

Dallas HR Horizon
January 2006



Dallas HR Monthly Luncheon Meeting

January Monthly Luncheon Meeting
Tuesday, January 10
11:30 a.m. - 1:00 p.m.

“HR Resolutions for a New Year: A
Legal/Legislative Update”

presented by Audrey E. Mross of
Davis Munck, P.C.



Resolution: the act or process of reducing to a simpler form, as in analyzing a complex notion into a simpler one; answering; determining

New Years Resolution: something that is resolved, as in making a resolution to mend your ways

HR New Years Resolution: the act of making a resolution to analyze complex systems and reduce them to a simpler form!

From the new definition of an applicant and EEO-1 reporting form to wage and hour and the workers’ compensation overhaul, the demands on HR to assimilate and apply new rules is growing.

Join your peers for the January Dallas HR meeting, where Audrey Mross will help start your new year with a checklist of “things to do” in 2006 and practical tips for getting them done. Audrey

Meeting Costs
for those
who Pre-Register by January 4,
2006:

Members \$30.00
Non-Members \$40.00

Meeting Costs
for those
who Register On-Site:

Members \$45.00
Non-Members \$55.00

Agenda:

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

**Don't forget your
donations for:**



Location:

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combines her eleven years as an HR practitioner with eleven years as a labor and employment lawyer, to identify the legal and legislative issues that will impact HR this year and give you the tools to master them with confidence.

About our Speaker:

Audrey E. Mross is a shareholder at Davis Munck leading the labor and employment group. Ms. Mross focuses on assisting employers to enhance employee productivity and to minimize exposure to employment litigation, through coaching and counseling, conducting in-house training programs for the management team, and review and preparation of employment policies, procedures and agreements. Ms. Mross was a human resource professional for 11 years in the hotel and restaurant (Brock Hotel Corp.), oil and gas services (Core Laboratories), and information technology (MTech and EDS) industries, prior to beginning the practice of law. As a lawyer, she continues to support employers and the human resource community and has served in volunteer leader roles for the Society for Human Resource Management (SHRM), at the national, state and local levels, including her current role as Co-Director of Legislative Action for the SHRM Texas State Council.

Radisson Hotel Dallas North -
Richardson
1981 North Central Expwy
Richardson, TX 75080
(972) 644-4000

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, January 4, 2006) 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,

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January 4, 2006. No-shows will be billed. Outstanding balances may result in exclusion from future meeting registration.

CALENDAR OF EVENTS January 2006

[Click Here for a 2006 Event Calendar](#)

Tuesday January 3	Job Link Meeting	 The Dallas Morning News DallasNews.com
Tuesday January 10	Monthly Luncheon Meeting "HR Resolutions for a New Year: A Legal/Legislative Update " presented by Audrey E. Mross of Davis Munck, P.C.	
Friday January 13	E-Link Meeting	
Tuesday January 17	Job-Link Meeting	
Friday January 27	E-Link Meeting	

President's Letter January 2006



Welcome to Dallas HR 2006!

2005 was a banner year, culminating in the achievement of a SHRM Pinnacle Award for our Community Relations initiatives led by Debi Dault and her team of volunteers. Special thanks go to Carla Williams, our 2005 President, for her dedication and unflagging leadership of the organization – and to the many volunteer leaders, committee members and staff who made the year such a resounding success. We have much to celebrate!

Those of you who were able to attend our December luncheon know that we had the honor of hosting many of our former leaders – Dallas HR Presidents and HR Southwest Conference Directors - who have contributed their time and talents over the years to make DHRMA, Inc. what it is today. They deserve our utmost appreciation for the contributions they made to the organization.

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As we enter the New Year, I hope we can take the time to remember and honor those who have gone before us, not only in Dallas HR but in our profession. We've come a long way from the days when we answered the phones "Personnel" and spent our time processing paperwork the old fashioned way. Anyone remember carbon paper?

Who could have guessed then that we'd be faced with the challenges of massive downsizings, outsourcing/off-shoring, corporate misdeeds, terrorist attacks and even threats from Mother Nature? Yet, as a profession, we've not only learned and adapted as these challenges were thrown our way, but grown in our ability to provide real value to the organizations we serve.

