



April 2006 Newsletter



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IN THIS ISSUE

401(k)	
Participation	Pg 1
Coming Events	Pg 7
Discount Cards	Pg 8
Diversity Notes	Pg 4
Legal News for HR	Pg 5
Member Profile	Pg 2
New Members	Pg 3
News & Tidbits	Pg 3
SHRM Foundation	Pg 2
Tax History	Pg 8

MARCH 2, 2006 MEETING RECAP

HOW TO INCREASE ENROLLMENT IN YOUR RETIREMENT PLAN

By Windelan Johnson

Gwen Henson from The 401k Shop at the March 2, 2006 meeting of BVHRMA presented information about how to increase enrollment in retirement plans .

Gwen said the first step is to be proactive. It is unlikely that increased participation in your retirement plan is going to happen without you taken the initiative. Some ways to achieve this include setting aside scheduled times for enrollment meetings. And you should allow time at those meetings to for the employees to fill out the necessary paperwork. Another way would be to implement automatic enrollment in your plan. Or another alternative is to require employees to sign off on the enrollment forms even if they do not wish to participate in the retirement plan.

Another step to increased participation is to create a sense of urgency. Studies show that 22% of active employees have retirement plan account balances of \$5,000 or less. Either through your enrollment meetings or by other means illustrate the tax benefits of participation. Show the impact of employer match. And finally, show your employees the "Time Value" of money, how investing a little now will grow throughout the years.

Most people fear what they do not understand. To see increased participation in your retirement plan, you should also schedule ongoing education classes.

It is to the benefit of the company to provide a strong and active retirement plan to employees. These benefits include recruiting and employee retention, both of which are key issues to many companies at this time.

- Gwen Henson is a Financial Consultant with The 401k Shop in Bellville TX. Her firm specializes in all types of retirement plans for small to mid-size companies. Their focus is to create a successful retirement plan through working closely with employees and the plan administrator.

Brazos Valley HRMA is an affiliate of SHRM (Society for Human Resource Management). For more information about HR employment, résumé's for individuals seeking a career in HR, and to find helpful links to other HR relevant web sites, go to www.bvhrma.org.

YOUR FOUNDATION AT WORK: **EFFECTIVE PRACTICE GUIDELINES**

If you are like most HR professionals, you probably have trouble keeping up with the latest research findings in human resources. To help make research-based knowledge more accessible, the SHRM Foundation has created a new series entitled *Effective Practice Guidelines*. The guidelines compile and summarize the HR practices in a given area that have been shown to be effective based on research studies. A subject matter expert with both research and practitioner

experience distills all relevant findings and expert opinion into specific advice on how to conduct effective HR practice. The first report in the series covers Performance Management and was written by Elaine Pulakos. The report may be downloaded free from the SHRM Foundation website.

The SHRM Foundation:
Investing in Your Future as an HR Leader

Membership Profile

Name: Jennifer Humphries

Place of birth: Missouri Hometown: Houston

Family:

Are you married? yes How long? 18 yrs

Spouse Name: Sam

Do you have any children? 2 What are their name(s) and age(s) Sally Kate (13), Andrew (9)

Education:

Please list your degree(s), major(s), and school(s). B.B.A. in Business Analysis from Texas A&M University, Master of Science in Human Resource Management from Texas A&M University

Hobbies/ Interest:

What Hobbies / interests do you enjoy? reading

BVHRMA Chapter

How long have you been a member of BVHRMA? I'm not sure! (probably 10 years at least) In what ways have you previously served the chapter? Diversity Chairperson
Are you certified? yes (PHR) Are you a SHRM member? yes

Human Resources

How long have you worked in Human Resources? 3 yrs with IBM, 7 1/2 yrs at the Texas A&M University Career Center, 4 yrs with Texas Cooperative Extension

How or why did you choose to work in HR? I like the management aspect of HR, employee relations, employment law, etc.

What was your first job in HR? Recruiting at IBM

What is your current position / function in HR? (include company name) Human Resources Manager for Texas Cooperative Extension. This is a generalist role supporting the campus-based employees within Texas Cooperative Extension.

What do you like most about working in the HR? I like to think the work I do really has an impact on the people who make up the organization AND the business side of the organization.

