



## September 2012 Newsletter

### September Meeting

Wednesday,

September 12th

Holiday Inn Lounge

**\$12.00**

11:30am — 1:00pm

Networking will begin at 11:30 a.m. and the program will start at noon. We will eat from the buffet.

**For reservations, contact**

**Amy Smith at**

**[Amy.Smith@delmonte.com](mailto:Amy.Smith@delmonte.com)**

**or 256-552-7470**

**or fax 256-552-7429.**

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

**Please RSVP by noon Tuesday, September 11th.**

### September Meeting Wednesday,

### September 12th

Our speaker:

**Kenneth Anderson with  
Maximum Life Enhancement, Inc.**

Topic:

**“Managing the Inevitability  
of Diversity”**



Kenneth Anderson is a nationally certified counselor with over thirty years of experience in the mental health profession. Currently, he is Dean of the Humanities and Social Sciences Division at Calhoun Community College, the largest two-year school in Alabama and President of Maximum Life Enhancement.

Since beginning Maximum Life Enhancement, Inc. in 1994, Kenneth has provided training and inspiration to thousands of customers who wanted to improve the quality of their personal and professional experiences. Our company is based on the belief that our customers' needs are of the utmost importance. Our entire team is committed to meeting those needs. As a result, a high percentage of our business is from repeat customers and referrals.

Kenneth is also host/producer of a live, weekly radio talk show called 2 Chance broadcast every Sunday on WJOU, 90.1 FM, Oakwood University's radio station in Huntsville. The show celebrated 20 years of broadcasting last October and can be heard every Sunday at 2 pm CST at [www.wjou.org](http://www.wjou.org) or 90.1 FM (locally).

Kenneth is a past Chairman of the Interfaith Mission Service's Racial Harmony Coalition and is a former member of the City of Huntsville's Human Relations Commission. He is community bridge builder and is committed to the work of creating alliances across matters of ethnicity, faith, culture, gender, class, etc. Kenneth has written as a Community Columnist for the Huntsville Times and received numerous awards and recognitions for over two decades of community service.

He has professional affiliations with the National Board of Certified Counselors, 100 Black Men of America- Greater Huntsville Chapter, Alabama Education Association, Chamber of Commerce of Huntsville/Madison County, United Way of Madison County, American Psychological Association and The Heritage Club Board of Governors.

Kenneth has established an endowment called the Jack & Annie Anderson 2nd Chance Scholarship held by the Calhoun Foundation. The scholarship will help students who have overcome adversity in their life and desire a second chance to earn a degree or certificate. The scholarship is named in memory of his parents in honor of their lifelong commitment to education.

## NLRB: Prohibiting Discussion of Work Investigations Unlawful

In yet another decision likely to face resistance from employers if appealed to the federal circuit courts, the National Labor Relations Board (NLRB) on July 30, 2012, ruled that the common employer practice of prohibiting employees from discussing ongoing investigations violates employees' right under the National Labor Relations Act (NLRA) to engage in concerted activity. The ruling applies to union and nonunion employers since both are covered by the NLRA's protection of concerted activity among any employees.

The NLRB's ruling—as of now unchallenged—came in the case of James Navarro, a sterile equipment technician at Banner Estrella Medical Center in Phoenix. When Navarro learned in February 2011 that the hospital had a broken steampipe, he informed Ken Fellenz, his department's senior manager, that he would not be able to sterilize surgical instruments. Fellenz and another supervisor told Navarro to use a low-temperature chemical sterilizing machine, in combination with hot water from a coffee machine. Navarro did not believe this method was sufficient and did not sterilize any instruments that day.

After learning the next day that someone else had sterilized instruments, Navarro shared his concerns with a co-worker, another supervisor and a nurse. After being angrily confronted by Fellenz, Navarro met with an HR representative, who advised Fellenz against corrective action because there was no procedure in place to support the alternative sterilization methods. Instead, they agreed that Navarro would be given nondisciplinary coaching.

### Mum's the Word

Later that week, Fellenz conducted Navarro's yearly performance evaluation. In the behaviors section, Navarro was rated as not fully meeting expectations.

When Navarro complained to HR, he was instructed not to discuss the investigation with co-workers while it was ongoing.

HR Consultant JoAnn Odell told Fellenz that the evaluation was inconsistent since one half of the evaluation had Navarro not meeting expectations but on the overall evaluation he was said to fully meet expectations. Fellenz issued a revised annual performance, changing four of the five categories in the behavior section and concluding that Navarro met behavioral expectations.

On April 7, 2011, Navarro filed a charge with the NLRB's Phoenix regional office, alleging that Banner violated Section 8(a)(1) of the NLRA. Section 8(a)(1)

provides that it shall be an unfair labor practice for an employer to interfere with, restrain or coerce employees in the exercise of their rights guaranteed in Section 7. Section 7 states that employees shall, in addition to the right to self-organize and join unions, have the right to engage in "other concerted activities for the purpose of collective bargaining *or other mutual aid or protection.*" The employees do not have to work for a unionized employer to be protected by this provision.

On June 30, 2011, a regional director of the NLRB issued a complaint and notice of hearing before an administrative law judge (ALJ).

