

**Dallas HR Horizon  
June 2005**

**Dallas HR Monthly Meeting  
June 14, 2005**

**Dallas HR Membership Luncheon Meeting  
Tuesday, June 14, 2005  
11:30 a.m. - 1:00 p.m.**

**“Trends in Compensation”**

by Cynde Coulson, CCP, Managing Director - DFW,  
Resources Global Professionals

In a constantly changing world our compensation plans must be flexible enough to respond to external and internal forces. Regulatory changes, Sarbanes-Oxley, outsourcing offshoring, more mature workers and a shrinking labor pool are creating pressures on our global workforce. These and related challenges make managing a workforce harder than ever. Cynde Coulson provides an overview of strategies and trends that will help you modify the total rewards strategy to fit the changing needs of your organization, gain competitive advantage, and align with your companies’ short- and long-term business plans.

**About Cynde Coulson**

Ms.Coulson has over fifteen years of experience in human resources with specific emphasis in the analysis, design and implementation of innovative performance management and total rewards packages for executives, exempt and nonexempt employees. She has consulted with companies in various industries working with the Board of Directors and CEOs addressing operational, organizational, strategic and ethical business issues. She has authored numerous articles and has been quoted in The Dallas Morning News and the Houston Chronicle on matters related to compensation. Ms. Coulson was instrumental in starting the national human capital practice for Resources Global Professionals and is currently responsible for leading the Dallas Fort Worth office of Resources Global. Prior to Resources, she was a consultant for Deloitte & Touche and KPMG.

Pre-Meeting Session:

**Return on Investment  
(ROI) in Worksite**

**Wellness** presented by Janet Brooks, President of Fortitude Health & Wellness, Inc

**Agenda:**

Registration: 10:00 am

Pre-Meeting: 10:30 - 11:30 am

Lunch Served: 11:30-11:45 am

Program: 12:00-1:00 pm

**Registration:**

**Online Registration**

**Printable Registration**

**Meeting Costs for those  
who Pre-Register by  
June 8:**

Members \$30.00

Pre-Meeting Session \$15.00

Non-Members \$40.00

Pre-Meeting Session \$20.00

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

Members \$45.00

Pre-Meeting Session \$15.00

Non-Members \$55.00

Pre-Meeting Session \$20.00

## Dallas HR Horizon June 2005

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, June 8, 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, June 8, 2005. No-shows will be billed.** Outstanding balances may result in exclusion from future meeting registration.

---

**Early bird registration for HR Southwest ends JUNE 15!**

**Register today for the best pricing available in 2005.**

**Conference Dates: October 25 - 28, 2005**

---

### CALENDAR OF EVENTS June 2005

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

<b>Tuesday, June 3</b>	<a href="#">Job Link Meeting</a>
<b>Tuesday, June 14</b>	<a href="#">Monthly Luncheon Meeting</a>  "Trends in Compensation " presented by Cynde Coulson, CCP, Managing Director - DFW, Resources Global Professionals  <a href="#">Special Pre-Luncheon Meeting</a>  "Return On Investment in Worksite Wellness " presented by Janet Brooks, President/CEO, Fortitude Health & Wellness, Inc.
<b>Tuesday, June 21</b>	<a href="#">Job Link Meeting</a>

**Dallas HR Horizon  
June 2005**

---

**President's Letter  
June 2005**



I hope you enjoyed reading the April 2005 *Horizon*, our first printed newsletter since 2001! Even in this “electronic” age, many Dallas HR members continue to request a printed newsletter. You will continue to receive *Horizon* each month by email; however, we received numerous positive comments on the printed version, so we will continue with our plans to produce a printed newsletter quarterly in 2005.

**May Meeting!** We had an incredibly successful May meeting and Bosses Day, with over \$8,000 raised in our Silent Auction for the SHRM Foundation. Kudos to Carol Hollen, Chris Luttrell and the entire Silent Auction team for their hard work on this fantastic event!

Chuck Ward, Ph.D., our May speaker, brought us a great message on “Leadership That Works”, sprinkled with just the right amount of humor and entertainment.

**June Meeting!** “Trends in Compensation” is the topic for June 14th, with Cynde Coulson, CCP, as our luncheon speaker.

We will also have a pre-meeting session and a “Community Relations Fair” that day, with representatives from each charitable organization available to provide information regarding their group. A Community Relations Committee member will be at each “booth” to help answer questions. And, we will provide the opportunity for DHR members and guests to offer individual contributions to the various charities if you choose to do so. Contributors will be eligible for a prize drawing.

