



Member News

April Member Meeting

Did you know that more than 400 people a month are transitioning into civilian life from the Ft Hood area in Killeen Texas (And that doesn't include spouses and family members who are also entering the local workforce!) Do you know how to tap into this recruiting pool of talent? When you hear people using words like NCO or TDY, do you run for a dictionary or do a quick Google search in order to decipher the terms? Do you question the skill levels or training of people with different ranks that you don't even understand? Do you currently have people within your organization who are on military leaves and will soon return and you wonder what your obligations are as an employer? Have you reviewed the recent additions to the Family Medical Leave Act? Good News! This program

can help you with all of these questions and more! Join other HR Professionals and area business people as we review these questions and more in this information packed, half day program featuring two very knowledgeable experts in their respective fields.

Bob Oakes, Contractor Installation Manager (CIM) from Fort Hood ACAP Center (Army Career and Alumni Program) addresses the following learning objectives in his presentation:

- * To educate employers about military members in transition from active duty to civilian careers.
- * To increase the understanding of enlisted and officer skill sets based on years of service and rank.

* To review the benefits of hiring service members and how employers can tap into this under utilized applicant pool.

Tom Nesbitt, LLP, founding partner of De-Shazo & Nesbitt brings his expertise to our program with the purpose of a legal overview the USERRA and FMLA laws. Specifically his program will cover:

- *Dealing with active and deployed service members and how to handle pay, obligations for retaining jobs, and properly administering benefits
- *Dealing with injuries and disabilities for returning employees
- *Review of the new additions to the FMLA for service members and caretakers



April 2008

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President's Corner

Opportunities to Learn & Serve (Part 2)

Williamson County HRMA strives to make your membership benefits provide a significant value. We try to offer opportunities for: educational enrichment through our monthly programs; recertification cred-

its whenever possible; networking and learning from other HR professionals at monthly meetings and other events; and additional professional development through volunteer leadership positions.

Last month I described 3 of the 7 core leadership areas

that SHRM has identified as critical – or core – to the success of achieving its mission to Advance the Profession and Serve the Professional: SHRM Foundation, Governmental Affairs, and Diversity. This month I will cover HRCI® Certification, Workforce Readiness, Membership,



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and College Relations.

If any of these areas interest you, please contact me or visit www.shrm.org and click on Volunteer Resources for more information.

HRCI® Certification

The Human Resource Certification Institute (HRCI) is the leading independent, internationally recognized certifying body for the HR profession. HRCI certifications require professionals to demonstrate their expertise in the core principles of HR practice and the application of those principles. HRCI's three core certifications (PHR, SPHR & GPHR) meet the needs of nearly every HR professional.

Become the HRCI Certification advocate for the chapter.

The Human Resource Certification

Institute (HRCI) has developed information to help you coordinate the certification effort within your chapter. Help your fellow chapter members make a solid investment in their careers by encouraging them to become certified. WCHRMA does not currently have its own certification prep course but we have partnered with Austin HRMA in its efforts. You may promote new opportunities for study groups, upcoming testing cycles and recognize those who have recently passed the certification test. For more information about HRCI Certification or any of the other Core Leadership Areas log onto www.shrm.org/chapters/resources/clas.asp

Workforce Readiness

Definition: Workforce Readiness - Insure that today and tomorrow's workforce has the skills, competencies

and behaviors in order to succeed in today's and tomorrow's workplace. Or - Insure that today's and tomorrow's workplace maximizes the potential of today and tomorrow's workforce. Four primary segments of the workforce are: New Entrants to the Workforce, Incumbent Workers, Transitioning Workers, and Re-entrants to the Workforce.

Become the Workforce Readiness advocate for the chapter.

Promote Workforce Readiness initiatives such as: Internships, Job Shadow, Career Days, Welfare to Work, WorkSource Center Job Club, Resume Writing & Interviewing Skills, and/or other programs that will help bridge the skills gap. Workforce readiness is an exciting volunteer opportunity and lends itself to being a volun-

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Legal Briefs for HR

Here's what's up:

March Badness – Yep, it's that time of year again and, once more, the NCAA and CBS have partnered to provide free streaming video of NCAA tourney basketball games via the Internet directly to your employees' desktops. The good news is they won't need to call in sick or take really loooong lunches to catch some hoops, but the bad news is they may be at their desks but "no one's home" if you know what I mean. Last year, the website had a "Boss Button" that allowed the viewer to hot key over to a generic spreadsheet and mute the audio, to at least appear that he/she was hard at work. Check it out, at www.ncaa.com.

Ka-Ching! – On March 10, the governor of Texas announced a one-year suspension of the .12% unemployment insurance (UI) replenishment tax, which should put \$90 million back in the pockets of 370,000 businesses. Why? "Thanks to our healthy economy and low unemployment rate last year, the state collected more money [for UI] than we need . . .

