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[WWW.BVHRMA.ORG](http://WWW.BVHRMA.ORG)



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*2007 Officers*

*President:*

Robert Hensz

*President Elect*

Sarah Tobola

*VP Programs*

Vacant

*Co-VP Membership*

Windelan Johnson

*Co-VP Membership*

Jeanette Philips

*Treasurer*

Krystal Broussard

*Secretary*

Kari Griffin

*Past President*

Leah Smith

## *President's Message*

As I write this note to all members of BVHRMA, 2006 is rapidly coming to a close and 2007 looms nearby on the horizon. What 2007 has in store for each of us, in many ways, is up to us. We have the choice of being bitter or being better. I hope that you, like me, will choose to be better – better in all that we do, and in our outlook on life. Our new board has been installed and has begun the work to make 2007 a banner year for BVHRMA, but we need you – each and every one of you – to work with us and help make us better. We have a goal of increasing membership and attendance at our meetings, so we need you to help bring in new members and to regularly attend. The topic for the month may not be in your area of specialization, but it will help make you a more well-rounded HR professional, and you will get to meet with other HR professionals, with whom you can work to help resolve problems while serving others better. We also want to serve our community better – helping both employees and future employees. All of our goals for 2007 need one major ingredient – YOU . . . so join the team, become involved and help us make 2007 better.

Bob Hensz

## *A Big Welcome to Our New Members!*

Ingrid Villar-Woods  
Recruiting Manager  
TAMU HR

Linda Edge  
Associate Director of HR  
TAMU HR

Frederick Waddell  
Program Specialist  
BV Workforce Solutions

Eddie Felder  
Recruitment & Retention Coordinator  
TAMU - Mays School of Business

## *Legal Briefs*

*by Audrey E. Moss*

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 3200 subscribers. Just email me to be added to the group and you can find previous issues for 2006 posted on the Munck Butrus law firm website ([www.munckbutrus.com](http://www.munckbutrus.com)) under E-Newsletter.

Here's the latest:

- 1. Sick Pay By the Bay** – Effective February 5, 2007, a new ordinance requires employers in San Francisco County to provide paid sick leave to workers beginning three months after hire, at a rate of one hour of paid leave for every 30 hours worked, up to a capped amount of 72 hours per year. The cap is 40 hours for employers will less than ten employees, including part-time and temporary workers. There is a mandatory poster, explaining this new right, which must be displayed in English, Spanish, Chinese and any other language spoken by at least 5% of the workforce. For full text see [www.sfgov.org/site/uploadedfiles/election/Candidates\\_&\\_Campaigns/PaidSickLeave.pdf](http://www.sfgov.org/site/uploadedfiles/election/Candidates_&_Campaigns/PaidSickLeave.pdf). Per Sen. Kennedy (D-Mass.), a federal version of this mandate will be acted upon in spring or summer of 2007. Check out S. 1085 and H.R. 1092 (<http://thomas.loc.gov>) for a preview of coming attractions.
- 2. Guess Who's Coming?** – The OFCCP has issued notices to about 120 federal contractors that 2000 or so establishments may be up for compliance review. Scheduling of evaluations began in late November and the agency says no single contractor will be set up for more than 25 evaluations during the year-long cycle. The evaluations will check for compliance with E.O. 11246 and related federal laws, such as VEVRAA and the Rehabilitation Act. For additional info, go to [www.dol.gov/esa/ofccp](http://www.dol.gov/esa/ofccp).
- 3. Partners** – Per a DOL press release, the Office of Disability Employment Policy of the DOL and SHRM have established an alliance to encourage and promote the employment of people with disabilities by providing information, guidance and access to resources. For more info, check out [www.dol.gov/odep](http://www.dol.gov/odep).
- 4. Big Blue(s)** – 32,000 current and former systems administrators, network technicians and other technical staff will divvy up a \$65 million settlement arising from unpaid overtime claims alleged against IBM. In addition to claims of misclassification as exempt under the FLSA, there were various state claims (e.g., missed breaks, unpaid waiting time) and alleged ERISA violations (e.g., failure to make company contributions to tax-deferred savings and pension plans). Also check out the DOL Opinion Letters for a new one on classifying IT Support Staff. See FLSA2006-42 at [www.dol.gov/esa/whd/opinion/opinion.htm](http://www.dol.gov/esa/whd/opinion/opinion.htm).

