



# November 2006 Newsletter



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## MULTI-GENERATIONS IN THE WORKPLACE OCTOBER 5, 2006

What is the impact of having different generations working together in the workplace? And as Human Resource professionals, what can we do to help overcome these barriers and enhance the benefits? Dr. Sharon Barnes of Texas A&M University addressed these questions at the October 5<sup>th</sup> meeting of the Brazos Valley Human Resource Management Association.

It is interesting to note, that changes in the US workforce and work environment, have created an interaction between generations that before has not been commonplace. It was not until the industrial revolution took workers "off-the-farm" and the life span of US workers increased, was there more than one generation in the workforce. For many years though, these generations functioned separately in the workforce as position, level, and hierarchy separated them. The top-level managers, mid-level managers, and entry-level workers did not interact with those of different levels and functions. But the 2000s have ushered in a new work environment where top-level managers and entry-level workers not only interact, but also talk and work along side each other. This has brought the differences in how different generations view the world around them and how they respond to them, into close contact with each other.

Dr. Barnes explained, based on life experiences and characteristics, there are 4 main generations currently in the workplace. These groups are the Traditionalist, Baby-Boomers, Generation X, and Millennials. She explained that understand some of the general characteristics of each generation can help HR and managers best meet the needs of each generation, help them feel valued, and help each generation communicate with each other. Dr. Barnes shared examples of how people's efforts to make another co-worker feel valued backfired when the other because of generational differences did not perceive them the same way. It was most interesting to note that the Traditionalists and Millennials have many similar characteristics and values.

*-Windelan Johnson*

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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).

## Prose from the Pres

To volunteer or not  
volunteer – that is the question.

Many times today we cringe when we think about the word “Volunteer,” almost as if that has become a dreaded word in our vocabulary. But think for a moment if you will about where we would all be without volunteers. . . . It is volunteers that help with food drives for the hungry, blood drives, fund raising efforts for schools, hospitals, disaster relief efforts, youth sports and scouting programs, and a wide variety of other very valuable efforts. Notice, that all of these are oriented toward one thing – people helping other people. BVHRMA is an organization that is also based upon the need for volunteers to carry out its vision and mission. Without the volunteers we would not have the great programs nor would we be able to help others by reviewing their resumes, helping with job counseling, and assisting with youth by teaching them about the workforce. In addition, even the programs are designed to provide you, the HR professional, with ideas and tools so that you can better perform your job of helping others – both organizations and employees. For us to keep providing all our members with professional, growth opportunities and help others, we need one primary thing – YOU! As we look toward our future next year, consider volunteering for one of our committee or board

positions. Lend us your expertise and new ideas so that we can grow and continue to be the professional organization with which you want to be affiliated – and the one that can help HR professionals help others. We are asking for volunteers – will you hold up your hand and say yes?

Did you know? You can get credit for your service. "HRCI awards recertification in leadership for certificants who support the HR profession by contributing their HR expertise outside of their workplace."

Officers on Board - 5 credits per year, max 10 per (3 years)

Committee Chair - 5 credits per year, max 10 per (3 years)

Committee Member - 3 credits per year, max 9 per (3 years)

### **Positions still vacant:**

Co-Vice President for Membership

Co-Vice President for Programs

Chair of the Legislative Committee

Chair of the Education Committee

## Your Foundation at Work: Graduate Programs Directory

Thinking about getting your master's degree? The SHRM Foundation can help. The Foundation has compiled the first-ever comprehensive directory of master's degree programs in human resource management, HRD, I/O psychology and more. Visit [www.shrm.org/foundation/directory](http://www.shrm.org/foundation/directory) to view profiles of more than 114 HR-related master's degree programs across North America. The directory provides information on programs of study, location, curriculum, tuition, student

demographics and more. Full-time, part-time, online and distance learning programs are included. Access to the online directory is free to SHRM members and the printed version, Graduate Programs in Human Resource Management, is available for purchase from the SHRMStore by calling 1-800-444-5006.

