



BV-SHRM Newsletter

Chapter #0330

March 2012

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Monthly Program & Luncheon

- TOPIC:** Social Media in the Workplace
- WHEN:** Thursday, March 1, 2012
- TIME:** Lunch served from 11:30AM to noon;
Program from noon to 1:00PM
- WHERE:** College Station Conference Center
- COST:** \$12/member & first time guest
\$15/non-RSVP guest
- SPEAKER:** Lacey Gourley

Program Details

Program Title:
Social Media in the Workplace

Social Media has revolutionized communication and is here to stay. How does it impact Human Resources and the workplace.

Speaker Bio

Lacey Gourley is a shareholder in Winstead's Labor, Employment & Immigration Practice Group. Her practice focuses on all aspects of labor and employment law with a special emphasis on defending employers in complex state and federal court litigation throughout the United States. Lacey has extensive first-chair employment law trial experience in jury trials and arbitrations involving claims of discrimination, harassment, wrongful discharge, wage and hour, breach of employment contract, covenants not to compete, misappropriation of trade secrets, workers' compensation retaliation, whistleblower and various torts claims. Lacey's defense strategy is characterized as strategically proactive, the primary goal being to win the case before trial through aggressive discovery and motion practice. Lacey has obtained dismissals and summary judgments on behalf of clients in dozens of cases and she has successfully defended those decisions in the appellate courts. Lacey also has extensive experience representing employers in proceedings before the National Labor Relations Board and advising clients with respect to union prevention strategies, union organizational campaigns, strike management, unfair labor practice charges, collective bargaining and arbitration. Lacey is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization.

Program is pre-approved for General HRCI recertification credit,

Inside this Issue:

- Monthly Program
- President's Piece
- HRCI Exam
- Refer-a-Friend
- Student Mentor Program
- Student Chapter Update
- Welcome New Members
- Upcoming Events & Prof. Development Opportunities
- Holiday Celebration Pictures
- SHRM Foundation Scholarships
- Legal Briefs



Please RSVP for the monthly luncheon by noon on
Tuesday, 2/28/12
rsvpprograms@gmail.com





Member Newsletter



Make sure you notify us of email changes or changes to your contact information!

*“Appreciation is a wonderful thing. It makes what is excellent in others below to us as well.
~Voltaire~*

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

Visit us and become a Fan of BV-SHRM on

facebook



President's Piece

Greetings All,

This past week the board and I conducted our Strategic Planning Meeting for our Chapter and once again I'm excited about where we are headed as an organization. Thank you very much to those that sent me your ideas on how to make BV-SHRM even better. Over the next few months you will see a stronger presence with Social Media. If you aren't on Facebook, LinkedIn, Twitter, and other sites like these get ready. We will make a more conscience effort on-boarding our new members and those that want to join the board. We will bring in more variety with our lunch time presentations to hopefully get some topics at the Strategic level. I hope you will see more personal involvement between our board and the membership. We are also looking at the possibility of co-chairs for our various core leadership areas, so if you have an interest please contact one of the board members. Spring break is just around the corner. I hope everyone is planning some time with friends and family. If you know any HR professionals out there that aren't a part of our chapter, please ask them to join us. If you aren't a member of SHRM, I hope you find the opportunity to join and use the benefits that come with its membership. Not much else for now but please feel free to contact any of us if we can help in any way.

Life is Good,
Stacy

HRCI Exam

The HRCI application window has opened for the Spring testing window. If you plan to take the PHR or SPHR exam this Spring, make sure you get your application submitted before the below deadlines. More information on the HRCI website www.hrci.org.

2012 Exam Application Submission Dates

	Testing Dates	Applications Accepted	Late Applications Accepted*
Spring			
PHR/SPHR	May 1-June 30, 2012	Jan. 9, 2012 - Mar. 9, 2012	Mar. 10 - April 13, 2012
GPHR/CA	May 1 - May 31, 2012	Jan. 9, 2012 - Mar. 9, 2012	Mar. 10 - April 13, 2012

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



Upcoming Meetings:

March 1
April 5
May 3
June 7
July 5
August 2
September 6
October 4
November 1
December 6

All meetings are at College Station Conference Center unless otherwise noted.

Have you recently attended a great presentation or do you have a topic or speaker idea to share with Programs?

