Monthly Program & Luncheon

TOPIC: Great Expectations: Leading in 2013

WHEN: Thursday, January 10, 2013

TIME: Lunch served from 11:30AM to noon; Program from noon to 1:00PM

WHERE: General Service Complex, 101A

COST: $12/member & first time guest
$15/non-RSVP guest

SPEAKER: Pam Wiley

Program Title
Great Expectations: Leading in 2013

Description
When the calendar turns to a new year, it's an exceptional time to engage yourself and employees in the hope we naturally find in a new year. Without using the word "resolution", how can you craft a vision of accomplishment that engages those in your workplace to greater expectation throughout the year? What tools can you use to keep returning to that sense of community?

1. Are you valuing the people on your team day-in and day-out? Not merely as task-completers but as people? Using words and specifics?
2. Can you articulate how the work done by your team contributes to the overarching goals of the organization?
3. What tools of communication do you use to engage your team members?
4. Do you value your team's time by holding effective meetings if one must be had?
5. Are you willing to get out of your own comfort zone?

Full details of the program and a link to RSVP are available in the program flyer at: http://brazosvalleyastd.weebly.com/upcoming-events.html

Please note this is the combined meeting with ASTD and will be at a different location than our usual meeting place. You can find a map below: http://aggiemap.tamu.edu/?Bldg=1800

Please RSVP for the monthly luncheon by noon on Tuesday, January 8th
Make sure you notify us of email changes or changes to your contact information!

President’s Piece

Howdy...Welcome as we begin a new year!

I am very excited about the new 2013 year and honored and privileged to take up the leadership role of President! I believe it is time to celebrate all our accomplishments over the past year and get excited about the opportunities ahead. A big thank you to Stacy Overby! The chapter has accomplished so much and we owe it all to you as well as to all those who have volunteered so much of their valuable time to support the great people within our organization.

I’d like to extend a warm welcome to our new Executive Board; they all bring ample business experience to our team. They are all extraordinary women and men who have committed their time and talents to BV-SHRM and I personally would like to say “thank you” for your dedication to our organization.

The New Year is that time when holiday parties begin to wind down and most of our activities at work wind back up, and the activity scheduled for the Executive Board has been no exception. January marks the beginning of a renewed focus on not only our professional development but also personal development. Our membership is growing strong due to our outstanding members and their commitment to getting involved. As we work on the upcoming calendar, speakers, special events and the budget just to name a few things, we really need YOUR help. In the weeks to come we will upload a survey to the website. Please take a few minutes to log on to the BV-SHRM website and take the Member Survey so that we may have your input as we plan this exciting year. While you are there, we ask that you also update your personal information (name, phone number, address changes, etc.).

A vision statement is now a part of the strategic planning for our organization; it is a very essential piece! Most are familiar with BV-SHRM’s mission statement, but what about our vision for the future? They are not one in the same. While the mission defines our core values as an organization, it is our vision of where we are headed that determines what actions are necessary on our part to drive our future success. A vision is our inspiration and framework for all our strategic planning and activities. It is very important that our vision statement captures our passion for our future. Using a vision statement will allow us to all be heading in the same direction with the same end goal in mind. We can work as a team towards that common purpose, achieving more together than we ever could alone.

For the 2013 year, your board has chosen the following vision statement to define our success...

To provide an environment for Human Resource Professionals to learn, develop and enhance their skills as strategic business leaders, volunteers and community partners.

As you set your personal and professional goals for 2013, consider how your membership can enhance your journey each step of the way. Please take advantage of the opportunities to get involved and to network with those within our group. If you should have any questions about BV-SHRM, please reach out to any member of the board. We are here, accountable and committed!

Together we can move forward into a bright and productive future!

In Friendship,

Geanna C. Kincanon, SPHR
2013 President
Upcoming Meetings:
- February 7
- March 7
- April 4
- May 2
- June 6
- July 11
- August 1
- September 5
- October 3
- November 7
- December 5

All meetings are at Brazos Valley Workforce Solutions Center unless otherwise noted.

Have you recently attended a great presentation or do you have a topic or speaker idea to share with Programs?

Or are YOU willing to share about a HR subject matter at an upcoming meeting?

If so, please contact us with the details.