In 2006, we can't predict what new challenges will come our way, although we hope the year will bring the kinds of positive changes inherent in a healthy global economy.

Dallas HR's role will be to build on the initiatives you saw in 2005 – growing our networking, programming and educational offerings so that our members will be well prepared to take on whatever comes – thriving as individuals and as members of a vital profession.

And our role, as volunteer leaders is to be of service to you, our members. We welcome your feedback, ideas, and even honest criticism. Without you, we have no reason to be here. So let us hear from you – and best wishes for a bright and successful 2006!

Carol Hollen, SPHR
President, Dallas HR

Honor the past – celebrate today – embrace the future!

Tools for Implementing HR Strategic Management

February 16 & 23
8:00 AM - 5:00 PM
(Registration at 7:30 AM)



Includes course materials and continental breakfast.

"This program has been approved for **16 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."

This 2 day seminar is designed to provide the HR professional with tools for implementing strategic management within their organization. The program will provide a foundation to help the HR professional perform their increased responsibilities in strategic management and will offer an opportunity to implement an actual on-the-job project.

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What our March 2005 attendees had to say about this course:

"Deborah Avrin makes learning fun while bringing a great deal of thought-provoking information"

"Specific tools to improve processes, resolve issues and present information"

"I will highly recommend this program.....Deborah did a masterful job..."

[See our complete brochure for detailed course information.](#)

About our Instructor

Deborah Avrin, SPHR, brings over 18 years human resources and training experience to her consulting business. Prior to beginning her practice, Deborah held a variety of top-level HR leadership positions in both financial services and manufacturing. During her career, she has developed and delivered numerous training courses including: Leadership, Communication Skills, Presentation Skills, Performance Appraisal, Interviewing & Teambuilding. Her reputation is as a motivator with an inspiring training style that encourages others to excel.

Her educational background includes a BBA in Human Resources and a Masters Degree in Organizational Behavior. Deborah holds a lifetime Senior Professional in Human Resources certification and is an instructor for the SHRM Workshop for PHR/SPHR certification through the University of Dallas.

Location:

Dallas HR
4100 Spring Valley Road, Suite 300 - Comerica Building
(Southeast corner of Spring Valley & Midway Road)
Dallas, TX 75244
214-631-8775
214-631-4533 (Fax)
Free Parking

Interview Boot Camp: Beyond Basic Training

March 20-21, 2005
9:00 AM - 4:30 PM
(Registration at 8:30 AM)



"This program has been approved for 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."

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Using too much of your valuable time interviewing candidates that aren't right for the job? Would you like to be able to learn more from a candidate in ten minutes than most people learn in forty? Wish your interviews asked the good questions that get at the heart of fit and performance?

You need Interview Bootcamp.

In two powerful days, you will learn how to painlessly guide an interview conversation so that it is easy for a candidate to tell you what you need to know. You'll learn how to artfully manage the interview so that it saves time, minimizes mistakes, and becomes an invaluable screening device. You'll understand what works and what doesn't in your candidate selection process, and know how to develop the questions that get to the heart of fit and performance.

Choose Two Day Course or One Day Only

Day One: [Employee Selection: What an Interviewer Must Know](#)

This practical hands-on session will help you understand what works and what doesn't in your candidate screening process and provide tools to help ensure that your interviews are on the mark. Employee Selection integrates the last thirty years of applied HRM research. It brings together the useful information that you wish you had regarding effective candidate selection into a single content packed session.

Agenda - Day 1

- Four (4) key characteristics that all effective selection measures share
- 30 years of HRM research on candidate screening methods: what it tells us about predicting performance
- An overview of the four (4) best candidate screening methods that businesses have available and an explanation of why five (5) commonly used approaches waste resources
- The keys to ensuring that interviews predict performance
- The relative legal risk of interview structures
- The four (4) mistakes that the typical interviewer makes
- How to structure a very effective interview
- Behavioral, situational, and semi-structured interviews — how to develop questions that get to the heart of fit and performance
- Six (6) factors that impact how a job gets done and a powerful tool for exploring fit

Day Two: Controlling the Interview - Tips for Making Good Questions More Effective

Day 2 is a specially tailored version of the Core Competencies session of our popular Relationship Management seminar. It contains 40% of the content covered in the Core Competency program.

