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SOCIETY FOR
HUMAN
RESOURCE
MANAGEMENT



HR CORSICANA

Volume 11, Issue 2

February 2010

FEBRUARY 2010 MEETING

Speaker: Coleen Prehm, SPHR
Topic: Planning for 2010 – Part 2
Date: Tuesday, February 9, 12:00 noon–
1:00pm
Location: [Corsicana/Navarro Chamber
of Commerce](#)



**PLEASE NOTICE – WE WILL MEET AT THE [CORSICANA/NAVARRO
COUNTY CHAMBER OF COMMERCE](#) FOR THE MEETING THIS
MONTH.**

Make sure you respond by e-mail to Tommie.batson@truevalue.com or via www.hrcorsicana.com. You can also call Tommie @ 903-872-8365 Ext 5001 to make your reservations.

2010 UPCOMING SPEAKERS

March	Lon Williams, Partner, Bracewell & Giuliani LLP SHRM Texas State Council Legal/Legislative Director – Update of Recent and Pending Federal HR / Employment / Labor Legislation and Regulations
April	TBD
May	TBD
June	TBD
July	TBD
August	TBD
September	TBD
October	TBD
November	TBD

THOUGHT FOR THE MONTH

"I am only one, but still I am one. I cannot do everything, but
still I can do something. And because I cannot do everything I
will not refuse to do the something that I can do."

Hellen Keller (1880 - 1968, American Author and Political Activist)

HR SOUTHWEST



October 10 - 13*, 2010 | Fort Worth Convention Center | Fort Worth, Texas

*Please note change of Conference days from previous years.

“Super Heroes of HR”

Registration Opens in March 2010

Plan to register before June 15, 2010 to
get the best rate!

DallasHR Members - \$600

Texas Chapter Members - \$735

SHRM Members - \$735

Non-Members - \$885

Keynote Speakers

The HR Southwest Conference is proud to present the following exciting and distinguished Keynote Speakers in 2010:

The Passing Zone

Monday, October 11

8:15 a.m.

Kicking off our conference will be the dynamic duo of Jon Wee and Owen Morse, otherwise known as The Passing Zone.

You may be familiar with this duo from their performances on *The Tonight Show*, *The Today Show*, or *America's Got Talent*. But, if you aren't familiar with them now, we guarantee you that you will not forget them! Jon and Owen deliver a unique perspective to their audiences on the importance of teamwork and interdependence while highlighting the importance of recovering from setbacks, working together as an effective team, the value of trust, and how to foster relationships with partners and customers. Most importantly though, they remind us of the importance of laughing together. As you watch these men executing stunts with chainsaws and sickles, you won't ever be as intimidated by your own work challenges!

Please join us on Monday, October 11th at 8:15am as we welcome both our attendees and The Passing Zone to The HRSouthwest Conference.

LEADERSHIP

Making an Impression vs. Being Impressed

– By John C. Maxwell

Admired for her beauty, Jennie Jerome (Winston Churchill's mother) glided through the loftiest social circles in Great Britain. Once, on consecutive nights, Ms. Jerome dined with England's premier politicians: Prime Minister Benjamin Disraeli and his chief rival, William Gladstone. When questioned about her impressions of the two men, Ms. Jerome made the following observation:

"When I left the dining room after sitting next to Gladstone, I thought he was the cleverest man in England. But when I sat next to Disraeli I left feeling that I was the cleverest woman."

Perhaps you know leaders like Gladstone-confident individuals who exude wit, intelligence, and charisma. Whenever you're around them, you cannot help but notice their charm...because they make every effort to parade their brilliance in front of you. However, I'll wager that you'd prefer to follow someone like Disraeli, a leader who would rather draw out the best in you than strut his or her personal greatness.

In relationships, be impressed with others instead of trying to make an impression. Throttle back on the urge to make your presence felt, and instead look for ways to esteem those around you. By expressing genuine interest in the people in your life, you'll win friends and gain favor.

The 30-Second Rule

I've developed a simple rule in relationships to help me shift away from a selfish vantage point. Within the first 30 seconds of a conversation, I say something encouraging to the other person. Giving out compliments focuses me on the value of the other person and prevents me from being self-absorbed. Here are a few principles I've found helpful in following the 30-second rule:

1) Give Others the "Triple A" Treatment:

- o Attention
- o Affirmation
- o Appreciation

Gossips speak endlessly about others, and bores talk only of themselves. A brilliant conversationalist is someone who speaks to you about yourself. These thoughtful persons attract friends and reap the benefits of likeability.