Or are YOU willing to share about a HR subject matter

AFFILIATE OF
SHRMTM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

Student Chapter Mentor Program

Was there someone who helped guide you as you started your career in Human Resources? If not, did you ever wish you had a mentor?

The student chapter is looking for HR Professionals to give a little time to help guide and mentor students from the TAMU Student chapter as they prepare to enter the workforce. Consider volunteering your time. Contact Elyse Yapp at ely42@neo.tamu.edu to volunteer or get more information.

Student Chapter Update

On February 25th, TAMU SHRM will be helping out at the Food Bank for our Community Service Event. We are also participating in The Big Event on March 24th.

We are having a Chick-Fil-A Profit Share on Wednesday, March 21st. Please come out and support SHRM by dropping off your receipt in the designated SHRM glass jar so we can benefit from your purchase.

On April 17th, we will be having an ice cream social with TAMU SHRM and BV-SHRM. Location and time information will be announced soon.

Thank you to all BV-SHRM Mentors. We greatly appreciate your help and guidance! All mentees will turn in their applications by Tuesday, February 21st, where the pairing will begin. If interested in being a mentor please contact Elyse Yapp, ely42@neo.tamu.edu for more information.

Updated News: Matthew Wiese, SHRM officer and senior HRD major from North Zulch, TX, passed the Assurance of Learning Assessment and was one of 20 students nationally to receive a \$200 dollar scholarship to cover the exam fee.

Announcements

Welcomes
New Members!

Welcome!

Melissa Peck
Account Manager
Advantage Staffing

Debra Makowsky
HR Administrator
BV Community Action Agency

Dee Dee Vargas
Risk Claims Coordinator
City of College Station



Member Newsletter



*"Don't find fault, find a remedy."
~Henry Ford~*

Fun Monthly Observances:

- National Clean Up Your IRS Act Month
- National Frozen Food Month
- National Kite Month
- Write a Letter of Appreciation Week (1-7)
- Get Over It Day (9)
- Panic Day (9)
- Awkward Moments Day (18)
- International Goof-Off Day (22)

Some Actual Useful Observances:

- Credit Education Month
- Employee Spirit Month
- National Ethics Awareness Month
- March Into Literacy Month
- National Nutrition Month
- National Social Work Month
- Employee Appreciation Day (2)
- March Forth – Do Something Day (4)
- Companies That Care Day (15)
- First Day of Spring (20)
- Education & Sharing Day (27)

Professional Development Opportunities

SHRM Talent Management Conference

SHRM invites you to attend its 2012 Talent Management Conference April 30-May2, 2012

The conference will be held in Washington, DC

2012 Gulf Coast Symposium on HR Issues

HR Houston invites you to attend its 2012 Symposium May 9-10, 2012

The conference will be held at Tarrant County College Trinity River Campus in Fort Worth, TX.

The theme for the conference is "**Connect2.**" Our keynote speakers are Keith Ferrazzi, Best-Selling Author and Sales and Marketing Expert; and Cy Wakeman, Speaker, Author and Trainer.

<http://www.hrhouston.org/displaycommon.cfm?an=1&subarticlenbr=189>

SHRM Annual Conference & Exposition

SHRM invites you to attend its 2012 Annual Conference June 24-27, 2012

The conference will be held in Atlanta, GA

For more information and to register, please go to:

<http://annual.shrm.org/>



THE
HR SOUTHWEST
CONFERENCE™

Save the Date
October 14 - 17, 2012
Fort Worth, Texas

Registration Opens March 1, 2012 and please remember to reference our chapter, number Chapter #0330 on the registration form. For more information visit <http://hrsouthwest.com> or contact out Chapter HR Southwest Ambassador, Liz Galvan at lgalvan@gmail.com.



Check us out on Facebook!

Brazos Valley Society for Human Resource Management

Keep up to date on meetings, news, giveaways, articles, and so much more!

Want a quick, healthy & tasty recipe to share with your employees or incorporate into a newsletter? Share this week's menu item from AgriLife Extension's Dinner Tonight program which has recipe demos and much more.