What changes have you seen in HR during your years in the field? The constant is that HR professionals continue to be told to understand the "business" side of the business in which they work. The changes I've seen revolve around flexibility in the workplace, such as focusing on work life balance, flexible work schedules, etc.

What advice would you give to someone just starting in HR or to a student choosing to major in HR? Don't get into HR because you "like working with people." You can meet that goal in lots of different jobs. Be flexible, be forward thinking, and understand the business in which you work.

NEWS & TIDBITS

WELCOME NEW BVHRMA MEMBERS!!

JULIE HUVAL

Human Resources Representative, Texas Engineering Experiment Station

BVHRMA REVEALS UPDATED WEBSITE

In March, BVHRMA unveiled its updated chapter website, www.BVHRMA.org to better serve its membership and the Brazos Valley community at large. Through this website, under the employment tab one is able to find links to various employment sites in the Brazos Valley. The events, membership, and chapter information tabs will connect one with information about Brazos Valley Human Resources Chapter, how to become a member, and what events and meetings are scheduled.

The Legislation tab provides links and information about legislation that HR professions should be aware of and take action on. Bob Hensz has worked with the Board for several months designing and creating the new look to the chapter's website. Look for future announcements about the website, as there are plans to expand the website to include a members only section.

The screenshot shows the BVHRMA website homepage. At the top, there is a navigation bar with a search box and links for "Links", "Newsletters", and "Certification". The main header includes the BVHRMA logo, the tagline "HR - Leading People, Leading Organizations", and a "2004 SHRM Superior Merit Award Chapter" badge. Below the header is a navigation menu with tabs for "Home", "Employment", "Events", "Legislation", "Membership", "Chapter Information", "Contact Us", and "Members Only". The main content area is divided into two columns. The left column contains a welcome message, a "NEW! Legislative Alerts" section, and a "Notice" about the next meeting. The right column contains a sidebar with a "Daily news and information" section and several article teasers with blue hyperlinks.

Welcome to the new BVHRMA web site. This site has been redesigned to assist our members in finding the information they need to perform their Human Resources jobs in a manner which benefits both the employer and the employee. Take time to check out the various sections of the site - and come back frequently as we continually add new information!

NEW! Legislative Alerts - Go to the Legislation page for more information

Notice - Next BVHRMA meeting - Thursday April 6th at the College Station Conference Center - See you there!

[CEO Exchange Information](#)

Daily news and information provided by the [Society for Human Resource Management \(SHRM\)](#)

[Office etiquette breaches: Nothing to shout about!](#)
A colleague's loud talking is one of the biggest pet peeves of American cubicle dwellers, surpassing even cell phones ringing at work and using speaker phones in common areas.

[In the global marketplace, one size doesn't fit all](#)
Most organizations have not modernized their business practices to embrace innovation and flexibility, professor and author Lynda Gratton tells SHRM Global Forum conference attendees.

[Rebranding Manpower for the 21st century workforce](#)
How do you get a six-decade-old temporary staffing company to change its image with customers? You start with its employees.

[Warning issued on executive compensation excesses](#)
A public policy group warns that rocketing executive pay with little or no ties to performance is eroding public confidence in corporate governance.

[Mandelbaum: It's good to be global, and cautious](#)
Globalization will prevail, and the United States will maintain a leading role in it, foreign policy expert Michael Mandelbaum tells SHRM Global Forum conference attendees.

DIVERSITY NOTES

April 2006

- 1 - April Fool's Day (United States)
- 2 - Daylight saving time begins (Apr. 2-Oct. 29)
- 6 - Organization of the Church of Jesus Christ of Latter Day Saints
- 8 - Vesak - Buddha's Birth (Buddhist)
- 9 - Palm Sunday (Protestant, Roman Catholic)
- 13-20 - Passover (Jewish)
- 13 - Holy Thursday (Christian)
- 13 - Sinhala and Tamil New Year (Sri Lanka)
- 14 - Good Friday (Protestant, Roman Catholic)
- 16 - Easter (Protestant, Roman Catholic)
- 22 - Earth Day
- 23 - Easter (Orthodox) or Pascha
- 23 - St. George's Day (English)
- 25 - Yom Hashoah/Holocaust Memorial Day (Jewish)
- 27 - Take Our Daughters and Sons to Work Day (United States)
- 28 - Arbor Day
- 30 - Beltane (Celtic)