2) Remember that the 30-Second Rule Gives Energy

People are energized and motivated when their leaders value them for who they are. On the other hand, they quickly disengage when they feel anonymous. Speaking encouraging words does wonders for a leader when it comes to inspiring a team and earning its loyalty.

continued

LEADERSHIP**Making an Impression vs. Being Impressed**

– By John C. Maxwell

3) Practicing the 30-Second Rule Positions You for Success with People

Benjamin Franklin realized this truth when he wrote the following note to John Paul Jones:

"Hereafter, if you should observe an occasion to give your officers and friends a little more praise than is their due, and confess more fault than you can justly be charged with, you will only become the sooner for it, a great captain. Criticizing and censuring almost everyone you have to do with will diminish friends, increase enemies, and thereby hurt your affairs."

When we add to others, they are drawn to our side, but when we belittle others, they withdraw from our influence.

4) Spend Time Creating an Encouraging Thought for Everyone You Know.

Before I meet with people, I pause to think about something encouraging I can say to them. This practice isn't complicated, but it does take some time, intentionality, and discipline. And the reward for practicing it is huge.

SUMMARY

Too many people, when in the presence of others, search for ways to make themselves look good. The key to the 30-Second Rule is reversing this practice. When spending time with people, search for ways to make them look good. Doing so uplifts them and ultimately raises their opinion of you as well.

ABOUT

John C. Maxwell is an internationally respected leadership expert, speaker, and author who has sold more than 18 million books. Dr. Maxwell is the founder of EQUIP, a non-profit organization that has trained more than 5 million leaders in 126 countries worldwide. Each year he speaks to the leaders of diverse organizations, such as Fortune 500 companies, foreign governments, the National Football League, the United States Military Academy at West Point, and the United Nations. A New York Times, Wall Street Journal, and Business Week best-selling author, Maxwell has written three books that have sold more than a million copies: The 21 Irrefutable Laws of Leadership, Developing the Leader Within You, and The 21 Indispensable Qualities of a Leader. His blog can be read at www.JohnMaxwellOnLeadership.com.

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CERTIFICATION

2010 Exam Schedules and Fees

2010 Exam Schedule

Exam	Testing Window Duration	1st Testing Window	2nd Testing Window
PHR/SPHR	8 weeks	May 1 -- June 30, 2010	Dec. 1, 2010 -- Jan. 31, 2011
GPHR	4 weeks	May 1 -- May 31, 2010	Dec. 1 -- Dec. 31, 2010

Application Deadlines

Exam	Window	Reg. Deadline Date	Late Deadline Date
PHR/SPHR	May 1 - June 30, 2010	March 12, 2010	April 16, 2010
PHR/SPHR	Dec. 1, 2010 - January 31, 2011	Oct. 8, 2010	Nov. 12, 2010
GPHR	May 1 - May 31, 2010	March 12, 2010	April 16, 2010
GPHR	Dec. 1 - Dec. 31, 2010	Oct. 8, 2010	Nov. 12, 2010

2010 PHR/SPHR Exam Fees

	Nonrefundable Application Fee	Exam Fee If Submitted By the Regular Deadline	Total Due If Submitted By the Regular Deadline	Total Due If Submitted After the Regular Deadline*
PHR				
SHRM member	\$75	\$175	\$250	\$300
Nonmember	\$75	\$225	\$300	\$350
Student/recent graduate**	\$75	\$45	\$120	\$170
SPHR				
SHRM member	\$75	\$300	\$375	\$425
Nonmember	\$75	\$350	\$425	\$475

* A \$50 (U.S.) late fee will be assessed on applications received after the regular deadline but on or before the late deadline.

**The balance of the PHR exam fee is required upon meeting experience and graduation requirements.

Candidates who register to take the exam outside of the United States, U.S. territories or Canada will incur a \$55 (U.S.) international test center fee.

