



# March 2006 Newsletter



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## FEBRUARY 2, 2006 MEETING RECAP

### UPDATES TO THE FAIR LABOR STANDARDS ACT

By Liz Galvan, PHR

Julia Gannaway of Lynn Pham and Ross, LLP presented updates to the Fair Labor Standards Act that became effective on August 23, 2004.

Updates to the regulation included:

- The *salary basis test* was increased from \$250 to \$455 per week
- *Highly compensated employees*:  
If all the following are met, the highly compensated employee is exempt:
  - The employee's total annual compensation is \$100,000 or more and includes being paid at least \$455 per week (\$23,660/per year) on a salary basis. The total annual compensation of \$100,000 or more may consist of commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period.
  - The primary duty is performing office or non-manual work; and
  - The employee regularly and customarily a minimum of one of the exempt duties/responsibilities of an exempt *executive, administrative, or professional* employee.
- *Executive exemption*:  
If all of the following are met, the position would qualify under the executive exemption.
  - The employee is compensated on a salary basis at least \$455 per week (\$23,660/per year);
  - The employee's primary duty must be managing the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;

- continued FLSA pg 11

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

## **YOUR FOUNDATION AT WORK: HR LEADERSHIP AT THE BOARD LEVEL**

Each year, the SHRM Foundation sponsors an invitation-only Thought Leaders Retreat. The event brings together leading thinkers and doers in the HR field to explore critical issues impacting the profession. In 2004, participants examined HR's role in board governance. Major corporate scandals and the Sarbanes-Oxley legislation have created a renewed focus on corporate governance. For savvy HR executives, this also creates new opportunities for HR to add value. For example, HR can:

- Take the lead in building an ethical culture in the organization.
- Incorporate personal qualities such as character and ethics into board and executive succession planning.

- Make the case that most business issues are really people issues- and therefore should involve HR.

Going forward, HR can play a key role in supporting the board and senior management to minimize the likelihood of future scandals and to build better, more effective organizations. The key is to understand the critical business challenges and to demonstrate how HR can deliver solutions to these problems.

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

## **SHRM FOUNDATION PLANS SILENT AUCTION**

New for 2006! The SHRM Foundation will conduct a national Silent Auction during the Distinguished Conference Attendee (DCA) reception, June 25 at the SHRM Annual Conference in Washington DC. The Foundation is asking SHRM state councils to donate an item valued at \$100 or more to the auction. Examples include: free hotel stays and city tours, original artwork, jewelry, electronics, gift baskets, etc. Please consider donating items that reflect your state or region, such as a case of wine and private winery tour from California,

or tickets to a rodeo plus hotel stay from Texas. The value of these items will count toward state council contribution totals for 2006.

We encourage you to be creative! Offering interesting and unique prizes will help the Foundation to make this event a success. Underwriting opportunities for your organization are also available. Please contact SHRM Foundation Executive Director Karen Silberman at [ksilberman@shrm.org](mailto:ksilberman@shrm.org) for more information.

## **2005 ANNUAL CAMPAIGN A BIG SUCCESS**

HRCI appreciates all the chapters, states and individuals who supported the Foundation in 2005. Thanks to your efforts, it has been another record-setting year. In 2004, the Foundation raised \$428,000. For 2005, the

current total is \$442,000 and that number continues to rise as the Foundation continues counting end-of-the-year donations! Look for final campaign totals later this spring.

## EMPLOYMENT LAW ESSENTIALS FOR TODAY'S MANAGERS

BVHRMA is pleased to sponsor an interactive **4-hour training session geared to educating and training the *Department Managers and Supervisors*** in your organization. Are your managers and supervisors up-to-date on all the regulations that impact the workplace? Do they understand when and why it is necessary to involve HR in employee issues?

As confusing and difficult as it is for HR professional to keep all of the employment-related topics under control, imagine how difficult it must be for the front line employees in our organizations. This interactive and upbeat session will be conducted specifically from the Manager or Supervisor's perspective by 20-year HR veteran, Ray Grossman of Management Development Solutions, Inc. Ray comes to this training from an HR-focus and understands how difficult it is to get Managers and Supervisors on the same page regarding the significant regulations that impact day-to-day operations.