*Alcohol Awareness Month
National Autism Awareness Month
National Occupational Therapy Month
National Parkinson's Awareness Month*

Because the month of April has a variety of religious holidays, this is an appropriate time to focus on discrimination based on religion. The following "Facts About Religious Discrimination" is taken from the U.S. Equal Employment Opportunity Commission's website at <http://www.eeoc.gov/facts/fs-relig.html>

Facts About Religious Discrimination

[Title VII of the Civil Rights Act of 1964](#) prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. The Act also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer (see also 29 CFR 1605). Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers are examples of accommodating an employee's religious beliefs.

Employers cannot schedule examinations or other selection activities in conflict with a current or prospective employee's religious needs, inquire about an applicant's future availability at certain times, maintain a restrictive dress code, or refuse to allow observance of a Sabbath or religious holiday, unless the employer can prove that not doing so would cause an undue hardship.

An employer can claim undue hardship when accommodating an employee's religious

practices if allowing such practices requires more than ordinary administrative costs. Undue hardship also may be shown if changing a bona fide seniority system to accommodate one employee's religious practices denies another employee the job or shift preference guaranteed by the seniority system.

An employee whose religious practices prohibit payment of union dues to a labor organization cannot be required to pay the dues, but may pay an equal sum to a charitable organization.

Mandatory "new age" training programs, designed to improve employee motivation, cooperation or productivity through meditation, yoga, biofeedback or other practices, may conflict with the non-discriminatory provisions of Title VII. Employers must accommodate any employee who gives notice that these programs are inconsistent with the employee's religious beliefs, whether or not the employer believes there is a religious basis for the employee's objection.

Legal Briefs for HR

By Audrey E. Mross

Welcome to Legal Briefs for HR! This update on issues that matter to employers is provided as a service of the SHRM Texas State Council, which I serve as Co-Director of Legislative Action. Feel free to forward this email to anyone who would benefit . . . all are welcome to join this FREE service with over 2800 subscribers!

Welcome to new subscribers from The HR Net in Ohio (who were referred by the witty and wise Steve Browne at SBrowne@CDS-ASSOC.COM) and attendees at the Dallas Bar Association's North Clinic CLE on employee handbooks. And thanks to everyone who responded to my Plaxo plea and updated their contact information for my address book.

Here's the latest:

- Amazing Grace** – The OFCCP is standing firm on the Feb. 6, 2006 effective date for the new Internet Applicant rule, but it will not cite a federal contractor in the 90-day period following that date for purely technical violations of the rule so long as the contractor [a] shows it is taking reasonable steps to update its systems toward compliance, including a projected date of compliance; and [b] continues to collect and maintain records under the “old” rule. See www.dol.gov/esa/regs/compliance/ofccp/faqs/iappfaqs.htm for FAQ on the new Internet Applicant rule.
- Walk the Line** – The U.S. Supreme Court's decision in *IBP v. Alvarez* (discussed in Legal Briefs for HR #10 – 2005) provided needed “clarification” which led to a \$4.5 million settlement with 1000 current and former workers at a Toyota plant in KY. The voluntary settlement aims to settle a dispute over “walk time,” the approximately eight minutes per day employees spent walking between the place where protective clothing was donned/doffed and their workstations, which had not been compensable in the past. The company is also offering retroactive contributions to each affected employee's 401(k) and pension plans. If you haven't done it already, determine when the “continuous workday” begins and ends for your non-exempt employees and make sure that your compensation practices are in sync with the Supremes' holding.
- Watch Your Words** – The U.S. Supreme Court reversed a finding that, as a matter of law, use of “boy” alone, without a modifying racial classification like “black” or “white” is not evidence of discrimination. The Court explained “Insofar as the court of appeals held that modifiers or qualifications are necessary in all instances, to render the disputed term probative of bias, the court's decision is erroneous.” *Ash v. Tyson Foods, Inc.* (S. Ct. 2-21-06). This case is a good reminder that your harassment training should go beyond the issue of gender, and encompass the full spectrum of protected categories. My “best practices” clients ask me to do a refresher course periodically, in light of the change in supervisory and management ranks due to growth, turn-over and promotions.
- Right to Carry (Not)** – Eight workers (one employee, seven contractors) were fired in 2002 for violating an employer's “no guns” policy, after guns were indicated in their parked vehicles by drug and gun-sniffing dogs. The plaintiffs tried several arguments to no avail. Strike One – the Court found that the Oklahoma Self-Defense Act, which lets property owners ban guns on their premises, is not in conflict with the right to bear arms found in the OK Constitution. Strike Two – A 2004 amendment to the Self-Defense Act, which created an exception that would allow guns kept in locked vehicles on parking lots, did not apply retroactively (to what happened to plaintiffs in 2002) and is currently subject to a temporary restraining order that prevents the State from enforcing the amendment. Strike Three – The Court refused to recognize plaintiff's claim for a wrongful discharge in violation of public policy (based on the same reasoning as above). You're Out! *Bastible v. Weyerhaeuser Co.* (10th Cir. 2-13-06). P.S. The court is considering permanent injunction briefs on the 2004