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Controlling the Interview focuses directly on interview technique and is appropriate for HR practitioners and non-HR hiring authorities. Day 2 of Interview Bootcamp builds out the skills necessary to conduct low friction inquiry. It provides a practical strategy for quickly getting candidates to open up and tell you what you need to know.

Agenda - Day 2

- Successful Interviews, getting more out of good questions
- Respecting EEO - a 15 minute refresher
- Looking for commitment - maintaining a long term focus
- What you think I said was not what I thought I meant - Multiple perspectives and their importance
- Level 1 active listening patterns that draw people out and communicate respect
- Influencing skills: tips for maintaining rapport and keeping a candidate on track
- Body language - how to quickly pick up on mixed messages
- How to communicate that you feel good about meeting a candidate when you don't feel like it
- Strategies for gracefully handling gaffs, gaps, silences, and rough spots
- Beyond "Tell me about a time when..." - flexible approaches that make it easy for a candidate want to tell you what you need to know
- Strategies for ensuring that a candidate leaves the interview with the same level of self esteem he came in with
- Setting the stage...Putting it all together

About our Instructor

Jim Vance, SPHR is a former HR Director who came from a non-HR background. A former top presenter for a national seminar company, Vance is a speaker, trainer, and consultant who has addressed business audiences in 38 states. He has managed staffing efforts for all position levels, and has led recruitment for enterprise planning initiatives. Vance has interviewed thousands of candidates, and brings real world experience to this very useful program. He is president of Advanced Business Resources, a Houston-based management and communications training company, and coauthor of the books *Magnetic Leadership* and *HR Strategies that Work*.

Location:

Brookhaven Country Club - Main Clubhouse
3333 Golfing Green Drive
Dallas, TX 75234
972-243-6151
[Click Here for Directions](#)
Free Parking

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Instructor Contact Information:

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

Human Resources 101

March 22 - 23, 2006
May 22 - 23, 2006
9:00 AM - 4:30 PM
(Registration at 8:30 AM)



"This program has been approved for 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."

Choose Two Day Course or One Day Only.

The critically acclaimed business seminar is a 2-day program that provides an opportunity to gain the legal knowledge and practical skills to help individuals new to the HR field. The program is paced for anyone with new HR responsibilities including non-HR Managers and Supervisors, Department Secretaries, Administrators with HR responsibilities, Administrative Assistants, or anyone who has an interest in gaining HR knowledge and skills. Benefits include:

- Gain a thorough understanding of accepted HR policies and procedures and employment law.
- Acquire tools to protect your organization from serious risk.
- Develop skills that will increase your value to your department and organization

This 2-day program provides proven, practical applied employment law and effective HR practice education that quickly provides the tools you need in a format you can relate to. We've organized this course to give you what you've been looking for--clear, concise information that gives you the practical do's and don'ts of smart employee management. In a few enjoyable hours, you'll not only know the steps that help keep an employer out of trouble, you'll understand why best practice makes sense.

Day One: The Layperson's Short Course on Applied Employment Law

- The Legal Arena and the Evolution of Employment Law

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- Employment-at-will and Its Exception
- Discrimination - What It Is, What It Is Not
- The Do's and Dont's of Interviews, Ads, Applications and Offers
- The Alphabet Soup of HR - From the VII to FMLA
- Expressed & Implied Contracts and Their Impact on Employment-at-will
- Case Law, Civil Law and Burden of Proof
- Performance Improvement, Disciplinary Action and Risk Management
- Sexual Harassment
- Defamation & False Light; Avoiding the Tarnished Reputation
- Termination: The Art of Parting Gracefully
- Record Keeping 101 - A Strategy to Provide Notice
- Exempt and Non-Exempt Designations and Their Impact
- The How and Why of Effective Investigations
- Strategies for Avoiding Invasion of Privacy

