



July 2012 Newsletter

July Meeting

Wednesday,
July 11th

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
or fax 256-552-7429.

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

Please RSVP by 4pm
Tuesday,
July 10th.

July Meeting Wednesday, July 11th

Our speaker:
Libby Frisby from
Integrated Solutions Consulting

Topic:

“Key to Building and Launching Effective Teams”
(pre-approved for 1.0 hour of general HRCI credit)



Libby Frisby has practical line (Mfg, Materials Management) and HR Experience. Her training in HR came after her business line roles and was focused on Organizational Development, HR's role in a Global Competitive Environment, Designing and Leading Organizations just to name a few. Libby's business experience combined with specific hands-on experience in HR Transformation; lends credibility to her demonstrated ability to transform an organization into a valued-added business.

Libby has extensive experience as a senior executive and as an internal and external executive coach. Libby was a member of the Nektar (NKTR) executive team throughout the preparation for and the launch of Exubera, the first inhalable insulin approved by the FDA and the European Union.



Education

B.S. Business Administration

Instrument Certifications / Trainings

Fielding Graduate University - Evidence-Based Coaching
MBTI

D.I.A.L.O.G, Values, DISC

Emotional Intelligence – Level I, II

Six Sigma Yellow Belt

Legal and Legislative News

(courtesy of Lehr, Middlebrooks & Vreeland, P.C., 07-02-12)

U.S. Supreme Court Upholds Entire Health Care Reform Law

In a landmark ruling Thursday morning, the Supreme Court of the United States upheld the constitutionality of the Affordable Care Act, commonly known as the Health Care Reform Law, in its entirety. The 5-4 split decision held that the individual mandate, requiring virtually all Americans (subject to limited exceptions) to maintain "minimum essential" health insurance coverage is constitutional as a tax.

Chief Justice John Roberts wrote the opinion for the Court and was joined in the outcome by the court's four liberal justices, Stephen Breyer, Ruth Bader Ginsburg, Elena Kagan and Sonia Sotomayor. Justices Samuel Alito, Anthony Kennedy, Antonin Scalia and Clarence Thomas dissented.

The key issues in front of the Court were the constitutionality of the individual mandate, the constitutionality of the Medicaid expansion provision and whether all or parts of the law were severable from either of these provisions, if one or both was invalidated.

The individual mandate operates by requiring Americans to buy health insurance or pay a penalty-called a "shared responsibility payment"-to the federal government. The government argued (in the following order) that the mandate was constitutional under the Commerce Clause, the Necessary and Proper Clause and/or the Tax Clause of the Constitution. The Court accepted the government's third argument that the mandate was constitutional under Congress's power to "lay and collect taxes," but rejected the first two arguments. The opinion noted that "every reasonable construction must be resorted to, in order to save a statute from unconstitutionality." As a result, the question to the Court was "whether it is 'fairly possible' to interpret the mandate as imposing such a tax." Under that analysis, the five Justices in the majority found that the penalty may be considered a tax for constitutional purposes because the penalty is not so high that there is really no choice but to buy health insurance; the payment is not limited to willful violations, as penalties for unlawful acts often are; and the payment is collected solely by the IRS through the normal means of taxation.

"The Affordable Care Act's requirement that certain individuals pay a financial penalty for not obtaining health insurance may reasonably be characterized as a tax. Because the Constitution permits such a tax, it is not our role to forbid it, or to pass upon its wisdom or fairness," Chief Justice John Roberts wrote in the ruling.

There were not enough votes, however, to uphold the mandate under the Commerce Power or the Necessary & Proper Clause. Chief Justice Roberts recognized that Congress has the power to "regulate commerce," but, in his view, the individual mandate does not regulate existing commercial activity, "it instead compels individuals to become active in commerce by purchasing a product, on the ground that their failure to do so affects interstate commerce." Because Congress has the power only to "regulate commerce, not to compel it," the individual mandate was not a constitutional exercise of the Commerce Power. The Court also relied on precedent to reinforce the notion that the Necessary & Proper Clause is not an individual power, but only an extension of properly exercised powers given to Congress; thus, it could not be used as an independent constitutional means to pass the individual mandate.

Essentially, the ruling with regard to the individual mandate did not sustain it as a command for Americans to buy insurance, but as a tax if they don't. Individuals may still refuse to maintain the "minimum essential" health insurance, but they must (literally) pay the penalty for refusing to do so. The individual mandate is set to take effect January 1, 2014.

Because the mandate was the key part of the health care law, most expected the entire Act to fail, or at least certain provisions, if the mandate was held unconstitutional. With the mandate surviving, however, the Court did not decide whether other parts of the statute were severable from the individual mandate.

Another important issue in front of the Court was the Medicaid expansion provision, which required states to comply with new eligibility requirements that expand the people eligible for Medicaid. If a state refused to follow the increased eligibility requirements, it could lose all federal Medicaid funding-both new and existing. The Court held that the provision is constitutional as long as states would only lose new funds if they didn't comply with the new requirements, rather than all of their funding. To hold otherwise would strip states of a genuine choice of whether or not to participate in the Medicaid expansion.

It is unclear what the political and legislative fallout from the Supreme Court's decision will be. The bottom line for employers, however, is that the entire ACA remains in place. This means that employers must continue complying with the requirements currently in effect and turn their attention to the many obligations contained in the law that go into effect over the next several years.

2012 SHRM Conference in Atlanta, Georgia

The 2012 SHRM Conference in Atlanta, GA (held June 24th-27th) was, as usual, outstanding. Several Alabama SHRM chapter members were in attendance at the conference.

See photo (left) of some of the TVC-SHRM chapter members at Max Lager's Woodfire Grill prior to the Jerry Seinfeld Tuesday night entertainment on June 26th. (l-r: Chasitie White, Amy Smith, Pam Werstler, Sylvanus Edeogho, Pat Bearden).

Stay tuned for information about the 2013 SHRM Conference, which will be held in Chicago, Illinois.



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Jeff.Powers@toraycfa.com

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shallalc@gmail.com

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Technology
Amanda Tidwell
Amanda.tidwell@npcoinc.com

Welcome, Tiffany!

Please welcome the following

new
TVC-SHRM Member:

Tiffany Weaver

Please welcome Tiffany at our
next chapter
meeting.

If you know an HR professional in the area that might be interested in joining our chapter, please RSVP that you will be bringing a guest with you to the meeting. The first meeting's meal is free for all guests, and it is a great way to introduce potential members to our group



Congratulations Alicia!

Congratulations to
TVC SHRM Member
Alicia Higginbotham
on recently passing
the PHR exam.!

*Interested in getting certified?
Contact Mary Ila Ward, Director of
Certification, at miw@mceda.org
for more information about upcoming
certification study groups. Or go to
www.hrci.org for more information.*

Save the Date! Upcoming Events

- **September 25th**-Diversity Summit/Banquet (more info to come)
- **October 10th**—TVC-SHRM Fall Workshop at the Calhoun Robotics Center-more info to come
- **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 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 for more info*)

Our August meeting will be held Wednesday, August 8th at The Holiday Inn in Decatur. Kimberly N. Kelley, Esq. from Wilmer & Lee, P.A. will present “Privacy, Social Media and the Workplace”.
Hope to see everyone there!



Tennessee Valley Chapter SHRM
PO Box 1271
Decatur, AL 35602
www.tvcshrm.org