." Thanks, governor!

Loss of Ka Ching – In LB4HR#9-2007, you read that the State of NY thought it might be losing money due to employees misclassified as independent contractors and had set out to identify and prosecute employers who did this. Well, the report is in and a 4-month sweep covering only 117 employers found \$19 million in unreported wages, \$3 million underpaid to workers (i.e. minimum wage and OT violations) and \$1.2 million not paid into the state's UI coffers. The next step is to be a simplified test, to determine employee vs. contractor status, and data-sharing between state agencies, to more quickly identify the violators. Michigan must be impressed, because they are setting up a similar task force. And NJ did this in 2006. I think this qualifies as trend, folks. Get on top of your classifications.

NEVA – The New Employee Verification Act (NEVA), introduced by Rep. Sam Johnson (R-Tex), is SHRM's preferred method for verifying employment eligibility. The idea is to use ex-

isting state "new hire reporting" systems to access a new Electronic Employment Verification System (EEVS) that can tap into the SSA database for citizens and the DHS database for non-citizens. There is a voluntary option for employers to use biometrics (e.g., thumbprint) which would nix the problem of stolen, falsified or altered identity documents. Record-keepers everywhere will do a little dance, since the process is done on-line (i.e., the Form I-9 will go away) and those in states with onerous state law (read: AZ) will applaud the provision for federal preemption of similar state laws. If you like the sound of this, tell your rep! Full text of the bill (H.R. 5515) can be found at www.thomas.loc.gov.

Check it Out – An applicant whose job offer was rescinded due to a faulty background check can move forward, in suing the background checking company under the Fair Credit Reporting Act (FCRA). The case against the employer was tossed, as there's no breach of contract when the offer is for at-will employment. But the consumer reporting agency will have to show that it

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followed “reasonable procedures” before it told the prospective employer that the man had a criminal charge pending against him (he didn’t). And the rebuffed applicant does not have to present expert testimony on “reasonableness” in order to continue the lawsuit. That’s kind of self evident, where a quick crosscheck with the applicant’s SSN or date of birth would’ve made the error clear. *Wilson v. CARCO Group Inc.* (D.C. Cir. 2-29-08)

Fatal Flaw – You may have read that a court may “fix” a flawed noncompete agreement by modifying the terms (aka “blue lining” the agreement) and then enforce it. Notice that it says “may” and not “will.” When one employer tried to enforce an overbroad noncompete (signed by a former sales manager who went to work for the competition) it was told that judicial modification of unreasonable or over-broad noncompete provisions are discretionary, not mandatory. And it was also told to pay the man’s attorneys’ fees (even though the new employer actually picked up the tab), to the tune of \$300,000. *Cintas v. Perry* (7th Cir. 2-20-08). Lesson learned? Carefully draft those agreements and don’t overreach. One size does not fit all. In many cases, merely going to work for a competitor will not be enough to violate a reasonable and enforceable restrictive covenant.

And Then There Were Two – First, San Francisco enacted an ordinance that required employers to provide paid sick days to certain employees. Now, the District of Columbia has OK’d a similar measure which will take effect on April 3 unless Congress says “no.” It requires seven “sick or safe” days per year/per worker in a company with 51 or more employees; six days if the company has 31 to 50 employees; five days for those with 11 to 30 employees; and three days for companies with 10 or fewer workers. The days can be taken for the employee’s own illness/injury or to care for a child, parent, spouse or domestic partner. The days can also be used for preventative care and when the employee or family member is a victim of stalking, domestic violence or sexual violence. Is a spa day “preventative care?” Hmmm.

Fun With FLSA – A recent Dep’t of Labor Opinion Letter clarified that the \$455/week salary requirement for several “white collar” exemptions may not

be prorated to reflect a worker’s reduced hours. A full-time worker earned \$30,000 year, but wanted to work 20 hours/week. The employer agreed and reduced the salary to \$15,000 but this dropped the employee below the minimum needed to maintain the exemption, which equates to \$23,660 per year. Another letter reminded employers that when nonexempt employees work from home, which can include on-line computer training, the actual time spent on the task should be recorded and compensated. You can find these letters at www.dol.gov on the Wage and Hour page.

In Focus – Back in 1994, OSHA announced it would begin to focus inspections by industry and would start with the ones that reported the highest number of injuries. It began with construction, and added a program for the maritime industry in 1998. Now, it is adding seven “general industry” categories, to include [1] landscape and horticultural services; [2] oil and gas well drilling and services; [3] preserved fruits and vegetables; [4] primary metals and basic steel products; [5] ship and boat building and repair; [6] public warehousing and storage; and [7] concrete and concrete products.

