

**Dallas HR Horizon  
August 2005**

**4<sup>th</sup> Annual Diversity Conference  
August 9, 2005**

4th Annual Diversity Conference

Tuesday, August 9, 2005  
9:00am - 1:00pm

**“Diversity Done Right: From Best Intentions to Best Practices”**

presented by  
**The National Labor and Employment Law Firm**



Conference At a Glance	
<b>Session 1</b>	<p><b><i>"Diversity Done Right - A Case Study"</i></b></p> <p>We begin the seminar with an interactive case study. You are the new Director of Human Resources for an East Texas community college with a diverse student body. You are responsible for creating a hiring and retention protocol to meet the diversity expectations of the College President. You devise a strategy which is then analyzed for legality by Jackson Lewis attorneys.</p>
<b>Session 2</b>	<p><b><i>"No Good Deed Will go Unpunished" or "How Not to Get Sued Under Your Diversity Program"</i></b></p> <p>Many well-intended human resources professionals have sought to diversify their workforce in good faith. They never intended to discriminate <i>against</i> protected groups. Good intentions aside, these well-meaning professionals found themselves on the wrong end of a discrimination lawsuit. This segment of our conference will analyze the mistakes these defendants made in adopting their diversity initiatives so that you do not innocently repeat them in your program's development.</p>

**Agenda:**

- 8:00am - Registration & Continental Breakfast
- 9:10 - 10:00am - Session 1
- 10:10 - 11:00am - Session 2
- 11:00 - 11:20am - Q & A
- 11:30 - 11:45am - Lunch Served
- 12:00 - 1:00pm - Keynote

[Printable Brochure](#)

**Registration:**

[Online Registration](#)

[Printable Registration](#)

**Meeting Costs for those who Pre-Register by August 3:**

**Full Conference:**  
Members \$80.00  
Non-Members \$105.00

**Luncheon Only:**

Members \$30.00  
Non-Members \$40.00  
**Meeting Costs for those who Register On Site:**

**Full Conference:**  
Members \$95.00  
Non-Members \$120.00

**Luncheon Only:**

Members \$45.00  
Non-Members \$55.00  
**Location:**

Omni Dallas Hotel - Park West

**Dallas HR Horizon**  
**August 2005**

<i>Question &amp; Answer Period</i>	
<b>Session 3</b> <a href="#">Monthly Luncheon Keynote</a>	<p style="text-align: center;"><i>“Best Practices for Administering Your Diversity Program.”</i></p> <p>Jackson Lewis partners Matt Halpern and Joy Chin devote their entire practice to assisting clients develop, administer and defend their affirmative action and diversity programs. Their practice group has probably defended more employers in OFFCP audits than any other law firm in the country. Matt and Joy will give you firsthand insight into what the Bush Administration expects from employers in the area of affirmative action and diversity programs.</p> <p>Among other developments, they will explain the EEOC and OFFCP’s new definition of “applicant.” They will also provide an action list of legal best practices for developing and fine-tuning your diversity program under the current law.</p>

1590 LBJ Freeway  
Dallas, Tx 75234  
(214) 442-2115  
**Sponsorship:**

Please contact  
[Buffy Peschka](#)  
for sponsorship  
information.



Payment is due before or at the meeting. No POs or requests for invoicing can be honored. Checks should be made payable and mailed (to be received no later than Wednesday, August 3, 2005) to:

Dallas HR  
4100 Spring Valley Road, Suite 300  
Dallas, TX 75244  
214-631-8775  
214-631-4533 - Fax

**IMPORTANT:** Advance reservations with payment are strongly recommended. Due to hotel catering requirements, we cannot guarantee seating for onsite registrants. **Payment will be required for reservations made but not kept, unless cancelled prior to the registration deadline indicated. To receive cancellation credit, you must fax your cancellation request to Dallas HR by 5:00 pm, Wednesday, August 3, 2005. No-shows will be billed.** Outstanding balances may result in exclusion from future meeting registration.

# Dallas HR Horizon August 2005

## Dallas HR Monthly Luncheon Meeting August 9, 2005

Dallas HR Monthly Luncheon

Tuesday, August 9, 2005  
11:30am - 1:00pm

**“Best Practices for Administering Your Diversity  
Program.”**

presented by  
The National Labor and Employment Law Firm



Jackson Lewis partners Matt Halpern and Joy Chin devote their entire practice to assisting clients develop, administer and defend their affirmative action and diversity programs. Their practice group has probably defended more employers in OFFCP audits than any other law firm in the country. Matt and Joy will give you firsthand insight into what the Bush Administration expects from employers in the area of affirmative action and diversity programs.

Among other developments, they will explain the EEOC and OFFCP's new definition of "applicant". They will also provide an action list of legal best practices for developing and fine-tuning your diversity program under the current law.