Be sure to check the location, as we will be at a different meeting site in June.

Check it out....see “Events and Education” at [www.dallashr.org](http://www.dallashr.org) for future events and dates.

**HR Southwest Conference and Exposition!** Remember to register for the October 25th – 28th conference before June 15th, to get the best registration rates. Check out the website at [www.hrsouthwest.com](http://www.hrsouthwest.com).

To learn more about the opportunities Dallas HR provides as we serve the HR professional and advance the profession, please contact Dallas HR at 214.631.8775, or go to [www.dallashr.org](http://www.dallashr.org).

Carla Williams, SPHR  
2005 President

*“Excellence Through Partnerships”*



**Heartland Institute of  
Financial Education**

**Dallas HR Horizon**  
**June 2005**

---



Dallas HR Educational Opportunities

Dallas HR has many opportunities for you to continue your HR training and receive **6-12** recertification credit hours toward **PHR** and **SPHR** recertification.

**Dallas HR Seminar Schedule**

<b>March 14 August 15</b>	<a href="#"><u><b>Emotional Intelligence: Useful Tools for the HR Practitioner</b></u></a>
<b>March 15 August 16</b>	<a href="#"><u><b>Employee Selection: What an Interviewer Must Know!</b></u></a>
<b>March 16-17 May 23-24 November 14-15</b>	<a href="#"><u><b>Human Resources 101</b></u></a>
<b>March 7 - 28 August 16</b>	<a href="#"><u><b>Strategic Management Tools</b></u></a>
<b>May 25 – 26 August 17 - 18</b>	<a href="#"><u><b>Relationship Management for the HR Business Partner</b></u></a>

**Dallas HR Horizon**  
**June 2005**



Diversity Corner

Diversity Dimensions: Working Through the Small Things  
That Keep Us Apart

Across the US, all large and many small firms have corporate policies affirming diversity, fairness, and equitable treatment. And, most employees go to work each day with a sincere desire to fulfill those core beliefs. Unfortunately, however well intentioned, there is often a divergence between our firm beliefs and our actual responses to others in today's diverse workplaces.

Not long ago, a group of 28 masters' students at a prestigious university came together for some group training in diversity. They were a picture of diversity in the US today: multi-cultural, multi-ethnic, ranging in age from early twenties to mid-sixties, from urban and rural settings, small towns and uptown. They also had at least two things in common: a professional career devoted to serving others and a personal commitment to diversity, fairness and inclusion that had brought them together that bright sunny morning.

The session facilitator asked each participant to quickly take 1 shape from the pile of colored shapes on the table in front of them. Unbeknownst to the participants, in the mixed pile there were: 9 rectangles: 7 green, 2 orange. There were 9 triangles: 7 purple and 2 green. There were 9 hexagons: 7 orange and 2 purple. And, there was one shape completely unlike the rest - a circular spiral, in a startling and unique color of chartreuse.

"OK, everyone," said the facilitator, "We've got a full, busy session planned. Please move quickly and form some groups - any way you like - while I finish preparing a couple of things. I'll be with you in just a moment." She turned away, and the participants were left to their own devices.

Here's what happened: the students, with these briefest and vaguest of instructions, decided pretty quickly and unanimously how to sort themselves out. The green rectangles became one group, the purple triangles got together pretty quickly, and the orange hexagons gathered together without any hesitation. But what to do with the six people holding the orange rectangles, the green triangles, and the purple hexagons?

"Well, alright, I suppose you can join us," said one self-appointed green rectangle spokesperson reluctantly to the two orange rectangles.

"Can we join you?" said the two purple hexagons to the purple triangle group. "Hmm, well,..." stammered the purple triangles. "Wouldn't you be more comfortable with the hexagons?"

"Oh no, that's not right," said the orange hexagons. And so it went for the two green triangles as well. It wasn't immediately obvious what the best fit was. But eventually the larger groups relented and the six were taken in.

## Dallas HR Horizon

### June 2005

In the minute or so after the facilitator gave instructions and turned away, someone had called out to the chartreuse spiral, "I guess you're on your own!" Everyone laughed, but the message was clear. The spiral ended up alone, watching as the others sorted themselves out.