Visit:

<http://healthyliving.tamu.edu>
<https://www.facebook.com/brazosfcs>

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SOCIETY FOR HUMAN
RESOURCE MANAGEMENT



Member Newsletter



Installed elected officers for 2012



Stacy Overby, Katherine Kleemann, Krystal Broussard, Lisa Villalobos, Brittany Berryman, Geanna Kincanon

Installed committee Chairs for 2012



Diana Dean, Cheryl Young, Sheri Yetter, Bob Hensz, Sarah Tobola, Thom Holt, Julie Irvin, Alexis Alexander, Liz Galvan

HRCI Certification Recipients (PHR & SPHR)



Sarah Tobola, Alexis Alexander, Jay Bading, Stacy Overby, Lisa Villalobos, Janelle Ramirez, Diana Dean, Cheryl Young

Building Value with HR Excellence Award Nominees

Sheri Yetter with Texas A&M University



Lee Felder with Bryan ISD

Building Value with HR Excellence Award Presentation



Lisa Villalobos Committee Chair, Lee Felder 2012 Award Recipient and Janelle Ramirez Past Recipient



Member Newsletter



Howdy BV SHRM Members

The following information was taken from the SHRM Foundation Website and is provided here in our newsletter so that you will be aware of these scholarships that are available to the membership. We support the Foundation and it is through these contributions that the scholarships and various research papers and information are made available. Not only has our chapter benefited from this in the past so had our local members.

Fairwinds,

Thom

SHRM Foundation Scholarships for SHRM Members

Application Deadline: July 16, 2012

- 80 Certification Scholarships (\$750 each)
- 20 Academic Scholarships (\$2,000 each)
- 5 Barbara Sanchez Scholarships (\$1,500 each)

- [Online Applications and Instructions](#)
- [Download the 2011 Scholarship Brochure](#)
- [Award Criteria and FAQs](#)
- [2012 Scholarship Flier for Distribution](#)
- [Past Award Winners-Sorted by Region and State](#)
- [View 2011 Scholarship Winners](#)
- [View 2010 Scholarship Winners](#)
- [View 2009 Scholarship Winners](#)
- [View 2008 Scholarship Winners](#)

[2012 Applications will be available April 1, 2012.](#)

The SHRM Foundation awards a total of \$100,000 annually in scholarships for SHRM members pursuing degrees in HR-related fields or SPHR, GPHR, PHR or California certification. Members working in the media industry and pursuing a college degree are eligible to apply for a Barbara Sanchez Scholarship.

In addition, SHRM professional chapters and state councils are eligible to compete for the Certification scholarship to fund programs that promote SPHR, GPHR, PHR or California certification. (*Note: 'SHRM members' includes professional, general or associate members. Student members, student chapters and local-only members of chapters are not eligible for this scholarship program.*)

All applications must be submitted online. You may begin the online application process after April 1, save your work and then complete the process at a later date. Your application must be completed and submitted by July 16 to be considered for an award. The following links are available via the SHRM Foundation Website.

[Susan R. Meisinger Fellowship for Graduate Study in HR](#) - *deadline: August 13, 2012*

To be eligible to apply, an HR professional must be a first-time master's student seeking a degree in HR and must meet at least one of the following criteria: 1) be a member of SHRM or 2) hold a professional certification (e.g., PHR, SPHR or GPHR certification) from the HR Certification Institute.

Research Awards

[SHRM Foundation Dissertation Awards](#)

In partnership with the HR Division of the Academy of Management, the Foundation presents four \$5000 awards each year to support the dissertation research of promising doctoral candidates. Application deadline: May 1, 2012. [View Past Dissertation Award](#)

[Winners](#)

[Visit the Academy of Management website](#)

[Michael R. Losey Human Resource Research Award](#)

This premier \$50,000 award from the Michael R. Losey endowment fund recognizes significant research contributions that impact the human resource management field.



Member Newsletter



Legal Briefs

Welcome to Legal Briefs for HR, an update on employment issues sent to over 5000 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 at www.munckwilson.com under Media Center/Legal Briefs. Welcome to new subscribers who attended my speech at the January 18 lunch meeting of the Dallas SMA, a special interest chapter of SHRM. And for those who enjoy a two-day deep dive into everything labor and employment, save the date (May 17-18) for the 19th Annual Labor and Employment Law Conference to be held at the AT&T Center in Austin, TX. Yours truly will present an updated "Handbook Helper: Recipe for a Better Book."