**This program is being presented as the final session of the:**

**4th Annual Diversity Conference**

**For more information about the half day conference, [click here.](#)**

### Agenda:

11:00am - Registration  
11:30 - 11:45am - Lunch Served  
12:00 - 1:00pm - Keynote  
**Registration:**

[Online Registration](#)

[Printable Registration](#)

**Meeting Costs  
for those  
who Pre-Register by  
August 3:**

Members \$30.00  
Non-Members \$40.00

**Meeting Costs  
for those  
who Register  
On Site:**

Members \$45.00  
Non-Members \$55.00

### Location:

Omni Dallas Hotel - Park West  
1590 LBJ Freeway  
Dallas, Tx 75234  
(214) 442-2115

### Sponsorship:

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**Dallas HR Horizon**  
**August 2005**

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**CALENDAR OF EVENTS**  
**August 2005**

[Click Here for a 2005 Event Calendar](#)

<b>Tuesday, August 2</b>	<a href="#"><u>Job Link Meeting</u></a>
<b>Tuesday, August 9</b>	<a href="#"><u>4th Annual Diversity Conference</u></a> "Diversity Done Right: From Best Intentions to Best Practices" presented by Jackson Lewis
<b>Tuesday, August 9</b>	<a href="#"><u>Monthly Membership Meeting</u></a> "Best Practices for Administering Your Diversity Program" presented by Jackson Lewis LLP partners Matt Halpern and Joy Chin
<b>Monday, August 15</b>	<a href="#"><u>Emotional Intelligence: Useful Tools for the HR Practitioner</u></a>
<b>Tuesday, August 16</b>	<a href="#"><u>Employee Selection: What an Interviewer Must Know</u></a>
<b>Tuesday, August 16</b>	<a href="#"><u>Job Link Meeting</u></a>
<b>Wednesday, August 16- Thursday, August 17</b>	<a href="#"><u>Relationship Management for the HR Business Partner</u></a>

**Dallas HR Horizon  
August 2005**

**Conference Director's Letter  
August 2005**



**HR: A Hallmark of Excellence**

In our world of constantly changing business challenges, it is imperative that HR professionals maintain the skills and knowledge to stay on the cutting edge. Nowhere will you find a better value proposition than at the annual HR Southwest, Human Resources Conference and Exposition, to be held in Fort Worth, October 25 – 28, 2005.

For two and a half days, you'll have the opportunity to be immersed in over 100 educational sessions covering the latest legal and regulatory developments, emerging trends in HR, fresh approaches to HR practices, and new strategies for accomplishing your personal and professional goals. This year, the Conference will introduce a new session track specifically addressing the strategic role of human resources.

You'll also have the opportunity to be inspired by the passion and commitment of three outstanding keynote speakers, to network with like-minded HR peers, and to identify new tools and resources that can enhance your effectiveness in the workplace. Whether you are a seasoned Human Resources executive or manager, or just entering the profession, you will walk away from the Conference with valuable insights and information you can use to enhance your organization's performance.

This year, the 64<sup>th</sup> HR SOUTHWEST, Human Resources Conference and Exposition celebrates the achievement of knowledge, passion and skills that makes HR a hallmark of organizational excellence. Like a silversmith's mark or the signature of a gifted artist, a fully functioning Human Resources role within an organization is a powerful symbol of quality. Individually and collectively, we have an obligation to uphold the standards already attained, and to continue the quest for excellence.

Human Resources is the heartbeat of an organization: everything we do, every day, affects how our organization performs. I challenge each of you to create a culture of "exceeding expectations" within your organization. Push yourself – and those around you – to be extraordinary. Whatever the task, perform it with distinction.

I hope you will take advantage of this outstanding opportunity for professional growth and join us at the Fort Worth Convention Center, October 25 – 28, 2005. For details of Conference keynotes, educational sessions, pre-Conference workshops, networking events and exhibitor information, or to register, visit our website at [www.hrsouthwest.com](http://www.hrsouthwest.com).

Cathy White, SPHR  
2005 HR SOUTHWEST  
Conference Director

# Dallas HR Horizon

## August 2005

### Emotional Intelligence Useful Tools for the HR Practitioner

- *Click on the class date to register online*

[Monday, August 15, 2005](#)

[Friday, November 18, 2005](#)

[Printable Registration Form](#) PDF

[Printable Brochure](#)

**9:00 AM - 4:30 PM (Registration at 8:30 AM)**

"This program has been approved for 6 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org)."

As HR practitioners involved in the emotional territory of the workplace, we need to use emotional information in a constructive and adaptive manner. We need to use available information to advance personal, employee, and workplace goals. This practical course, designed by HR people for HR people, will help you recognize, manage and use emotional information to advance these agendas. Here is just some of what you will learn...

- 7 hidden principles that govern what we think and feel
- The 9 ways that emotions are generated
- 5 tools for managing personal emotions for better productivity
- 2 powerful ways to manage emotional hot buttons
- How we cope with loss and the perception that our goals, values, or welfare is threatened.
- 3 secrets to managing and leading the emotions of others

#### **What our attendees have to say:**

*"Great information. Enjoyed the exercises that followed each tool..."*

*"Very useful tools that I can share with my managers to help them understand how they can make a positive impact on their teams."*

*"Instructor very knowledgeable...definitely subject matter expert.:"*

#### **About our Instructor**

**Jim Vance**, SPHR, is a former HR Director and the presenter of the popular HR101 and Relationship Management programs. Co-author of the books *Magnetic Leadership*, and *Human Resource Strategies that Work*, he has spoken to business audiences in 38 states. In this information packed seminar, he

## Dallas HR Horizon August 2005

blends a practical HR perspective with expertise in neurolinguistic programming to make the core lessons of the last twenty years of emotional intelligence research useful for the HR practitioner.

