



BVHRMA Newsletter

March 2009

Chapter #0330



Monthly Program & Luncheon

Articles

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- TOPIC:** Stress Management
- WHEN:** Thursday, March 5, 2009
- TIME:** 11:30AM – 1:00PM
- WHERE:** 1300 George Bush Drive and Holik Drive, College Station Conference Center, Room 101
- COST:** \$10/member & first time guest
\$15/non-RSVP guest
- SPEAKER:** Tom Marrs, Ph.D., Licensed Psychologist
Texas A&M University Human Resources Dept.,
Employee Assistance Program
- DESCRIPTION:** A discussion on unique causes and effects of stress. Activities help participants focus on strategies to reduce and cope with stress in the workplace.
- MENU:** Lasagna, grilled Tuscan veggies, tossed salad, garlic bread sticks and sweet and unsweet tea (subject to change).
- RSVP:** LGalvan1984@gmail.com by noon on Tuesday, March 3, 2009.
Please reply by the deadline to ensure that the appropriate number of meals are ordered.

SHRM & Other Events

Please visit the web address listed below for more information about these events.

2009 SHRM®

Employment Law and Legislative Conference

<http://shrm.org/conferences/leg/>

March 9-11, 2009

Capitol Hilton

Washington, D.C.

2009 SHRM®

Global Conference & Exposition

<http://shrm.org/conferences/global>

March 30 – April 1, 2009

The Fairmont Royal York Hotel

Toronto, Ontario, Canada

2009 SHRM®

Staffing Management Conference

<http://shrm.org/conferences/staffingmanagement/>

April 28 - 30, 2009

Las Vegas Hilton

Las Vegas, NV

2009 SHRM®

Annual Conference & Exposition

<http://shrm.org/conferences/annual/>

June 28 – July 1, 2009

New Orleans, LA

HR Southwest

HR Rocks!

<http://www.hrsouthwest.com/>

October 13 – 16, 2009

Fort Worth Convention Center

Fort Worth, TX

EARLY REGISTRATION BEGINS MARCH 2, 2009!

Mark Your Calendar!

BVHRMA April 2009 Program

Please join us on April 2, 2009 when *Karla Bounds* will give a presentation about **Your Fiduciary Responsibility Under ERISA.**

We have also received HRCI pre-approval for our April Meeting!

March is:

Deaf History Month
Greek-American Heritage 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 (United
States)
Spiritual Wellness Month

Diversity Dates

1 - St. David's Day (Welsh)
2 - Mothering Sunday (England)
6 - World Day of Prayer
8 - International Women's Day (United
Nations)
10 - Purim (Jewish)
17 - St. Patrick's Day (Ireland, United
States)
21 - Naw-Ruz (Baha'i, Persia)
21 - New Year's Day (India)
25 - Feast of Annunciation (Christian)

Generations Agree, Disagree on What Keeps Them Engaged By Rebecca R. Hastings

In the September 2008 article, *Generations Agree, Disagree on What Keeps Them Engaged*, Rebecca R. Hastings, SPHR, reports on findings from *Engaging a Changing Workforce: A Study of Four Generations*, released Aug. 15, 2008, by The Learning Café, a West Coast-based consulting firm specializing in generational issues:

Motivators

While the number one motivator for all generations was the same—"challenging, stimulating, varied work," it meant different things to different generations. For example, Millennials (born between 1977 and 1998) want to work on a variety of substantial, important projects that allow them to learn and use new skills. For Baby Boomers (born between 1946 and 1964) and those from The Silent Generation (born between 1933 and 1945) it's important for their work to make a meaningful impact on the success of the organization.

Respondents from various generations agreed on other motivators as well. For example, Millennials and GenXers (born between 1965 and 1976) as the newest generations to the workforce, both seek career growth, learning and development. GenXers also agree with their elder colleagues on the importance of making a difference on the job.

However, the report identified one motivator unique to each generational group. Millennials, as the least experienced and presumably lowest-paid generation, listed pay as their second most important motivator. "Given their high self-esteem, Millennials may have salary expectations that are higher than the market's reality," the authors reported. "If they perceive their pay is inadequate, they feel undervalued."

GenXers, who might be in the midst of raising a family, were the only group to place “healthy work/life balance/flexibility” on their list of top four motivators. By contrast, Boomers—often called the “me generation”—place a high value on appreciation and recognition for the hard work and extra hours they put in.

And the small number of respondents from the Silent Generation—who generally have more experience than anyone else in the workplace—want autonomy and the ability to innovate.