Less than two minutes had passed. The facilitator turned around to the group, and what she saw was consistent with all the other times she had done the exercise. The students had grouped themselves together by the dominant colors and shapes first, and then struggled to place the differently colored shapes. The chartreuse spiral was left standing alone in its own category. There was no question that these individuals had a strong commitment to values of equality, diversity, mutual respect and inclusion that had brought them – voluntarily – to the diversity training session. What had happened?

They were human beings, being human. What this simple exercise had highlighted is our inherent human preference for staying with what we recognize and understand. The reality is, our natural, subconscious inclination is to understand and work effectively with those who look like, think like, talk like, believe like, act like us.

It's these largely subconscious responses to what we inherently recognize as familiar and "best" and "true" - or unfamiliar, inappropriate and false - that present the next dimension in working with diversity. It's a central theme in *Blink: The Power of Thinking Without Thinking*, the latest book from writer Malcolm Gladwell, and a fascinating look at how our brains make instant judgments - sometimes correct, but sometimes wrong.

Gladwell argues that decisions we make very quickly "can be every bit as good as decisions made cautiously and deliberately." Good news for us impulsive types. But he also notes that sometimes our instincts steer us wrong, particularly when they've been shaped by a society that deals in stereotypes as shorthand for describing our different communities, groupings and identities.

Here's what we humans also do: we **favor** those who look, act and think like us - whether we happen to be a rectangle, triangle, or a hexagon. It's only natural. But our preferences for certain types of people and behaviors, as well as what we see, perceive, predict and assume about others, can create real challenges. All too often our snap judgments tell us about people of another race, faith, or gender, for example, that we "...know how **those** people are..." and without thinking, we respond accordingly. The impact can be powerful, as our instantaneous judgments about others often surface as issues of trust and respect, two vital ingredients in effective communication and productivity.

So how do we begin to create more accurate and fair perceptions of those different from ourselves? How do we build skill sets for addressing real-life incidents where subtle but powerful barriers emerge between people? The keys lie in Unpacking the Invisible Briefcase™ we bring to work each day, and little by little identifying and working through the expectations and actions, behaviors, and work structures that subtly keep people at odds and apart from one another.

It's not about political correctness, helping "us" fix "them" or declaring who's part of the "in" group, and who's part of the "out" group. It's about creating small wins with everyone on board. By working together to build understanding around our perceptions, we can begin to break down the barriers to improved communication and productivity. And that has a real impact on the bottom line.

## Dallas HR Horizon June 2005

How do we do that? Stay tuned - we'll get into some specific examples in the next issue of Horizon, with some real life solutions that will help and inspire anyone interested in building a more cohesive, productive, high-performing workplace.

*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*<sup>™</sup>, and the *No Fault - No Guilt FYI*<sup>™</sup>, 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).*

*Kim Malcolm is lead writer at **Diversity Wealth**, and has a deep interest in diversity issues. A Katy Award winning journalist, she has worked in public broadcasting for ten years, with the Canadian Broadcasting Corporation, NPR and KERA 90.1 in Dallas/Ft. Worth.*

---

### **An Uncommon Perspective: Workplace training and development through the eyes of employees**

by Andy Smith

Although employers' training priorities have been well documented over the years, employee opinions on this topic are scarce, possibly because their employers continue to be the primary purchasers of workplace-based training and development programs.

To gain a better understanding of how employees perceive and value employer-provided training opportunities, AchieveGlobal conducted research with more than 1,100 full time workers from the U.S. and U.K., representing a range of industries, organization sizes and positions. Findings demonstrate that employers who integrate employee desires into development programs can make measurable differences in key performance indicators such as overall job satisfaction.

One of the first results was that the method of training delivery significantly impacts employee satisfaction and buy-in. One-half of survey respondents received training through traditional classroom instruction, while 44 percent receive a blend of classroom instruction and e-learning. Overall, employees reported they are receiving training in their preferred media.

Interestingly, the belief that older workers aren't as receptive to e-learning is untrue. More than one-half of respondents with at least 30 years of employment preferred blended classroom and electronic delivery, while 37 percent preferred classroom only.

