

# The Butler/Warren County Buzz

## May 14 Monthly Meeting



2007 SHRM SUPERIOR MERIT AWARD CHAPTER

### BWSHRM, GCHRA, and GCCBA Present:

**Speakers:** Pat Zingheim and Jay Schuster  
**Cost:** \$25.00 for members, \$35.00 for non-members  
**Date:** Thursday, May 14, 2009  
**Time:** 11:00 AM – Registration/Networking  
11:30 AM – Lunch  
12:00 APM - Presentation

HRCI Credit  
Pending!

**Location:** [Xavier University Cintas Center Schiff Family Conference Center](#)

**Address:** 1624 Herald Avenue Cincinnati, OH 45207-7510

### How to Really Pay for Performance

Many companies say they pay for performance but few truly pay for performance and strongly differentiate pay and other rewards based on performance. Pat and Jay will share workable ways organizations enhance the linkage between performance and pay and how to more strongly differentiate base pay and variable pay based on performance. They will also provide variable pay trends and ways to improve existing variable pay/incentive plans, the strongest performance-based pay tool, so they deliver expected results. Learn the criteria to lead the process to evaluate the success of your rewards programs.

Together Pat Zingheim and Jay Schuster founded Schuster-Zingheim and Associates, Inc. in 1985. Schuster - Zingheim and Associates, Inc. is a consulting firm that provides advice and assistance on what is required to create a high-performance workplace, combat the negatives of entitlement, and engage the best people and tie their efforts to your business proposition. Pat and Jay are 2 of only 17 recipients to receive WorldatWork's 2006 Keystone Award, the Association's highest honor, for their contributions to the total rewards profession's body of knowledge. They were also both named by [The Guru Guide: The Best Ideas of the Top Management Thinkers](#) as motivation and pay gurus.

To register for this event please follow the link below, registration deadline is May 12<sup>th</sup>.  
<http://guest.cvent.com/i.aspx?1Q.M3.430de6e9-cfc5-4532-949f-9627deb1bd20>

### A MESSAGE FROM THE PRESIDENT

Today organizations are shifting and reshaping themselves to stay vibrant in a lean economy. Transitions are occurring as a result and in the tumult, with ever-increasing emphasis on improving or simply maintaining core operations, important opportunities for learning and growth during these times can be easily overlooked.

All too often, such transitions turn into distractions and additional drags on the system as the new organization works to get up to speed. And people on the team spend far too much time, attention and energy passing rumors and trying to figure out on their own what the new rules of the road are.

Competitive organizations need to have employees who are connected and collaborate within and outside of the organization. However, organizations can't just sit back and hope that this will spontaneously occur. Human resource professionals need to be the drivers in using a variety of means to support networking/collaborative initiatives that are linked to strategic goals of their organizations. With HR in the driver seat, cultural issues, incentives, and ethical and legal issues can be addressed proactively. Human resource professionals need to partner with other professionals to lead their organizations to a competitive advantage.

Our May chapter meeting in collaboration with GCHRA we will have an opportunity to extend our network in the context of a very informational program. We hope you will be able to take advantage of this opportunity and maybe get some great ideas to take back and implement at your workplace.

Linda P. Stryker, PHR  
President

**President**  
Linda Stryker, PHR – HR Manager  
Square D/Schneider Electric  
5735 College Corner Road  
Oxford, OH 45056  
513-523-4176  
[Linda.stryker@us.schneider-electric.com](mailto:Linda.stryker@us.schneider-electric.com)

**Secretary**  
Lisa Wray – HR Administrator  
Miami Conservancy District  
38 East Monument Avenue  
Dayton, OH 45402  
937-223-1278  
[lwray@miamiconservancy.org](mailto:lwray@miamiconservancy.org)

**Membership Advocate**  
Marc Fleischauer, SPHR – Partner  
Porter Wright Morris & Arthur, LLP  
1 S. Main St., Suite 1600  
Dayton, OH 45402  
937-449-6720  
[mfleischauer@porterwright.com](mailto:mfleischauer@porterwright.com)