### Location:

Brookhaven Country Club - Main Clubhouse  
3333 Golfing Green Drive  
Dallas, TX 75234  
972-243-6151

[Click Here for Directions](#)

*Free Parking*

### Instructor Contact Information:

Jim Vance, PE, SPHR  
Advanced Business Resources  
4912 Yoakum Boulevard  
Houston, TX 77006  
713-527-8893  
Website: [www.abr-training.com](http://www.abr-training.com)  
e-mail: [info@abr-training.com](mailto:info@abr-training.com)

For sponsorship and advertising information, please contact [Diane McClendon](#).

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## Employee Selection What an Interviewer Must Know!

- *Click on the class date to register online*  
[Tuesday, August 16, 2005](#)

[Printable Registration Form](#) 

[Printable Brochure](#)

**9:00 AM - 4:30 PM (Registration at 8:30 AM)**

"This program has been approved for 6 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org)."

The typical employment interview is a surprisingly poor predictor of job performance. Interested in knowing how to make your process more effective? This course will give you what you need --

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Dallas, TX 75244

## Dallas HR Horizon August 2005

information on everything from the effectiveness of selection tools, to strategies for structuring the interview to make the time you spend worthwhile.

Here is just some of what you will learn...

- Predicting performance - What selection tools really tell us
- 4 key characteristics that effective selection measures share
- What employment studies say about the predictive validity of references, biographical information and interviews
- An overview of behavioral, situational, and semi-structured interview processes, and how to formulate questions that get to the heart of the matter
- The relative risks of 7 common selection tools
- 6 factors that impact how a job gets done and a powerful tool for exploring the "how of fit"

### What our attendees have to say about this course:

*"Jim Vance is a consummate professional and an effective facilitator. ....well worth the price of admission"*

*"Excellent info. Definitely {will recommend we} implement it immediately."*

*"....helped me understand how to approach the candidate and a more comprehensive understanding of what I am looking for in a candidate."*

### About our Instructor

**Jim Vance**, PE, SPHR, is a former HR Director and Training Director who came from an engineering and operations background. He has managed staffing efforts for all position levels, has led recruitment for enterprise resource planning initiatives, and brings real world perspective to this important subject. Co-author of the books, *Magnetic Leadership* and *Human Resource Strategies that Work*, Vance is a speaker, trainer and consultant who has addressed business audiences in 38 states.

### Location:

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### Instructor Contact Information:

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Advanced Business Resources

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4912 Yoakum Boulevard  
Houston, TX 77006  
713-527-8893  
Website: [www.abr-training.com](http://www.abr-training.com)  
e-mail: [info@abr-training.com](mailto:info@abr-training.com)

For sponsorship and advertising information, please contact [Diane McClendon](#).

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### Relationship Management for the HR Business Partner

*Click on the class date to register online*

[August 17 - 18, 2005](#)

May 24 – 25, 2006

[Printable Registration Form](#) 

**9:00 AM - 4:30 PM (Registration at 8:30 AM)**

**Includes course materials, continental breakfast and lunch.**

This program has been approved for 6-12 recertification credit hours (6 per day) toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org).

#### **Core Competencies**

Day 1 focuses on the core competencies that make up the collaborative skill set. Through a series of hands-on exercises, Day 1 teaches you to become consciously aware of the behavioral and language patterns that build rapport, communicate respect, expand conversation and gather information needed to solve problems and add value. Among the topics covered:

- A conscious approach to relationship creation
- Multiple perspectives and their importance
- Attentive listening patterns that communicate respect and value
- Rapport building skills
- Non-verbal communication
- Influencing tools
- Emotional management and emotional flexibility techniques
- Language patterns that expand conversation
- Inquiry techniques that uncover key needs
- Communicating soft value in hard financial terms

## Dallas HR Horizon August 2005

### Expert Methods

Day 2 builds on the lessons of day 1 by distilling expert methods from the fields of counseling, mediation, coaching, and human motivation, and applying them to the HR context. Participants leave with an exceptional tool set for the creation of collaborative agendas and managing relationships for positive performance – best practices used by the top 2% of the HR profession. Subjects covered include.

- Skillful communication to manage and control the meaning of events
- Problem solving to help people find solutions
- Counseling methods to empower others to action
- Coaching to lead people to accept and act on change
- Successful motivation of self and others
- Effective feedback for performance management
- Defusing emotional acrimony
- A 10-step process for mediating different viewpoints and developing collaborative agendas.

### What our attendees have to say:

*"It will help me to break through the communications barriers to understand what clients (managers and employees) really want from me."*

*"Very enlightening techniques for engaging in conversation and building relationships."*

*"Using the tools and strategies....will help me to influence the environment by solving people problems faster."*

### About our Instructor

**Jim Vance**, PE, SPHR, is a former HR Director and Training Director, who came from an engineering and operations background. Co-author of the books, *Magnetic Leadership*, and *Hr Strategies that Work*, he is a speaker, trainer and consultant who has addressed business audiences in 38 states. He has served as a consultant to executives and has been the primary on-site client liaison for large-scale projects. He combines relevant business experience with the knowledge gained from more than 15 years of study in relationship and communication processes to bring life, humor and realism to this important subject.

