



BV-SHRM Newsletter

Chapter #0330

October 2011

Board Officers

President

Stacy Overby, SPHR

President Elect

Retha Blakely, SPHR

VP of Programs

Katherine Kleemann

VP of Membership

Geanna Kincanon, SPHR

Treasurer

Krystal Broussard, PHR

Secretary

Brittany Berryman

Past President

Cheryl Young, SPHR

Committee Chairs

Award Committee

Janelle Ramirez, SPHR

Business Seminar

Sheri Yetter, SPHR

Certification

Liz Galvan PHR, CCP

Diversity

Cheryl Young, SPHR

Legislation

Alexis Alexander, SPHR, JD

Newsletter & PR

Sarah Tobola, SPHR, CEBS

School to Work

Julie Irvin, SPHR

SHRM Foundation

Thom Holt, SPHR

Student Liaison

Diana Dean, SPHR

Website

Bob Hensz, SPHR

HRSW Ambassador

Cheryl Young, SPHR

Monthly Program & Luncheon

TOPIC: Creating a Wellness Program - Programs & Opportunities for Small & Large Companies

WHEN: Thursday, October 6, 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: Travis Jackson

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

Program Details

Review of Health Care Reform and its impact on wellness and prevention. A review of wellness and prevention opportunities and the latest updates on these topics. Examples and real life scenarios and solutions will be included.

Speaker Bio

Travis is a dynamic, entrepreneurial sales and marketing management strategist with a 10+ year record of achievement and demonstrated success driving multimillion-dollar sales growth while providing sales and marketing leadership in highly competitive markets. Adept at driving growth of company revenues and improving sales-team performance. Exceptional mentor and coach. Tenacious in building new business, securing customer loyalty, and forging strong relationships with external business partners.

Travis has been in the corporate health & wellness and benefits industry since 1996. He was a founding partner of My ePHIT in 2000 through its sale in 2006. He then became the Director of Sales for Healthways selling disease management and wellness products nationwide. Prior to his current position with the Self Health Network, he served as the Executive Vice President of Sales and Marketing for My Expert Solution a unique wellness company focused on prevention for mental health and behavioral health.

Inside this Issue:

Monthly Program

President's Piece

BV-SHRM Award

Business Seminar

BV-SHRM Board

Professional Development

Certification

Announcements

Mentor Program

Helping Fire Fighters

Legal Briefs

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT



Please RSVP for the monthly luncheon by 10:00 on
Monday, October 3, 2011!
rsvpprograms@gmail.com





Member Newsletter



"Life is pretty simple: You do some stuff. Most fails. Some works. You do more of what works."
~Leonardo da Vinci~



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

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.



President's Piece

Howdy All,

I hope all is going well for each one of you. Have I told you lately, how much I appreciate everything each one of you do to support not only our chapter but the organizations in which you work? It is a very exciting time for BV-SHRM! We are consistently having more and more HR professionals join our organization. I sincerely believe it is because of the family and networking environment that we as a group create that make people want to come back. We have a large group going to HR Southwest, so if you can go, please sign up and meet us there. We will have a great time. Just another reminder, please consider volunteering to assist with the BV-SHRM board in the upcoming year. We will induct the new board on December 1st at our Holiday Luncheon. Don't forget the Business Seminar on October 4th, it is right around the corner. Lastly, welcome to all the new members since last month. We are glad you are here. Oh yeah, how about that A&M football team. Gig'Em Aggies.

Couldn't Be Happier to be Anywhere,
Stacy

Building Value with HR Excellence Award

It's Award Time!

Reminder!

If you haven't already, please forward the Building Value with HR Excellence Award nomination packet to your supervisor. Or, consider reminding them that the deadline is Friday, October 14. We want the opportunity to recognize your contributions to the HR field! It's an honor just to be nominated!

Supervisors/Managers – Don't forget to nominate your employees who are members of the chapter. This is a great way to recognize them for all they do to serve your organization!

Full information on the BV-SHRM Building Value with HR Excellence Award is included in the email with this newsletter.

Please let me know if you have any questions on the nomination process and be sure to respond by the deadline.

Lisa Villalobos, PHR



Member Newsletter



Upcoming Meetings:

October 6
November 3
December 1 – Holiday and Award Program at Hilton Hotel & Conference Center

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

“Anyone can hold the helm when the sea is calm.”

~Publius Syrus ~

EMPLOYEE RELATIONS BUSINESS SEMINAR

CO-SPONSORED BY BV-SHRM AND WORKFORCE SOLUTIONS OF BRAZOS VALLEY

WHEN: Tuesday, October 4, 2011
8:00 am – 4:00 pm
WHERE: Center for Regional Services
3991 E. 29th Street
Bryan, Texas

It's NOT too late!

COST: \$75.00 if postmarked by September 23, 2011
\$99.00 if postmarked after September 23, 2011
Includes seminar registration, lunch and snacks.

