



TVC~SHRM

TENNESSEE VALLEY CHAPTER OF SHRM - ALABAMA



March 2013 Newsletter

March Meeting

Wednesday,
March 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.



March Meeting Wednesday, March 13th

Our speaker:

Kris Evans from Harvard Risk Management Corporation
Topic: *“Identity Theft in the Workplace and its Impact on HR”**



Kris Evans is a partner with the Harvard Risk Management Corporation., a consulting company specializing in identity theft protection. Having worked in this industry for over nine years, completing numerous trainings, seminars, and certifications; he is a Certified Identity Theft Risk Management Consultant. His blend of humor with his knowledge on the subject matter have made Kris one of the most sought-after speakers on this topic, He has spoken with countless organizations, including SHRM, Chambers of Commerce, and multiple associations and government organizations, as well as thousands of individuals nationwide about the devastating effects of identity theft, and how to more fully protect their private information.

Prior to working with HRMC, Kris served as a Vice President for a New York Stock Exchange company earning multiple training and speaking awards.

Kris is currently residing in Lebanon, TN with his wife Kaci, and their four children.

Our community speakers for the March meeting will be Mary Ila Ward and Tiffany Brightwell from the Decatur Young Professionals Network. Also, a special thanks to our sponsors for the March meeting—Cook’s Pest Control and Toray.

Affordable Care Act Protects Employees From Retaliation Under New OSHA Rules (article courtesy of Lehr, Middlebrooks and Vreeland, PC)

The Occupational Safety and Health Administration (OSHA), a division of the Department of Labor, has issued an interim final rule implementing Section 1558, the Affordable Care Act's (ACA) anti-retaliation provision. Section 1558 expressly prohibits an employer from retaliating against an employee for engaging in any of the protected activities under the statute, which includes, among other things, receiving a federal tax credit or subsidy to purchase insurance coverage. OSHA has also issued a fact sheet that outlines how employees may file a retaliation complaint under the ACA.

Section 1558 provides that an employer may not discharge or in any manner retaliate against an employee because he or she:

- received a premium tax credit or a subsidy to purchase health care coverage;
 - provided or caused to be provided (or is about to provide or cause to be provided) to the employer, the federal government, or the attorney general of a state information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of Title I of the ACA;
 - testified, assisted, or participated, or is about to testify, assist, or participate in a proceeding concerning such violation;
- objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of Title I of the ACA, or any order, rule, regulation, standard, or ban under Title I of the ACA.

Title I of the ACA includes a range of insurance company accountability policies such as: the prohibition of lifetime dollar limits on coverage, the requirement for most plans to cover recommended preventive services with no cost sharing, the prohibitions on the use of factors such as health status, medical history, gender, and industry of employment to set premium rates, and, starting in 2014, protections against pre-existing condition exclusions.

The interim final rule establishes the procedures and timeframes for handling retaliation complaints, including OSHA's investigation, hearing, and appeals procedures. The anti-retaliation provision adopts procedures similar to those used by OSHA to enforce other whistleblower statutes under its jurisdiction. Under the ACA, an employee has 180 days from the alleged retaliation in which to file a whistleblower complaint with the Secretary of Labor. The employee need only have a subjective, good faith, and objectively reasonable belief that the complained-of conduct violates the whistleblower protections. The employee does not, however, need to prove that the conduct complained of constitutes an actual violation of law.

Section 1558 also includes an employee-friendly burden of proof. The employee must prove by a preponderance of the evidence that his or her participation in a protected activity was a contributing factor to the employment action taken against him by the employer. The burden then shifts to the employer to prove by clear and convincing evidence—a much more difficult burden of proof—that the employer would have taken the same action against the employee if the employee had not engaged in the protected conduct.

OSHA will investigate the complaint and make a determination. OSHA's findings become final unless appealed within 30 days. Either party may request a hearing before an administrative law judge, whose decision may be appealed to the DOJ's Administrative Review Board. An employee would be entitled to file a complaint in federal court if a final agency order is not issued within 210 days of the filing of the initial complaint, or within 90 days after the employee receives OSHA's findings.

If a violation is found, remedies include reinstatement, compensatory damages, back pay, as well as all costs and expenses (including attorney's fees and expert witness fees) reasonably incurred in filing the complaint. If the Secretary deems the complaint to have been brought in bad faith, it may award the employer up to \$1,000 in reasonable attorney's fees.

Welcome New Members!

Please welcome the following new TVC-SHRM Members:

- Paul Nosal with Decatur Utilities
- Johnny Yarborough with Lyons HR
- Saralyn Mitchell with Athens State University
- Christopher Whitman with Athens State University Student SHRM Chapter
 - Kelly Traynum with Diversified Services
 - Tim Hosty, GPHR, with Independence Tube
 - Melonee Wilkerson with EFP
 - Joshua Rudd, with Federal Mogul
 - Patrick Hinds with Choice One Recruiting
 - Valerie Curtis with EPSCO

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.

Is Your Companies one of the Best Companies to Work for in Alabama?

The SHRM Alabama State Council is working with Business Alabama to promote the 4th Annual Best Companies to Work for in Alabama. Best Companies Group surveys your employees to get their valuable, confidential feedback on working for your company.

The State Council is asking all local and state chapter members to visit www.bestcompaniesal.com to get information about the survey process. Every company that participates in the survey will receive a valuable detailed report that will help you make your company a better place to work. Companies that meet the qualifications to be one of the Best Companies to Work for in Alabama will be awarded that designation. The winning companies and their ranking will be published in the August 2013 issue of Business Alabama, Alabama's only statewide business publication. This is a great marketing tool for you to use for recruiting and to promote your company as one of the Best Companies to Work for in Alabama. The benefits are limited only by your imagination.

Business Alabama will host an Award Ceremony and Cocktail Reception for the winning companies to unveil the ranking and celebrate your achievement. This also gives you the opportunity to network with the other winners that share your success.

The deadline to register is March 22, 2013.

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.

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ASU Student SHRM Members Looking for Job Shadowing/ Internship Opportunities

The Athens State University Student SHRM Chapter members are looking for the opportunity to learn from real-life HR professionals on the job.

If you would like to bring in an Athens State University Student SHRM member to job shadow you or someone in your HR department for the day or if you have a summer internship opportunity for one of these students, please contact Jeff Powers, SPHR, Director of College Relations at Jeff.Powers@toraycfa.com or Kim LaFavor, PHR, Associate Professor at Athens State University at Kim.Lafevor@athens.edu.

Open position on TVC-SHRM Board

Please note that the following position is available on the TVC-SHRM Board for the remainder of 2013:

- Director of SHRM Foundation

This position is responsible for overseeing any fundraising efforts to benefit the SHRM Foundation.

Please contact Robin Jackson, President, at Robin.jackson@cookspest.com if you would be interested in this role.

Save the Date! Upcoming Events

- **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
- **April 25th**-TVC-SHRM Spring Social at The Brick Deli in Decatur. More info to come...
- **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

Our April meeting will be held Wednesday, April 10th at The Holiday Inn in Decatur. This meeting will be a Spring Legislative meeting with local elected officials speaking to the group.

Hope to see everyone there!



Tennessee Valley Chapter SHRM