The Program Objectives are:

- Introduce Managers and Supervisors to significant employment law essentials
- The 10 biggest mistakes made by managers and supervisors
- Overview managers' and supervisors' compliance responsibilities
- Practical and useful tactics, materials and tips.

The \$40 registration fee per person includes a free lunch. At that price you cannot afford to NOT send your managers and supervisors to this insightful program that can keep you and your organization out of the court room.

<b>Where:</b>	Pebble Creek Country Club
<b>When:</b>	Wednesday, March 1, 2006, 10:00 a.m. - 2:00 p.m.
<b>Cost:</b>	\$40.00
<b>Topic:</b>	<b><i>Employment Law Essentials for Today's Managers</i></b>
<b>Targeted Audience:</b>	Mid-level managers, Front-line supervisors, Entry level HR professionals
<b>RSVP:</b>	<a href="mailto:konny@iGoErgo.com">konny@iGoErgo.com</a> , 778-0502, #114, or fax 979-778-0408, by Friday, February 24, 2006

See the attached registration form for full information on the session. It is not necessary to register by using the registration form; however, there are some who may need it. Pre-registration is required, and can be done by response to this e-mail or by following directions on the form. Payment can be made at the event, as long as you have pre-registered.

## Membership Profile Sarah Tobola



Place of birth: Harris County    Hometown: Houston

**Family:** Are you married? Yes    How long? 5/7/05    Spouse Name: Gary

Do you have any children? Yes    What are their name(s) and age(s) The furry type...Miss Kitty and Gracie

**Education:** BS from Texas A&M University

**Hobbies/ Interest:** What Hobbies / interests do you enjoy? Roller blading, scrapbooking, floral design. I am also a licensed Realtor. Working on Certified Benefits Specialist (CEBS) designation

### **BVHRMA Chapter**

How long have you been a member of BVHRMA? 7 months    In what ways have you previously served the chapter? Previously served on the Program and Symposium committee for HR Houston.

Are you certified? Yes, PHR    Are you a SHRM member? Yes

### **Human Resources**

How long have you worked in Human Resources? 7 years

How or why did you choose to work in HR? *What I like best about HR and why I chose HR are basically the same...level of impact is great.*

What was your first job in HR? *HR Coordinator for a healthcare TPA*

What is your current position / function in HR? *Employee Benefits Representative with TEES Personnel Services*

What do you like most about working in the HR?

*HR, unlike most other "corporate" positions, has the true ability to have a positive impact on an employees life. Whether it is creating a new benefit program, counseling a employee to perform better in their job, employee recognition, providing extra training opportunities, or any*

*other HR function, we have a direct impact on our employees lives and the overall organization....what's not to like about that?*

What changes have you seen in HR during your years in the field?

*HR is a fast-paced discipline. It seems that stuff is always changing. The major change I have seen over the years is increased modifications and process improvements that free up HR individuals from the more administrative functions and allow us to focus more time on strategic goals and projects.*

What advice would you give to someone just starting in HR or to a student choosing to major in HR?

*My advice for someone starting out in HR is to get certified. It helps increase your knowledge base and gives you extra credentials. In our jobs, it sometimes seems like we have to prove that we actually know what we are talking about and that we are not just making this stuff up to be difficult...a certification goes a long way to help accomplish that.*

Do you have a funny story from your adventures in HR to share?

*When I worked at the TPA, I handled the HR functions for 4 different offices. Based out of the corporate office, my trips to the other offices were always well communicated in advance. Usually, surprise visits meant I was there to fire or lay people off. They used to call me the grim reaper. One day I dropped by one of the offices for a compliance check...unannounced. As I walked into the office, I carried a stack stack of pink papers...as a joke all the supervisors got "pink-slips" which really thanked them for their hard work.*

## NEWS & TIDBITS

### Welcome New BVHRMA Members!!

Elizabeth Galvan

Senior Classification & Compensation Analyst, TAMU

James McElhaney

HR Manager, Saint-Gobain Norpro

Jennifer Marin

Classification & Compensation Analyst, TAMU

Julie Huval

HR Representative, TEES

Marita O'Dell

Organization Development Specialist, City of College Station

Marylyn Norrell

ARO Electronics Manufacturing Services Inc.

