



December 2012 Newsletter

December 12, 2012

Annual TVC-SHRM Holiday Party

In lieu of our normal chapter meeting, we will have our annual TVC-SHRM Holiday Party on Wednesday, December 12th during our normal meeting time at Ruby Tuesdays in Decatur. We will be in the "box car" room.

The chapter will cover the cost of lunch for all attendees; however, please bring a \$5 donation for the SHRM Foundation. We will also play "dirty Santa", so if you would like to participate, please bring a wrapped \$10 gift item for the game.

Menu options were sent out to all members the week of November 26th. Please RSVP to Amy.Smith@delmonte.com by Friday, December 7th to ensure a proper headcount and food count for Ruby Tuesdays.

Hope to see you all there!



December Meeting- Annual

Holiday Party!

Wednesday, December 12th

11:30am — 1:00pm

Ruby Tuesdays in Decatur

To RSVP menu Choices and attendance at the party, please contact

Amy Smith at Amy.Smith@delmonte.com or 256-552-7470

We want to make sure we have plenty of room for everyone.

Please RSVP by Friday, December 7th.

2012 SHRM Leadership Conference/Capitol Visit in Washington, DC

November 15th-17th, the annual SHRM Leadership Conference and Capitol Visit was held in Washington, DC. at the Gaylord National Resort and Convention Center. Amy Smith and Pam Werstler from TVC-SHRM attended the conference and Pam Werstler joined almost 375 other SHRM members for the Capitol Hill visit. Some of the topics discussed in the Capitol Hill visit were: the impact of the “fiscal cliff” on HR Practitioners, the expiration of the tuition assistance tax credit and the taxation of



Pam and some of the Alabama SHRM group with SHRM President and CEO Henry G. “Hank” Jackson and Board Chair Jose A. Berrios.



The Alabama SHRM group at the Volunteer Leader Awards and Reception Dinner.

2013 TVC-SHRM Board

We are pleased to announce the following Board of Directors for TVC-SHRM for 2013:

- President: Robin Jackson
- VP of Programs: (2 people will assume this role in 2013): Linda Robinson and Taylor Simmons
- VP of Membership: Beverly Thompson
- Treasurer: Pat Bearden
- Secretary and President-Elect: Amy Smith
- Legislative Director: Pam Werstler
- Director of Community Relations: Denny Smith
- SHRM Foundation Director: Melva Gray
- Director of College Relations: Jeff Powers
- Director of Certification: Mary Ila Ward
- Past President: Chasitie White
- Diversity Director: Darlene Pope
- Special Events Director: Cathy Shallal
- Advisor to the Board-Technology: Amanda Tidwell

Interested in being a volunteer leader for the chapter? Go to <http://www.shrm.org/Communities/VolunteerResources/Pages/default.aspx> (SHRM's Volunteer Leader Resource Center) to review the responsibilities of a Board member and contact Robin Jackson, Presi-

Facebook Friends Find FMLA Fraud

Article courtesy of Lehr, Middlebrooks & Vreeland, P.C.

In a case involving FMLA fraud and an employer's right to consider Facebook postings, a court ruled that an employer lawfully terminated an employee for FMLA fraud when the employee called off due to FMLA (lower back pain) but spent that day at a beer festival and posted on her Facebook page 127 pictures of her good time that day. *Jaszczyszyn v. Advantage Health Physician Network* (6th Cir., November 7, 2012).

The employee provided certification from her physician that four to five times a month she could suffer flare-ups of her lower back, lasting up to a full day. If she had such a flare-up, she would need to either sit down or change job responsibilities that did not require the use of her lower back. Prior to her termination, she had attendance issues where the employer counseled the employee for failing to notify the employer each day the employee was unable to work because of the lower back issues. Jaszczyszyn provided a statement from her physician that she would be unable to work from mid-September through late October. However, on October 3rd, she attended Pulaski Days, which is an annual Polish Heritage Festival. Apparently that day she visited three beer halls, had a good time for eight hours, and posted a number of pictures to her Facebook friends. One of the friends, who happened to be a co-employee working that day, notified a supervisor. The supervisor saw the pictures and an investigation began about Jaszczyszyn's absences and behavior that day. According to the court, "When asked to explain the discrepancy between her claim of complete incapacitation and her activity in the photos, she did not have a response and she was often silent, occasionally saying that she was in pain at the festival and just was not showing it."

The employer terminated Jaszczyszyn, who sued, claiming FMLA interference. However, the court stated that Jaszczyszyn did not refute the employer's good faith belief that she fraudulently claimed an FMLA benefit on the day she attended the festival. The employer had an "honest belief" that she fraudulently used FMLA to attend the festival. She failed to provide evidence to refute that honest belief and, therefore, her claim failed.

TVC-SHRM Membership Renewal forms due December 31st!

Don't forget to send your membership renewal forms to Nancy Vaughn, VP of Membership, no later than December 31, 2012. This is a great time to update your membership information and/or pre-pay for your TVC-SHRM meeting lunches ahead of time. Nancy has sent out reminders to everyone but please contact her if you have not received yours. Nancy can be reached at:

nvaughn@legaladvantagehrsolutions.com

2012 BOARD OF DIRECTORS

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Vice President of Membership
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Director of College Relations (open)

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Congratulations, Athens State University Student Chapter!

See photo, below, of the induction of the Athens State University's Student SHRM Chapter, which was held at the November TVC-SHRM meeting. TVC-SHRM is sponsoring this chapter and will work with them as they grow as a group. The Student Chapter will also contribute regular articles to the TVC-SHRM newsletter.



Save the Date! Upcoming Events

- **December 12th**-TVC-SHRM Holiday Lunch at Ruby Tuesday at 11:30am. Invitations will be sent out in December along with your December newsletter.
- **March 10th-13th**-SHRM Employment Law & Legislative Conference in Washington, DC. Go to <http://www.shrm.org/Conferences/EmploymentLawLegislativeConference/Pages/default.aspx> for more information or to register.
- **March 12th**-SHRM's Spring Hill Visit to Washington, D.C.
- **May 15th**-Alabama SHRM State Conference (pre-conference will be held on May 14th). Go to the Alabama SHRM website <http://www.shrmalabama.org/StateConference/tabid/54/Default.aspx> for more information.
- **June 16-19 (2013)**—2013 SHRM National Conference in Chicago—reserve your early bird rate and housing now! <http://annual.shrm.org/>
- **Every 1st Wednesday**-Workforce Coalition meeting at The Chamber of Commerce (Contact Mary Ila Ward at miw@mceda.org for more info)

Next month's meeting will include an overview of the SHRM Foundation, induction of new officers and a lot of other information you won't want to miss. This meeting will be our first meeting of the new year and will be held on Wednesday, January 9th at The Holiday Inn in Decatur.

Hope to see everyone there!



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