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**5. Too Much Sex** – An IL jury awarded three saleswomen \$2.3 million (including \$2.05 million in punitive damages) in response to testimony about a “hyper-sexualized work environment” at a trucking company. The EEOC alleged that the women were subject to groping, lewd sexual banter, propositioning and pornography, including an edict that they entertain customers and prospects at a strip club and participate in golf outings that featured yet more strippers. An appeal is planned and the award is likely to be reduced due to statutory caps on Title VII awards. *EEOC v. Custom Cos. Inc.* (N.D. Ill. 11-17-06). Guess they didn’t hear that customer preference is not a defense to Title VII violations?

**6. Got a Prevent Defense?** – Dallas employers were shaken to their core this week, on news of a murderous robber who rode the elevators in an office building after 5 p.m. until he identified his prey, followed her out and shot the 51 year-old woman to death just steps outside of her workplace. For now, it appears to be random and she may have been targeted for the bags she was carrying. Businesses cannot prevent every such occurrence, but there are things you can do. Does your building have controlled access? Security guards? Cameras? (They caught the guy two days later, on a tip generated by showing the elevator and entrance video on the news) Is there good lighting? Before you open your business, expand or move, do you check the crime stats for that area? Virtually every metro police department now posts info on date, location and type of crime on their websites. For Dallas, go to [www.dallaspolice.net](http://www.dallaspolice.net) and click on “Crime Info” in the top right corner. For Fort Worth, go to [www.fortworthpd.com](http://www.fortworthpd.com) and click on “Crime Stats” under “Safety.” For other cities, start with the city website and find the link to the police department website.

**7. Back to School** – Career advancement accounts of \$6000@ over two years are being made available to workers via a DOL pilot program covering eight states. For now, the accounts are in addition to (rather than in lieu of) state employment services and programs that target youth and dislocated workers. GA, MI, MN, MO and OH will limit availability to workers impacted by auto industry lay-offs, while IN, PA and WY are open to anyone deemed eligible. The idea is to give workers \$3000 in year one, and let them register for any type of training, with the option to renew for a second year.

**8. Tell Your Fortune?** – Check out the Dec. 11 issue of Fortune magazine, for further proof of the key role that HR is playing in corporate America. HR’s “to do” list is long and growing: [1] protect employee info from internal and external identity theft (page 34); [2] manage health care costs (page 65); [3] go global (page 72 “P&G does more than half its business outside the U.S., so [the CEO] has recast his top executive group to be 50% non-American.”); [4] gauge GLBT (gay, lesbian, bi- and transgender) hiring and benefits (pages 94 – 110); [5] counter corporate-bashing labor union tactics (e.g., UFCW founded Wake Up Wal-Mart and SEIU founded Wal-Mart Watch); and [6] consider what to do about flat productivity (page 198). Whew. That’s why they pay you the big bucks!

**9. Party On (Responsibly) Dude!** – Go to [www.dol.gov](http://www.dol.gov) and click on “Tips for Employers on Safe and Sober Workplace Holiday Parties” under “Highlights” for your annual reminder.

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### 10. More Fun with FMLA

- a. DOL is accepting comments on the FMLA until 5 p.m. on February 2, 2007, prior to a possible rewrite of regs that have given employers heartburn.
- b. Dental coverage may be part of the “group health plan” that is subject to continuation during FMLA leaves, per a DOL Opinion letter (FMLA2006-6-A) issued on Nov. 15, 2006. See the link to DOL WHD website at #4, above.
- c. The 10<sup>th</sup> Cir. (i.e., WY, UT, CO, KS, OK and NM) joins the 5<sup>th</sup> Cir. (i.e., TX, LA and MS), in holding that FMLA eligibility depends on having 50 employees within 75 “surface miles” (not linear miles) of the worksite where a leave has been requested. *Hackworth v. Progressive Cas. Ins. Co.* (10<sup>th</sup> Cir. 11-14-06). See also Legal Briefs for HR #1-2006.
- d. No FMLA interference found, where an employee fired for taking FMLA leave in order to appear in small claims court. *Lyerla v. A&A Mfg. Co. Inc.* (N.D. Ind. 10-16-06).