Even if employees feel comfortable with the delivery method, they may not find the training valuable in helping them perform their daily job responsibilities. Respondents perceived product knowledge and profession-specific continuing education/development to have the highest value related to their job functions, followed by:

## Dallas HR Horizon June 2005

- Coaching and supervisory development
- Mentoring
- Customer service skills
- Basic leadership/teamwork skills, including interpersonal skills
- Basic sales skills

The most widely offered programs – new employee orientation and workplace issues training – ranked relatively low in importance in employee preferences.

What employees want, independent of position or industry, reflects the contemporary business climate, the need to understand business and financial issues and an interest in building interpersonal skills. Not surprisingly, they ranked financial and marketing skills as top priorities, and demonstrated significant interest in basic leadership and teamwork skills training.

Perhaps most important, the research demonstrates a clear relationship between employees' perception of training opportunities and their level of job satisfaction. Employers who incorporate these attitudes and opinions into their programs develop happier and more productive associates, thereby deriving more value from their development expenditures.

Andy Smith is vice president, central region, of AchieveGlobal ([www.achieveglobe.com](http://www.achieveglobe.com)), international provider of training and consulting services in the areas of leadership development, sales performance and customer service. You can reach him at [andy.smith@achieveglobe.com](mailto:andy.smith@achieveglobe.com).



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	Mary Beseda, SPHR

## Dallas HR Horizon June 2005

	2nd Tuesday of the Month	(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).

**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.

## Dallas HR Horizon June 2005



### Legal Briefs

Legal updates on issues that matter to employers.  
Read about EEOC Wins/Losses, Day of Rest  
Laws, Dot Com Jobs and more in this month's  
Legal Briefs.

**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 (“TSC”), which I serve as Co-Director of Legislative Action. Feel free to forward this email to anyone who might benefit . . . all are welcome to join this email group of 2500+ subscribers!

I'll preface this edition with some personal news . . . I have joined the law firm of DavisMunck as their newest shareholder and head of the labor and employment practice group. I leave behind good friends and fond memories of Haynes and Boone, and look forward to building a practice here that is responsive to the needs of the HR community. This firm is very supportive of my volunteer activities, so Legal Briefs for HR will continue to pop up in your email about once a month, and I'll be available to speak at your chapter meetings. And if you find yourself in or near the Galleria in Dallas, pop in on me! I'm in Tower 3, the 9th floor.

Here's what's up:

1. **Minimum Effort** – The latest effort to increase the federal minimum wage is in play. Companion bills, filed in the Senate (by Sen. Ted Kennedy of Mass.) and the House (by Rep. George Miller of Calif.) would increase the amount from \$5.15/hour to \$5.85/hour within 60 days of enactment, then to \$6.55 twelve months later, then to \$7.25 two years later. Earlier in the month, Sen. Kennedy re-introduced a failed bill from last year, which would require employers of 15+ employees to provide at least seven paid sick days per year for each full-time worker. The paid time off could be used for personal illness or injury, medical appointments, or to care for an ill or injured family member. The threshold is purposely set lower than the trigger for FMLA, to provide job-protected (and paid) time off for workers of smaller employers who do not qualify for FMLA..
2. **OK to Dock the Doc** – A recent DOL Opinion Letter explains that a licensed or certificated lawyer or doctor, including medical residents and interns, can be subject to docking of pay for partial day absences (even outside of an intermittent FMLA leave scenario), without negating their exempt status. The exception language can be found in the “new” regulations at 29 CFR sec. 541.304(d).
3. **Ditching Employee Documents?** – Then be aware of a FACT Act amendment to the FCRA which takes effect on June 1 and sets new rules for disposing of “consumer report information,” whether in hard copy or electronic form. A summary of the requirements, penned by yours truly, will appear in the Summer issue of HR Matters magazine, which will be mailed in June to all SHRM members in Texas. You can also pull up the reg at [www.ftc.gov](http://www.ftc.gov), by

## Dallas HR Horizon

### June 2005

clicking on “Fair Credit Reporting Act,” then “FTC Issues Final Regulation on Consumer Information and Records Disposal,” then click on “69 FR 68690.”