We are pleased to welcome Ms. Audrey Mross, partner with Munck Carter; Mr. Mick Normington, with the Texas Workforce Commission; and Dr. Michael Wesson, with Texas A&M University's Mays School of Business, as our presenters.

This seminar is a great way to stay up to date on HR issues, network with fellow HR Professionals, and earn HRCI recertification credits at a reasonable cost and with little to no travel time.

<http://www.bv-shrm.org/forms/Seminar-10-4-11-Registration-Form.pdf>

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

2012 Board – Are YOU Ready to Serve???

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 BV-SHRM 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.



Member Newsletter



Fun Monthly Observances:

- National Go On a Field Trip Month
- National Sarcastic Awareness Month
- National Carry a Tune Week 2-8
- International Moment of Frustration Scream Day
- Cranky Co-Workers Day

If your cranky co-worker complains because you happily carry a tune; it might tempt you to send a sarcastic note about a fake field trip, but DON'T do it!

Some Actual Useful Observances:

- Employee Ownership Month
- Financial Planning Month
- Global Diversity Awareness Month
- National Crime Prevention Month
- National Ergonomics Month
- National Work & Family Month
- Positive Attitude Month
- Fire Prevention Week 9-15
- Improve Your Office Day 4
- Face Your Fears Day 11
- BOSS'S DAY 17
- Get to Know Your Customer's Day 20
- Make a Difference Day 22
- Customer Service Week

PROFESSIONAL DEVELOPMENT



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.

CERTIFICATION

Registration deadline Approaching!

PHR/SPHR/GPHR Deadlines and Fees

2011 Exam Application Submission Dates

<i>Winter</i>			
	Testing Date	Applications Accepted	*Late Applications Accepted
PHR/SPHR	Dec. 1, 2011- Jan. 31, 2012	Oct. 7, 2011	Oct. 8 - Nov. 11, 2011
GPHR	Dec. 1-31, 2011	Oct. 7, 2011	Oct. 8 - Nov. 11, 2011

*A US \$75.00 nonrefundable late fee is applied to all applications submitted during this time.

Fees

After 10/7 - It will cost MORE!!

	PHR	SPHR	GPHR
Price	US \$300	US \$425	US \$425
SHRM Member Price	US \$250	US \$375	US \$375

All prices include a US\$75 nonrefundable application fee.

A US \$75 nonrefundable late fee will be applied on applications received after the regular deadline.

To apply online please visit this link: http://hrci.org/apply_online/.

If you are planning to sit for the exam and would like to become part of an informal study group, please send your information to Liz Galvan, Certification Chair at lgalvan1984@gmail.com.



Member Newsletter



ANNOUNCEMENTS

MENTOR PROGRAM

Over the past years, the TAMU Student SHRM Chapter and BV-SHRM have built a great partnership and one program has flourished – the mentor program. This year, we have an increased demand for mentees. If you have not in the past, PLEASE consider mentoring. It does not take much time/effort and you will be able to help make a difference in these students future. Please become involved to be a mentor in their program in order to guide and support their members to help them turn into HR professionals. If you're interested please email ely42@neo.tamu.edu.

Elyse Yapp
BV-SHRM Liaison
Mentor Program Coordinator

Also, thank you to the members who are continuing in the mentor program. You are making a difference!

Please volunteer!

Eat some Chick-fil-a

=

Support Student Chapter

**Wednesday, September 28th
5:00 pm - 8:00 pm**

**A portion of the profits will be donated
back to the student SHRM chapter.
Plan to stop by for dinner!**

**No need to cook that night and try to
figure out what is for dinner! Instead,
help support our future HR
professionals!**

**Welcome
New Members!**



*Marybeth Murphy
St. Joseph*

*Tami Overby
Texas A&M University*

*Timothy Rocka
Bryan ISD*

*James Ross
Lynntech, Inc*

Helping Fire Fighters!

In honor of Fire Prevention Month and as recognition of all the great service our fire fighters have been providing BV-SHRM will so a collection at the October luncheon to donate to the "VFD Emergency Assistance Fund". If you would like to earmark your gift to a VFD in a specific county or region, you may do so by indicating this with your gift. All donations are tax deductible and you will receive an acknowledgement letter for tax purposes. 100% of the funds received will be distributed to VFDs in the form of grants for firefighting expenses.

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.munckcarter.com under Media Center/Legal Briefs. I'm looking forward to speaking at Self Opportunity's Meeting of the Minds Restaurant Recruiting Conference (www.selfopportunity.com/aboutus/motm.cfm) here in Dallas on September 20 and at a half-day Business Seminar held by the Brazos Valley SHRM chapter and Workforce Solutions of Brazos Valley (www.bv-shrm.org/events.htm) in College Station on October 4.