Building Value with HR Excellence Award Program

Melissa Green wins Building Value with HR Excellence Award!
The BV-SHRM Building Value with HR Excellence Award program recognizes and rewards an outstanding HR Professional for his/her accomplishments within the organization, advancing the HR Profession, and providing service to the community as a HR Practitioner.

This year the Nominees were:

- Melissa Green
- Lauren Othold
- Windelan Johnson
- Leah Smith
- Beverly Smith
- Madeline Dillard
- Ellen Gerescher

A few excerpts from the winning nomination describing Melissa's contributions:

“I began taking over the HR duties for ARQ Electronics, my husband’s start-up, and Melissa turned out to be my “go to” person. The first thing that I discovered was that trying to find insurance for employees working at a small business with fewer than 10 people was quite a challenge. Melissa was very helpful in her suggestions and got me connected with people and companies. Even though we did not use the staffing agency for staffing purposes, we did use Melissa’s knowledge and understanding of the intricacies of the HR world. While working on the company employee handbook, I often relied on her expertise for completeness, clarity, and conformance.”

“I could not recommend Melissa more highly for this award. Her knowledge, ingenuity, creativity and problem-solving skills instill confidence in the reliability of her advice, suggestions and opinions; while her enthusiasm, communication ability and professional manner make working with her a pleasure.”

In recognition of the Award, Melissa Green was presented with a plaque and a $250.00 donation to the SHRM Foundation made in her name.

We want to extend our appreciation to the nominators for taking the time to nominate their coworkers as an acknowledgement of the nominees’ professional accomplishments! Additionally, we would like to congratulate all nominees as they are truly providing value and making a difference in their respective organizations. You make us all proud!
2013 BV-SHRM Board

Your BV-SHRM Board members to serve the chapter for 2013 are:

**Executive Board:**
- Past President: Stacy Overby, SPHR
- President: Geanna Kincanon, SPHR
- President-Elect: Katherine Kleemann
- VP Membership: Lauren Othold
- VP Programs: Lisa Villalobos, PHR
- Treasurer: Krystal Broussard, PHR
- Secretary: Jennifer Cabezas

**Appointed Committees**
- Certification: Diana Dean, SPHR
- Diversity: Liz Galvan, PHR, CCP
- Workforce Readiness: Retha Youell, SPHR
- Legislation: Jan Pfannstiel, SPHR
- SHRM Foundation: Thom Holt, SPHR
- Membership: Open
- Professional Development: Sheri Yetter
- Student Liaison: Tami Overby
- Newsletter: Open
- Business Seminar: Russell Dempsey
- TSC/HR Southwest Ambassador: Cheryl Young
- Social Engagement: Melissa Green
- Website: Bob Hensz, SPHR
- Public Relations: Brittany Cullison
- Hospitality: Windelan Johnson

We look forward to many great things under Geanna’s leadership!

**Appreciation for Service**

The below Board members have stepped down from the BV-SHRM Board, but we would like to extend our appreciation to them for their service during 2012!
BV-SHRM Membership Dues

BV-SHRM membership dues are for the calendar year January 1 through December 31 and are now payable for 2013. If you have not already, please submit your membership dues to remain an active member of the chapter. Your membership dues help support chapter functions, the SHRM Foundation and also supply support to the Student Chapter. The already low chapter dues rate of $40.00 also is prorated if you are a SHRM National member to just $20.00 a year.

Volunteer Opportunity – We NEED you!

We have two vacant positions on the Board – Membership and Newsletter. If you are interested in either of these positions and would like to serve BV-SHRM, please contact Geanna!

Are you REGISTERED as a Member?

In case you hadn’t heard, the Brazos Valley SHRM Chapter website, http://bv-shrm.shrm.org/, was updated back in 2012!

If you haven’t visited the Chapter’s updated website to “register” as a member, we encourage you to do so. The web address to register is http://bv-shrm.shrm.org/ user/register. You’ll need to create a “Username”, enter in your “E-mail address”, enter in some “personal information” and then click on the “Create new account” button. Once you are “approved” as a current member, you will have access to the online “Membership Directory”, you will be able to participate in online Chapter surveys and you will be able to log in and edit/update your personal information as needed.