**School-To-Work Advocate**  
Jeff Harvey, PHR - HR Specialist  
Great Miami Valley YMCA  
105 N. Second St.  
Hamilton, Oh 45011  
513-887-0001  
[jharvey@gmvyymca.org](mailto:jharvey@gmvyymca.org)

**College Relations Advocate**  
Chad Johnson – HR/Public  
Relations Manager  
Neturen America Corporation  
2995 Moser Court  
Hamilton, OH 45011  
513-863-1900 x.11  
[chadjohnson@fuse.net](mailto:chadjohnson@fuse.net)

**Vice President**  
Angela Sherrick, SPHR – Sr. HR Generalist  
General Revenue Corporation  
11501 Northlake Drive  
Cincinnati, OH 45249  
513-605-7402  
[asherrick@generalrevenue.com](mailto:asherrick@generalrevenue.com)

**Treasurer**  
David Beckett, CEBS  
Principal  
Mercer Health & Benefits, LLC  
525 Vine Street, Suite 1600  
Cincinnati, OH 45202  
513-632-2624  
[dave.beckett@mercerc.com](mailto:dave.beckett@mercerc.com)

**Certification Advocate**  
Sandy Stude, SPHR – Corporate Director,  
HR  
Amtex, Inc.  
1500 Kingsview Drive  
Lebanon, OH 45036  
513-933-6215  
[sstude@amtexna.com](mailto:ssstude@amtexna.com)

**Legislative Advocate**  
Jackie Cordell, PHR  
Human Resources Consultant  
[bwshrmlegislativeadvocate@yahoo.com](mailto:bwshrmlegislativeadvocate@yahoo.com)

**Foundation Advocate**  
Katie Frey, PHR - HR Consultant  
Mercy Health Partners  
4600 McAuley Place  
Cincinnati, OH 45242  
513-981-6201  
[kafrey@health-partners.org](mailto:kafrey@health-partners.org)

**Diversity Advocate**  
Alicia King – Sr. HR Representative  
Square D/Schneider Electric  
5735 College Corner Road  
Oxford, OH 45056  
513-523-4176 x.291  
[alicia.king@us.schneider-electric.com](mailto:alicia.king@us.schneider-electric.com)

**Public Relations Advocate**  
Brittany McIntyre - HR Assistant  
Amtex, Inc.  
1500 Kingsview Drive  
Lebanon, OH 45036  
513-933-6267  
[bmcityre@amtexna.com](mailto:bmcityre@amtexna.com)

**Past President**  
Kristi Cain, SPHR – Director of HR &  
Safety  
Crane America, Inc.  
3440 Office Park Drive  
Dayton, OH 45439  
937-293-6526 x. 246  
[kristi.cain@craneamerica.com](mailto:kristi.cain@craneamerica.com)

**BWSHRM LOCAL MEMBERSHIP DRIVE**



Once again, we want to challenge our members to participate in another year of growth by inviting a new member to join our chapter. In return for a new member application, you are invited to join us at the next breakfast meeting at no cost to you. Together, we can make it happen!

To request a membership application, please contact our Membership Advocate:  
Marc Fleischauer, SPHR – Partner, Porter Wright Morris & Arthur, LLP  
1 S. Main St., Suite 1600, Dayton, OH 45402  
937-449-6720 or [mfleischauer@porterwright.com](mailto:mfleischauer@porterwright.com)

Or visit our website at [www.ohioshrm.org/butler](http://www.ohioshrm.org/butler) and click on the membership link for more information. If you are a SHRM National Member, your local dues are only \$45 per year. If you want to join our local organization only, your local dues are only \$90 per year.

**We hope to see you soon!**

SHRM FOUNDATION SCHOLARSHIPS ARE NOW AVAILABLE

With tough economic times, company budgets are taking a hit. But there's good news if you are planning to pursue your HR career in terms of education! SHRM Foundation committed a total of \$100,000 annually for scholarships to be awarded to national SHRM members pursuing a degree in human resources or SPHR, GPHR, PHR or California certification. Members working in the media industry and pursuing a college degree are eligible to apply for a Barbara Sanchez Scholarship. This is a great way to take advantage of some of the benefits of your SHRM membership.