### Location:

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*Free Parking*

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e-mail: [info@abr-training.com](mailto:info@abr-training.com)

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### Helping Those in Need

As HR professionals, we're probably all familiar with the many studies of human motivation. After all, it helps to know what makes our employees come to work, what keeps them there, what causes them to be more productive, etc. Maslow's hierarchy of needs would tell us that if an employee isn't rested, fed, housed in safety, etc., then he isn't going to be able to participate in the workforce. Before anyone can take on responsibility for belonging to the working class, searching for and finding a job, they need to have their basic needs taken care of.

In August, our Community Relations Committee will be asking for your support for Dallas Life Foundation. Dallas Life provides care for the homeless in Dallas. It's a huge step from homelessness to an employed lifestyle. While we're working with our employees to grow their careers, and help them to earn the recognition and status they need to achieve in level 4 of Maslow's hierarchy, Dallas Life is helping to provide for the level 1, basic physiological needs of the homeless.

You can help us to support Dallas Life by bringing your donation of toiletry items (such as soap, shampoo, deodorant, toothpaste, etc.) to our August meeting. We'll also be asking you if you'd like to sign up to volunteer in one of our upcoming activities at the Foundation.

If you would like more information about Dallas Life Foundation, you can talk to our Community Relations contact [Stacy Thiele](mailto:Stacy.Thiele) or log onto the Dallas Life Foundation's website at [www.dallaslife.org](http://www.dallaslife.org).

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### 2005 D/FW Area Salary Survey

#### Dallas/Fort Worth Area Compensation Survey of Nonexempt, Professional, Supervisory, and Management Jobs

The **Dallas Human Resource Management Association** and the **North Texas Compensation Association** have partnered with **Deloitte Consulting** to conduct the **2005 D/FW Area Salary Survey**.

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Dallas, TX 75244

## **Dallas HR Horizon August 2005**

Thank you to those companies who participated in the survey! We appreciate your time and efforts invested in this survey.

Deloitte Consulting will be reporting the Survey results, trends in survey data and tips for effective use of the results for your business at the pre-membership meeting on **Tuesday, September 13th**.

The survey results will be available in hard copy or CD-Rom for purchase by mid September. Purchase information will be sent to you as the survey results become available. The purchase price of the survey is as follows.

	<b>Participants</b>	<b>Non-participants</b>
DHRMA/NTCA Member	\$495	\$895
Non-DHRMA/Non-NTCA Member	\$595	\$1,095

### **Comprehensive compensation information at your fingertips!**

The survey collects and reports base salary, bonus and total cash compensation information for 199 nonexempt, professional, supervisory, and management positions in the areas of:

- Accounting, finance, and banking
- Customer service and marketing support
- Education and learning resources
- Engineering
- General office administration
- Healthcare
- Human resources
- Information systems
- Materials and logistics
- Production and maintenance
- Publishing

The survey also collects and reports, where possible, compensation statistics for all participating organizations by:

- Exempt and nonexempt status
- Industry group and segment
- Geographic location within the greater D/FW area
- Total number of U.S. employees

## Dallas HR Horizon August 2005

You may contact Lina Jing via email or phone with any questions at [ljing@deloitte.com](mailto:ljing@deloitte.com) or 469/417-3576.

Jamie Bottorff  
Compensation Committee Chair

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### **Election Time for the 2006 DHRMA, Inc. Leadership Positions!**

It seems as though we just got 2005 kicked off and here we are talking about 2006 elections! It has been a fast and furious year at DHRMA and we are excited about all the activities we have scheduled.

During 2005, we have delivered a new Dallas HR website, our first printed newsletter since 2002 was produced, and we had our most successful silent auction to-date. A salary survey is being finalized and a membership survey is under construction that will give us feedback on what you think about our services and how we can best meet your needs.

HR SOUTHWEST will bring "HR: A Hallmark of Excellence" to the Fort Worth Convention Center October 25-28 and in 2006 celebrates the 65th anniversary of our Conference.

We are fortunate to have a small staff to keep all this activity organized, but they could not do their jobs without a terrific group of volunteers. Just in our leadership team, there are 45 dedicated volunteers and most of them have a committee working with them.

**We need your support now** as it is time once again to determine our leaders for next year. Our Bylaws require that interested members submit an application form if they have an interest in serving in either an elected or appointed position. The Volunteer Leadership Interest Form is available on our website at <http://www.dallashr.org/updates/bylaws-jobdes.htm>. Interested parties shall submit a completed form to Diane McClendon ([diane@dallashr.org](mailto:diane@dallashr.org)), Executive Director, **no later than midnight, August 15, 2005**.

The forms will be reviewed by a Nominating Committee to ensure qualification to hold office prior to the ballot being presented to the membership for voting. Ballots will be distributed by e-mail no later than August 31.

In accordance with our Bylaws criteria, only Professional and General members are permitted to hold office and vote. Job descriptions are available on the website at <http://www.dallashr.org/updates/bylaws-jobdes.htm>.

*If you are interested in volunteering as a committee member, let us know by forwarding an email message to us. Committees for 2006 will be formed in November and December.*

For questions concerning the various positions, please contact me or:  
2005 Dallas HR President, Carla Williams, [Carla.Williams@clubcorp.com](mailto:Carla.Williams@clubcorp.com)  
2005 HR SOUTHWEST Conference Director, Cathy White, [cwhite@rosewoodhotels.com](mailto:cwhite@rosewoodhotels.com).