4. **Time’s Up . . . Not!** – The U.S. Treasury Department has relaxed the “use it or lose it” limits on medical and dependent flex spending accounts (“FSAs”), so that employers can offer employees an extra 2.5 months to use available funds before they are forfeited. Notice 2005-2 was published on May 18 and takes effect immediately. So, if an employer adopts the new rule, employees would have until March 15, 2006 (instead of December 31, 2005) to spend their pre-tax FSA funds. This approach goes further than S. 309 (discussed in Legal Briefs for HR #1-2005) which applied only to medical FSAs and allowed up to \$500 to be either rolled into the next plan year or moved to an HSA.
5. **Dying for a COLI** – The 10th Circuit has held that corporations cannot purchase corporate owned life insurance (“COLI” aka dead peasants’ insurance) policies on all employees, naming the company as the beneficiary. Why? The beneficiary must have an insurable interest in the insured’s life, which may be the case when insuring a key employee, but is not true of every employee. Further, the money expended to recruit, train and retain workers is seen as the cost of doing business, and is not the “substantial economic interest” required to create an insurable interest. *Tillman v. Camelot Music Inc.* (10th Cir. May 2005).
6. **New Tools for Employers on Border Patrol** – House subcommittee hearings were held May 12 on H.R. 98, a bill designed to discourage illegal immigrants from seeking work in the U.S. With easy access to fake documents that seem to establish identity and eligibility to work, the cure may be [1] improved social security cards containing a magnetic strip and digitized photo; and [2] a Dept. of Homeland Security-maintained database against which employers could verify each person prior to hire, via a 1-800 phone call or a card reader linked to the DHS database. H.R. 98 also calls for increased hiring of enforcement staff and increased penalties against employers who hire illegal aliens. The fine would increase from \$10,000 to \$50,000 and the potential prison time from six months to five years, per occurrence. The new SS card would replace the 94 possible combinations of documents that satisfy the I-9 requirements, and serve as the sole means of verifying identity and eligibility to work. If you’d like to see the full text of the bill, go to <http://thomas.loc.gov> and put HR98 in the search box.
7. **Drum Roll, Please** – The U.S. Dep’t of Labor plans to issue the long-awaited FMLA regulation revisions at the end of May, along with the final rule explaining employer obligations under the military leave law, USERRA. The main reason behind the FMLA update is to incorporate court decisions, such as the U.S. Supreme Court’s ruling in *Ragsdale v. Wolverine Worldwide, Inc.* As the publication date neared, special interests lobbied for their pet changes, including a narrowing of the definition of a “serious health condition” (“SHC”) and using intermittent leave in four-hour chunks (vs. in the smallest unit of time the employer’s time-keeping system tracks). On the other hand, labor-led interests want FMLA to apply to more companies (i.e., drop the threshold to 25 employees) and to more situations (i.e., time off to care for grandparents, siblings and domestic partners with SHC’s). In other news, the OFCCP plans to issue a final rule on the definition of an applicant (limited to Internet-based applications) in July.
8. **Temper, Temper** – You rarely hear about an employer successfully suing an employee, so this one had to be passed along. A fired network administrator who deliberately damaged her employer’s computer system after being discharged from employment was convicted under a MI statute that makes it a crime to fraudulently access and do damage to a computer system.

## Dallas HR Horizon June 2005

The sentence was 183 days in jail, \$36,591 in restitution to the employer, and three years' probation.