**Awards:**

- 60 Certification Scholarships (\$750 each)
- 40 Academic Scholarships (\$1,375 each)
- 5 Barbara Sanchez Scholarships (\$1,500 each)

For 2009, all applications must be submitted online. You may begin the online application

process, save your work and then complete the process at a later date. Your application must be completed and submitted by July 15 to be considered for an award. You must be an active SHRM Member with a valid ID number to apply for a scholarship. Click [here](#) for more info.



The advertisement features the Yahoo! HotJobs logo at the top in red and yellow. Below it, the text 'Journal News' is written in a bold, orange font. A blue rectangular box contains the text 'IT TAKES TWO to Find the Right One' in white, followed by 'Journal-News.com' and the Yahoo! HotJobs logo. Below the blue box, it says 'Place your ad online or call 1-866-901-HIRE.' At the bottom of the advertisement, it says 'For more information, click here: <http://jobsearch.coxohio.com/> or call 1-866-901-HIRE.'

THE PRESIDENTS COUNCIL ON PHYSICAL FITNESS AND SPORTS

[www.fitness.gov](http://www.fitness.gov) is the health, physical activity, fitness and sports information website of the President's Council on Physical Fitness and Sports. You can find out about the Council and its work, view their publications, and link to the resources of other government agencies as well as to health and fitness organizations.

To find out how you can start a physical activity program today and stay active and fit for life while earning Presidential awards, visit the free, interactive physical activity and fitness Web site at:

[www.presidentschallenge.org](http://www.presidentschallenge.org)

**Greater Cincinnati Human Resources Association  
2009 Best In Class Diversity Award**

The Greater Cincinnati Human Resources Association is looking for NOMINATIONS for a Greater Cincinnati employer who has exhibited a commitment to the understanding, acceptance, and value of diversity. The Best In Class Diversity Award provides recognition to employers for their leadership in creating, managing, and valuing a diverse and inclusive workforce.

The key areas to be considered for the Best In Class Award are:

- Leadership Commitment: Demonstrated D&I efforts by senior leaders or the organization.
- Workforce Diversity: Diversity representation in the workplace
- Development: Opportunities for D&I education and communication within the organization
- Community Relations: Activities that encourage and support diversity in the community

Nominations must be made by a current employee of the company/organization. The deadline for submitting the nomination is May 15, 2009. Please complete the survey attached to this email and submit it via email [gchraCINCINNATI@aol.com](mailto:gchraCINCINNATI@aol.com) or faxed to 513-563-9743.

The award will be announced at the GCHRA luncheon on June 11, 2009 at 11:45 am - 1:45 pm at the Xavier University Cintas Center.

WELCOME TO SHRM'S "EFCA" TOOLKIT!



As you may know, the Employee Free Choice Act has been introduced in both the House of Representatives and Senate. SHRM believes that a federal government-supervised, private ballot election is the best way for employees to decide whether or not to be represented by a union. As currently drafted, EFCA would allow a union to bypass the election process after collecting signed authorization cards ("card check" recognition) from a majority of employees.

Now is the time for SHRM members to start your advocacy campaign in opposition to EFCA. As a member advocate, the items included in the toolkit have been designed to assist you in communicating your views about EFCA to your legislators, as well as opinion leaders in your community. Please feel free to use any or all components of the toolkit and don't hesitate to include your personal perspective on how EFCA could impact your workplace if it were to become law.

Below are the key components of the SHRM advocacy strategy on EFCA. These items, as well as feedback we have received this year from nearly 15,000 HR professionals from across the country about who they know in

Congress and what their public policy interests, will factor in to a multi-layered advocacy effort that we hope will contribute to the defeat of EFCA in the 111<sup>th</sup> Congress.

We encourage you to contact your members of Congress to express your HR voice on this important policy proposal.