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

# 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 3100 subscribers. Just email me to be added to the group and you can find previous issues for 2006 on the Munck Butrus law firm website ([www.munckbutrus.com](http://www.munckbutrus.com)) under E-Newsletter.

A special welcome to new subscribers I had the pleasure of speaking to at the Wichita Falls HRMA annual conference. If you are interested in the laws relating to data security, I will be hosting a SHRM webcast on the subject at 1 p.m. CDT on Tuesday, October 10. Go to [www.shrm.org/webcast](http://www.shrm.org/webcast) to register.

Here's what's up:

1. **Candid Camera** – An employer trying to discover the identity of an after-hours viewer of porn on company computers found itself on the losing end of an invasion of privacy claim. With knowledge that someone was accessing porn via the Internet at night, the employer hid motion-activated video cams on the premises each night (and removed them in the morning), including in an enclosed office used by two women. The office had a door that locked, blinds on the windows and the women occasionally changed clothes in the room during the day. When one camera was inadvertently not removed in the a.m. and the women found it in their office, they sued. The trial court held for the employer since the women were never actually recorded by the camera (all the action was at night, remember?). The appeals court, however, reversed summary judgment, noting that there was a reasonable expectation of privacy within the enclosed office and the camera installation itself was an intrusion on that privacy. *Hernandez v. Hillsides, Inc.* (Cal. Ct. App. 9-14-06). Lesson learned? Investigations should be jointly planned and executed with input from HR, Legal and Security. Just because whiz-bang tech toys let you do something, does not mean that you should do it.

2. **Paper or Plastic?** - U.S. House reps from CA and TX (including Democrat Silvestre Reyes, a former border patrol agent) are pushing for new Social Security cards that would be made of hard plastic (instead of paper) and contain electronic ID strips unique to each person. Their hope is to have the measure enacted before the end of 2006 and to establish the new card as the sole means to satisfy I-9 identity and work authorization requirements. Stay tuned!

3. **Growing Minimums** – CA's new minimum wage is \$7.50/hour effective 1-1-07, with a second increase to \$8/hour on 1-1-08. Not to be outdone, OR's minimum wage will rise to \$7.80/hour effective 1-1-07.

4. **Big Boxing Match** – Mayor Richard Daley of Chicago vetoed the ordinance that would subject "big box" retailers in Chi-Town to their own minimum wage (in this case, \$10/hour). The two-thirds majority on the Council needed to override the veto seems unlikely, given that three alderman who gave the measure a "thumbs up" the first time around say they will now switch their votes.

5. **Devil's in the Details** – A pair of decisions point out the need to be very careful in what you waive and how you waive, when using severance agreements containing a release. The first decision points out that the DOL regulations do not allow waivers of FMLA rights. *Dougherty v. Teva Pharmaceuticals USA* (E.D. Pa. 8-30-06). The second decision explains that an ADEA waiver is invalid if not "knowing and voluntary" which means, in part, that it should be written in plain language "calculated to be understood" by the average employee. It also means that use of a release and a covenant not to sue are "particularly murky when both are included in a single document." *Syverson v. IBM* (9<sup>th</sup> Cir. 8-31-06). In some cases, there are also state law variations on what must be included when seeking a release, so be sure to get effective counsel when using such agreements.

-See LEGAL, page 8

# DIVERSITY NOTES

## NOVEMBER Dates

**1 - All Saints' Day (Christian, Roman Catholic)**  
**1 - Dia de los Muertos "Day of the Dead" (Mexico, Latin America)**  
**2 - All Souls' Day (Roman Catholic)**  
**7 - U.S. Election Day (United States)**  
**11 - Veteran's Day (United States)**  
**12 - Birthday of Baha'u'llah (Baha'i)**  
**23 - Thanksgiving (United States)**

### National American Indian Heritage Month

Although the first "American Indian Day" was declared by the State of New York in 1916, a month long recognition of Native Americans was not achieved until 1990. In that year, President George Bush declared the first National American Indian Heritage Month on August 3. His action was based on legislation presented by Senator Daniel K. Inouye (D-Hawaii) and Congressional Delegate Eni Faleomavaega (D-American Samoa). In each of the

four previous years, Congress had enacted legislation designating "American Indian Heritage Week." This consecutive legislation allowed for the establishment of a month-long observance.