Day Two: Understanding the Process of Effective HR Practice

- The Business Process & Business Cycles - How They Impact a Company's HR Needs
- The Evolution of the HR Profession
- An Overview of Core HR Competencies
- Relationship Development - Strategies for Providing "Valued" Value
- Recruiting and Retention
- Compensation and Benefit Issues & Answers
- Training & Development
- Record Keeping - An Outline of What to Keep and Commonly Accepted Record Retention Strategy
- Risk Management - Policy, Safety and Fairness

About our Instructor

Jim Vance, PE, SPHR, is a former HR Director and Training Director, who transitioned from successful careers in engineering to Human Resources and then to speaking and consulting. A Covey Leadership certified trainer and a former top presenter for a national seminar company, Vance has spoken to business audiences in thirty-eight states. Vance has dealt with a broad variety of personnel issues and has led high volume staffing efforts that filled management, labor and technical positions. His experience as a consultant engaged in long-term assignments brings balance and perspective to the critical issues of workplace communication, employment practice and getting things done through others.

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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
e-mail: info@abr-training.com

Emotional Intelligence Useful Tools for the HR Practitioner

Friday, March 24, 2006

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."

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

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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 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

e-mail: info@abr-training.com

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

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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**.

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

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.

	Participants	Non-participants
DHRMA/NTCA Member	\$535.84	\$968.84
Non-DHRMA/Non-NTCA Member	\$644.09	\$1,185.34

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:

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

You may contact Lina Jing via email or phone with any questions at ljing@deloitte.com or 469/417-3576 or contact the Dallas HR offices at 214-631-8775.

Jamie Bottorff
Compensation Committee Chair

	<h3>Tim Sanders: Taking Relationships into the Next Generation</h3>
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What will business and human resources look like in the future? Many futurists predict that the trends towards service versus production will continue. Labor demographics indicate that there will be a shortage of qualified employees. Many companies will be focusing on harnessing the true market value of their organizations through knowledge management. If all of these predictions are accurate, what will business and HR leaders need to do to effectively navigate the road to business success?

HR Southwest is pleased to announce that Tim Sanders, one of our key note speakers, has an answer to this question. It's all about relationships! Tim Sanders is a recognized business motivator, author and speaker. Mr. Sanders has written two thought provoking books on the topic of relationships in business: *Love is the Killer App* and *The Likeability Factor*. From his career experiences in the dot com sector and his recent experiences as the Chief Solutions Officer at Yahoo! and as Yahoo!'s leadership Coach, Tim has isolated some key characteristics of effective business relationships.

His first book, *Love is the Killer App*, became both a New York Times and international bestseller and his second book, *The Likeability Factor* has garnered the attention of both business professionals and the media. Both books explore the concept that leaders become better leaders when they love to help their business partners achieve success. "Lovecats" as these leaders are termed, are generous business people to commit themselves to everyone they come in contact with. The good news is that everyone has the capacity to become a "Lovecat".

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Sanders defines love as "the act of intelligently and sensibly sharing your knowledge, networks and compassion with your business partners". That definition of love is explored further in his second book, *The Likeability Factor*.

There are four dimensions that determine likeability - friendliness, relevance, empathy, and realness. The likeability factors, used in love, allow all of us the opportunity to become successful both in business and in our personal lives. Sanders claims that likeability is the key to health, wealth, and happiness.

Please join us on October 17, 2006 to learn from Tim how we too can become "Lovecats" and how love truly does conquer all!

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Community Relations Committee

Dallas HR Remembers the Forgotten Angels!



Anyone who has seen an Angel Tree in the mall, or taken part in an Angel Tree or Wish Tree program at work, knows how this annual Salvation Army holiday tradition works. This wonderful program starts around Thanksgiving when Angel trees placed in malls and offices are endowed with paper Angels, each containing the name and age of a child, and that child's holiday need and wish. Individuals or organizations pick Angels and purchase the items that are listed on each one. These gifts are then delivered to the Salvation Army where they are organized and prepared for the parents or guardians to pick up and give to the child at Christmas.

Each year however, there are some Angels that remain on the trees. Have you ever wondered what happens to them? Each year these Forgotten Angels receive gifts thanks to the donations of individuals and groups who purchase items especially for those

Angels that don't get chosen.

