



BV-SHRM Newsletter

Chapter #0330

May 2011

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Monthly Program & Luncheon

TOPIC: How to Manage Your Unemployment Costs

WHEN: Thursday, May 5, 2011

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

WHERE: College Station Conference Center

COST:

\$10 BV-SHRM member with RSVP

\$15 BV-SHRM member without RSVP or non-member guest

SPEAKER: Mecie Hardin

ADDRESS: 1300 George Bush Drive
College Station, TX 77840-3175

Program Details

How to Manage Your Unemployment Costs

Program will cover:

- Overview of unemployment system
- Review of separation issues as related to unemployment eligibility (including protestable and non-protestable issues)
- The importance of documentation in the claim process

Speaker Bio

Mecie Hardin has over 25 years experience in the unemployment cost control industry, beginning her career with GatesMcDonald in Dallas, and also working for The Frank Gates Service Company, Jon-Jay Associates, and finally TALX. Her entire focus has been managing client relationships, and she has worked with a large number of major U.S. companies. She resides in Houston, but travels extensively throughout the Midwest and West where her clients are headquartered.

The presentation has been submitted and is pending HRCI approval.

Inside this Issue:

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Refer-a-Friend

Brazos Valley Food Bank Appreciation Letter



Please RSVP for the monthly luncheon by noon on

Monday, 5/2/11!

rsvpprograms@gmail.com





Member Newsletter



“People are very open-minded about new things – as long as they’re exactly like the old ones.”

~Charles Kettering~

NEWS FLASH!

Deadline to register for the Spring HRCI testing window is April 16th!

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 at an upcoming meeting?

If so, please contact us with the details.

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

President’s Piece

Hello Everyone,

It has been another great month! Other than the lack of rain, you couldn’t ask for prettier days in the Brazos Valley. I hope everyone is enjoying the beautiful spring days. The month started out with a great presentation from Teresa Gonzalez from the Management Connection. Thank you Teresa. On April 14th, many of the board members had the opportunity to have a barbeque social with members of the outgoing and incoming A&M Student SHRM Chapter. What a great opportunity to spend time getting to know each one of them a little better. I will definitely miss those that have worked so hard to bring our two chapters together, but even more excited about the future with the new students. For those of you preparing for the upcoming PHR and SPHR test window, Good Luck! I hope to see many of you at the HR Southwest Conference scheduled for October 30 thru November 2nd. Many of us have registered to attend and look forward to spending time together at the HR Southwest socials. I also want to remind everyone that if you are still weighing the idea of joining the National SHRM organization for the first time, myself and Geanna Kincannon have \$15 discount cards that we can provide to you. Don’t forget to RSVP for the upcoming luncheon and I’ll see you then.

Stacy

Update ~ B/CS Chamber Job Fair

On behalf of the BV-SHRM Board, we would like to say thank you to members who took time out of their busy schedules to review resumes at the BCS Chamber of Commerce Job Fair held on April 6, 2011. It makes one proud to be a member of an organization that actively supports the community. Volunteers:

Krystal Broussard
Tyler Carpenter
Liz Galvan
Julie Irvin
Windelan Johnson
Stacy Overby
Andrea Shirocky
Lisa Villalobos
Cheryl Young

Thanks



Member Newsletter



REMINDER
Annual BV-SHRM membership dues are due for 2011.
Membership renewal is \$20.00 if a SHRM National Member or \$40.00 if not a SHRM National Member.

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

Visit us and become a Fan of BV-SHRM on

facebook

Visit us on the Web at www.bv-shrm.org

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN RESOURCE MANAGEMENT

Message from Last Month's Speaker

I want to thank you for the opportunity to present to BV-SHRM. I truly enjoyed the group and appreciate their interaction. I hope everyone gained a bit of valuable awareness from the time they invested.