The purpose of National American Indian Heritage Month is to honor and recognize the original peoples of this land. The 1996 proclamation by President Clinton details their contributions to the past and to the future.

### **Top 5 Diversity Challenges**

In the August 2006 Vol. 51, No. 8 issue of HR Magazine, Robert Rodriguez notes the top 5 diversity challenges in his article "Diversity Finds Its Place:"

Diversity executives often operate in an environment full of obstacles. Their success depends on their ability to overcome these five challenges:

- Challenge 1: The difficulty of communicating effectively when diversity-related data include sensitive information such as age, gender, ethnicity, religion and sexual orientation.
- Challenge 2: The slowness of change and progress brought about through diversity initiatives, which is especially difficult in fast-paced cultures that want to see immediate results.
- Challenge 3: Obstacles to ensuring the consistent and rigorous implementation of diversity programs across large, dispersed organizations.
- Challenge 4: "Diversity fatigue," which occurs when employees become desensitized to the many diversity messages they receive through diversity training, recruitment programs and outreach projects.
- Challenge 5: Keeping white males from feeling overlooked in diversity programs.

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Human resource professionals can have a huge impact in their own workplaces by understanding these challenges and working to overcome them.

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| <b>Upcoming Seminars &amp; Conferences</b> |
|  |

**Beyond the Borders of Global Human Resources**

International HR Conference  
Texas State Council-SHRM  
November 1-2, 2006  
Houston, TX

We all have our limits. At home, at work, in our everyday lives. As professionals who make up the International HR workforce, we live and work with these limitations daily. But we don't have to.

The global culture of today's HR requires professionals who can reach beyond their limitations, who can think outside their borders. As corporations and people begin to search outside their borders for solutions to today's issues, Global HR will continue to grow in importance. The HR professionals who are equipped with a global readiness will help guide companies towards success as our limits are stretched, our borders disappear, and our decisions make an impact that is global.

In this spirit, the Texas State Council of SHRM invites you to a special two-day conference for Human Resources professionals designed to challenge you to think and reach beyond the perceived corporate limits. Whether it is expanding your knowledge in a certain area, preparing you to enrich your career, or introducing you to a new field altogether, the

Sixth Annual International HR Conference offers an opportunity to widen your view of HR's role in the rapidly expanding global culture. Even the most seasoned International HR professional will benefit from topics chosen for their social urgency and corporate relevance.

Our opening keynote speaker will be Nando Parrado, whose book *Miracle in the Andes: 72 Days on the Mountain and My Long Trek Home*, chronicles his harrowing story of survival. Faced with an impossible situation, Nando reached beyond the limits of endurance and touched upon the extraordinary. His inspiring story exemplifies the remarkable strength of the human spirit and provides a sterling example of living beyond our limits and reaching beyond our borders.

Come join us for this once-in-a-lifetime engagement. Enrollment is now open.

Visit [www.tsc-shrm.org](http://www.tsc-shrm.org) for information. Or contact Debi Dault, GPHR, 972-398-3553 or [debi.dault@themigroup.com](mailto:debi.dault@themigroup.com)

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| <b>BVHRMA Chapter Meetings &amp; Events</b> |
|   |
| November 2                                  |
| December 7                                  |



## America's Oldest Worker for 2006 is 104-year-old Waldo McBurney

**F. Waldo McBurney, 104**  
**Beekeeper/Author**  
**Quinter, Kansas**

Waldo McBurney began life in a sod house on a farm near the small town of Quinter in far western Kansas, and experienced all the special joys of life in the early 1900s; a refrigerator that required cutting ice from a pond, a handle-powered washing machine (usually powered by young Waldo) that replaced his mother's wash board, pumping water and carrying it into the house, the first family car, a 1917 Dodge and, of course, a work week that was ten-hours a day, six-days a week.