In the near future, we will be using the Chapter website to register for Brazos Valley SHRM events as well as utilizing the website to post important announcements so please make sure to register so that you don’t miss any important Chapter information.

HRCI Certification Prep Class

The Spring study session for the PRH/SPHR certification exam will be kicking off soon. If you have not signed up, but wish to make a better for you 2013 by pursuing professional certification, please contact Diana Dean the BV-SHRM certification Chair at ddean@tamuds.tamu.edu or 979-862-7958. More information on professional certification through the Human Resource Certification Institute is available on their website www.hrcl.org. The study session will be a three hour session on Thursdays for approximately 12 weeks. Think of it as a personal development investment for your career.

Refer-a-Friend Program

Share BV-SHRM with a friend or co-worker in the HR field by completing the Refer-a-Friend form located at the end of the newsletter. Help them achieve professional growth and networking.
Legal Briefs

Welcome to Legal Briefs for HR, an update on employment issues sent to over 5000 individual HR professionals, in-house counsel and business owners and many HR and legal professional organizations (who have asked and been permitted to republish via their newsletters and websites) to help them stay in the know about employment issues. 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 at www.munckwilson.com under Media Center/Legal Briefs and you can also join the group by clicking on “Subscribe.”

I hope each of you has a wonderful holiday season with your loved ones and much health and happiness in 2013! In the meantime, here’s what’s naughty and nice:

1. **Blue Christmas** - A consent decree with a $4.85 million settlement provides a stark reminder of how NOT to handle injured employees on leaves of absence. A trucking company will pay this amount and undertake other obligations, based on allegations that it [a] automatically discharged injured or ill workers once they exhausted the maximum leave amount (e.g., 12 weeks under FMLA); and [b] refused to reinstate workers who did not have a “full duty release.” EEOC v. Interstate Distributing Co. (D. Colo. Nov. 2012). EEOC has made clear over the past year or so that provision of additional leave, beyond what the employer’s policy and/or law requires, is a form a reasonable accommodation that must be considered, where the reason for the absence is an ADA-qualifying disability. This means blanket firing of employees the day after FMLA expires is not a good idea. And most employers are savvy to the notion that a person who can perform the essential functions of the job, with or without an accommodation, should be allowed to return from leave rather than conditioning such return on a full release with no restrictions. The other gem hidden in this case is that the offending conduct occurred under previous ownership, but the new owners are dealing with the aftermath. If your company is in acquisition mode, do not ignore employment law compliance during your due diligence phase and arrange for indemnification where the sins of the past may be visited on the present.

2. **This Applies to You Too, Santa** - Just in case common sense is lacking, the U.S. Dep’t of Transportation issued a Dec. 3 notice to make it perfectly clear that the recent state initiatives in CO and WA will have no bearing on the DOT’s regulated drug testing program, which does not authorize the use of Schedule 1 drugs, including marijuana, for any reason. An applicant or employee for a safety-sensitive transportation job who tests positive and shows the Medical Review Officer a prescription for medical marijuana or a copy of a state law which OKs recreational use will be cut no slack. Yer out!

3. **Glad Tidings (and jingle in your pocket)** - IRS posted a friendly reminder in Tax Tips that employers may qualify for an expanded tax credit for hiring qualified U.S. military veterans, but only if work began on or after November 22, 2011 and before January 1, 2013. The max credit is $9600 (for profits) or $6240 (tax exempts), per veteran. The actual amount is tied to the length of unemployment prior to hire, number of hours worked and first-year wages. For more info, go to www.irs.gov/uac/Tax-Tips-for-2012-1 and click on Employers Hiring Veterans by Year’s End May Get Expanded Tax Credit.

4. **Even Scrooge Would Like This Deal** - As it did after Hurricane Katrina and the 9-11 terrorist attack, the IRS is offering tax relief to encourage donation of employee leave (e.g., vacation, sick, personal time) to victims of Not-So-Super Storm Sandy. The gist is that employee donations of accrued paid time off will not be treated as taxable wages and the employers will be able to donate to certain relief organizations and deduct for the cash payments made. Details are in Notice 2012-69 which will can be seen at