amendment which, if successful, will preserve employers' right to say "no guns on my premises, including the parking lot" . . . stay tuned!

5. **No Good Deed Goes Unpunished** – Do you offer cash in exchange for unused sick days? Then listen up, because the 8th Circuit thinks that amount must be included in non-exempt employees' "regular rate" for purposes of calculating overtime pay. Columbia, MO firefighters could exercise the buy-back once they accrued more than six months of paid leave. The Court analogized the payment to a non-discretionary bonus that is designed to reward regular attendance and is therefore part of their remuneration for employment. *Acton v. Columbia* (8th Cir. 2-8-06). While much of the overtime litigation focuses on employers' failure to recognize all hours worked, the other half of the equation (calculating the "regular rate" which, in many cases, is not the same as the hourly rate of pay) can cause just as much trouble. Conduct a self-audit of your wage and hour procedures (with help from legal counsel, if you're not sure) before someone does it for you!
6. **Whose House Is It Anyway?** – A Dep't of Labor (DOL) Opinion Letter confirms that employers who provide employee lodging (think on-site managers) can require an employee on FMLA leave to vacate the premises, so long as on-site employees on other types of leave are treated similarly. Also, the employer must allow the employee to return to the lodging if and when the employee returns to work before FMLA rights lapse. You can check out DOL Opinion Letters at www.dol.gov/esa/whd/opinion/opinion.htm.
7. **Women of the World** – Norway has a new law, giving Norse large and publicly-traded companies two years to achieve 40% female representation on their boards of directors.
8. **Today, Fido . . . Tomorrow, You?** – Two employees of CityWatcher.com agreed to have radio frequency identification (RFID) chips implanted in

their arms. The microchips are read by scanners that limit access to their employer's most secure rooms. The chips can also be loaded with the recipient's complete medical history, and are being used in hospital settings with patients who are prone to black-outs or roaming. The glass chips are the size of a grain of rice, can be injected with a needle in a doctor's office and removed like a "large splinter."

9. **Enron Emails: A Cautionary Tale** – Go to www.enronemail.com for thousands of reasons why some folks should be more careful about what they say in their emails. The site is a pitch for a tool that can "flag and group questionable emails" for a fee and their demo database includes more than 515,000 Enron messages collected by the Federal Energy Regulatory Commission during its investigation and then released to the public in 2003. Entries range from "This week is not good. I have a large pile of documents to shred. Next week is better." to "So, you were looking for a one-night stand after all?" Ouch.
10. **Survey Says** – Dallas HR, the North Texas Compensation Association and Deloitte have joined forces to offer the 2006 DFW area salary survey, including info on 226 positions in a variety of industries. Those who participate get a price break on the final results, so go to <https://www.deloittesurveys.com/DFWSurvey2006/> to submit your responses on-line. Questions? Contact Lina Jing at ljing@deloitte.com

Until next time,

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Upcoming Seminars & Conferences