The McBurney children walked a mile and half to their one-room school house and often checked their trap lines (skunk furs could bring \$1.50 each) on the way. After getting a good educational foundation from dedicated teachers, Mr. McBurney went on to college and graduated in 1927 from Kansas State Agricultural College, now Kansas State University, with a degree in horticulture. He then embarked on a nearly 25-year career in agriculture, including three years teaching, 17 years as a County Agricultural Agent in Kansas, and three more years working for the Midwest Cooperative in Quinter.

It was then that Mr. McBurney decided to join together his love of agricultural with a desire for entrepreneurship. He combined seasonal businesses such as income tax preparation, disk sharpening (disks are used for soil cultivation), seed cleaning (which removes dirt, broken and shriveled kernels, and weed seeds before planting), and beekeeping into more than 40 years of self-employment. Though some of these ventures were dropped at various times, beekeeping and the subsequent sale of honey became his most active business, and in the last few years he maintained as many as 100 colonies.

You might think all his business ventures would keep him quite busy, but Mr. McBurney found time for another passion, running. Always physically active, beginning with 60-hour work

weeks on the farm and continuing with hauling 60-pound bee hives, at the age of 65 Mr. McBurney decided to take up long-distance running. Spurred on by a lifelong interest in health and nutrition, and motivated by a book he read on aerobics, he decided to turn his jogging hobby into an active training regimen. After 10 years of practice, he began to enter races, and for 25 years entered competitions and won numerous medals all over the country. At age 80 he set a Kansas state record for the 10-mile run for runners his age (a record he still holds), and went on to set records in running, long jump, discus and shot put into his 90s and 100s at the Senior Olympics and World Masters in New York, England and Puerto Rico.

In addition to his beekeeping, Mr. McBurney is a published author and regularly markets his book, *My First 100 Years!*, from his downtown office in Quinter. The book not only provides his fascinating life story, but shares his wonderful insights into nutrition, exercise, and positive living and thinking. For example, he thinks genes are important, but not everything. He says, "Lifestyle is the more important factor. We don't get to choose our parents, but we select our lifestyles. Both of my parents died of strokes, so I have lived defensively against that trouble." What does he say about work? "Hard work didn't hurt me it helped."

At age 104, Mr. McBurney is considering slowing down a bit. He's reduced the number of bee hives, and doesn't run races anymore. But there is no way that he will just sit on the sidelines doing nothing and worrying about the future. A devout man, he says, "Worry shortens life and makes life miserable. It comes from a lack of trust in God. The easiest way to shorten ones life is to do nothing."

- Article copied from [http://www.experienceworks.org/site/PageServer?pagename=Primetime\\_2006\\_AOW](http://www.experienceworks.org/site/PageServer?pagename=Primetime_2006_AOW)

# The Over-50 Crowd Finds Second Careers in Big-Rig Gigs

At a truck stop diner along Interstate 5 near Tigard, Ore., Daniel and Becky Ford were fueling up on pancakes and black coffee for the 2,200-mile run to Dallas they were about to make in a Freightliner tractor-trailer stuffed with auto parts. It was the 10th week on the open road for Mr. Ford, 57 years old, and his 51-year-old wife, who chucked their old life in rural Pennsylvania in May for a cramped truck cab that keeps them moving 22 hours a day.

Their new career is taking them to places they always dreamed of visiting but couldn't afford. "When the money is tight and you have other worries, you can't be too adventurous," says Mrs. Ford, a former hairstylist. "Becky and I serve as our own boss," says Mr. Ford, a former carpenter. "We can stop wherever we want."