Demotivators

Just as Millennials place a premium on challenging, varied work, they hate being bored. “Even waiting five or ten minutes for a meeting to get under way will ignite agitation,” the report authors said. The other generations agree, placing “boredom, no challenge” on their top four list of demotivators.

Similarly, three of the four generations get frustrated with an inability to learn, grow and develop. This topped the list of demotivators for GenX and is noted as a key point for retaining members of this group. The authors report that 77 percent of GenXers said they would leave a job for more intellectual stimulation.

GenXers were the only group to place “no work/life balance” on their list of demotivators. “They want to have a life, and they want to have it now,” the authors note.

For Baby Boomer respondents the number one demotivator is a lack of appreciation, respect or recognition. “Boomers expect to be noticed and appreciated,” the authors note. “In addition, they have worked hard—often 60- to 70-hour weeks—and they want recognition and appreciation expressed for this investment.”

The Silent Generation, cited “feeling undervalued” as their top demotivator. This generation often describes itself as the least appreciated in the workforce.

7th Annual Higher Education Symposium

March 3-5, 2009

Dallas, TX

A three-day symposium designed for college and university administrators who manage: Affirmative Action, Athletics, Campus Security, Diversity and Equity, Equal Employment Opportunity, Human Resources, Legal and Labor Relations, and Risk Management.

For more information [click here](#).

[Register Online.](#)

Register Now for SHRM Seminars in Austin, TX

SHRM is the source for first-rate and current HR education, your valued and trusted human resources partner. Thousands of HR professionals have been trained through SHRM's Educational Seminars program. Each course is developed by expert HR professionals and legal counsel, using the highest-quality standards to provide up-to-date information and solutions for current business challenges.

Recertification Information: All courses count toward recertification hours from the HR Certification Institute.

PHR/SPHR Certification Preparation Course

March 9-11, 2009

Prepare for the PHR or SPHR certification exam with the 2009 SHRM Learning System—a blended learning approach, which incorporates the full scope of the HR Certification Institute's body of knowledge. Through classroom sessions, homework exercises consisting of sample test questions and periodic progress checks, you can be confident of your breadth of knowledge in preparation for the PHR or SPHR certification exam.

Recertification Hours: 22

[Register Now](#)

Effective Communication in the C-Suite (SHRM® Business Education)

March 10, 2009

Building a climate of trust and loyalty among employees, persuading executives and managers to share information across functional lines, and gaining buy-in for programs and policies are three of the toughest challenges HR professionals face. Through analogies and popular movie clips, learn 10 strategies for effective corporate communication.

Recertification Hours: 7.5

This course has been approved for general recertification credit for the PHR, SPHR and GPHR designations. In addition, SPHRs may earn strategic management credit.

[Register Now](#)

HR Generalist - SHRM's Most Popular Seminar!

March 11-12, 2009

Over the course of two days, a highly regarded HR expert will provide you with information on the HR generalist's core competencies. Each competency presented will provide you with the definition, roles and responsibilities of the HR generalist, the latest trends, useful metrics, and relevant employment laws. This is your opportunity to learn from the best in the field and to network with your peers.

Recertification Hours: 14

[Register Now](#)

Legal Briefs

Welcome to Legal Briefs for HR, an update on employment issues sent to over 3800 HR professionals, in-house counsel and business owners. 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 on my firm's website at www.munckcarter.com <<http://www.munckcarter.com/>> under E-Newsletter. Welcome to new subscribers who attended my half-day seminar on news laws and changes to the ADA/FMLA, hosted by Lubbock SHRM!

1. Slam on the Brakes - USCIS announced earlier this week that employers should continue using the current Form I-9 and wait until at least April 3 before starting use of the new form, which was to have begun on Feb 2. Copies of both are posted at www.uscis.gov/i-9 <<http://www.uscis.gov/i-9>> . What happened? The new administration exercised its right to put all pending regulations on ice, delaying effective dates until after they get a review and blessing by the new guys and gals in town.

2. Lily Arrives in May - With a stroke of his presidential pen, Barack Obama signed the Lily Ledbetter Fair Pay Act into law on January 29. Even though it takes effect on May 28, cases filed after May 28, 2007 will be subject to the changed law. As you've surely heard by now, Ms. Ledbetter's claim for equal pay went all the way to the U.S. Supreme Court, where she was told that her failure to file a charge of gender discrimination against her employer within the applicable statute of limitations (180 days in AL; 300 days for most other states) was fatal to the claim. The high court explained that each new paycheck was not a new act of discrimination, but only an effect of past discrimination. In her dissent, Justice Ginsburg chided the Court for its "parsimonious" reading of Title VII and challenged Congress to fix it. It took two years, but they did just that.