5. **Making a List (of hours worked) and Checking it Twice** – There is some good news for employers struggling with bogus “off the clock” claims for backpay under the FLSA. In prior cases, employers were often unable to prove the employee did not work from home and was stuck paying for amounts of time the employee claimed to have worked. In this case, there was no argument that the employee had done work from home but the amount of work done was in dispute. The court granted the employer’s motion for summary judgment and the employer was not liable because it had an automated time-keeping system that was fully accessible, even from employees’ homes, which the plaintiff had failed to use to account for time worked away from the usual workplace. The court observed that the employer had not failed to keep accurate records of time worked . . . the employee had failed to comply with and use the available time-keeping system. *Frank Brown v. ScriptPro LLC* (10th Cir. Nov. 2012). If “off the clock” claims are in your past or are looming in your future, you may want to examine and possibly upgrade your time-keeping system to provide a strong defense to these claims.

6. **You Better Behave** – Even in the absence of an actual breach of a noncompete, suspicious behavior as one departs his former employer can be enough to convince a court to impose serious restrictions and monitoring on the former employee. A business unit director subject to a noncompete left Employer A for a job with Employer B. His business unit at Employer B did not compete with Employer A, but he had forwarded 2000+ emails from Employer A to B and had taken files. During an injunction hearing, the court agreed that Employer A had established indicia of a risk of unfair competition by the unit manager, at Employer B. The court ordered Employer B to [a] send a memo to all Employer B managers directing that the unit manager was to be excluded from involvement with any products that compete with Employer A; [b] search Employer B’s computer systems to ensure no Employer A files had been uploaded; [c] place a filter on the unit manager’s email to ensure he was blocked from messages involving competitive activities; [d] limited the unit manager’s scope of work at Employer B; and [e] ordered the unit manager not to use or disclose Employer A’s confidential information. The unit manager was also banned from contacting former co-workers at Employer A. *Amphenol v. Paul* (D. Conn. Nov. 2012).

7. **All I Want for Christmas (is a trip to Vegas)** – Employee’s mom has end-stage congestive heart failure. Mom is gifted with a six-day trip to Vegas by a nonprofit organization similar to Make-A-Wish. Employee asks for a week off to join mom in Vegas. Employer says no. Employee goes anyway and is fired. Employee sues under the FMLA and wins on a motion for summary judgment. *Ballard v. Chicago Park District* (N.D. Ill. Nov. 2012). This case is in sharp contrast with prior decisions where courts found FMLA inapplicable if the trip in question did not involve medical treatment (See LB4HR #2-2011), however this court emphasized that mom lived in employee’s home and employee was mom’s primary care-giver. In that role, employee tended to mom’s basic medical, hygienic and nutritional needs on a daily basis, both at home and during the trip to Vegas. A slight change in the facts can support a very different outcome when FMLA is in play, so consider carefully.

8. **Hire Power** – If you’re hiring, add to your resource list the Workforce Recruitment Program, the brainchild of the U.S. Dept of Labor (DOL) Office of Disability Employment Policy (ODEP) and the U.S. Dept of Defense (DOD) Office of Diversity Management & Equal Opportunity (ODMEO). The website ([www.wrp.gov](http://www.wrp.gov)) offers a searchable database of pre-screened candidates with disabilities who were gleaned from college campuses and military veterans. If you are a federal contractor with AAP obligations, this recruitment resource will do double-duty for both your E.O. 11246 and Rehab Act/VEVRAA plan documents.

9. **Stocking Stuffers** – A few gentle reminders for this time of year:
   1. **Holiday Parties** – Make it known in advance, by policy and example, that harassment and substance abuse are not OK at work or work-related events, such as the holiday party. Limit the amount of alcohol served and/or the timeframe for serving. Stop serving well before the party ends. Provide nonalcoholic drinks,
as well as food. Plan ahead for alternative transportation (e.g., taxi, designated driver), if needed for someone who's had too much. If you've had trouble in the past, plan a different type of event that does not revolve around an open bar. Skip the mistletoe. And the drinking games.

2. For a Good Cause - The season brings out a desire to help others, via volunteer activities for various nonprofit groups. "Voluntary" is the key word here, since mandating employee involvement (even for a really good cause) will make the activity compensable under the FLSA for your non-exempt workers. And employers generally are not allowed to volunteer their employees for unpaid services which are the same or similar to the employees' normal duties.