Also, I would like to invite both of you to the May Personal Productivity Workshop which I will facilitate at the TMC office. I keep the group small to be sure to meet the specific needs of each attendee. I have attached some information, but please call if you would like to discuss the valuable outcomes of the process.

Please feel free to pass this invitation on to the BV-SHRM members. I will extend a discounted fee of \$270.00 (savings of \$25.00) to BV-SHRM members. (See attached flyer)

Committed to your leadership,

Teresa Gonzalez | COO, Professional Facilitator

**The Management Connection, Inc. | PO Box 11691 | College Station, TX 77842
(o) 979.846.4481 | (f) 979.846.4482 | teresa@profacilitator.com**

Bank on Brazos Valley Program

The Brazos County United Way and several other partner organizations have developed a program called Bank on Brazos Valley, a unique public-private partnership to help residents who have no relationship with a bank to open starter bank accounts.

In a statement announcing the program published in the Eagle, Ronnie Jackson program coordinator stated: "The U.S. Census Bureau estimates that more than 1 million Texas households lack a bank account, paying hundreds of dollars and sometimes thousands of dollars a year to cash checks and pay bills at check cashers, pay-day lenders or other fringe financial providers. These families are missing out on opportunities to build wealth which could, in turn, lead to more financially stable neighborhoods."

So why was this information included in the BV-SHRM newsletter? Because increasing our employees financial stability is in the best interest of the employer. In addition, if more employees have bank accounts, then more employees will have the ability to sign up for direct deposit (the preferred method for most payroll departments.)

Included as an attachment to this newsletter is a flyer that you can distribute and make available to your employees. More information is also available on the Bank on Brazos Valley website www.bankonbrazosvalley.com or by calling United Way directly at 2-1-1.



Member Newsletter



Upcoming Meetings:

May 5 –Rep from TALX;
Unemployment

June 2 – Attorney Chris
Peterson; References

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

ANNOUNCEMENTS!

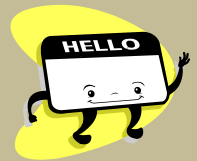
**Welcome
New Members!**



**Andrea
Shirocky**

Order Your BV-SHRM Magnetic Name Badges

BV-SHRM has started using magnetic names badges, so if you want one, you can still order one. The cost for the magnetic name badge is \$5.00 and we will accept cash or checks. If you are paying by check, please make your check payable to BV-SHRM.



Professional Development Opportunities

How are you using your voice to impact your organization, community and family? Pre-approved recertification credit awarded 5.5 general

Attend Chick-fil-A Leadercast at Temple College's Pavilion on Friday, May 6, and learn leadership concepts from renowned leaders including Seth Godin, Alison Levine, John Maxwell, Dave Ramsey and many others.

You will learn:

- How to lead based on respect and relationship rather than rights and position.
- The difference between dynamic leadership and mediocre management.
- Ways to move past the brainstorming phase to actually implement ideas.
- How to provide exceptional customer service and create a culture of servanthood.
- The keys to finding your passion and unlocking creativity in your workplace.
- Way to incorporate innovation in your organization.

Your voice is a voice of change, and change creates new possibilities. For more information and to register, visit our special website for this event:



Learn from leaders like Seth Godin, John Maxwell and Dave Ramsey right here in our city.

LEARN MORE

http://www.templejc.edu/comm_ed/LeaderCast/LeaderCast.htm



Member Newsletter



"If we had no winter, the spring would not be so pleasant: if we did not sometimes taste adversity, prosperity would not be so welcome."

~Anne Bradstreet ~

Fun Monthly Observances:

Lump Rug Day (3)
Great American Grump Out (4)
No Pants Day (6)
No Socks Day (8)
Limerick Day (12)
Bike to Work Day (20)

It is much wiser to celebrate no socks day instead of no pants day when you ride your bike to work. However watch out for lumpy rugs otherwise you might be grumpy!

