



February 2013 Newsletter

February Meeting

Wednesday,
February 13th

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
or 256-552-7470

We want to make
sure we have plenty
of room for every-
one.

Please RSVP by noon
Tuesday,
February 12th.

February Meeting

Wednesday, February 13th

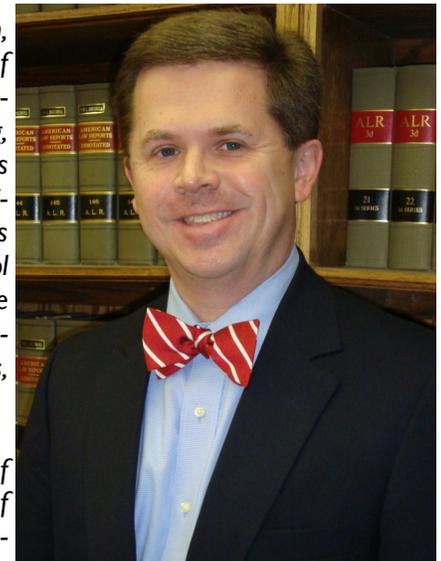
Our speaker:

Douglas R. Bachuss, Jr. from Nowlin, Bachuss & Gray Law Firm
Topic: "Estate Planning Overview"

Douglas R. Bachuss, Jr. is a member of Nowlin, Bachuss & Gray Law Firm practicing in the areas of commercial and residential loan closings, real estate development, probate law, family law, estate planning, contract law and business organizations. Mr. Bachuss received his Bachelor of Science degrees from the University of Alabama in 1991 and in 1992 and his Juris Doctorate degree from the University of Alabama School of Law in 1996. He is a member of the Alabama State Bar and the Morgan County Bar and he has been a frequent speaker on topics related to real estate closings, estate planning, adoptions and servant leadership.

Mr. Bachuss currently serves on the Board of Directors for the Decatur-Morgan County Chamber of Commerce as well as the Executive Board for the Chamber in the position of Chair-Elect. He is a 2008 graduate of the Leadership Morgan County program through the Chamber and has assisted in directing the Leadership programs for the Chamber over the past five years through his involvement with the Leadership Committee for the One Vision-One Voice-One Morgan County Initiative.

Mr. Bachuss and his family are residents of Decatur and are members of The Rock Family Worship Center where Mr. Bachuss is involved in leading a life group as well as with adoption ministry programs. Mr. Bachuss is the past chair of the Affiliate Council of the Morgan County Association of Realtors and is the 2012 Member of the Year for the Association. He is a past member of the Morgan-Lawrence County Chapter of the American Red Cross. In addition, he coaches youth baseball and basketball. Previously, Mr. Bachuss has served with boards and committees for the Tennessee Valley Outreach Rescue Mission, the Mental Health Center of North Central Alabama, the American Cancer Society and the Greater Morgan County Homebuilders Association.



Our community speaker for the February meeting will be Jackie Smith from Athens State University. Also, a special thanks to our sponsor for the February meeting—Employment Screening Services.

Four More Years: What Employers Should Expect

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

As President Obama begins his second term of office, we expect an acceleration of trends we saw at different times during the course of his initial term. The Republican House and Republicans in the Senate will have to make a strategic decision regarding to what extent they oppose agency workplace initiatives. Pundits referred to Mitt Romney as the “elected president of white males older than 50.” If the Republican party wants to project itself as more inclusive, then pressure will be on Congressional Republicans to “walk the walk” of inclusion when regulatory agencies initiate their aggressive enforcement actions and legislation is proposed to further influential voting segments, such as dealing with immigration rights. We anticipate the following:

- 1) **EEOC** Although approximately 25% of all discrimination charges involve claims of disability discrimination, 36% of the EEOC’s lawsuits filed last year claimed ADA discrimination. That is the hot issue the Commission will push. They will focus on expanding the definition of a disability to even reach the point of including pregnancy. They will focus on employer hiring practices, whether there is a bona fide “interactive process” to try to accommodate an individual with a disability and the EEOC will focus on employer policies that apply automatically without consideration of accommodation for a disability, such as no fault attendance policies and termination based on exceeding leave of absence policies.
- 2) **NLRB** The agency has resumed its efforts to serve as a division of the AFL-CIO. The Board is down to three members, all Democrats-Richard Griffin, Sharon Block and Chair Mark Gaston Pearce. Expect the Board to continue its incremental efforts to enhance the opportunities for unions to organize and avoid decertification, and also to expand its efforts to promote protected, concerted activity rights among the non-union workforce throughout our country. Ultimately, we think the NLRB’s notice posting rule will not become effective, but the NLRB’s “ambush election” rules will become effective. Both have been enjoined and those cases are now at the appellate court level. In essence, litigation over notice posting, ambush election rules and recess appointments can potentially delay for years and derail the Board’s pro-labor agenda.
- 3) **U.S. Dept. of Labor** When Labor Secretary Hilda Solis announced her resignation, the most vocal and early praise came from Rich Trumpka, President of the AFL-CIO. We expect Solis’s replacement to remain committed to Solis’s agenda-creating an environment where each employee is in essence a Wage and Hour “investigator”. We also expect the Department of Labor to accelerate its worker safety initiatives and through the Office of Federal Contract Compliance Programs, to continue to expand OFCCP’s reach regarding what it investigates and the remedies it seeks.
- 4) **Judicial Appointments** A President’s judicial appointments are for the life of the appointee. By the conclusion of the President’s second term, well over half of federal judges will have been appointed by President Obama. Judicial appointments often reflect the philosophy of the President. We expect fewer cases to result in summary judgment, with settlement values increasing and more cases going to trial. For the third consecutive year, the number of employment lawsuits filed in United States federal courts increased, and we expect that trend to continue.
- 5) **Legislation** The House has the “numbers” to block employment legislation, but for the reasons stated above, it will be difficult to oppose some type of an increase to the federal minimum wage, which is \$7.25 per hour. Several states have a higher minimum wage. Similarly, Congressional Republicans may have difficulty opposing the Employment Nondiscrimination Act (prohibiting discrimination based on sexual orientation) and the Paycheck Fairness Act. Again, the difficulty about opposing such legislation will be strategically, how does opposition to the legislation fit with the Republican Party’s overall objective to project itself as more inclusive?
- 6) **Affordable Care Act** The Affordable Care Act is here to stay. How employers will respond to it remains in perpetual motion. Many employer circumvention strategies have emerged, and we expect plaintiff’s lawyers and the federal agencies to challenge some of them. In the near term, look for a steadily increasing flow of new regulations and regulatory guidance interpreting the Act. In 2013, we expect a sweeping new series of regulations to implement health insurance exchanges and we should also hear from the IRS on what exactly constitutes plan discrimination. The latter action may require significant changes to plan design. It has been said that “if you can’t change the facts, you’ve got to change your attitude.” Based on what we anticipate the facts to become during the next four years and certainly during the next two, employers need to do a self-critical evaluation of compliance and culture, to reduce the risk of problems arising, but if they arise, to be able to end them quickly and economically.

PHR/SPHR Preparation

Thinking about taking the PHR or SPHR this year? TV-SHRM will offer a certification prep course this spring.

When: Tuesday, March 26th and Tuesday, April 9th from 8:30 am- 4:30 pm

Where: MCEDA office- 300 Market Street NE, Suite 2 (behind the Holiday Inn in Decatur)

Cost: \$550 for TV-SHRM Members \$650 for non members

Deadline to register is Monday, February 11th.

Questions?: Contact Mary Ila Ward at miw@horizonpointconsulting.com

Alabama SHRM 2013 Conference and HR Alabama Magazine

Alabama SHRM needs your help! Preparations for the upcoming Alabama SHRM Conference are in full swing. Also, Alabama SHRM will publish a 3rd issue of HR Alabama magazine, to be published in conjunction with the conference.