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4100 Spring Valley Road, Suite 300  
Dallas, TX 75244

## Dallas HR Horizon August 2005

Diane McClendon  
Executive Director  
214-631-8775 x 21  
[diane@dallashr.org](mailto:diane@dallashr.org)

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### 2006 Committees Forming Soon!!!

If you are interested in volunteering for any of the following committees, please contact Stephanie Sottong, Member & Chapter Relations Manager, at 214.631.8775 x35 or [stephanie@dallashr.org](mailto:stephanie@dallashr.org).

**Professional Development:** Facilitate in the professional development of your peers.

- Job Link
- Professional Emphasis Group
- Students
- Compensation
- Study Group

**Community Relations:** Partner with local non-profit organizations and make a positive impact in your community!

**Diversity:** Help develop understanding and awareness of the many facets of diversity.

**Legislation:** Keep members apprised of pending legislation that may impact HR.

**Member Services:** Assist in researching ways to improve the benefits of membership.

**Programs:** Participate in the coordination of Dallas HR's Monthly Meetings, Educational Sessions, and Special Events.

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### Diversity Corner

**Diversity Dimensions: Working through the small things that keep us apart - Part II**

In June's Horizon, we described one of the new frontiers in diversity; namely, the hundreds of unconscious snap judgments we make about people everyday - most of which may be perfectly accurate, but some of which are incomplete, or even completely wrong. Now, we're not talking about

## Dallas HR Horizon

### August 2005

the broad sweeping judgments that most of us readily recognize as untrue (i.e. "Women don't belong in upper management!"). Like the modern workplaces we live in each day, most of us have rejected these blatant biases, and have a firm commitment to fairness and equity, valuing diversity and promoting inclusion as part of our core belief system.

So it's hard for us to confront the reality that despite our best intentions and our absolute commitment to not be the kind of person who pre-judges another, we sometimes do just that. However, it's worth overcoming our initial denial about how we unconsciously fall short. And even though it's uncomfortable, there's real value in recognizing the effect of our natural preference to favor those who look like, think like, and act like us. So how do we move our best intentions into real life behavior so we better live out our core beliefs, and at the same time positively impact our organization's bottom line? This second and concluding part of "Diversity Dimensions: Working through the small things that keep us apart" looks at a simple and winning approach to overcoming our natural, but sometimes mistaken, perceptions.

So how do these snap judgments sometimes get us into trouble? The main culprits are tacit assumptions (i.e. unconscious assumptions) about others that sometimes can be inaccurate. Those misreads, particularly in the workplace, can lead to mistrust, a breakdown in communication, and feelings of alienation, all of which can spell real trouble when assembling a team or building a workforce to take your organization to the next level. A brief sampling of innocuous behaviors that can sometimes build barriers in the workplace include:

- the same group of guys going to lunch everyday and not inviting a co-worker
- checking emails in a meeting
- colleagues frequently having workplace discussions in a language others cannot understand
- giving constructive feedback in a public setting, like a hallway
- taking a call in a meeting
- being left off an email distribution list
- checking a Blackberry and sending messages during a presentation
- scheduling meetings at the last minute

These actions seem innocent enough, and almost certainly there's no bad intention behind them - and that's the tough part, because nobody intends for their natural behaviors to be taken in the wrong way. But these real world examples can, from a different perspective, cause real trouble that can take us by surprise. The stakes are high, because when seen from a different perspective these behaviors can make others feel slighted or isolated. And those feelings often emerge as critical issues of trust and respect.

Here's a classic example. Imagine a team of individuals hand-picked for their deep subject knowledge and complimentary skill sets. In spite of the bright promise of so much talent, the team just isn't firing on all cylinders. Attention falls on a brilliant technical wizard named Larry, whom everyone acknowledges as the smartest guy in the room. Unfortunately, soft-spoken Larry doesn't speak up in the group's freewheeling meetings, where a lot of ideas are hashed out and critical groundwork for decisions is laid. When Larry sends out his contributions after a meeting by email, it's received with

## **Dallas HR Horizon**

### **August 2005**

baffled resentment. Doesn't this guy get what meetings are for? Larry becomes more withdrawn, and communication and productivity head downhill.

It's a vicious circle, fueled by two conflicting tacit assumptions. One group, the fast-talking, highly competitive colleagues, perceive Larry as quietly arrogant, not a team player, and assume he's protecting his intellectual property. Meanwhile, Larry, whose problem solving and conversational style expects pauses and room for reflection between speakers, can't get a word in edgewise during meetings. Larry perceives his colleagues as arrogant, disrespectful and pushy.

So what can be done to get the team past the barriers and back on track to the high performance for which they were hand-picked? The key to diffusing this situation, and others like them, is to remain neutral, surface and identify the subconscious (tacit) assumptions that drive the misunderstandings, and focus on a mutual goal. This is at the core of what we describe as the No Fault, No Guilt FYI™ process. It's based on the premise that people do the best they can, with what they have to work with (the "no fault assumption"). By staying neutral, assuming no fault, and placing no blame, all parties are free to focus on the mutual goal, and work toward resolving the problem.

Here's how we start. Step one involves naming the issue, and assessing its impact. Choose one issue at a time, and put it on the table. Take a look at it from different angles: what does it look like? How does it show up in interpersonal dynamics? Who is affected? How much does it matter? Assess the issue's importance, and then decide whether it merits any action.