Faced with a worsening shortage of long-haul truck drivers, freight carriers are turning to the RV generation, aggressively recruiting older couples like the Fords to climb behind the wheel. Schneider National Inc., the Green Bay, Wis., company that hired the Fords and put them through driving school, fishes for applicants through AARP, the advocacy group for people 50 and older, and has a Web page for "mature workers." This fall, the American Trucking Association plans a billboard and television ad blitz to lure older drivers.

"We just thought if Ma and Pa can drive the Winnebago, maybe they can drive the 18-wheeler," says Tim Lynch, a senior vice president at the trade group.

Since 2000, the number of service and truck drivers 55 or older has surged 19%, to about 616,000, according to the federal Bureau of Labor Statistics. The percentage jump is quadruple that of truck drivers overall. At Schneider, about 3,000 of the carrier's 15,000 drivers and independent contractors are older people.

The hiring binge has dramatically increased the number of husband-and-wife driving teams, and truck makers are trying to make their big rigs feel more like rolling homes away from home. Paccar Inc.'s Kenworth Truck Co. unit introduced a new model in March with leather beds and heated seats. Volvo Trucks North America, part of AB Volvo, has begun production of trucks with a full-size bed in the cab comfortable for couples.

Johnson's Corner, a truck stop halfway between Denver and Cheyenne, Wyo., that claims it has been open 24 hours a day since 1952, has begun ordering outdoor magazines and Western novels for older drivers who don't like the standard fare of hot-rod and girlie magazines, said Chauncey Taylor, the truck stop's owner. A new whirlpool and massage chairs are available for "those who have weary bones," he says.

Women drivers at Prime Inc. can get their hair and nails done at a salon that opened two years ago in a

40,000-square-foot facility that the Springfield, Mo., refrigerated-truck carrier runs in its hometown for drivers and other employees. "Even if they are away from home, we want to give them the same amenities everyone else would have," says Don Lacy, the company's safety director.

Terri Lynch, 58, who began driving a truck with her husband, Joey, in 1992, now has a cellphone jammed with the numbers of wives who take turns behind the wheel with their spouses. She makes weekly calls to new husband-and-wife driver teams, peppering them with advice on how to make marriage coexist with life on the road. "You just have to learn to work with each other," Mrs. Lynch tells other truck-driving wives.

Older drivers don't face any extra requirements because of their age. Most carriers send recruits to commercial driving school. Drivers must pass a physical exam required by the federal government, but there is no mandatory retirement age as there is for commercial pilots, who under Federal Aviation Administration rules must retire at 60. On the road, among all drivers, those 55 to 69 have the lowest fatality rates for adults, according to a 2004 National Highway Traffic Safety Administration report.

Truck companies with baby boomer drivers insist their safety record is at least as good as that of younger drivers. Older drivers are especially cautious, says Steve Vogel, president of Vogel Safety & Risk Inc., a safety consulting firm in Bolingbrook, Ill. Riding shotgun with a spouse also can make drivers less likely to speed, tailgate or go berserk at road-hogging cars.

At larger carriers, older husband-and-wife drivers often get health insurance, a 401(k) plan, and two or three days off every two weeks. Annual starting pay is roughly \$66,000 to \$90,000 per couple, enough to entice many middle-aged spouses approaching a financially precarious retirement. The \$1,000 a week that former office secretary Betty Ewing, 53, and her husband, Ed, each make driving for CRST International Inc., Cedar Rapids, Iowa, has allowed them to build a house in Texas. On the road, they read mystery novels to each other to pass the time.

Many couples are won over by the chance to see sights that seemed out of reach before they hit the road. Wayne and Zella Gerdtts of Hortonville, Wis., dashed to Niagara Falls during an eight-hour layover four years ago. She has developed an interest in collecting Native American pottery, sometimes shopping for Navajo vases while her husband plays casino poker. Mrs. Gerdtts, 65, turned to trucking after being laid off by the insurance company where she worked for 14 years.