This year, thanks to The Dallas Human Resource Management Association, Inc. ("DHRMA") lots of little Angels will have smiles on their faces! At the December monthly chapter meeting, members of DHRMA brought gifts with them to donate to the Salvation Army specifically for Forgotten Angels. 265 gifts for all ages were provided by the generous members of the chapter, who support a different organization each month by participating in collections that are held in conjunction with each monthly meeting. At the December meeting the gifts were arranged around a festive holiday tree in the meeting room. Everything from soft cuddly toys to racing bicycles was on display! After the meeting, volunteers packed up all the gifts and delivered them to the local Salvation Army warehouse where they will be sorted by happy Santas who will make sure each one goes to a special little Angel this holiday season.



Thanks to all who donated! The next Community Relations drive will be in support of The North Texas Food Bank. Be sure to bring non-perishable food items to the January 10, 2006 monthly luncheon!

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Susan Tennyson, SPHR
Associate
Mercer Human Resource Consulting
1717 Main Street
Suite 4400
Dallas, TX 75201

**Congratulations to the 2005 Dallas HR Volunteers of the Year –
Chris Luttrell and Leisha Cadwallader!**

At the December 13 luncheon, the 2005 Dallas HR Volunteers of the Year were announced. Our Committee Member Volunteer of the year is Chris Luttrell. Chris joined the Silent Auction team in 2004 and brought her enthusiasm, organization skills and strong work ethic to help us pull together a successful event. With that experience under her belt, she agreed to lead the Silent Auction team in 2005 – and what a great job she did! Chris recruited an enthusiastic, creative and dedicated team-- and under her leadership, they held DHR's most successful Silent Auction yet – obtaining a record number and variety of donations from both old and new participants – including ideas that had not been thought of before. The team brought in an unheard of amount -- over \$8,000 -- to be donated from Dallas HR in support of the SHRM Foundation. Chris has been asked to return and head up our SHRM Foundation efforts, including the Silent Auction again in 2006 – and I'm sure it will be another record-breaking year!

Congratulations, Chris – and Thank You!

The Volunteer Leader of the Year award went to Leisha Cadwallader. Leisha has done an incredible job of building Job Link over the past years -- making it an exciting and dynamic group that supports the needs of the participants through networking opportunities and speakers on relevant topics. In 2005, she took it to the next level by creating E-Link – an opportunity for Executive Level HR Professionals who are in the job search process. Leisha's passion was clearly evident as she organized this group, along with Sandi Stevens, and held the initial kickoff meeting (and now, subsequent meetings). She identified a need and developed a way to fill it. And, of the original 20 participants in the E-Link group, 7 have landed new positions in the last 30 days. All you need to do to witness Leisha's passion and the commitment of her team, is visit the Job Link booth at an HR Southwest Conference. Whether she is wearing a giant aluminum foil Diamond or is dressed up like the Queen of Hearts – her caring, energy and enthusiasm is always on display.

Congratulations, Leisha, and Thank You!

Carla Williams, SPHR
2005 President
Dallas HR - 2005 SHRM Pinnacle Award Winner

"Excellence Through Partnerships"

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DHRMA, Inc. 2006 Leadership Team Announced

Dallas Human Resources Management Association, Inc. is proud to announce the 2006 leadership team. We are fortunate to have a group of volunteers who are willing to give of their time and talents to ensure that your Association and Conference provide you with the tools and resources needed for your success.

DHRMA, Inc. Board of Trustees

Tim Heup
Karen King
Cathy White
Carol Hollen
Linda Miller
Bill Davis
Diane McClendon

DHRMA, Inc. Executive Committee

Carol Hollen
Linda Miller
Karen Cunningham
Julie Frank
Diane McClendon

Dallas HR Board of Directors

President – Carol Hollen
President-Elect – Karen Cunningham
Community Relations – Debi Dault
Diversity – Hul Kenney
Legislative – Terry Stallcup
Member Engagement – Richard Stahl
Professional Development – Tamara Trummer
Professional Emphasis Groups – Janet Blair
Programs – Rhonda Shively
Advisor – Al Lucia & Carla Williams
Student Advisor – Stephanie Smith