3. Focus - Encourage safe driving habits to avoid problems with drunk drivers, wintry weather and folks who are distracted behind the wheel.

4. Don't Drive if You're Tipsy, Buzzed or Blitzen - The Texas Department of Transportation has a new program called Holiday PASS (Person Appointed to Stay Sober) which encourages individuals to give the gift of a safe ride home. The Texas Hospitality Ass'n is helping by offering customizable "gift certificates" and other materials in stores where alcohol is sold. And an award-winning mixologist, Rob Pate, posted recipes for three signature nonalcoholic holiday drinks, which can be found at www.pinterest.com/holidaypass. Enjoy!

5. Money Matters - If you are a multi-state employer, check for increases to certain states' minimum wage rate that take effect January 1, 2013. Several are mentioned below.

10. Stated Differently - Here are some hot topics for you multi-state employers:

1. Arizona - Minimum wage is rising from $7.65/hour to $7.80/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $4.65/hour to $4.80/hour, plus tips.

2. California/San Francisco - Minimum wage is rising from $10.24/hour to the highest rate in the U.S., $10.55/hour, effective January 1, 2013.

3. Colorado - Minimum wage is rising from $7.64/hour to $7.78/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $4.62/hour to $4.76/hour while the employer's maximum tip credit remains at $3.02/hour.

4. Florida - Minimum wage is rising from $7.67/hour to $7.79/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $4.65/hour to $4.77/hour, plus tips.

5. Michigan - First, MI voters rejected a proposal to add collective bargaining rights to the State Constitution and prevent the legislature from interfering with those rights, such as via Right to Work legislation. Next, the Senate and then the House OK'd Right to Work bills, which cover both private and public sector employees with some exceptions for police and fire fighters. Finally, the Governor of MI signed the bills into law on Tuesday, Dec. 11, making MI the 24th right to work state. For more info about right to work, check out www.nrtw.org.

6. Missouri - Minimum wage is rising from $7.25/hour to $7.35/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $3.63/hour to $3.68/hour and the employer's maximum tip credit is rising from $3.62/hour to $3.67/hour.

7. Montana - Minimum wage is rising from $7.65/hour to $7.80/hour effective January 1, 2013.

8. New Hampshire - The NH DOL issued a new mandatory poster which explains the new-ish (June 2012) statutory definition of an independent contractor. This replaces the 2007 version and is to be displayed "in a place accessible to employees." The poster itself says to post "in a conspicuous place." Free copy available at www.nh.gov/labor/documents/employee-contractor-poster.pdf.
9. **Ohio** - Minimum wage is rising from $7.70/hour to $7.85/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $3.85/hour to $3.93/hour, plus tips.

10. **Oregon** - Minimum wage is rising from $8.80/hour to $8.95/hour.

11. **Pennsylvania** - Effective January 1, 2013, contractors and subcontractors doing public works projects for the state worth at least $25,000 must use E-Verify for all newly hired employees.

12. **Rhode Island** - Minimum wage is rising from $7.40/hour to $7.75/hour effective January 1, 2013. The minimum wage for tipped employees remains the same, at $2.89/hour, but the employer’s maximum tip credit is rising from $4.51/hour to $4.86/hour.

13. **Tennessee** - Effective January 1, 2013, employers of 6 to 199 employees must use E-Verify (or otherwise verify work authorization) for all newly hired employees. Go to [www.tn.gov/labor-wfd/eVerify/faq_eVerify.pdf](http://www.tn.gov/labor-wfd/eVerify/faq_eVerify.pdf) for FAQ and itemization of the means, other than E-Verify, which can be used to comply.

14. **Vermont** - Minimum wage is rising from $8.46/hour to $8.60/hour effective January 1, 2013. The minimum wage for tipped employees is rising from $4.10/hour to $4.17/hour and the employer’s maximum tip credit is rising from $4.36/hour to $4.43/hour.


**For the Birds** - If you like being tweeted and want breaking news on employment law changes (and the occasional random cheer for K-State...Go Cats!), follow me on Twitter. I’m at @amross.

Until next time,

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**REFER A FRIEND!**

I would like to refer a friend to BV-SHRM.  
Please send information about this organization to:

Name:  
____________________________________________________  
Address:  
____________________________________________________  
Phone:  
____________________________________________________