-See *BIG-RIGS* page 8

## Big-Rigs, continued from page 7

The Fords can stop wherever they want along their company-assigned routes, as long as their loads are delivered on time. They already have visited 44 states, stashing postcards on the dashboard from stops along the way. Earlier this summer, Mr. Ford emerged from an old Western shop in El Paso, Texas, with a pair of ostrich-leather cowboy boots, and the couple made a detour off I-84 in Utah last month to see Devil's Slide, a limestone formation.

The auto-parts run to Dallas was a three-day slog with a tight deadline that left no room to wander. So Mr. and Mrs. Ford enjoyed watching thick forests along the highway sharpen into focus like a Polaroid picture. Bouncing through Oregon's Cascade Mountains, she noticed something flicker through a corner of the windshield. "Look," Mrs. Ford said, touching her husband's shoulder as she pointed out a faint rainbow receding into rain clouds.

-By Stephanie Chen, From [The Wall Street Journal Online](http://www.careerjournal.com/myc/fifty/20060825-chen.html), -- August 25, 2006, <http://www.careerjournal.com/myc/fifty/20060825-chen.html>

## LEGAL, continued from page 3

6. **Déjà vu** – An employer's motion for summary judgment was denied, notwithstanding earlier successful attempts to address sexual harassment, because the offender repeated and the employer had no systems to detect and address the pattern of harassment. The court faulted the employer for [1] lack of documentation of the original complaint (so that future allegations would be recognized as repeats); and [2] the supervisor who addressed the initial complaint did not involve the HR department. These failings can be particularly troubling in an environment where supervisors change frequently, either due to project-type work or personnel attrition and turn-over. *EEOC v. Walsh Construction Co.* (N.D. Ill. 8-30-06).

7. **I Spy** – A labor union violated a federal privacy law by accessing employees' motor vehicle records and using license plate numbers to obtain home addresses, which were used as part of an organizing campaign. *Pichler v. UNITE HERE* (E.D. Pa. 8-30-06) The union argued that it was availing itself of exceptions to the law which allow access for use in connection with lawsuits or on behalf of a government agency. The judge wasn't buying it.

8. **Disability? Not!** – A 405-pound dockworker had no protection under the ADA since the EEOC did not show that his morbid obesity stemmed from a physiological cause (or that morbid obesity always stems from a physiological cause). *EEOC v. Watkins Motor Lines* (6<sup>th</sup> Cir. 9-12-06). Depression which does not significantly restrict or substantially impair a major life activity, including work, is not a protected disability under the ADA. *McWilliams v. Jefferson Cty.* (10<sup>th</sup> Cir. 9-6-06).

9. **Computer Professional? Not!** – Possessing a degree in computer information systems and being referred to as an "engineer" is not enough to satisfy the FLSA computer professional exemption. Although his job description used words like "consulting, analysis and testing" and his technical proficiency meant he did not need to consult manuals to do the work, the plaintiff's duties were that of a customer service rep who spent most of his time answering questions about technical difficulties. *Hunter v. Sprint Corp.* (D.D.C. 9-22-06).

10. **Woo Hoo! We're #10!** – An article in the 9-17-06 issue of Parade magazine, listing the countries which lose the most workdays due to workers on strike, lists the U.S. at #10 with an average of 40 days lost per 1000 workers, per year. So who's "ahead" of us? Iceland, at 581 days/year; Spain, at 200 days/year; Canada, at 193 days/year; Denmark, at 172 days/year; Italy, at 100 days/year; Finland, at 85 days/year; Norway, at 83 days/year; Ireland & Australia, at 68 days/year; and Austria, at 41 days/year.

11. **See you at HR Southwest!** – Go to [www.hrsouthwest.com](http://www.hrsouthwest.com) to see info on the great keynoters, educational sessions and exhibitors at HR Southwest Human Resources Conference and Exhibition, running October 17 -20 in Fort Worth. We in Texas are so lucky to have the second largest HR conference in the U.S., right here in our backyard each year. I will be presenting an updated Website Wonderland presentation at 2:15 on October 19, so please come by and say "howdy!"

Until next time,

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