## HR SOUTHWEST

Last year 27 of our 35 Texas State SHRM Chapters received checks from the HR SOUTHWEST Conference due to being involved in the Chapter Ambassador Grant program! Those 27 checks paid out a total of \$11,675 to Texas SHRM Chapters. Because our State Conference profitability reached the top

category for return on investment, each chapter that participated in the Ambassador Grant Program received \$25 for each chapter member who attended the conference and an additional \$50 for each chapter member that was a net gain in attendance from the 2004 Conference.

BVHRMA received a check in the amount of \$775.00 for our participation in the HR SW Ambassador program. Brazos Valley had 15 people attend the conference. This earned the chapter money because the individuals designated our chapter on their registration form.

Many thanks to Tom Owen, the 2005 BVHRMA HRSW Ambassador.

BVHRMA is looking for a 2006 HR SW Ambassador. The Ambassador's role will be to

promote the Conference to our membership through announcements at chapter meetings/special events and newsletter articles as well as seeking out other opportunities to market to members and the broader HR community in your area. The only 'job qualifications' are boundless enthusiasm and a commitment to bringing your members the best in value-added professional development opportunities. Ambassadors will receive a discount on their registration fees; they may register for the Conference at the Dallas HR rates. A free 2007 HR SOUTHWEST Conference Registration will be given to the Ambassador who "outshines" all the others! Just follow the example of Amber Williams from the Bay Area HRM Association who had the highest percent increase of attendee participation in 2005!

Anyone that is interested in becoming the Ambassador needs to contact Leah S. Smith, leah.smith@trajen.com by February 22nd. This is a first come first serve appointment.

## **DIVERSITY NOTES**

### **March 2006**

- 1 - Ash Wednesday (Protestant, Roman Catholic)
- 1 - St. David's Day (English, Welsh)
- 3 - The Doll Festival (Japan)
- 3 - World Day of Prayer
- 8 - International Women's Day (United Nations)
- 14 - Purim (Jewish)
- 17 - St. Patrick's Day (Ireland, United States)
- 20 - Spring Begins (March 20-June 21)
- 21 - Naw-Ruz (Baha'i, Persia)
- 22 - New Year's Day (India)
- 25 - Feast of Annunciation (Christian)
- 26 - Mothering Sunday (England)

Deaf History Month  
Irish-American Heritage Month  
Mental Retardation Awareness Month  
National Chronic Fatigue Syndrome  
Awareness Month  
National Multiple Sclerosis Education  
and Awareness Month  
National Women's History Month

**Deaf History Month** covers the period of March 13 to April 15. It celebrates deaf history, particularly key events in deaf heritage. Three key events occurred during deaf history month:

- March 13 - 1988 Deaf President Now movement succeeds. King Jordan becomes president of Gallaudet University.
- April 8 - Gallaudet University founded. President Lincoln signed the charter in 1864 establishing a college for the deaf. This event is known as Gallaudet Charter Day, and is usually marked with a luncheon and awards program at Gallaudet University.
- April 15 - American School for the Deaf, the first public school for deaf, opens in 1817.

In celebration of a month that includes awareness of deaf history, mental retardation, chronic fatigue syndrome and multiple sclerosis; human resource professionals must recognize our roles as advocating for diversity in all its many forms.

*The following is an excerpt from "Employing People with Disabilities" By Nancy Lockwood, April 2005. SHRM members may read the full article at [www.shrm.org/diversity/library\\_published/nonIC/CMS\\_012703.asp](http://www.shrm.org/diversity/library_published/nonIC/CMS_012703.asp)*

Fast fact: Individuals with disabilities comprise less than 10% of companies' total workforces.  
Source: *Employer Incentives for Hiring Individuals with Disabilities Survey*, 2003.

#### **Advantages of Hiring People With Disabilities**

Based on the business case for workplace diversity, retention is a primary reason to focus on diversity management. People with disabilities offer many advantages to employers, such as employer loyalty. For example, research that reviewed 90 studies reveals that employees with a disability have better safety records, equal or better turnover and absentee rates, equal or better job assignment flexibility and better than average attendance records, compared to non-disabled employees. They work hard, are reliable, punctual and as productive as others.

#### **HR's Role**

There are many types of disabilities. For example, an employee might be nearsighted or have limited ability with advanced mathematics. Under the ADA definition, approximately 49 million Americans are disabled; 26 million are severely disabled.<sup>5</sup> Building effective relationships inside and outside the workplace depends on understanding, respect and appreciation of others.