Alabama SHRM has asked all chapters to sponsor at least one full page in the magazine. The prices are as follows:

- ◆ Full page=\$800
- ◆ Half page (Vertical or Horizontal)=\$450
- ◆ Quarter page=\$250
- ◆ Eighth page=\$150
- ◆ Back page=\$1200
- ◆ Inside back or inside front=\$1000
- ◆ Page 3=\$1000

Please contact Paula Watkins, SPHR, at pwatkins@lyonshr.com if you or your business would like to sponsor. Don't forget to let her know which chapter you are a part of so TVC-SHRM will get credit for being part of the magazine!

Also, the content editor of the magazine, Steven Smith, is accepting funny HR stories and HR-related articles for the magazine. If you would like to submit either of these, you can e-mail Steven directly at: steve@applicantpro.com.

Sponsorship options for the 2013 Alabama SHRM Conference are also available—both booth and other sponsorships. Please contact Amy Smith, PHR, at Amy.Smith@delmonte.com if your company would be interested in being a sponsor at this event, which will be held in May at the Cahaba Grand in Birmingham.

TVC-SHRM recognized as “Super-Star Status” by SHRM.

Congratulations to the TVC-SHRM Chapter for achieving “Super-Star” status in 2012. This is measured by SHRM by how many SHRM members a chapter gains in a calendar year. TVC-SHRM had a 5.26% increase in SHRM membership for 2012!

The required increase in SHRM membership to receive a Super-Star Status was 3% in 2012 and will be 4% in 2013.

TVC-SHRM will continue to recruit new members through our spring social, invitations to guests at all chapter meetings and our fall workshop. If you know of an HR professional who might be interested in joining our chapter, feel free to bring them to our next monthly meeting as a guest.

SHRM Competencies and Standards

Two great new tools that are available to SHRM members are the Competencies and Standards models.

Competencies

This tool identifies the core competencies needed to be an HR Professional via a comprehensive competency model called “SHRM Elements for HR Success”. This model is designed to assist HR Professionals as they set out on or continue their careers. The model is comprised of 9 competencies (1 technical and 8 behavioral) and identifies the foundational competencies HR need for success in all levels of their careers.

For more information about the Competency model, go to SHRM's website at www.shrm.org.

Standards

This tool gives you organizational standards that you can use at your workplace in such areas as policy and procedure, performance development, and other standard practices and bodies of knowledge from some of the most effective HR practitioners from all over the world. This has been created in conjunction with the American National Standards Institute (ANSI) and the International Organization of Standardization (ISO).

You can also contribute to or suggest areas that you would like to see standards developed for. This tool is also available on the SHRM website at www.shrm.org.

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Athens State University HRM Program Graduate Awarded SHRM Foundation Scholarship

(Article courtesy of Kim LaFavor)

The SHRM Foundation awards a total of \$100,000 annually in scholarships, including student scholarships for the Assurance of Learning Assessment based on evidence of scholarship and merit. From an extensive applicant pool, there were only 25 recipients of the Assurance of Learning Scholarship presented by the Society for Human Resource Management Foundation and Athens State University Human Resource Management major and May graduate Tiffany Weaver was presented one of these prestigious awards.

The College of Business is proud of Tiffany and her accomplishments while at Athens State University which has included graduating with honors and also serving as the first President of the newly chartered Athens State University Society of Human Resource Management Student Chapter in 2012.

Save the Date! Upcoming Events

- **February 25th**—*Taste of the Valley* event at The Holiday Inn, Decatur
- **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 13th**—SHRM's Spring Hill Visit to Washington, D.C.
- **April 10th**—Spring Legislative meeting featuring local elected officials
- **May**—TVC-SHRM Spring Social—date and location to be announced
- **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 SHRM National Conference in Chicago—reserve your rate and housing now! <http://annual.shrm.org/>
- **September 18th**—TVC-SHRM Fall Workshop
- **November 13th**—Annual Fall Legislative Meeting—speaker to be announced
- **December 11th**—Annual TVC-SHRM Holiday party. *Time and location to be announced.*
- **Every 1st Wednesday**—Workforce Coalition meeting at The Chamber of Commerce (*Contact Mary Ila Ward at miw@mceda.org for more info*)

Our March meeting will be held Wednesday, March 13th
at The Holiday Inn in Decatur.

Hope to see everyone there!



Tennessee Valley Chapter SHRM