Here's the latest:

1. **Fun with FMLA** - How does an employee who is not eligible for FMLA make a viable claim for FMLA interference and retaliation? By showing that while the request for time off (for impending motherhood) was made before she had 12 months with the employer, the anticipated start of leave would occur after her one-year anniversary. *Pereda v. Brookdale Senior Living Communities* (11th Cir. Jan. 2012). In denying the employer's motion for summary judgment, the court observed that FMLA requires employees to give advance notice of foreseeable leave and if they accepted the employer's argument, it would create a loophole that would allow employer retaliation with no recourse for the fired employee. The regulation is quite clear . . . "The determination of whether an employee has worked for the employer for at least 1,250 hours in the past 12 months and has been employed by the employer for a total of at least 12 months must be made as of the date the FMLA leave is to start." 29 CFR sec. 825.110(d).
2. **Flush With Cash** - A 36-year employee of American Standard is in the money, now that an appeals court upheld an award of more than \$200,000 for FMLA interference and reversed the lower court's denial of liquidated damages (effectively doubling the money) by finding that the employer had not acted in good faith. The administrative process that tripped up this employer was a change from a calendar-year to a rolling-year basis, when calculating individual FMLA eligibility, without adequately communicating the change to the affected employee. Under the prior method, his absence due to shoulder surgery in the spring was entirely protected under the FMLA. Under the new method, his 12 weeks of job-protected leave ran out a few days before his return to work (since a FMLA leave in autumn of the prior calendar year was within the rolling 12-month period). It did not help the employers cause that the employee received written approval of both the FMLA leave and the return-to-work date from HR and he had no "actual notice" of the changed policy. *Thom v. American Standard Inc.* (6th Cir. Jan. 2012).
3. **How Low Can They Go?** - Employers have been observing, in dazed wonder, as the NLRB has treated employees' disparaging remarks about the company, customer, bosses and co-workers via social media as protected activity under Section 7 of the NLRA. On January 25, the NLRB issued a second report on this topic, explaining its views on employer policies and terminations of employment relating to employees' use of social media. The Operations Management Memo was prepared by the Board's Acting General Counsel and covers 14 cases, showcasing outcomes where the employer was found in violation of the NLRA as well as instances where no violation was found. Check it out at www.nlrb.gov/news/acting-general-counsel-issues-second-social-media-report. The cover letter contains a link to the first report, in case you missed reading it last August. Read together, they provide a decent roadmap toward avoiding overreactions to employee grumblings and overbroad policy statements that might get you an unwelcome invitation to chat with the Board.

4. **Mama Mia!** - Texas Dep't of State Health Services amended its "Register of Mother-Friendly Businesses" regulation, to offer new silver or gold designations to businesses that take extra steps to meet the needs of breast-feeding moms while they are at work. Explanation of the standard is at 25 TAC 31.1 and the application form is available at www.dshs.state.tx.us/wichd/lactate/mother.shtm. For you government contractors who are working on your written affirmative action plans, this is a "good thing" you can list as part of your Action Oriented Programs that support women at work.
5. **Don't Forget GINA** - Employers may continue to use FMLA Certification of Health Care Provider forms (i.e., WH-380-E for employees, WH-380-F for family members) that expire Jan. 31, 2012 but if you do, add the GINA safe harbor language which informs employees and their health care providers that they should not provide genetic information when completing the form. Here's the blurb: "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information." While you do not need to explain what "genetic information" includes as part of this form, employers should understand that the GINA definition is very broad, to include genetic test results, disease/disorders of family members, request/receipt of genetic services, participation in clinical research and even genetic info of a fetus carried by a family member.
6. **Private Eyes** -A recent Supreme Court decision that the 4th Amendment's ban on search and seizure was violated by monitoring an individual's movements via GPS attached to the underside of her car (where the observer was the government and the observed was a criminal defendant's wife) may not catch the eye of private sector employers, but it should. *United States v. Jones* (S. Ct Jan. 2012). While it's true that private sector employers don't take "state action" and are generally not subject to the 4th Amendment prohibition, the varying way the Justices explained their holding opens the door for a similar ruling on the private side of fence, using trespass or invasion of privacy arguments in lieu of the Constitutional argument. So, before you use cell phones, laptops and/or GPS on company cars (and especially if such monitoring will encompass employees' nonwork movements after the workday ends), talk to your counsel. Consider announcing the monitoring (vs. doing it on the sly) and disclaiming, via policy, employees' expectation of privacy. But if you're in CA, forget about it! They have a statute which prohibits installation of a tracking device on a vehicle without the vehicle owner's/lessor's consent.
7. **Hiring Policy Fizzes Out** - Pepsi Beverages (fka Pepsi Bottling Group) agreed to pay \$3.13 million and provide job offers and training to settle a claim that its background checking procedure, specifically the criminal inquiry, had a disparate impact on Black applicants for jobs. As part of the settlement with the EEOC, the employer revised the policy which had denied consideration of those who had been arrested pending prosecution and those who had been arrested or convicted of certain minor offenses. The EEOC reiterated its long-standing advice of avoiding blanket refusals to hire based on arrest/conviction history and instead consider the nature/seriousness of the offense, the time that has elapsed between the offense and the application for employment and the relation of the type of offense to the nature of the job being sought. States and cities are jumping on this "don't ask" bandwagon, too (see 11.2 below), so your policy/procedure may be due for an overhaul.
8. **Ax the AAP?** - Some healthcare service providers may no longer be subject to affirmative action plan (AAP) requirements, thanks to the National Defense Authorization Act (NDAA) which took effect Dec. 31, 2011. OFCCP had taken the position that hospitals, pharmacies and other healthcare service providers who contracted with TRICARE (a DOD insurance program for active duty and retired military personnel and their dependents) were subcontractors as defined under E.O. 11246, the Rehab Act and VEVRAA. Flash forward to passage of the NDAA, which expressly carves out those same healthcare service providers from the OFCCP's jurisdiction. Those same requirements may apply to you via other means (e.g., receipt of Medicare funds) so check your contracts carefully before axing your AAPs.