SHRM FOUNDATION NEWS**SHRM Foundation News:
Educational DVDs**

The SHRM Foundation has created a series of educational DVDs that feature real-world case studies of successful companies that align HR strategy with corporate business objectives. The DVDs are distributed free of charge to SHRM chapters, educators and businesses. The SHRM Foundation also offers a discussion guide and powerpoint presentation for use in SHRM chapter programming, staff trainings, or executive education sessions. The HR Certification Institute has approved many of the DVDs for one hour of credit, when used with the companion materials as part of a 1-hour educational session (see the Foundation website for details).

The Foundation's newest DVD, *Creating Future Global Leaders*, highlights the World Economic Forum in Geneva, Switzerland, and their approach to leadership. The Foundation spoke with some of the Forum's key players and focused special attention on a "leadership incubator" that is helping to shape the next generation of world leaders.

Other DVDs include *Seeing Forward*, which focuses on succession planning at 3M; *Trust Travels: The Starbucks Story*; *Ethics: The Fabric of Business* (profiling Lockheed Martin); *Fueling the Talent Engine: Finding and Keeping High Performers* (profiling Yahoo!); and *HR In Alignment: The Link to Business Results* (profiling Sysco Food Services Company). The DVDs are available for viewing online.

For more information about the DVDs, visit the "[SHRM Foundation Products](#)" section of the SHRM Foundation's website at www.shrm.org/foundation. The DVD series is made possible by your tax-deductible contributions to the SHRM Foundation.

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LEGISLATIVE UPDATE

Here's what's up in this fresh new year:

- 1. This is Not a Text** - Effective January 27, commercial truck and bus drivers are banned from sending text messages while driving, per new guidance issued by the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT). Violations are subject to criminal and civil penalties, up to \$2,750.00. DOT will now take steps to put the ban into its regulations and may expand the scope to address other forms of distracted driving. At the state level, there are bans on hand-held device use while driving in CA, CT, DC, NJ, NY, OR, WA and VI and bans on texting while driving in AL, AR, CA, CO, CT, DC, IL, LA, MD, MN, NH, NJ, NY, NC, OR, RI, TN, UT, VA, WA and Guam. For more info on the subject, including links to these state laws, check out DOT's designated webpage at www.distraction.gov. Keep in mind there are also many local ordinances banning texting while driving, such as the one in Austin, TX which took effect January 1. See sec. 12-1-34 of Austin City Code. If you have employees who drive on behalf of your organization, know what the laws require you to do, then think about what you should do if there is no applicable law in your geographic area.
- 2. Bucks for Hiring** - Legislation has been introduced to incentivize employers to hire more folks. In the 30's after the Depression, Congress enacted the Fair Labor Standards Act which encouraged employers to hire more people via the economic disincentive of mandatory overtime pay for employees who worked more than 40 hours in a workweek. Fast forward to the current economic crunch, and this time they're thinking of offering a tax credit for employers who add headcount, increase hours worked by existing staff or restore lost employee pay. The current version suggests a credit of 15% of payroll, to any business that expands payroll by at least 3% in any quarter of 2010, and 10% for an expansion of at least 5% in any quarter of 2011. For full text and to monitor progress of this bill, go to <http://thomas.loc.gov> and put H.R. 4437 in as the bill number.
- 3. Bucks for Hunting** - The proposed federal budget for fiscal 2011 is out and includes \$117 billion for the U.S. Dep't of Labor, with \$25 million and 100 additional enforcement personnel earmarked to hunt for employers who are misclassifying their employees as independent contractors. For a summary of the DOL proposed budget, go to www.whitehouse.gov/omb/factsheet_department_labor/. If you are not sure that you're handling this issue correctly, get expert help to do a self-analysis and correction before someone else does this for you.
- 4. Take Notice** - Updated COBRA notice forms are available at www.dol.gov/ebsa/COBRAmodeInotice.html. The updated forms reflect extension of the subsidy eligibility period, which was due to expire on Dec. 31 but has been extended to Feb. 28 (and a further extension is in the works). Other changes made under the Dep't of Defense Appropriations Act include extending the length of assistance from nine months to fifteen, and allowing retroactive extensions for those who stopped paying premiums when his/her subsidy expired.