If action is merited, move on to step two, which is about shaping the message in a way that will increase its chances of being heard and understood by everyone involved. Here, you get calm and stay clear by separating three key components: the behavior, its impact, and how you feel about it. Establishing a mutual goal (i.e. increasing team communication in meetings) outlines your shared values and reasons for addressing the issue. Then you find a safe, comfortable place and time to deliver the message, and in a way that best suits the situation. Some circumstances might call for a team building focus group session, while others might suggest a third party "go-between," or an individual face to face meeting, or using a go-between.

Step three sets out guidelines for delivering the No Fault, No Guilt FYI™ message. The most important thing is to describe the behavior in a clear, non-judgmental way that places no guilt, assumes the other party is NOT at fault, and seeks to understand and identify small changes that might work better in future (i.e. Larry's colleagues: "Larry, we'd really like you to participate more in meetings. Is there something we can all do to help make that happen?").

Step four, the response to this initiation, is as important as how the message is delivered. The first step for the recipient: take a deep breath, and thank the person for coming forward. Perhaps the answers to our questions may not be what we're expecting, but if we're in a blame-free, neutral environment, we open the possibility of seeing things in a new way.

It sounds pretty basic, but it's surprising the trouble we can find ourselves in if we don't know how to identify and respond to our own tacit assumptions and the micro-barriers they can create. We hope our model will assist you in those discussions. And as we said at the outset, big differences can come from

## Dallas HR Horizon August 2005

small changes. The key to making it work for both parties: both sides agree to address the issues in a neutral way, assuming no fault, and placing no blame. In this way, both sides walk away winners.

Most every organization's greatest expense - and asset - are its people. Diverse workplaces are a fact of life, and working to overcome the unintended barriers our tacit assumptions can create helps build productivity, healthy communication, and employee satisfaction. Overcoming these underground but powerful barriers to trust and communication can help put things back into alignment, and that hand-picked team made up of such talented individuals can start working the way it was intended. By using a blame-free approach that encourages low-risk opportunities for small, incremental changes we can live out our core values, and contribute to a healthier bottom line.

**Tasnim McCormick Benhalim** is the principal of **Diversity Wealth**, a firm dedicated to bringing the benefits of diversity and improved productivity to organizations large and small. Among her most popular workshops are Unpacking the Invisible Briefcase™, and the No Fault - No Guilt FYI™, which offer practical insights and a working model for addressing subtle barriers in our diverse workplaces. You can find out more at [www.diversitywealth.com](http://www.diversitywealth.com).



### Legal Briefs

August 2005

Welcome to Legal Briefs for HR!

Welcome to Legal Briefs for HR! This email 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 for all 35 chapters in Texas. Feel free to forward this email to anyone who might benefit . . . all are welcome to join this FREE email group of 2500+ subscribers!

A warm welcome to new subscribers who attended the Davis Munck/Dallas HR Breakfast Seminar on SOX and my privacy presentation at the July meeting of the Executive Women in Texas Government!

Here's what's up:

1. **The New I-9 is Here . . . Sort Of** – HR professionals have been waiting for a revised Form I-9 which would reflect the shortened list of documents acceptable to prove identity and eligibility to work in the U.S. Well, there is a new I-9, but the changes are largely cosmetic. References to the INS have been replaced with the applicable Dept. of Homeland Security departments and the date on the form is now May 31, 2005. At some point, List A will be revised by removing documents that are currently numbered 2, 3, 5, 8, and 9 (except that a Form I-551 is still acceptable under #5). If you want the rebranded I-9, go to <http://uscis.gov/graphics/formsfee/forms/files/i-9.pdf>. And don't forget that, as of 4-28-05, you

## Dallas HR Horizon

### August 2005

are able to store I-9s electronically. Check out <http://www.ice.gov/graphics/news/factsheets/i-9employment.htm> for more info.

2. **Do Not Try This at Work** – The CA Supreme Court, relying upon EEOC guidance, has found that a male manager’s consensual affairs with several female underlings may create a hostile environment for other workers. To date, most cases dealing with sexual favoritism focused on isolated cases and found that the conduct, while unfair, did not discriminate on the basis of gender since both male and female “nonparamours” are disadvantaged for reasons other than their gender. The story is different, however, when there is widespread granting of sexual favors in the workplace, since there is a demeaning message being sent that women are “sexual playthings” or that advancement will be conditioned upon submitting to such advances by the boss. Further, the court ruled that an atmosphere that is sufficiently demeaning to women may be actionable by both men and women. If you were looking for another reason to strongly discourage supervisor/subordinate intimate relationships, here it is. *Miller v. Dept. of Corrections* (Cal. 7-18-05).
3. **Do Not Try This at School** – A math teacher may proceed with her claim of being sexually harassed, at work, by one of her students. In denying the Dept. of Education’s motion for summary judgment, the court observed that a handful of district court cases suggest that student-on-teacher harassment is actionable under Title VII, and the school could have eliminated the alleged harassment by disciplining, suspending or even expelling the perpetrator. Johnny can’t read but apparently he can . . . never mind. *Plaza-Torres v. Rey* (D.P.R. 7-5-05).
4. **More Fun With FMLA** – Are you wondering how “hands on” the care must be, when an employee claims to need FMLA leave to “care for” an immediate family member with a serious health condition? One man found out the hard way that driving cross country for four days and checking in on his pregnant wife periodically via phone was not enough. The plaintiff tried to argue that the purpose of the trip was to retrieve a more reliable family car and therefore provide the missus with psychological reassurance that she would have reliable wheels, but the court wasn’t buying it. Instead, they held that providing care under FMLA requires “some actual care” and the employee should be “in close and continuing proximity to the ill family member.” *Tellis v. Alaskan Airlines Inc.* (9th Cir. 7-12-05).
5. **Dialing for Dollars** – In yet another call center case, Humana Inc. will shell out more than \$1 million to settle allegations that employees were forced to work “off the clock.” At issue was the time employees spend waiting for computer equipment to power up, logging on, and then loading the programs necessary to do their jobs. This case is in addition to the \$5.1 million settlement involving Cingular Wireless and the \$4.8 million settlement involving T-Mobile USA arising out of similar claims. The Wage and Hour Division of the DOL is focusing on call centers as a “new” industry with low-wage workers.
6. **Think It Over** – The EEOC filed a motion to reconsider with the PA judge who sided with the AARP and slapped a preliminary injunction on the publication of new ADEA regulations. The