HR SOUTHWEST Board of Directors

Conference Director – Linda Miller
Conference Director-Elect – Julie Frank

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Arrangements – Marcus Humphrey & Laura Ketchum
Bookstore – Debbie Wood
Educational Sessions – Kim Williams & Kathleen Knight
Media/Publications – Susan Frear
On-site Communications – Kathy Hardcastle & Stacy Thiele
Registration & Ambassador – Scherrie Stevens
Special Events – Lyn Kruger & Jim Briggs
Students – Jude Coward
Advisor – Jennifer Davis

Dallas HR Committee Chairs

Compensation Survey – Jamie Bottorff
Executive HR Relations & ELink– Sandi Stevens
Job Link – Liesha Cadwallader
Monthly Meetings- Tenice Wehmeyer
Member Relations – John Hagan & Clayton Conine
SHRM Foundation Chair – Chris Luttrell
Member Events – Heather Haynes
Special Programs – Heather Goodlock
Students – Jude Coward
Study Group – Judy Martin
PEG – Independent Contractors – David Byers
PEG – Benefits – Amber Atkins-Shaddox

There are opportunities for you to volunteer on committees and participate in supporting your fellow HR professional. For more information about committee responsibilities, see [Dallas HR Committee Descriptions](#) or [HR SOUTHWEST Committee Descriptions](#).

If you would like to request appointment to a particular committee, complete the [Volunteer Committee Interest Form](#) and fax to the DHRMA offices at 214-631-4533.

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Legal Briefs

January 2006

Welcome to Legal Briefs for HR!

Happy New Year and welcome to Legal Briefs for HR! This email update on issues that matter to employers is sent as a service of the SHRM Texas State Council, which I serve as Co-Director of Legislative Action. Feel free to forward this to anyone who might benefit . . . all are welcome to join this FREE service with over 2700 subscribers.

Here's the scoop, to get your new year started on the right foot:

1. **Hup Two Three Four** – The U.S. Dep't of Labor released final regulations interpreting the military leave law, USERRA, and an amended notice of rights poster for employers to display and/or distribute to their employees. While it's worth a complete read by anyone who's responsible for administering military leaves, a few gems contained within the rule are [1] confirmation that supervisors may be personally liable for violations of the law; [2] clarification that third-party administrators who provide more than mere ministerial services to employers are, themselves, employers and subject to USERRA liability; and [3] pre-employment inquiries into applicants' military status "may constitute evidence of unlawful discrimination." For a copy of the final reg and the amended notice of rights and duties, go to www.gpoaccess.gov/fr/ and type "USERRA" in the Quick Search box. The first two docs are what you need.
2. **Raising a Racket, Part 2** – In Legal Briefs for HR #5-2005, it was reported that the 11th Circuit allowed a class of employees to pursue claims against their employer under the federal racketeering law, RICO. They claimed the employer, staffing agencies and recruiters had a "common purpose" of providing illegal workers so that the employer could keep its costs low. The U.S. Supreme Court has taken the issue up and will have the final word on this one. *Mohawk Indus. v. Williams* (U.S. 12-12-05) Stay tuned!
3. **Lunch Money** – A CA jury just served Wal-Mart a \$172 million reminder that state law requires employees be given meal and rest breaks. *Savaglio v. Wal-Mart Inc.* (Cal Super. Ct. 12-22-05). The fact that similar claims are pending against the employer in 30 states serves as a good reminder to everyone that many states (not including Texas) require a meal and/or rest period for employees who work a certain number of hours. Some states even specify the timing, frequency and length of the break. The federal law (FLSA) doesn't require breaks, but it does weigh in on the issue of compensability, depending on the length of the break and whether workers were truly relieved of their duties. The next time you update your employee handbook, make sure that these issues have been researched and addressed.