3. Next Up? - Many thought passage of the Employee Free Choice Act (EFCA) would be the new administration's first bill-signing photo op, but that honor went to the Lily Ledbetter Fair Pay Act. With "Lily" in the rear view mirror, all eyes turn to the EFCA which is co-sponsored by the designated Secretary of Labor, Hilda Solis (D.-Calif.) and strongly supported by Pres. Obama and VP Biden. The three main effects would be [1] no need to have a NLRB-monitored secret ballot election if over 50% of the employees in a proposed collective bargaining unit have signed authorization cards; [2] terms of the first collective bargaining agreement would be imposed by a federal arbitrator, if there is no agreement between the employer and the union within 120 days (90 days of negotiation followed by optional 30 days of mediation); and [3] stiffer penalties, including triple back pay and injunctive relief, for employer violations during union organizing. SHRM is rallying its members to speak out against passage of EFCA and a group called Save Our Secret Ballot (www.sosballot.org) is trying to get State

constitutions amended to guarantee the right to secret ballot elections. Part of the impetus for EFCA is Labor's argument that unions have been unfairly hamstrung during organizing by employers' edge in spreading an anti-union message via captive audience meetings on company time, bulletin board postings and internal emails. That argument lacks force, however, when you see that Bureau of Labor Statistics numbers show that unions have added to their ranks for the last two years, and currently comprise 12.4% of the U.S. workforce.

1. **Now Boarding** - President Obama has elevated Wilma Liebman (D) as chair of the NLRB and the current chair, Peter Schaumber (R), will step down but remain as board member. There are 3 openings on the 5-member board, giving the President an opportunity to create a Democratic majority.

4. **Heads Up, Federal Contractors** - Your world is changing in several ways:

1. The mandate to begin using E-Verify (if you have a \$100,000 contract or a \$3000 subcontract with the federal government that will last for 120+ days) was set to take effect on Jan. 15, but was pushed off until Feb. 20 and is now further delayed until at least May 21. SHRM and like-minded employer organizations have a lawsuit pending, challenging the legality of the Bush-era rule since E-Verify was created as a purely voluntary system employers could choose to use (or not). The delay gives time for the lawsuit to proceed and (perhaps) negate the reg. Stay tuned.
2. Employer costs incurred via activities undertaken to persuade employees to exercise or not to exercise the right to organize and bargain collectively through a rep of the employees' choosing will be disallowed for payment by the federal government. The executive order OKs "costs of labor-management committees, employee publications (other than those undertaken to persuade employees to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively) and other related activities."
3. With some exceptions, when a service contract expires and a follow-on contract is awarded for the same service, at the same location, the successor contractor must offer the current employees (other than managers and supervisors) a right of first refusal, to keep their jobs.
4. The E.O. mandating posting of "Beck notices" has been revoked. Take your poster down. A new poster is being designed which will describe employees' rights under the federal labor laws.
5. If you'd like to read full text of the Executive Orders explained at 2 through 4, above, go to www.whitehouse.gov <<http://www.whitehouse.gov>> , click on The Briefing Room (in the blue tool bar) and then on Presidential Actions. These three E.O.'s were signed on January 30.

5. How About Some Good News? - Once again, Texas is being recognized by Fortune magazine as the home of a whole herd of really good employers. Only CA had more, with 15 winners. The "100 Best Companies to Work For" list is out and we tip our ten gallon hats to our peers:

1. #8 is Methodist Hospital System in Houston
2. #18 is Shared Technologies in Coppell
3. #22 is Whole Foods Market in Austin
4. #32 is Container Store in Coppell
5. #37 is TDIndustries in Dallas
6. #40 is EOG Resources in Houston
7. #41 is Camden Property Trust in Houston
8. #43 is Rackspace Hosting in San Antonio
9. #44 is NuStar Energy in San Antonio
10. #65 is Texas Instruments in Dallas
11. #69 is National Instruments in Austin
12. #71 is Men's Wearhouse in Houston
13. #74 is Alcon Laboratories in Fort Worth
14. #93 is Valero Energy in San Antonio