In Fashion – Ah, spring is in the air! And with warmer temps comes scantier clothing that is not workplace-appropriate. If you haven’t scrutinized your dress code lately, here are a few suggestions from the “Never Ever at Work List” as listed in O magazine: flip-flops, halter or tube tops, deep cleavage, shirts that gap between buttons, nightclub make-up, strong perfume, sheer dresses and tops without proper lingerie, micro-minis, belly shirts and navel-exposing pants and short shorts. This list is aimed at a largely female readership, so don’t forget to include unisex limitations such as cut-off shorts, body-hugging shirts and anything that is soiled, torn or wrinkled.

Air Fare – If you are interested in what’s being done to improve Texas’ air quality, you might want to come to a Texas Association of Business luncheon on March 27, and hear what former Dallas County Judge Margaret Keliher has to say. She’s now the Executive Director of Texas Business for Clean Air. For more info and a registration

form, go to www.txbiz.org and click on News, then Events, then the March 27 event.

With a Little Help From My Friends – Last year, I became a founding member of the Legal Leaders Hot Hundred Who Care. The idea is that 100 Dallas-area lawyers would band together, raise at least \$1000@ and that would be enough to pay the tab for 100 deserving kids to attend Camp John Marc, which specializes in creating a fun experience for kids who have muscular dystrophy (and giving their families a brief break from intense care-giving duties). We exceeded our goal and the happy campers had a great time! So, I’m back again this year, trying to raise at least another \$1000. If you would like to contribute to this worthy cause, please go to www.geocities.com/legalleaders/index.htm, click on the Hot Hundred button, and then on my name. This will take you a secure page where you can make a donation by credit card (or send in a check, if you prefer). Any amount would be greatly appreciated by me and the kids!

Audrey E. Mross

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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.



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teer position that is limited by only your imagination. For more information about Workforce Readiness or any of the other Core Leadership Areas log onto www.shrm.org/chapters/resources/clas.asp

Membership

Teri Hill is the WCHRMA VP of Membership. This position's focus is on recruitment and retention for WCHRMA. Sound familiar? The membership committee tries to reach out into the HR community to ensure that HR professionals throughout our area and SHRM at-large members know there is a local chapter here to help serve their needs.

Be a part of the Membership Committee.

We all have a stake in Recruitment & Retention in our own organizations. Use your skills and talents to help your chapter Advance the Profession and Serve the Professional. The membership committee could use volunteers to help find ways to contact HR professionals who may not know that we are here, send out mailers, or plan networking events. Call Teri today. For more information about Membership

SHRM Article

Lead Your Team Through a Lay-off

By Paul Falcone

Managers understand that when revenues fall, expenses must decline accordingly—and that means heads must roll. But imagine that your job is on the chopping block. In addition to being responsible for your own job loss and career transition, your staff members are looking to you for help and guidance. How do you keep yourself and your team motivated through such a devastating period? How do you balance your own needs as well as the career needs of your staff in light of the company's announcement? Most im-

portant, what legacy will you look to leave behind as the manager of a small group of individuals who all face the same fate?

College Relations

Future Human Resource professionals are currently students in colleges and universities. They are studying the various disciplines that will lead them into HR careers. They also are members of student chapters and participate in HR Games.

Become the College Relations advocate for the chapter.

WCHMA does not directly sponsor any student chapters however this is a wonderful opportunity to participate and develop an area-wide network of support for up and coming HR professionals. Student chapter members need speakers, mentors and other helpful hints from seasoned professionals. For more information about college relations or any of the other Core Leadership Areas log onto www.shrm.org/chapters/resources/clas.asp

Williamson County HRMA is a vibrant exciting chapter that provides its members with benefits ranging from quality programs, recertification credit oppor-

tunities, networking, educational assistance, buy 3 get 1 free meeting attendance incentives and much more. These benefits were made possible due to the efforts of volunteer leaders. We can make this a larger, stronger and more robust chapter with your help.

None of the volunteer opportunities requires a lot of time commitment. The more volunteers the less time will be required. Can you give just 1 hour per month to help promote one of the core leadership areas. Not only will you be giving back to the community but you will also be building the knowledge and skills that will make you a better leader in your real job. It is a win-win for us all. Join in on the fun, volunteer.



Susan Word, SPHR

2008 WCHRMA President

“The good news is that it doesn't have to be one or the other; it can be both,” says Larry Comp, principal of the total rewards consulting firm Humanomics Inc. in Valencia, Calif. “Too many times you'll see employees bear ill will toward senior management for something clearly out of the senior management team's control, and that resentment will tend to show itself in demonstrations of anger, defiance or apathy,” says Comp. “Instead, managers and supervisors need to concentrate on keeping their subordinates focused on strengthening their references at work while preparing for their next move in career progression at another company.”

Unstable times call for lots of informa-

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tion and communication. Granted, there may not be a lot of updates on any given day, but when it comes to communicating with your staff, assume that you can't give enough feedback. By maintaining your focus on balance—both of the company's goals and your team members' personal career needs—you'll keep everyone calm, in the information loop and objectively focused on executing the appropriate action plan.