Under the umbrella of workplace diversity, HR plays a significant role, from providing education regarding working with others who are different to ensuring the company HR policies, practices and programs are clear and nondiscriminatory. For example, training or workshops help other employees understand how individuals with disabilities may experience the world and the barriers they may face (e.g., discrimination, prejudice, stereotypes). In addition, HR promotes equal opportunity for employees with disabilities by ensuring job requirements are clearly stated (e.g., essential job functions and physical ability are clearly defined). In addition, it is important that HR promotes fair and equal treatment (e.g., illegal questions are not asked during a job interview).

# 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 might benefit . . . all are welcome to join this FREE service with over 2700 subscribers!

A warm welcome, to new subscribers who attended my speeches for the Garland Chamber of Commerce HR Roundtable (Jan. 10), the Dallas HR monthly meeting (Jan. 10) and the Lubbock SHRM chapter (Jan. 26).

Here's what's up:

1. **Are You Exposed?** – Oprah wants them. NBC Dateline wants them. You've got them. Who are they? Consumers of kiddie porn and child predators . . . and some of them are your employees. If you thought "it's not my problem," think again. A negligence claim is proceeding in a NJ court, against an employer who knew it had an employee accessing porn at work and failed to respond appropriately. *Doe v. XYZ Corp.* (NJ Super Ct 12-27-05). I've had the privilege of working with a Dallas County ADA, Ada Brown, who prosecuted child predators (and is now a judge). In an article she wrote for the Dallas Bar Association's newsletter, she provided some great advice:

- a. Have a written policy expressly prohibiting download, upload or exchange of files or email containing sexual content and send occasional reminders about the policy;
- b. Have your IT department add a filter to prevent employee access of inappropriate websites;
- c. Prohibit instant messaging, which is the "#1 tool that Internet predators use to trade child porn," and use standard email instead;
- d. Track after-hours access of your premises and computers; predators like to return to work after hours to do their dirty business, to avoid the watchful eyes of co-workers and spouses; make sure co-workers use screensaver passwords so that a predator can't use their computer as a means to evade detection;
- e. Encourage co-workers to report suspicious behavior . . . the person who

quickly closes out a computer screen when approached; and

f. If your execs have bios posted on the company website with the names, ages and/or photos of their children, remove that info.

2. **Separation Anxiety** – The 9<sup>th</sup> Circuit joins the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Circuits, in holding that a discriminatory failure to reinstate a former employee is a separate claim from termination under the ADA. Briefly, a PacBell technician lied on his employment application about a felony conviction and was terminated for that reason. During the union's appeal of his discharge, the felony was expunged by the court. The company continued to deny reinstatement, however, stating that the worker had spent time in a state mental hospital. A jury found the employer had "regarded" the worker as disabled and awarded him \$500,000 in back and front pay plus damages, and the 9<sup>th</sup> Circuit upheld the decision. *Josephs v. Pacific Bell* (9<sup>th</sup> Cir. 12-27-05).

3. **Seattle Loses (Again)** – Two thousand City of Seattle workers classified as temps will divvy up an \$11.5 million settlement, on claims that they were wrongfully denied employee health benefits. The class members are those who worked for more than one year on at least a half-time (916 hours) basis and did not receive some or all of the benefits afforded "regular" employees. *Glaser v. Seattle* (Wash. Super Ct 12-19-05). The plaintiffs' legal reps are the same ones that garnered \$96 million in the Microsoft "permatemps" case and \$18 million from King County, WA. If you rely on temps who stick around for more than a year, keep an eye on state legislatures, which are cranking out new rules to mandate equality in comp and benefits between regulars and temps. Some are even defining "employee" to include independent contractors, for certain rights.

4. **Simply the Best** – Our Texas ten-gallon hats are off, to the following Texas employers (and Legal Briefs for HR subscribers) who are among Fortune magazine's "100 Best Companies to Work For" in 2006 . . . Way to go!

- #3 – Valero Energy in San Antonio
- #6 – Container Store in Coppell
- #15 – Whole Foods Market in Austin
- #24 – David Weekley Homes in Houston
- #32 – Alcon Labs in Fort Worth

- #36 – TD Industries in Dallas
- #77 – National Instruments in Austin
- #78 – Methodist Hospital System in Houston
- #83 – Texas Instruments in Dallas
- #92 – Mens' Warehouse in Houston

5. **No SOX South of the Border** – The 1<sup>st</sup> Circuit has ruled that the whistleblower protection of the Sarbanes-Oxley Act (“SOX”) has no extraterritorial reach and, therefore, provided no relief to a foreign employee of an Argentine subsidiary of a U.S. employer. *Carnero v. Boston Scientific Corp.* (1<sup>st</sup> Cir. 1-5-06).