Some Actual Useful Observances:

Asian American & Pacific Islander Month
International Business Image Improvement Month
International Civility Awareness Month
Military Appreciation Month
National Return to Work Week (9-15)
Occupational Safety & Health Professional's Day (5)

Professional Development Opportunities Continued

2011 Gulf Coast Symposium on HR Issues

May 11-12, 2011 @ the Reliant Center in Houston, TX

For more information: <http://www.hrhouston.org/displaycommon.cfm?an=1&subarticlenbr=235>.

SHRM 2011 Conference Schedule:

Talent & Staffing Management Conference & Exhibition
April 11-13, 2011, San Diego, CA

SHRM 2011 Annual Conference & Exposition
June 26-29, 2011, Las Vegas, NV

Diversity & Inclusion Conference & Exhibition
October 24-26, 2011, Washington DC

To register for SHRM Conferences use below link:

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



THE HRSOUTHWEST
CONFERENCE™

HR Training Camp – Building HR Champions

October 30- November 2, 2011, Fort Worth, TX

The HRSouthwest Conference is the largest regional human resources conference in the United States. The Conference offers world-renowned keynote speakers, two and a half days of educational sessions, networking opportunities and exposure to the latest HR products, techniques and services.

SHRM Education Series:

Strategic Human Resources: Delivering Business Results

May 9-10, Dallas, TX

HR Generalist

May 10-11, Dallas, TX

PHR/SPHR Certification Preparation

May 9-11, Dallas, TX

<http://www.shrm.org/EDUCATION/SEMINAR/Pages/default.aspx>

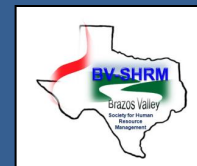
AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

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



Legal Briefs

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 at www.munckcarter.com under Media Center/Legal Briefs. I'm looking forward to speaking at the April 28 meeting of Lubbock SHRM chapter. And for those who may need CLE this spring, yours truly will be among the speakers at the University of Texas School of Law 2011 Labor and Employment Law Conference in Austin on May 12 and 13. An agenda and registration info is available at www.utcle.org or call 512.475.6700.

Here's what's springing up:

- 1. New Meaning of "File"** – Savvy employers know that retaliation claims are on the rise in part because a motivated plaintiff may find that claim easier to establish than the underlying alleged statutory violation. And if the employee's complaint stems from the Fair Labor Standards Act (FLSA), the U.S. Supreme Court has made it even easier by holding that an oral complaint can support an FLSA retaliation claim. The case involved a manufacturing and production worker in WI who claims he made multiple verbal complaints to his supervisor and to HR about the location of the time clock. In his opinion, its position prevented employees from being "on the clock" while donning/doffing protective gear. The employee received several warnings about failing to properly use the time clock prior to his suspension and then termination from employment. He claimed the termination violated the FLSA's anti-retaliation provision which states, in part, that employers are prohibited from "discharg[ing] or in any other manner discriminat[ing] against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to [the FLSA]." The district court (W.D. Wisc.) and appeals court (7th Cir.) sided with the employer in their argument that "filed any complaint" means a written complaint, which the employee did not do. The U.S. Supreme Court, however, looked to the dictionary, Congressional intent and the U.S. Dep't of Labor's interpretation in finding that the complaint need not be in writing to support a retaliation claim. *Kasten v. Saint-Gobain Performance Plastics Corp.* (U.S. 3-11). What they didn't decide (because the issue was raised too late by the employer) is whether FLSA retaliation protection applies only when the employee complained to a government agency, or if it also applies when the complaint is made internally, to the employer. This case provides another example of why it's so important to train your managers and supervisors in the basics of employment law, and to revisit your HR procedures to provide a safety net against claims resting upon undocumented complaints. I provide Supervisor's Toolkit training that can be done in blocks over time or as a "get 'er done" seminar, so let me know if I can help you.
- 2. Self-ish?** – As a follow-up to last months' LB4HR announcement that USCIS would launch an E-Verify self check service, the service was launched a few days later than planned (March 21 vs. March 18) and will initially be limited to individuals in AZ, ID, CO, MS, VA and DC. The agency hopes to roll out the service, in blocks, and go nationwide in one year.
- 3. Finally!** – Final regulations implementing the ADA Amendments Act ("ADAAA") of 2008 have arrived. The law took effect January 1, 2009 and the new regs will take effect 60 days after publication in the Federal Register on March 25. Commentators are generally relieved that the list of per se disabilities is gone but it's been replaced with a list of conditions that should be "easily concluded to be disabilities" while emphasizing that individual assessment is still needed. Is that progress?
- 4. Doggin' it and Horsin' Around** – The portion of the ADA which deals with places of public accommodation has been amended to address concerns about what type of "service animals" must be allowed in, as an accommodation to a