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4. **Can You Keep a Secret?** – Step One: Employees sign noncompete agreements while employed by Company A. Step Two: Company A is acquired by Company B. Step Three: Employees are unhappy with Company B's wages and quit, going to work for Company C. Step Three: Company B sues the employees (to enforce the noncompetes) and Company C (for tortious interference). Company B loses. Why? [1] The "trade secret" customer information it sought to protect was readily available on Company B's website, in unlocked file cabinets in their office and in computer files that weren't password protected; [2] Company A's noncompete agreement did not contain assignment language so the agreement to not compete did not extend to Company B; and [3] there was no evidence that Company B's relationships with its customers had been damaged. The devil is in the details . . . make sure your agreements are up to snuff and that "secrets" are, in fact, kept secret. *ENV Servs. Inc. v. Alesia* (NY Sup Ct 11-28-05).
5. **Cutting Edge in CA** – The Los Angeles, CA City Council has OK'd the first-ever ordinance that requires supermarkets to retain employees for at least 90 days following a change in ownership. Citing its police power to issue laws that impact public health and safety, the Council added that any terminations of employment during the 90-day transition must be "with cause." The measure is due to take effect 30 days after the mayor signs it. The CA Grocers Association is weighing its options to fight the measure.
6. **Mans' Best Friend** – The EEOC settled an ADA dispute with an employer who refused to hire a qualified, blind applicant because it would not accommodate her guide dog. The employer will pay \$200,000.00 in back pay and compensatory damages and must [1] post notices of the settlement in its IN and IL locations; [2] train managers, supervisors and HR staff on the ADA; [3] distribute its EEO policy to all employees and applicants; and [4] recruit qualified applicants through a Lighthouse for the Blind group. *EEOC v. Americall Group Inc.* (N.,D. Ill. 12-1-05).
7. **A Taxing Situation** – Have your employment agreements, option plans, change in control agreements, severance plans, SERPs, defined contribution plans and other non-qualified deferred compensation (NQDC) arrangements been reviewed in light of Section 409A of the Internal Revenue Code? Mistakes can be very costly to plan participants . . . non-compliant deferrals are subject to a 20% penalty and interest at the underpayment rate plus 1%. And to add insult to injury, these amounts are included in the participant's current year's gross income and are taxable. Ouch.
8. **New Year, New Laws** – Several states have raised their minimum wage rates, effective 1-1-06, including CT (\$7.40), FL (\$6.15), NY (\$6.75; \$7.15 eff. 1-1-07) and VT (\$7.25). Dependent kids in CO can stay covered under their parents' health insurance until age 25. IL and MN have banned anyone under the age of 18 from talking on a cell phone while driving (think delivery drivers).
9. **E-Filing Requirement** – Effective 1-4-06, employers wanting to hire workers on H-1B visas must file their labor condition applications (LACs) via the DOL website. Alternate means of

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filing will be made available for employers with physical disabilities or who lack Internet access, upon a written request to waive the requirement.

10. **Are You Ready to BOC?** – The Texas Business Organizations Code, which took effect 1-1-06, codifies multiple Texas laws governing corporations, partnerships, LLCs, professional associations and corporations, non-profit entities and other business organizations. It applies to all entities formed on or after 1-1-06 as well as to foreign filing entities registering to transact business in TX on or after that date. Existing entities are governed by the existing law until 12-31-09 unless they opt in to the BOC by filing a form with the TX Secretary of State.
11. **Celebrate!** – Congratulations to T.G.I.Friday’s on receiving the Catalyst Award during People Report’s Annual Best Practices conference. The award is given annually to a company that shows the greatest improvement in their people practices in the foodservice industry.
12. **New Years Resolutions for HR** – Please join me at the Jan. 10 Dallas HR meeting, where I’ll be presenting a “things to do” list for 2006 along with practical tips for getting them done. On-line and printable registration forms for the luncheon meeting are available at www.dallashr.org And don’t forget to bring a donation for the Texas Food Bank!

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If you are interested in participating in new PEG's in the areas of:

- Banking/Financial Services industry
- Recruiting/Staffing arena or
- Hospitality Industry

...please contact Janet Blair at janet.blair@ericsson.com

Or please join one of our Current PEG's....

Compensation HR Professionals - Mary Beseda, SPHR - mbeseda@yahoo.com

Benefits HR Professionals - Amber Atkins-Shaddox - ashaddox@holmesmurphy.com

Independent HR Consultants - Dave Byers - dbyers@elcg.com

Most meetings and workshops are no charge and participation is up to you!