9. **Dirty Laundry** – In a novel case, a NJ appellate gives new life to a wrongful death case seeking damages for the death of a welder's wife, from an asbestos-related lung condition. The welder had occupational exposure to asbestos and his wife would launder his work clothes daily, in the basement of their home. The lower court held that the employer had no duty of care to the welder's wife because she was not on the employer's premises when her exposure occurred. The appellate court disagreed, however, saying the employer was in the best position to warn the welder of the risk and take steps, such as providing uniforms and at-work showers and changing facilities, to prevent the foreseeable harm to his spouse. *Olivo v. ExxonMobil Corp.* (N.J. App. Div. May 2005).
10. **Wardrobe Malfunction** – A retail clothing employer is paying \$2.2 million to settle claims that it forced its employees to buy and wear store merchandise, as a condition of employment. CA state law prohibits requiring employees to wear uniforms and then failing to provide them. A separate statute prohibits coercion of applicants or employees to purchase merchandise from the employer. Texas also prohibits coercion of employee trade, at TEXAS LABOR CODE ANN sec. 52.041. You may have a great logo and branding campaign, but don't go overboard, OK?
11. **Got Milk?** - A bill has been introduced to amend Title VII to protect women from workplace discrimination for expressing milk or breast-feeding at work, during meal or rest periods. It would also provide businesses with tax breaks to offset the cost of setting up private lactation areas. Regulation of such activities is primarily addressed by state law, including a Texas state law that allows a business to designate itself as "mother friendly" if it has a policy of providing flexible scheduling, private space, and hygienic means to clean pumping equipment and store milk. TEXAS HEALTH & SAFETY CODE ANN. Sec. 165.003.
12. **Keep It Simple, Silly (the KISS rule)** – A former employee may proceed with his age discrimination claim even though he signed a waiver of claims because the release form was not plainly written. One of the requirements of the OWBPA amendments to the ADEA is that a release be written in a manner calculated to be understood. If legal terms of art are going to be used, they should be carefully explained in the document. In this case, interchangeable use of "release" and "covenant not to sue" created ambiguity which negated the release entirely. *Thomforde v. IBM Corp.* (8th Cir. May 2005).
13. **Lunch Anyone?** – There are going to be a LOT of HR professionals from Texas at the SHRM Conference in San Diego! So let's plan a Texas round-up, by having all Texans meet for lunch in the Exhibition Hall (box lunches will be served) at noon on Monday, June 20. We can't identify a specific meeting spot until we get there, but let's plan on gathering somewhere around the perimeter of the room. You will find us by looking for [1] a Texas flag on display; [2] our TSC banner on display; and [3] folks wearing flashing Texas-shaped lapel pins. We will have a supply of the pins on hand, to give to those who don't have one yet, including those who asked for one in response to last month's Legal Briefs. The pins are a great way to show your Texas pride and to find fellow Texans in the crowd (but do turn them off in meeting rooms, as they tend to distract . . . southern hospitality and good manners, you know!). Safe travels, everyone, and I'll see you there!

Until Next Time,

## Dallas HR Horizon June 2005

Audrey E. Mross  
Labor & Employment Attorney  
Davis Munck  
972.628.3661 (direct)  
972.628.3616 (fax)  
[amross@davismunck.com](mailto:amross@davismunck.com)  
[www.davismunck.com](http://www.davismunck.com)

---



**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!!  
“HR: A Hallmark of Excellence”  
October 26 – 28, 2005**

### **Make It Possible for a Student to Experience Excellence in Action!**

The theme for the 2005 HR SOUTHWEST, Human Resources Conference and Exposition, is “HR: A Hallmark of Excellence.” What better way is there to help our future HR professionals develop their Human Resources knowledge than to sponsor a student’s attendance to the Conference? This is a great way for your organization to promote education and to encourage college students to pursue an active career in the Human Resources field. Each year, many students are able to attend the Conference, thanks to generous corporate and individual sponsors. The cost to sponsor a student’s registration for the Conference is \$100. If you are interested in being a sponsor, please complete a Student Sponsorship Form available on the website at [www.hrsouthwest.com](http://www.hrsouthwest.com) under attendees and then students. If you have any questions, please contact Jude Coward, Student Services Director at 214-720-5247 or send an email to: [jude.coward@fairmont.com](mailto:jude.coward@fairmont.com).

---

### **Food For Thought... Sleeping on the Job**

There’s the quick, nod-off kind of sleeping, and then there’s the “grab a pillow, an alarm clock and climb under the desk” kind of sleeping. Well, I’m not talking about either one of these. The kind of “sleeping” I’m referring to is the one where we let things get past us by not paying attention to what is going on around us.

**Dallas HR Horizon**  
**June 2005**

Opportunities for improvement, advancement and enrichment are all around us, but because we're often "tuned out," it's easy to miss them. Maybe this happens because we are overloaded with and bombarded by information and changing circumstances. Or perhaps we don't realize the impact a given situation could have on our lives. Sometimes we ignore the opportunities before us because of fear or complacency. Whatever the reason, we can lose out if we tune out.

So, every once in a while – once a week, once a month – have a cup of coffee, wake up, and look for all those opportunities you've been missing. Then go for it! Remember that opportunity will present itself to you, but it won't slap you across the face to wake you up to take action. Who knows – you may just find that waking up from sleeping on the job is a worthwhile and joyous experience!

Al Lucia

ADL Associates, Inc.

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

[www.ADLassociates.com](http://www.ADLassociates.com) - Your Business Solutions Connection