Here's what you need to get:

- 1. Get Noticed** - Unless challenges are successful, most of you have yet another mandatory poster in your very near future. The NLRB issued a final rule on August 25, requiring subject employers to post a notice effective November 14, 2011 to make employees aware of their rights under the NLRA and the avenues of recourse for perceived or actual violation of those rights. In the final rule, the failure to post is deemed an unfair labor practice, can toll the statute of limitations for filing a charge against the employer and in the case of a "willful" failure, can be evidence of unlawful motive in related ULP case(s). You will not have to post if you [1] are the U.S. Post Office; [2] are a state or political subdivision; [3] are a labor organization; or [4] are a federal contractor who's already posting a similar notice under E.O. 13496 (see 29 CFR Part 471), since that poster will serve as the model for this new one. You will have to post where such notices are normally displayed and on your Intranet, if that is your normal method of communicating with employees. Do not make the common mistake of assuming that this does not apply to your organization if you have no labor unions. The press release, with links to full text of the final rule and the E.O. 13496 poster, can be found at www.nlrb.gov/news/board-issues-final-rule-require-posting-nlra-rights.
- 2. Get Social** - Do your employees' scurrilous Facebook and YouTube postings about the organization, their managers and/or their co-workers have you all a-Twitter? Your immediate reaction might be to make such discussion, videos or pictures cause for immediate termination of employment, but take a deep breath and read this first. As mentioned in prior LB4HR's, the NLRB has been more than hinting its position that much of this venting is protected concerted activity under the NLRA, where terms and conditions of employment are at issue, and overbroad employer policies and/or practices will run afoul of that protection. And their position is becoming clearer, with the issuance of a memorandum from the NLRB's Acting General Counsel and a case which went to a full hearing. The August 18 memorandum summarizes the Board's view in 14 cases involving employer attempts to corral social networking and contact with the media inside (and outside) of their workplaces and can be found at www.nlrb.gov/news/acting-general-counsel-releases-report-social-media-cases. The September 2 case is the first decided by an ALJ on this subject, awarding reinstatement and backpay to five employees who were discharged over their Facebook postings which were critical of each other and their employment conditions. It can be found at www.nlrb.gov/news/administrative-law-judge-finds-new-york-nonprofit-unlawfully-discharged-employees-following-fac. Stay tuned, as the boundaries of these communications develop and inform what should (and should not) be in your social networking policy.
- 3. Get Smart** - The U.S. Department of Justice Office of Special Counsel has delivered a (surely unwelcome) \$290,400 civil penalty reminder that failures to properly handle the I-9 process are not mere paperwork violations. In this case, a Missouri employer was found to have required specific and excessive documentation from non-U.S. citizens and foreign-born U.S. citizens. In order to satisfy the I-9 process, prospective employees only to have produce one document from List A (since it has a picture of the individual which proves identity and also proves authorization to work in the U.S.) or a document from List B (proves identity) coupled with a document from List C (proves authorization to work in the U.S.). Employers should not specify which documents they will accept as proof and should not demand additional documents when the I-9 requirement has already been met.