9. **Simply the Best** - My hat's off to the many LB4HR subscribers honored in Fortune magazine as "The 100 Best Companies to Work For!" Although many of you are not Texas-based and deserve a firm pat on the back too, here's some love for the home state team:
1. Camden Property Trust (Houston)(#7)
 2. Nustar Energy (San Antonio)(#15)
 3. USAA (San Antonio)(#20)
 4. The Container Store (Coppell)(#22)
 5. Whole Foods Market (Austin)(#32)
 6. Balfour Beatty Construction (Dallas)(#44)
 7. National Instruments (Austin)(#45)
 8. Methodist Hospital (Houston)(#53)
 9. Men's Wearhouse (Houston)(#55)
 10. TDIndustries (Dallas)(#64)
10. **Gentle Reminders** -
1. **January 1** - New E-Verify mandates took effect for certain employers in AL, GA, LA, SC and TN.
 2. **January 1** - State minimum wage rates increases in AZ (\$7.65), CO (\$7.64), FL (\$7.67), MT (\$7.65), OH (\$7.70), OR (\$8.80), VT (\$8.46), WA (\$9.04); municipal minimum wage rate increase in San Francisco, CA (to \$10.24/hour, the highest rate in the U.S.) You can find a complete chart of state minimum wage rates at www.dol.gov/whd/minwage/america.htm.
 3. **February 1** - If your company is subject to OSHA recordkeeping requirements, your 2011 summary of workplace injuries and illnesses should be posted, using Form 300A, on February 1 and remain up until at least April 30. The Injury and Illness Report (Form 301), the Log of Work-Related Injuries and Illnesses (Form 300) and the Summary of Work-Related Injuries and Illnesses (Form 300A) should be kept on file for five years, so don't toss last year's info. For more info, go to www.osha.gov.
11. **Stated Differently** - Here are some hot topics for you multi-state employers:
1. **Indiana** - The House and Senate have approved legislation which would make IN the 23rd "right to work" state, and the first one to do so since OK went "right to work" 12 years ago. To read more about the right to work movement and see which states are and aren't, go to www.nrtw.org.
 2. **Pennsylvania (Philly)** - Eff. Jan. 13, it is unlawful for an employer of 10+ employees to inquire about or require an applicant to disclose any criminal convictions during the application process and first interview. It is also unlawful for the employer to knowingly and intentionally inquire about, require a person to disclose, or take any adverse action against any person on the basis of an arrest or criminal accusation not pending against the person and that did not result in a conviction.
12. **For the Birds** - If you like being tweeted and want breaking news on employment law changes (and the occasional random cheer for K-State), 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)