**11. G.I. Joes and Janes** – Hats off to Texas, for having the highest concentration of military-friendly employers in the nation, according to G.I. Jobs magazine. Salutes are in order for #4 Burlington Northern Santa Fe Railway (Fort Worth); #23 Fluor Corp. (Irving); #35 7-11 Stores (Dallas); #37 Southwest Airlines (Dallas) and #49 Exxon Mobil Corp. (Irving). For the complete list of 50 employers, go to [www.gijobs.net](http://www.gijobs.net).

**12. Best Wishes to You and Yours** – As human resource professionals (and related practitioners), you make workplaces functional, safe, productive and a source of pride, not just income, for so many people. You’ve been tasked with the awesome responsibility of shepherding the most important resource any organization has . . . its people. And you do it so well. In case you haven’t heard it lately, thank you for what you do! And have a wonderful holiday season with your personal and professional families!

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Legal Briefs for HR is provided to alert recipients to new developments in the law and with the understanding that it is guidance and not a legal or professional opinion on specific facts or matters. For answers to your specific questions, please consult with counsel.

## *Student Employee of the Year Nominations Open January 2<sup>nd</sup>!*

The Texas A&M Department of Student Financial Aid is pleased to announce that nominations for the 9<sup>th</sup> annual Texas A&M Student Employee of the Year Awards will open on January 2, 2007. Recognize your outstanding student employee by nominating him or her for this award.

To be eligible for the TAMU Student Employee of the Year Award students must:

- Must be a Texas A&M University student currently performing in the Student Employee capacity.
- Must be working an average of 15 - 25 hours per week with their main focus being school.
- May be an undergraduate or graduate student but not a Graduate Assistant or Teaching Assistant.
- Must have been employed a minimum of six (6) months by February 2, 2007.
- Must be enrolled at least ½ time (6 hours undergraduate, 4 hours graduate) at Texas A&M.
- Must be maintaining a 3.0 GPR or above during the semesters that the student is employed(to be calculated by Student Employment Office).
- Must be nominated by a supervisor or staff member.

Nominations are scored in three categories: semesters of service, GPR during those semesters, and the written nomination by the employer. The written nomination is used to evaluate the student based on the following criteria: Reliability, Quality of Work, Initiative, Professionalism, and Uniqueness of Contribution. One student employed on-campus and one student employed off-campus will be selected and will receive a scholarship sponsored by the Association of Former Students.

If you are interested in nominating a student employee, nomination forms will be made available by January 2<sup>nd</sup>, 2007 at <http://jobsforaggies.tamu.edu> under Student Employment Week. Nominations and all supporting documents must be received by the Student Employment Office by February 2, 2007 at 5:00 pm.

For more information, please contact Erin Porter at 845-4542 or [eporter@tamu.edu](mailto:eporter@tamu.edu).

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*BVHRMA's Balance Sheet**as of 12/15/06*

## ASSETS

Current Assets

Checking/Savings

FAB OPERATING ACCOUNT

6,780.00

PETTY CASH 60.00Total Checking/Savings 6,840.00Total Current Assets 6,840.00**TOTAL ASSETS 6,840.00**

## LIABILITIES &amp; EQUITY

Equity

RETAINED EARNINGS 4,357.41

Net Income 2,482.59Total Equity 6,840.00**TOTAL LIABILITIES & EQUITY 6,840.00***Helpful Links*

Society for Human Resources Management

[www.shrm.org](http://www.shrm.org)

Texas State Council- SHRM

[www.tsc-shrm.org](http://www.tsc-shrm.org)

SHRM Government Affairs

[www.shrm.org/government/](http://www.shrm.org/government/)

SHRM Conferences

[www.shrm.org/conferences/](http://www.shrm.org/conferences/)*Upcoming Events...*

Unless otherwise noted, monthly meetings/luncheons are held on the first Thursday of every month from 11:30AM to 1:00PM at the College Station Conference Center, 1300 George Bush Drive, College Station, TX

\*January 11, 2007

Topic: Joint Meeting w/BVASTD

February 1, 2007

Topic: TBD

March 1, 2007

Topic: TBD

March 12-14, 2007

SHRM Employment Law &amp; Legislative Conference

Capital Hilton, Washington, D.C.

\*2<sup>nd</sup> Thursday of the month