disabled individual. For starters, animals which are intended only to provide emotional support are no longer considered service animals. Further, the definition of a service animal is now limited to dogs that have been individually trained to do work that benefits the individual with a disability. Other animals no longer qualify except for miniature horses, in certain limited circumstances. This change does not apply to the portion of the ADA which deals with employment, so check with legal counsel if you have concerns over an employee's request to bring a small horse or other service animal to work.

5. **Take That!** - In response to NLRB decisions that have generally displeased employers, the National Right to Work Act (S. 504) was filed in Congress on March 8. If passed, the NRWA would prohibit union security agreements in collective bargain agreements, thereby making union membership and paying of dues a condition of employment for employees covered under the CBA. The current hedge against union security agreements exists in 22 states which have passed "right to work" laws. If you're not sure whether the states your business has employees in are right to work or not, go to www.nrtw.org. to find out. H.R. 1047 was filed to protect those states which enacted amendments designed to ensure that union representation voting is done via secret ballot and not via a card check procedure. This bill is the latest salvo in the battle between the states that have already passed such laws (i.e., AZ, SC, SD, UT) and the General Counsel of the NLRB, who has vowed to sue those states. [Note: There is a similar bill pending in the Texas legislature, H.B. 471]. And H.R. 972, if passed, would require use of secret ballots in all union representation elections. To read full text and follow the progress of these bills, go to <http://thomas.loc.gov>.
6. **It's No Joke** - Think you can't be held responsible when your employee is harassed by your customers' employees? One employer thought so and disregarded a route driver/vending machine stocker's complaints that yahoos at a hospital on his route assumed he was gay, made daily unwanted sexual comments, groped themselves and propositioned him. He told several supervisors and a manager but his employer's response was to the effect of "they're not our employees" and "it's a joke . . . don't take it seriously." After the EEOC got involved, a settlement attempt (shift change) failed because it would interfere with the driver's child care duties and cut his pay. He quit and the EEOC sued. The trial court felt the employer had insufficient notice and should not be liable, but the circuit court said they knew enough to be deemed to have actual or constructive notice of the harassment and failed to take any remedial action. *EEOC v. Cromer Food Services* (4th Cir. 3-11).
7. **Tax Tips** - The IRS states that breast pumps and lactation supplies qualify as "medical care" under IRC sec. 213(d). Amounts reimbursed for these expenses under an FSA, Archer MSA, HRA or HSA are not income to the taxpayer. The announcement is posted at www.irs.gov/irb/2011-09_IRB/ar11.html.
8. **It's Not Fair** - A recent \$5.9 million settlement is a stark reminder that failure to follow the federal Fair Credit Report Act's technical requirements can be a pain in the pocketbook. *Hunter et al v. First Transit, Inc.* (N. D. Ill. 3-11). For starters, do not be lulled into thinking that the law applies only to credit checks. The FCRA comes into play whenever you use a third party to provide info you'll use to determine an individual's fitness for hire, advancement or other employment purposes. Then, make sure you are getting the info for an allowed purpose (e.g., employment) and that you've signed off on the necessary certifications with your info provider(s). Next, be sure you provide your applicant or employee with a compliant notice form and get written authorization BEFORE you request that background check. And if the ensuing report is used, in whole or in part, to deny the hire, advancement, etc., there is a two-step written notice process to follow before you rescind the offer or take other adverse employment action. The settlement in the aforementioned case arose out of failures to provide pre-check disclosure and post-check notices.
9. **Marriage Penalty** - Under the FMLA, new parents who are married and work for the same employer are limited to taking 12 weeks of job-protected leave between them. If, however, the new parents are not married, each can take 12 weeks of FMLA leave for the event. Some states recognize and address this unintended consequence in their state FMLA clone laws. For example, the CA Family Rights Act provides 12 weeks of leave (not 24) for new parents employed by the same employer to bond with the baby, whether they are married or not.