## Dallas HR Horizon August 2005

regs, supported by both employers and the EEOC, would have allowed employers to reduce or eliminate health benefits when a retiree becomes eligible for Medicare or analogous state benefits, without violating the Age Discrimination in Employment Act. In its argument to the court, the EEOC pointed to recent Supreme Court decisions holding that agency regulations are entitled to deference, where the law is ambiguous and the reg is a reasonable interpretation of the law. Stay tuned! *AARP v. EEOC* (E.D. Pa. 6-30-05).

7. **Heads Up, Michigan Employers** – A new state law that will take effect 1-1-06 requires employers to avoid using four or more consecutive digits of employees' SSNs on their ID badges, membership cards, permits, licenses or on the outside of a package or envelope that is sent to the employee. The penalties for violations are not nice . . . a fine of not more than \$1000 and/or up to 93 days in the slammer. In addition, anyone who collects social security numbers must create a policy designed to protect the confidentiality of SSNs. See Mich. Comp. Laws sec. 445.84.
8. **ADA and Cancer** – On July 26, the EEOC posted a Q&A on when cancer is a disability under the ADA, when it can be discussed with employees or applicants, how to handle voluntary disclosures of medical information, and suggested reasonable accommodation (to include telecommuting, in some cases). Check it out at [www.eeoc.gov](http://www.eeoc.gov) then look under "News."
9. **Smarten Up** – It's that time of year . . . back to school! There are several good seminars coming up for HR professionals, including [1] the TAB Employment Law Symposium in San Antonio on July 28 & 29 (details at [www.txbiz.org](http://www.txbiz.org)), the DHRMA diversity conference on August 9 (details at [www.dallashr.org](http://www.dallashr.org)), a legislative update with Fort Worth HRMA on August 18 (details at [www.fwhrma.org](http://www.fwhrma.org)) and the Pulse Conference at the InfoMart on August 23 (details at [www.tutservices.com/pulse](http://www.tutservices.com/pulse)).
10. **Oh Baby** – With the increasing numbers of individuals (read: your employees) looking into international adoptions and asking you for help (especially if the company offers adoption assistance as a benefit), you might want to refer them to the U.S. Dept. of State website to learn the basics. Go to [http://travel.state.gov/family/adoption/adoption\\_485.html](http://travel.state.gov/family/adoption/adoption_485.html) for a ton of advice, including country-specific information.

Until Next Time,

Audrey E. Mross  
Labor & Employment Attorney  
Davis Munck, P.C.  
900 Three Galleria Tower  
13155 Noel Road  
Dallas, TX 75240  
[amross@davismunck.com](mailto:amross@davismunck.com)  
[www.davismunck.com](http://www.davismunck.com)

**Dallas HR Horizon  
August 2005**



Are you an HR professional working in a specialized industry? Would you like a chance to network and share best practices with other HR professionals in similar situations? Dallas HR Professional Emphasis Groups are for you!

<b>PEG</b>	<b>When</b>	<b>Contact</b>
<b>Real Estate HR Professionals</b>	11:30-1:00 Last Wednesday of the Month Bimonthly	Jean Higgins (972) 361-5027 <a href="mailto:Jean.Higgins@Staubach.com">Jean.Higgins@Staubach.com</a>
<b>Compensation</b>	11:30-1:00 2nd Tuesday of the Month	Mary Beseda, SPHR (972) 987-5905 <a href="mailto:mbeseda@yahoo.com">mbeseda@yahoo.com</a>
<b>HR Healthcare NEW!</b>	3rd Thursday of the Month 11:30 am – 1:00 pm 3rd Thursday of the Month	Helen Thigpen (972) 739-8627 <a href="mailto:Helen.Thigpen@haynesboone.com">Helen.Thigpen@haynesboone.com</a>
<b>Benefits HR Professionals</b>	11:30 – 1:00 pm First Tuesday of the Month Bimonthly	Linda Miller <a href="mailto:lmiller@holmesmurphy.com">mailto:lmiller@holmesmurphy.com</a>
<b>Independent Consultants</b>	Contact David for meeting schedule.	David W. Byers 972-618-0481 <a href="mailto:dbyers@elcg.com">dbyers@elcg.com</a>

**Real Estate HR Professionals** – This PEG is specifically for HR Professionals working in the field of Real Estate. The group meets during lunch (11:30 a.m. to 1:00 p.m.) on the last Wednesday of every other month. If you would like more information about the Real Estate PEG, or if you are interested in attending the next meeting, please contact Jean Higgins at (972) 361-5027, [Jean.Higgins@Staubach.com](mailto:Jean.Higgins@Staubach.com).