6. Retaliation Scope Widened by the Supremes - An employee who did not report being harassed but who revealed her supervisor's inappropriate conduct during an internal investigation (and was fired a few months later) can proceed with her Title VII retaliation claim, per the U.S. Supreme Court. In order to make a claim, retaliation must still be based on either the complainant's "participation" (in an EEOC proceeding) or "opposition" (to conduct unlawful under the statute) but the scope of the latter has been expanded by this case. The Court examined the word "oppose" and decided that a person can oppose by responding to someone else's question, as surely as by provoking the discussion in the first place by making a complaint. Employers can take some comfort in the concurrence filed by Justice Alito and joined by Justice Thomas, which cautions that this decision does not go beyond individuals who testify during internal investigations and similar "purposive behavior." The shield will not extend to those who engage in "silent opposition" or to water-cooler conversations that are indirectly relayed back to the employer. *Crawford v. Metropolitan Gov't of Nashville & Davidson County* (U.S. 1-09). The upshot? Don't go willy-nilly into internal investigations and question any and all persons who may (or may not) have a piece of the puzzle. And make sure your internal investigators and your management team are up to speed on basic employment law fundamentals, like the ever-widening standard for retaliation claims.

7. Keepin' ID Private - Effective January 19, federal construction contractors and subcontractors are no longer required to include employees' home address and SSN on payroll statements sent to federal agencies in order to comply with the Davis-Bacon and

Copeland Anti-Kickback Acts. The reports must still include an employee identifying number which, in virtually all cases, will be the last four digits of the employee's SSN. This is the latest salvo in the war on ID theft. Take the hint and lessen the likelihood that personal info in your files is compromised by curtailing the amount that you collect in the first place.

8. TARP Talk - Included in the October 2008 multi-billion dollar financial sector bail-out was language OK'g reimbursement of up to \$20 per month by employers to employees who ride bikes to work, as a qualified transportation fringe benefit. That's the pedal power kind, not Harleys. You can read more about it in IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits, at www.irs.gov/pub/irs-pdf/p15b.pdf <<http://www.irs.gov/pub/irs-pdf/p15b.pdf>> .

9. Let Your People Go . . . to Jury Duty! - The Judicial Administration and Technical Amendments Act of 2008 amends the Jury Selection and Service Act by beefing up penalties assessed on individuals who ignore federal juror summons and on employers who retaliate against employees who are absent due to jury duty. The individual fine has jumped from \$100 to \$1000 and the employer fine went from \$1000 to \$5000. Plus, the court may tack on community service as an additional penalty against individuals and employers alike. There are hefty penalties against employers who interfere with State court summons, too, so let your people go (and make sure that your supervisors and managers know about this).

10. What's Up in Austin? - In addition to those listed in the last two editions of LB4HR, here are bills recently filed in the Texas Legislature which may be worth your attention. As always, you can go to www.capitol.state.tx.us <<http://www.capitol.state.tx.us>> to see full text of these bills and check their status.

1. HB 5 - Prohibits smoking in public places and places of employment
2. HB 164 - Allow medically prescribed use of marijuana
3. HB 282 - Election days would become State holidays
4. HB 356 - Doubled traffic fines if driver using wireless communication device at time of the offense
5. HB 538 - Prohibit employment discrimination based upon sexual orientation, or gender identity or expression
6. HB 615 - Would provide up to 10 hours on unpaid leave in each 12-month period for parent(s) of children in special education to meet with the child's teacher, school counselor or principal, at the request of those individuals
7. SB 222 - Limits on employers' use of arbitration agreements to resolve disputes

11. **FMLA Flummoxed?** - Do changes to the ADA and FMLA have you questioning your career choice? Then join me on Thursday, Feb. 19 at the Crowne Plaza (14315 Midway Road) for lunch and a talk. Attorney Jim Cuaderes of Littler Mendelson will kick off with the ADA at noon and yours truly will end the one-hour program with the FMLA. And if you can stick around, I will lead an additional workshop on the new FMLA regulations from 1:15 to 2:15, where we will drill down into the details and answer your questions. The program, including lunch is \$30, with no extra charge for the FMLA workshop. If interested, contact Monna Miller at mmiller@txbiz.org and reserve your spot today!

Until next time,

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Chapter Announcements

Welcome to our new members!

Tara Seely
Aylen Lira
Michael Root
Philip Beard
Julie Irvin



Please remember to RSVP to
LGalvan1984@gmail.com
**by noon on Tuesday, March 3,
2009** for the 03/05/09 Program:
Stress Management.

There is an urgent need to have someone fill the position of Vice President elect. SHRM emphasizes that this position is critical for succession planning/continuity and awards 1 point for having a person in this position.

We are also looking for an individual to take the role of Newsletter Chair.

If you are interested in either of these positions, please contact Joyce Thornton
jkthorn@tamu.edu



Kim Tramel, PHR
Bill Dixon, SPHR
Bob Hensz, SPHR
Krystal Broussard, PHR
Mike Roth, PHR
Cheryl Young, PHR
Philip Beard, PHR