LEGISLATIVE UPDATE

5. **Ever-Evolving Employee Handbooks** - A new year is a good time to browse your employee handbook and see if it's kept up with the times. Here are a few needed changes to check for:
 - a. **FMLA** - Has your policy been updated to include care-giver and exigent circumstances leave involving your employee taking time off to tend to family members in the U.S. military? Did you note the expanded categories of military personnel these leaves apply to, as of October 2009? Are you REALLY still using a fixed 12-month period to track use of FMLA when a rolling, backward-looking 12-month period would probably suit you better?
 - b. **Electronic Communications** - Did you know that employers can be liable for the unsolicited or solicited false or misleading statements their employees make in the blogosphere about their employer's products and services, under Federal Trade Commission (FTC) guidance which took effect on December 1? Does your electronic communications policy advise employees what to do and provide you with a potential defense?
 - c. **State Law Quirks** - These are too numerous to mention but include things like up to ten days of job-protected leave for volunteer members of the Civil Air Patrol in CA, effective January 1, 2010 and a statewide smoking ban, to include private and public places of employment, which takes effect on May 1.

6. **Calendar Conundrum** - Payroll pros are already onto this, but did you know that employers who issue bi-weekly paychecks are going to have 27 paydays this year, not 26? So decide real soon how to handle various deductions and accruals that are annualized, and whether you will pay above employees' stated annual salary to make that 27th payday, or reduce the amount of pay to be consistent with the agreed-upon salary amount. This recurring surprise happens because 26 pay periods of 14 days comes to 364 days, but your calendar has 365 days per year. This extra day plus the addition of Feb. 29 to the calendar every four years, means this 27th payday pops up every five to six years (and with no year containing 25 bi-weekly paydays, there is no offset to rely upon). Happy New Year!

7. **Fortunate Ones** - My hat's off to all employers honored by Fortune magazine's "100 Best Companies to Work For" with special love directed to the 12 who are HQ'd in Texas (most of whom are LB4HR subscribers)! The Texas honorees in the January 2019 edition of Fortune are: Camden Property Trust (#10), Methodist Hospital System (#17), Whole Food Markets (#18), NuStar Energy (#21), Shared Technologies (#33), Container Store (#36), TDIndustries (#39), USAA (#45), EOG Resources (#67), Mens' Wearhouse (#68), Balfour Beatty Construction (#76) and National Instruments (#87). The folks reading this email have a lot to do with that level of employee satisfaction, so pat yourself on the back!

LEGISLATIVE UPDATE

- 8. Heads' Up, Department of Defense Contractors** - In legal circles, there's an old adage that goes "bad facts make bad law." Combine that with simmering distaste for mandatory arbitration of employment claims in the executive and legislative (see Arbitration Fairness Act at H.R. 1020 & S. 931) branches of the federal government and here's what you get. Apparently a private sector female worker was raped by co-workers while working overseas on a DOD contract. When she tried to sue her employer for the assault, they pointed to a mandatory arbitration agreement she had signed and compelled arbitration in lieu of her day in court. Fast forward to this year's Dep't of Defense Appropriations Act, where language was added to prohibit certain DOD contractors from enforcing arbitration agreements in cases of sexual assault, but amended before enactment to broaden the scope of the prohibition. The "Franken Amendment" applies to DOD contracts for \$1 million or more entered into more than 60 days after December 19, 2009 and prohibits covered DOD contractors from entering into new or enforcing existing agreements which require, as a condition of employment, that employees or independent contractors resolve Title VII, tort claims arising out of sexual assault or harassment (including assault and battery), intentional infliction of emotional distress, false imprisonment or negligent hiring/supervision/retention claims via arbitration. This is not limited to the employees who work on the DOD contract. Also, the prime contractors must certify that their subcontractors (with subcontracts in excess of \$1 million) have agreed to the same prohibition (in this case, limited to employees and independent contractors who work on the DOD subcontract).
- 9. Promises, Promises** - A small company formed in 1996 experiences a rough patch in 1997. In order to get eight original employees to stick around, they are promised 5% of the proceeds from any sale or merger of the business. Seven of them are still around in 2001 when the deal goes down, but no pay-out is forthcoming so they sue the company and its shareholders (who allegedly received the assets). Round One goes to the employer, based on finding that the promises to pay were illusory, since the employee were at-will and could be let go at any time. Round Two in the Court of Appeals also goes to the employer, but the Texas Supreme Court took a different view in Round Three, siding with the employees. They noted that this was not akin to noncompete agreements, where there is an exchange of promises (aka bilateral agreement). Instead, here the employees acted on the promise by sticking around, and once they performed, the unilateral agreement became enforceable. The Court explained by using the example that an offer to pay to have one's house painted can be withdrawn at any time . . . until the person performs by painting the house. *Vanegas v. American Energy Services* (Tex. 12-09).