10. **Stated Differently** - Here are some morsels for you multi-state employers:

1. **California** - Prospective plaintiffs who want to sue their employer under the CA Fair Employment and Housing Act have one year from the date the Right to Sue notice is issued by the CA Dep't of Fair Employment and Housing, not one year from the date the notice is received. The statute says the limitations period is "one year from the date of that notice" and the CA Court of Appeals decided that means the date the notice was mailed. The date the aggrieved employee claims to have received the notice is not relevant. *Hall v. Goodwill Industries of Southern California* (Cal. App. 4th 3-11).
 2. **Nebraska** - Add the Cornhusker state to the list of those that have a law protecting the right of women to breastfeed in public and private locations. For a complete list of states with similar (and additional) protections, go to the La Leche League website at www.llli.org/law/lawus.html.
 3. **Pennsylvania (Philadelphia)** - The Philadelphia Fair Practices Ordinance has been amended to add three new protected categories, mandate a workplace poster and beef up enforcement. The new protected categories (i.e., genetic info, domestic or sexual abuse victim status and familial status) add on to the current list which includes race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability and marital status. The familial status category is extraordinarily broad, to include the individual's spouse, life partner, parents, grandparents, siblings, in-laws, children, grandchildren, nieces and nephews, including those obtained via adoption or other dependent or custodial relationships. The expanded ordinance takes effect June 22, 2011 and a copy can be obtained at www.phila.gov/humanrelations/.
11. **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
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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)



Counties Served:

- Brazos
- Burleson
- Grimes
- Madison
- Robertson
- Washington

February 22, 2011

Sarah Tobola
BV- SHRM
PO Box 11124
College Station, TX 77842

Programs Delivered:

- Children's BackPacks
- Family Boxes
- Food for Pantries
- Mobile Pantries
- Senior Bags
- Social Services Outreach

Dear Sarah:

KBTX-TV's 15th Annual *Food for Families* food drive was a great success, in large part because of your support. Your food donation benefiting the Brazos Valley Food Bank at the 12/8/2010 *Food for Families* food drive event will assist us in bringing nourishment to our neighbors in need throughout the coming year.

"Hunger knows no friend but its feeder".
- Aristophanes

Contact Us:

(979) 779-3663
(979) 821-2111 FAX
www.bvfb.org

Physical Address:
1514 Shiloh Avenue
Bryan, Texas 77803

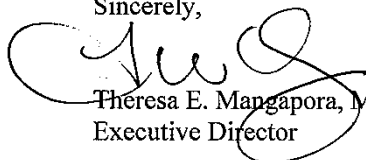
Mailing Address:
PO Box 74
Bryan, Texas 77806

Thank you for being a "friend" to a hungry neighbor in need through your donation to the KBTX-TV's *Food for Families* Food Drive.

While hunger feeds hopelessness, food and nourishment feeds hope.

It is a privilege and an honor to be chosen as a recipient of your generous donation.

Sincerely,



Theresa E. Mangapora, MSW
Executive Director

501c3 Employer Identification Number: 74-2380446

The Brazos Valley Food Bank does not provide any goods for services in consideration, in whole or in part, for donations. Donations are tax deductible.