The ALJ decided on Oct. 31, 2011, that the original performance review was not motivated by any protected concerted activity, noting that it had been filled out prior to the concerted activity and had been based on unrelated complaints from co-workers. The ALJ also found that Odell's instruction that Navarro not discuss the investigation with co-workers was intended for the legitimate business reason of protecting the investigation's integrity. Therefore, the ALJ ruled that the instruction did not violate the NLRA.

But the ALJ also ruled that Banner violated the NLRA by including in its confidentiality agreement with all employees a prohibition against sharing private employee information such as salaries and discipline.

Banner appealed the ALJ's ruling to the NLRB headquarters in Washington, D.C., and the NLRB's acting general counsel cross-appealed, filing a brief on Navarro's behalf.

*Article courtesy of Allen Smith, J.D., [www.shrm.org](http://www.shrm.org)*

## TVC-SHRM Open Board Positions

### Are you interested in being a part of the 2013 TVC-SHRM Board of Directors?

The following roles are open for next year:

- ◆ Vice President of Programs
- ◆ Vice President of Membership

If you would be interested in volunteering for either of these positions, please contact Robin

Jackson, Chapter President, at  
[Robin.Jackson@cooksppest.com](mailto:Robin.Jackson@cooksppest.com)

## 2012 BOARD OF DIRECTORS

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Cook's Pest Control  
[Robin.jackson@cookspet.com](mailto:Robin.jackson@cookspet.com)

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[nvaughn@legaladvantagehrsolutions.com](mailto:nvaughn@legaladvantagehrsolutions.com)

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[Pat.bearden@npcoinc.com](mailto:Pat.bearden@npcoinc.com)

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[melva.gray@yahoo.com](mailto:melva.gray@yahoo.com)

### Legislative Director

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National Packaging Co., Inc.  
[pam.werstler@npcoinc.com](mailto:pam.werstler@npcoinc.com)

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Calhoun Community College  
[dws@calhoun.edu](mailto:dws@calhoun.edu)

### Director of College Relations

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Morgan Co. Economic Dev. Assoc.  
[miw@mceda.org](mailto:miw@mceda.org)

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Willo Products.  
[cwhite@willoproducts.com](mailto:cwhite@willoproducts.com)

### Diversity Director

Jeff Powers, SPHR  
Toray Carbon Fibers America, Inc..  
[Jeff.Powers@toraycfa.com](mailto:Jeff.Powers@toraycfa.com)

### Special Events Director

Cathy Shallal  
[shallalc@gmail.com](mailto:shallalc@gmail.com)

### Advisor to the Board-

**Technology**  
Amanda Tidwell  
[Amanda.tidwell@npcoinc.com](mailto:Amanda.tidwell@npcoinc.com)

## 2012 TVC SHRM Fall Workshop

Next month, in lieu of our regular monthly meeting, we have planned our Annual Fall Workshop. This year's theme is "Shaping the Future of Human Resources".

**Date:** Wednesday, October 10th

**Time:** 8am (registration)-4:15pm

**Location:** Calhoun Community College Robotics Center

**Cost:** \$59 for TVC-SHRM member; \$69 for non-members

Below are some of the topics our speakers have planned to share with you:

- Social Media's Issues in this Technological Age
- From Hire to Fire-Avoiding Top 10 Legal Mistakes
- Health Care Reform-What's next for HR?
- Generational Differences in the Workplace
- Bureau of Labor Statistics Workshop on practical use of the Bureau of Labor Statistics Resources and Websites
- Moving Positively through Change
- How Laws and Legislation Impact our Work Environment

Visit TVCSHRM's website at <http://tvc.shrm.org/> for workshop agenda and registration form. Please contact Cathy Shallal, Special Events Director with any questions about the workshop.

## Save the Date! Upcoming Events

- **September 25th**-Diversity Summit/Banquet--TVC-SHRM will have a table at the Banquet. Please e-mail Jeff Powers at [Jeff.Powers@toraycfa.com](mailto:Jeff.Powers@toraycfa.com) if you would be interested in being one of the 8 TVC-SHRM chapter members at the table.
- **October 10th**—TVC-SHRM Fall Workshop at the Calhoun Robotics Center—from 8am-4:30pm. Please contact Cathy Shallal at [shallalc@gmail.com](mailto:shallalc@gmail.com) for more information.
- **December 12th**-TVC-SHRM Holiday Lunch-location TBA
- **Every 1st Wednesday**-Workforce Coalition meeting at The Chamber of Commerce (Contact Mary Ila Ward at [miw@mceda.org](mailto:miw@mceda.org) for more info)
- **Every Wednesday—12:30pm-2pm:** The Job and Career Networking Club of Decatur meets at First Baptist Church Annex in Decatur (contact Deborah Ashley at [deborah.ashley@gmail.com](mailto:deborah.ashley@gmail.com) for more info)

In lieu of our normal chapter meeting in October, we invite all members to attend the annual TVC-SHRM Fall Workshop. This year's workshop be held on our normal meeting date (October 10th) at the Calhoun Robotics Center.

*Hope to see everyone there!*



Tennessee Valley Chapter SHRM  
PO Box 1271  
Decatur, AL 35602  
[www.tvcshrm.org](http://www.tvcshrm.org)