<p><u>SHRM Annual Conference & Exposition</u> June 25-28, 2006 Washington, D.C. http://www.shrm.org/conferences/annual/</p> <p>The SHRM Annual Conference & Exposition is a three-and-a-half-day conference designed to give you, the HR professional, the most comprehensive and relevant professional development programs that improve your knowledge, skills and abilities.</p>	<p><u>2006 Strategic HR Conference</u> October 4-6, 2006, Westin Kierland Resort Phoenix, Arizona</p> <p>This three-day meeting promises to accelerate your strategic thought process, expand your view of what's possible, and give you key insights and ideas that you can use immediately to impact the success of your organization. An esteemed team of HR experts, leaders and visionaries will share their wisdom and best practices on how to think and act strategically.</p>
<p><u>2006 SHRM Workplace Diversity Conference & Exposition</u> October 16-18, 2006, Century Plaza Hotel and Spa Los Angeles, California http://www.shrm.org/conferences/diversity/</p> <p>Join leaders in the field of diversity management at this two-and-a-half-day forum. You will attend guided dialogue sessions that focus on emerging issues, current research, and legislative and regulatory compliance. This conference promises to be an excellent learning and networking opportunity for all professionals who are responsible for diversity within small, medium and large organizations.</p>	<p><u>HR Southwest</u> October 17-20, 2006 Fort Worth Convention Center Fort Worth, Texas http://www.hrsouthwest.com/</p> <p>World-renowned keynote speakers, one of the most extensive schedules of educational sessions, fantastic networking forums, fabulous prizes, and a first-class venue for exposure to the newest HR products, techniques and services.</p>

BVHRMA Chapter Meetings & Events

April 6 College Station Conference Center, Room 101
May 4 College Station Conference Center, Room 101
June 1 College Station Conference Center, Room 127
July 13th
August 3
September 7
October 5
November 2
December 7

TAX HISTORY PROJECT

It is April and for many Americans their thoughts turn to taxes. Add a little bit of knowledge and history to those thoughts, by checking out the Tax History Project website at www.taxhistory.org. This website is a public service initiative from Tax Analysts. The project, established in 1995, provides information on the

history of public finance. Some sections and features include a virtual museum of American tax history, and in-depth study of taxation during the Great Depression and World War II, and cartoons & posters from the history of US taxation.

DISCOUNT MEDICAL CARDS

Many companies are selling so-called discount health cards to consumers seeking affordable healthcare. Usually for a monthly fee, the cards claim to save subscribers money by offering discounts on physician visits, hospital stays, prescription drugs, dental work, eye care and other treatment. Discount health cards are spreading rapidly. Many may offer valuable, money-saving benefits for people without health insurance.

But discount health cards also can be confusing, because they are *not* insurance. You still must pay the medical bills yourself. These cards simply offer lower prices on services that accept these discounts. Growing numbers of discount cards also are deceptive or fraudulent. To lure unwary customers, their ads can make it seem they're selling real insurance. They can also make grossly inflated promises about savings and benefits. Many cards thus can cost you far more money than they're worth.

And because discount cards aren't insurance, there may be fewer consumer protections because your state insurance department may not regulate them. Nor do the salespersons necessarily need a license or healthcare background. In other words, you may be on your own.

Lose your health coverage. You could give up your current health coverage, mistakenly believing you found a better insurance deal. In fact, you'll have no health coverage and have to pay large medical bills out of your own pockets. Imagine arriving sick or injured at the hospital or

doctor's office, then presenting your discount card only to find you have no health insurance.

You're saddled with large medical bills. You'll have to pay medical bills yourself if you're fooled into believing you have real insurance.

The promised discounts may not exist, or may be exaggerated. Hidden administrative fees and other hidden costs can eat up your discounts. In the end, you may have to pay more money than you thought.

Your health care may be compromised. The medical providers and treatments the cards promise you may not exist.

Your money, identity and financial information could be stolen. At least one company obtained the credit card and checking account numbers of consumers when it tried to sell them discount cards over the phone, and then billed their credit cards unauthorized charges even when consumers declined the cards, the U.S. Federal Trade Commission alleges.

Contact authorities. Contact your state insurance department and Better Business Bureau if you suspect a scam. Your insurance department may not regulate the cards, but can help refer suspected fraud to the right authorities.

- From *Coalition Against Insurance Fraud*
http://insurancefraud.org/discount_health_plans.htm