6. **Not What You Bargained For** – Several employers have received unpleasant reminders that their collective bargaining agreements put limits on what they can do. A Seattle hospital could not require unionized RNs to get a flu shot as a condition of employment. *Virginia Mason Hosp. v. Wash. State Nurses Association* (W.D. Wash. 1-5-06). Five railroads could not force covered workers in 13 named unions to substitute accrued paid time off for unpaid leave during FMLA absences. *Brotherhood of Maint. Of Way Employees v. CSX Transp. Inc.* (N.D. Ill. 12-28-05). In the FMLA case, the employers tried to argue that the FMLA gives them the right to force the use of PTO, but the court observed that the regulations say companies “may” (as opposed to “shall”) require the substitution and the statute does not prevent employers from contracting away the right to require the substitution.

7. **That’s Major** – The 4<sup>th</sup> Circuit has decided to add “elimination of bodily waste” to the list of “major life activities” that help to define who has the protection of the ADA and who does not. The case involved a worker who had end-stage renal disease and required hemodialysis for three afternoons each week until he was able to get a kidney transplant. He claimed failure to promote and constructive discharge, losing on the employer’s motion for summary judgment at the district court level, but prevailing on the failure to promote argument, upon appeal. The court cautioned that “[not] every example of organ failure will be equated with a major life activity” but the facts of this case meant “no reasonable jury could conclude otherwise.” *Heiko v. Colombo Savings Bank FSB* (4<sup>th</sup> Cir. 1-10-06).

8. **Capped Out** – Effective Jan. 18, 2006 DHS ICE has announced that no more H-1B applications for fiscal year 2006 will be accepted for foreign workers with advanced degrees from U.S. universities. Currently, up to 20,000 workers can be exempted from the annual 65,000 H-1B cap if they have such a degree. The 2007 fiscal year begins October 1, 2006 and the earliest date an application will be accepted is April 1, 2006.

9. **As the Crow Flies (Not)** – The U.S. Supreme Court refused to review a 5<sup>th</sup> Cir. decision which held that an employee was not eligible for FMLA job protection because there were not 50 employees within 75 miles of his worksite. There were more than 50 employees at two sites that were 68 miles apart, but the regulations instruct that the 75-mile measure is to be taken using “surface miles, using surface transportation over public streets, roads, highways and waterways . . . .” as opposed to drawing a radius on a map with the work site in question at the center. *Bellum v. PCE Constructors Inc.* (U.S. S. Ct. 1-17-06). This case is another example of the need to be familiar with, correctly apply and adequately communicate a myriad of definitions, in determining FMLA eligibility.

10. **Keep Your Fingers Crossed** – OFCCP admits that the annual EO survey required of certain federal contractors is “fundamentally flawed” and has proposed to eliminate that requirement. Yahoo and stay tuned!

Until next time,

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## Upcoming Seminars & Conferences