LEGISLATIVE UPDATE

10. Data Breach Is No Day at the Beach - The federal and state governments continue in their quest to prod organizations into preventing electronic and hard copy personal identifier (PI) data (e.g., name, address, phone number, SSN, PIN numbers, credit card info, medical info) from falling into the wrong hands. Just a few samples:

- a. Texas - Cornerstone Fitness will pay \$28,000.00 and is subject to a permanent injunction barring them from improperly disposing of customers' records containing PI, including SSNs and driver license numbers. The Texas Attorney General found that when the fitness center changed locations, the contents of a cabinet with personal training contracts were placed into a dumpster. Going forward, they must make that information unreadable, via shredding or other means, before disposing of it.
- b. Massachusetts - Starting March 1, PI that is electronically transmitted or stored on portable devices must be encrypted. Also companies must have a written security plan and any contract with a third party that handles their PI must include safeguards to protect against disclosure of the PI.
- c. Connecticut - Attorney General is suing a multi-state managed care company that did not properly secure patients' medical records and financial information, and failed to notify affected enrollees until nearly six months after it learned a laptop containing the unencrypted PI of 1.5 million members (446,000 of them in CT) had gone missing.
- d. Federal - Use <http://thomas.loc.gov> to see Data Breach Notification Act (S. 139) and Personal Data Privacy and Security Act (S. 1490) for attempts to replace the patchwork of state laws with a streamlined federal approach to the problem.

11. For the Birds - If you like being "tweeted" and want breaking news on employment law changes, follow me on Twitter. I'm at @amross.

Until next time,

Audrey E. Mross
Labor & Employment Attorney
Munck Carter LLP
600 Banner Place
12770 Coit Road
Dallas, TX 75251

972.628.3661 (direct)
972.628.3616 (fax)
214.868.3033 (iPhone)
amross@munckcarter.com
www.munckcarter.com



AMERICAN HEART MONTH

In recognition of the important needs in the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Black History Month

Black History Month was initiated February 12, 1926 by historian Carter G. Woodson. Woodson founded the observances to recognize the achievements and contributions of Black Americans. February was chosen because of the birthdays of Abraham Lincoln (Feb 12) and Frederick Douglass (Feb 14), two men who significantly impacted African-American life. A new theme is selected for Black History every year. This year's theme is "*Carter G. Woodson and the Origins of Multiculturalism*".

February 24 – Ash Wednesday

This marks the beginning of Lent, a 40-day period of prayer and fasting preceding Easter Sunday (February 6 to March 23, excluding Sundays). It is observed in memory of Jesus' 40 days of fasting in the desert. In the early centuries of Christianity, there were strict requirements for fasting during the period of preparation for Easter. Although these rules have been relaxed in the Western church, many Roman Catholics and Protestants choose to give up a favorite food or activity during Lent. There are many symbolic meanings to the use of ashes on this holiday. Generally, ashes symbolize death. The priest or minister's placing of ashes on one's forehead in the shape of a cross is part of the preparation for fasting and resistance to temptation by those observing Lent that ends in the symbolic renewal of life on Easter. The word *Lent* comes from Middle English *lenten* or *lente*, from the Old English *lencten* or *lengten*, meaning spring—the time of year when the days begin to lengthen.

February 14 – Valentine's Day

This date recognizes the possible execution date of one of the two or three early Christian martyr's names Valentine. Legend has it that one of the Valentines secretly performed marriages between young people in opposition to the Roman emperor's law.

February 15 – President's Day

Until 1971, both February 12 and February 22 were observed as federal holidays to honor the birthdays of Abraham Lincoln (Feb. 12) and George Washington (Feb. 22). In 1971 President Richard Nixon proclaimed one single federal holiday, *Presidents' Day*, to be observed on the third Monday of February, honoring all past presidents of the United States of America