Your daily, or at least weekly, staff meetings might sound like this:

"We were given 60 days' notice two weeks ago, which leaves us with about six weeks of work ahead of us while we're simultaneously pursuing our own career needs. We know there aren't opportunities at other plants in town or opportunities for transferring to the corporate office; so, let's keep each other informed about any new events. Have any of you heard anything since we met on Monday?"

"I'd propose that we strike a balance between the company's needs and our own. First, remember we have six weeks to find another job, which is better than one day. Second, I'll need at least 24 hours' notice if you secure interviews at other companies on your own. This way we will be able to redistribute the work in your absence. We're a team, and we're going to stick together and support each other right through to the end, both from a company and individual standpoint."

"Third, this company has kept our families fed and roofs over our head for a number of years, and as much as I'm going to hate seeing this plant close, we're still obligated to earn a good day's pay for a good day's work. That means we still need to meet our production goals and our productivity targets. However, we will get that done in a more flexible manner than has been done in the past. Do I have your support?"

These informal get-togethers give all members of the team a chance to voice their opinions, share news and ask questions. And keeping everyone focused on their efforts (both work- and job search-related) not only builds camaraderie and a shared sense of accountability, it gives individual workers—and you—a huge leg up when interviewing at other companies.

For example, a typical question that surfaces during an interview is, "What is your reason for leaving your current or last position?" The value of the answer lies beneath the surface, and your current employees who are about to become job candidates will be better-served to respond: "Layoff—Currently meeting all performance and productivity goals and standards through our 60-day notice period." This kind of response clearly sets up the employee/job candidate to share positive news about an unpleasant situation. Furthermore, job candidates should expect interviewers to qualify the layoff by asking for more details about the reasons for the plant closure, the effectiveness of management's communications and company expectations regarding individual performance.

Watch how this could play itself out in a typical interviewing scenario:

Interviewer: "Rob, I see that you're looking to leave your current position because you're in a 60-day notice period, but I really like how you jotted down that you're meeting all your pre-assigned performance and productivity goals. Tell me about that."

Candidate: "Well, our manager came to an agreement with us that we could all work together to find a balance between our job-finding needs and the needs of the company for the two-month notice period. Our manager asked for 24 hours' notice whenever we line up an interview, but he likewise wants us to protect our references and keep the company's needs first and foremost in our minds, even as we approach our separation date."

Interviewer: "Do you feel that's a fair request on his behalf under the circumstances?"

Candidate: "Absolutely. We're all sad and anxious about our jobs going away, but I want to be the one who turns the lights off. I want my reference, my official record or legacy at the plant, to say that I worked to the end as a loyal and productive employee. I appreciate the opportunity I've been given to work at that plant for so many years, and although I'm sad that it's ending, I choose to walk away feeling grateful and appreciative for all I've been given and for all I've had a chance to do there."

And therein lies the true value of find-

ing that balance between company and career, and encouraging employees to end their employment relationship with their heads held high. The candidate's response above shows clear business maturity—appreciation, commitment and loyalty despite the pending position elimination.

And as critical as it is to ensure that workers protect their references and turn a negative event like a layoff into such a positive outcome in future interviews, the most important factor is that you allowed for healing to take place. You gave affected workers a chance to communicate their frustration, anger, angst, disappointment and anxiety in a safe environment. They were then refocused on their responsibilities in light of the company's changing needs and allowed to address both issues—career and company—responsibly.

The loss of a position is an objective reality that happens to all of us from time to time through no fault of our own. *Who you are* in light of this position elimination is what's at stake here. As a manager who balances your staff's individual needs with those of the company, you'll have an opportunity to demonstrate true leadership. In addition, you'll teach those who look up to you how to deal with adversity in their lives from a positive perspective. That gift goes well beyond the scope of the workplace and will do more than anything else to help your staff members come to terms with this unexpected change.

Paul Falcone is a human resource executive and a best-selling author of five AMACOM books, including 2,600 Phrases for Effective Performance Reviews, The Hiring and Firing Question and Answer Book, 96 Great Interview Questions to Ask Before You Hire, and 101 Sample Write-Ups for Documenting Employee Performance Problems: A Guide to Progressive Discipline and Termination.

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AUSTIN WHITE LIME



Looking Ahead-

May Session

"Web 2.0"

*By Buffy Peschka, Community Relations
Manager, Jobing.com, Dallas*

Date: May 9, 2008
11:30AM—1:00 PM

Place: Wingate Hotel and Conference Center
1209 N. IH35 Round Rock, TX

Cost: **\$20** for WCHRMA or affiliate
chapter members.
\$25 for non-members

CEU's: Have been requested

Visit www.wchrma.org to sign up!



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