<p><b><u>23rd Annual Employment Law &amp; Legislative Conference</u></b>  <i>March 13-15, 2006, Capital Hilton   Washington, D.C.</i>  <a href="http://www.shrm.org/conferences/leg/">http://www.shrm.org/conferences/leg/</a></p> <p>The Employment Law and Legislative Conference provides the information you need to stay informed about the latest legislative issues pending at the federal and state level as well as compliance and regulatory issues that affect how you conduct day-to-day HR business.</p>	<p><b><u>Global Certification Preparation Course</u></b>  <i>Saturday, March 18–21, 2006 Caesars Palace   Las Vegas, Nevada USA</i>  <a href="http://www.shrm.org/conferences/global/">http://www.shrm.org/conferences/global/</a></p> <p>. Strengthen your knowledge base of the entire body of international HR knowledge while preparing for the GPHR™ exam. Using the SHRM Global Learning System, this comprehensive course highlights content areas that may appear on the certification exam.</p>
<p><b><u>29th Annual Conference &amp; Exposition of the SHRM Global Forum</u></b>  <i>March 20-22, 2006, Caesars Palace   Las Vegas, Nevada USA</i>  <a href="http://www.shrm.org/conferences/global/">http://www.shrm.org/conferences/global/</a></p> <p>Join other HR professionals from around the world for strategic discussions, workshops and presentations about global HR practices and issues. Hear from highly acclaimed keynote speakers who provide differing perspectives and viewpoints that enhance your understanding of HR in the global community and marketplace. Their messages supplement concurrent session offerings on a wide variety of international HR topics.</p>	<p><b><u>37th Annual Employment Management Conference &amp; Exposition</u></b>  <i>March 30-April 1, 2006, Manchester Grand Hyatt   San Diego, California</i>  <a href="http://www.shrm.org/conferences/ema/">http://www.shrm.org/conferences/ema/</a></p> <p>Join us at SHRM's 37th Annual Employment Management Conference and Exposition—the one and only conference dedicated to HR professionals specializing in employment and staffing. This conference is specifically designed to focus on the distinctive interests and professional development needs of employment professionals.</p>
<p><b><u>SHRM Annual Conference &amp; Exposition</u></b>  <i>June 25-28, 2006 Washington, D.C.</i>  <a href="http://www.shrm.org/conferences/annual/">http://www.shrm.org/conferences/annual/</a></p> <p>The SHRM Annual Conference &amp; 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><b><u>2006 SHRM Workplace Diversity Conference &amp; Exposition</u></b>  <i>October 16-18, 2006, Century Plaza Hotel and Spa   Los Angeles, California</i>  <a href="http://www.shrm.org/conferences/diversity/">http://www.shrm.org/conferences/diversity/</a></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><b><u>2006 Strategic HR Conference</u></b>  <i>October 4-6, 2006, Westin Kierland Resort   Phoenix, Arizona</i></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>	

## BVHRMA Chapter Meetings & Events

Wednesday, March 1, 2006, 10:00 a.m. - 2:00 p.m.  
***Employment Law Essentials for Today's Managers***  
Pebble Creek Country Club

March 2  
College Station Conference Center, Room 101

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

## BRAZOS VALLEY

Early Spanish explorers of Texas were courageous and hardy men, but often illiterate. When they were sent to the New World by King Ferdinand and Queen Isabella, each group was accompanied by a priest or monk who was well educated and served the expedition in several ways. The priests kept daily records. Maps were made of the land they explored. Places were named. Weather was recorded. They did all of these duties as well as administering to the religious life of the group and the natives they met along the way.

On the earliest maps of Texas, what we now call the Brazos River was "El Rio de los Brazos de Dios" - the welcoming arms of God. Late one afternoon after a very hot day's walk across the dry Texas prairie, a tired priest and his company saw a green line through the shimmering heat. He soon realized it was trees along a stream. To the priest and his weary-worn group it was like the extended, welcoming arms of God to their parched bodies. Consequently, on the priest's map the stream was named El Rio de los Brazos de Dios. Down through Texas history, the river and its valley have been of historical importance.

- from <http://www.texasdar.org/chapters/BrazosValley/>

## FLSA Continued from page 1

- The employee must direct the work of two (2) full-time (or their equivalent) employees on a regular basis; and
  - The employee must have the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.
- *Administrative exemption:*  
If all of the following are met, the position would qualify under the administrative exemption.
    - The employee is compensated on a salary basis at least \$455 per week (\$23,660/per year);
    - The employee's primary duty must be in office or non-manual work that is directly related to the management of general business operations of the employer or the employer's customers; and
    - The employee's primary duty includes exercising discretion and independent judgment with respect to matters of significance.
  - *Professional exemption:*  
If all of the following are met, the position would qualify under the professional exemption.
    - The employee is compensated on a salary basis at least \$455 per week (\$23,660/per year);
    - The employee's primary duty is performing work requiring knowledge of an advanced type (defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment) in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or
    - The employee's primary duty is performing work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
  - *Computer exemption:*  
Computer professionals paid at least \$27.63 per hour or \$455 on a salary basis are exempt from overtime provisions.
  - If wages are under \$455 (week)/\$23,660 (year) then the employee is non-exempt

For more information please on exemptions under the Fair Labor Standards Act, please visit the Department of Labor FairPay website at <http://www.dol.gov/fairpay>.