4. **Get an App for That** - Not to be outdone by the DOL's wage and hour app, OSHA has rolled out one which combines heat index data from NOAA with the individual's location to determine a heat risk index and suggest protective measures to be taken, to prevent heat-related illness. For now, the app is only available to Android users, with iPhone and Blackberry versions to follow. Check it out at www.osha.gov/SLTC/heatillness/heat_index/heat_app.html. Here's hoping our heat wave is over and this app is not needed until next year!
5. **Get in Trouble** - A U.S. Bankruptcy Court ruled that an affiliate with an indirect ownership interest in a shuttered business was part of the "single employer" under the federal WARN plant closing law and could be liable for severance payments owed to employees under WARN. The five-factor test for being a "single employer" was not fully satisfied but the court found that the "de facto exercise of control" prong was decisive in this case. *D'Amico v. Tweeter Opco, LLC* (U.S. Bankruptcy Court (DE) 7-11).
6. **Get Off the Hook** - One employer dodged a FLSA retaliation claim bullet, but the outcome may prompt an amendment to the statute to prevent a recurrence. Plaintiff had sued her former employer for wage and hour violations under the FLSA. Plaintiff then accepted a job with Employer B, but the offer was contingent on a security clearance. When Employer B learned of the pending claim, job offer evaporated. Plaintiff sues Employer B for FLSA retaliation but the court says FLSA protects employees, not applicants (unlike most discrimination statutes, which expressly refer to both employees and applicants for employment). The Fourth Circuit affirmed the dismissal but found the outcome "problematic" if other employers do the same, perhaps tacitly inviting Congress to foreclose that possibility by amending the retaliation provision of the FLSA. *Dellinger v. Science Applications International Corporation* (4th Cir. 8-11).
7. **Get Checked** - The E-Verify self check service that launched in AZ, ID, CO, MS, VA and DC on March 28, 2011 has been expanded to 16 additional states, effective August 15. The additions are CA, LA, ME, MD, MA, MN, MO, NE, NV, NJ, NY, OH, SC, TX, UT and WA. The option to check yourself in Spanish has also been added to the system. The press release announces USCIS' intention to go nationwide by the spring of 2012. The idea is that employees can check the info DHS USCIS and SSA have on file for them, identify and correct any mismatched data and avoid delays in a subsequent hiring process with an employer who uses E-Verify.
8. **Get Real** - As often happens, what occurs after a claim of harassment can be more damaging to an employer than the harassment itself. In response to a retaliation claim, jurors awarded more than \$5.4 million (\$4 million was punitive damages) to a manager who was fired after he confronted the male CEO of the company who had allegedly groped, kissed and verbally harassed the manager's 29-year old female secretary. The manager went to the CEO, to ask that he apologize for his actions. Instead, an investigation ensued (good!) and ended with the conclusion that the manager should be fired for going to the CEO instead of reporting the incident to HR (bad!). The company's harassment policy said, as most do, that complaints can be made to others in addition to the HR department. *Tran v. U.S. Mineral Products Corp* (C.D. Cal. 6-11).
9. **Stated Differently** - Here are some hot topics for you multi-state employers:
 1. **Kansas** - The Sunflower State beefed up penalties on employers who misclassify employees as contractors, to add misdemeanor charges being filed on top of already available civil penalties.
 2. **Louisiana** - Effective August 15, employers will be protected from penalties for referring for employment, recruiting, hiring or employing unauthorized aliens so long as the employer used the federal E-Verify system.
 3. **New York City** - Mayor Bloomberg signed the Workplace Religious Freedom Act into law on August 31. The law, which took effect immediately, encourages employer accommodation of employees' religious

observances or practices by making it more difficult for an employer to prove that such request is an "undue hardship." The prior version of the law allowed employers to deny observances or practices that were "inconvenient" but now they must show that the requested accommodation requires "significant expense or difficulty (including a significant interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system)."

4. **North Carolina** - NC will take a staggered approach to requiring that employers of more than 25 employees use the federal E-Verify system on all new hires. The first phase takes effect October 1, 2011 and applies to county and municipal government entities. The second phase takes effect on October 1, 2012 and applies to private sector employers of 500+ employees. The third phase takes effect January 1, 2013 for private employers of 100 to 249 employees and the final phase takes effect July 1, 2013 for those with 25 to 99 employees.
5. **South Carolina** - Two company owners were found personally liable for an employee's unpaid wages and a third minority owner was released only because he "lacked the authority to make any decisions regarding the payment of wages." A neurologist claimed \$780,000 in unpaid salary, under a state law that allows for treble damages plus court costs and attorneys' fees. The two found liable were a 40% owner, who acted as executive manager, and a 20% owner. Liability was based on their handling of finances and payroll for the company. *Allen v. Pinnacle Healthcare Systems LLC*.
6. **Wisconsin** - Effective Nov. 1, 2011, WI has its first "conceal carry" law which will create a licensing system for individuals to carry guns. The new law allows businesses to ban guns from their premises via a prominent posting at the entrance, but also allows employees to have weapons in their personal vehicles, on their employer's parking lot. If you'd like more details, there's a helpful FAQ posted by the State DOJ at www.doj.state.wi.us/dles/cib/ConcealedCarry/ccw_frequently_asked_questions.pdf.
10. **For the Birds** - If you like being tweeted and want breaking news on employment law changes (and the occasional random cheer for K-State since it's football season ☺), follow me on Twitter. I'm at @amross.

Until next time,

Audrey E. Mross	972.628.3661 (direct)
Labor & Employment Attorney	972.628.3616 (fax)
Munck Carter LLP	214.868.3033 (iPhone)
600 Banner Place	amross@munckcarter.com
12770 Coit Road	www.munckcarter.com
Dallas, TX 75251	

Employee Rights Notice Posting

As of November 14, 2011, most private sector employers are required to post a notice advising employees of their rights under the National Labor Relations Act. The [11-by-17-inch notice](#) should be posted in a conspicuous place, where other notifications of workplace rights and employer rules and policies are posted. View the final rule in the [Federal Register](#).

The posters are available below for download and printing. Copies also are available from any of the [agency's regional offices](#). In addition, employers should publish the notice on an internal or external website if other personnel policies or workplace notices are posted there.

For further information about the posting, including a detailed discussion of which employers are covered by the NLRA, and what to do if a substantial share of the workplace speaks a language other than English, [please see our Frequently Asked Questions](#).

Web page <https://www.nlrb.gov/poster>

PDF Poster https://www.nlrb.gov/sites/default/files/documents/1562/employee_rights_nlra_8_5x11.pdf

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)