## Dallas HR Horizon August 2005

**Compensation PEG** – This PEG is currently creating educational opportunities that will focus on the many issues of compensation. Contact Mary Beseda at (972) 987-5905 or <mailto:mbeseda@yahoo.com> to participate in this initiative.

**NEW!! HR Professionals in Healthcare** – Our common interest is talent and current issues relevant to the healthcare field. This Professional Emphasis Group meets monthly to compare HR notes and needs, to share information and to discuss a topic relevant to our profession. For more information, please contact Barbara Rathwick, Tier Two Services at [brathwick@tiertwoservices.com](mailto:brathwick@tiertwoservices.com) or 214-349-0673.

**Benefits HR Professionals** - HR professionals specializing in benefits or working in a benefits-related organization, this is a great opportunity to network and discuss your current challenges and concerns! Please contact Linda Miller at [lmiller@holmesmurphy.com](mailto:lmiller@holmesmurphy.com). A special thanks to Holmes Murphy for being a corporate sponsor along with Linda Miller.

**Independent Consultants** -- If you are an actively practicing Independent Human Resources Consultant and would like to network with fellow HR consulting professionals, please contact David W. Byers at 972-618-0481, [dbyers@elcg.com](mailto:dbyers@elcg.com), for more information.



**HR Southwest,  
Human Resources Conference and Exposition  
HR: A Hallmark of Excellence  
October 26 – 28, 2005**

**It's time to start planning for the  
2005 HR SOUTHWEST Conference and Exposition!!  
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In addition to Strategic Human Resources, HR SOUTHWEST will offer seven other session tracks this year: Compensation/Benefits, Employer/Employee Relations, Legal/Regulatory, Organizational Development and Training, Personal/Professional Growth, Staffing/Recruiting and a mini-track especially for Students.

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Dallas, TX 75244

## Dallas HR Horizon August 2005

Room sizes have been expanded to accommodate larger audiences for popular speakers and session topics. Four Early Bird sessions will be offered at 7:00 a.m. each day, so be sure to check the session schedule – you won't want to miss some of these topics and speakers!

This year's line-up features some of our most popular returning speakers along with fresh faces, topics and perspectives. Here's a sampling of what you can look forward to at the 2005 Conference:

- Secrets & Strategies for Managing Healthcare Costs
- Sales Compensation: It's More Than a Formula
- Monsters of the IT: The Human Impact of Technology
- Generational Dynamics: Tactics for Today's HR Professional
- HR's Role in Personal Identity Theft and Cybercrime Prevention
- Driving Business Impact through HR Initiatives
- Managing the Difficult Employee: When the Thrill Is Gone
- Avoiding the Unsafe Workplace: Common Traits & Misperceptions
- Passionate Performance: Engaging Hearts & Minds to Conquer the Competition
- Player, Spectator or Coach? HR's Role in Executing Strategy
- The Power of a Good Fight: How to Embrace Conflict
- Talents, Passions and Possibilities: Creating Your Perfect Career Plan
- Jealously Guarded Cyberspace Recruiting Secrets
- Around the World in 90 Minutes: Global Employment Obligations
- Human Resources, Homeland Security and the War on Terrorism
- New College Graduates and the Texas Job Market

Whatever your needs as an HR professional, HR SOUTHWEST's Educational Sessions will help you meet them! For a complete listing of all sessions and speakers, or to register for this blockbuster educational event, visit [www.hrsouthwest.com](http://www.hrsouthwest.com).

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### Food For Thought...

#### Communication: What Goes Up Can Then Come Down

In every organization and home in America, it could be said that communication could use either a little or a lot of improvement. We can also correctly add that communication is an essential ingredient for personal and professional success. So with such a universal need and a terrific payout we are always looking for practical ways to improve it...communication that is.

Let's get right to an important assumption (even though you are not supposed to make these). You will never be able to fill of the communication needs of another person because of the following: They may

## **Dallas HR Horizon**

### **August 2005**

have missed something the first time; the way you communication may not have been clear; they were not interested at the time of initial communication but they are now...you get the idea.

With all of these potential barriers to communication the most practical solution is to recommend to your significant others and your employees that they come to you when they need more or more clear information. That's the "goes up" part from the title of this article.

This does not remove the need to be as effective as you can when communicating or cascading information, but it just plain isn't enough to create and maintain an environment of effective communication.

One more thing, be very careful when you get questions. Do not make the person feel stupid for asking for clarification because this will cut the lines of communication quicker than anything else.

So here is the brief speech to folks around you:

"I really want to communicate effectively so I need your agreement that you will ask for clarification or repeat communication. Anyone need clarification?"

Al Lucia

ADL Associates, Inc.

[al@adlassociates.com](mailto:al@adlassociates.com)

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