers may not inquire about an applicant's credit history or obtain a credit report, unless an exception applies.
- Kansas - KS is the 26th state to ban the reading, writing or sending of written communications while using a cell phone, laptop or other device that provides voice or data communication.
- Massachusetts - Effective 11-4-10, employers may not ask questions on an initial written application form about applicants' "criminal offender record information" to include info on criminal charges, arrests and being jailed or imprisoned. This is on top of the existing statute which bans employers from asking about arrests that did not result in convictions and certain low-level misdemeanor convictions, while allowing questions about felony convictions and more serious misdemeanors. Employers can still get a criminal background check, but under the revised law such record will not include felony convictions that have been closed for more than 10 years or misdemeanor convictions that have been closed for more than five years. And if you run more than five criminal background checks per year, you must have a written criminal offender record information policy.
- Texas - As of 7-29-10, employees performing construction work on a construction site in Austin must be provided a rest break of at least 10 minutes for every four hours worked.

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,

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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)



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