If you have any questions or need further assistance, please contact SHRM's Member Advocacy Specialist, Recardo Gibson, at [Recardo.Gibson@shrm.org](mailto:Recardo.Gibson@shrm.org)

Key components of the EFCA Toolkit:  
[Employee Representation Fact Sheet](#)  
[EFCA Presentation in PowerPoint](#) or in [PDF](#)  
[How to Lobby Powerpoint](#) or in [PDF](#)  
[H.R. 1409 - The House Employee Free Choice Act](#)  
[S. 560 - The Senate Employee Free Choice Act](#)

[Employee Representation Alert](#)  
[Employee Representation Policy Statement](#)  
[Sample Letter to the Editor](#)  
[Myths vs. Facts of EFCA](#)  
[Sample Advocacy EFCA Opposition Letter To Write Your Member Congress Using HRVoice, click HERE](#)

## POSITIVE EMPLOYEE RELATIONS: STRATEGIES FOR MAINTAINING A WINNING CULTURE

The adage is true: Employees don't leave companies, they leave Managers. While it is crucial to prepare your managers and supervisors for workplace changes being brought about by some compromise version of pending NLRA legislation, an organization's overriding goal should be to create, enhance, and maintain an atmosphere of open and direct communication, trust between employees and management, and to deal with employees as effectively as possible while respecting and recognizing each employee as an individual.

When included as an integral part of the overall culture, the following recommended practices contribute to positive employee perception of an organization and render the need for outside representation unnecessary.

**Establish/Maintain an Open Door Culture-** Employees should have the power to deal directly with their managers and other members of the management team regarding all terms and conditions of employment. Remaining third-party free depends upon open and direct communication. Managers are the organization's most important connection to the employees. They are the best situation to communicate with employees and to keep the management team informed of matters concerning employee relations.

**Deal with Employee Issues –** Listening to employees is only part of the responsibility. Management absolutely must *address* employees' concerns and issues. This includes follow up to ensure long-term resolution. How management responds to issues that are important to employees is critical – if a manager is nonchalant or dismissive of employee concerns, employees will feel as though they don't have a voice in the organization.

**Ombuds**—The Office of the Ombuds provides employees with an

independent avenue for resolving workplace disputes **internally**. It should be staffed with trained, experienced employees with a direct reporting relationship to the Office of the CEO. The Ombudsman serves as a neutral resource to hear and act on employee concerns. While open and honest communication with an employee's supervisor remains the most direct and productive means of resolving workplace issues, the Ombudsman is available for the times when bringing an issue to the concern of the manager (or further up the chain of command), or HR would be uncomfortable, or in the employee's opinion, ineffective. The Ombudsman should enhance, not replace the employee-supervisor communications that is crucial to day-to-day operational success.

**Note:** Having an Ombudsman whom employees aren't familiar with or aware of is the same as not having one at all. If employees are to trust and gain a comfort level with the Ombudsman, it's simply not enough to post contact information in the common areas. The Ombudsman should maintain a presence i.e., on-site visits, organizational communications, training, events, etc, with *employees* (not management) on a regular basis, not just when there's a problem.

### Three Communications Basics:

**R-e-s-p-e-c-t-** An attitude of confrontation rather than cooperation is common where respect is not cultivated. Such attitudes undermine a harmonious, team-oriented environment. Managers should never attempt to address an issue in front of on-lookers. Employee privacy and dignity must be strictly maintained.

### **Decline 'Representative' Role-**

Although some issues are of concern to all employees, each employee's needs, goals and desires are different. Dealing directly with employees is the best way to ensure that concerns are addressed and each employee is valued.—If an employee approaches to talk to the manager about the wages, hours, or working conditions of another team member or group of employees, the

manager should decline to address the "representational" issue. All attempts to have one employee speak for one or more other employees should be dealt with by telling the person "Thanks for telling me. I'll speak to [the identified employee(s)] about it."

**Deal with Individuals Only—Never deal with one employee on behalf of another, and do not attempt to explore and adjust grievances with groups of employees—** Managers should deal with employee and issue on an individual basis, and never concede to requests or demands to handle a problem in a group. Further, the manager should tell them he/she will be glad to look into the problem and talk to each of them about it. The manager should tell one of them he/she will speak to them first and the rest can return to work. If they refuse to go back to work, or even if they do go back to work, the manager should contact his/her manager immediately.

**Handling Solicitation/Distribution: Maintain a consistent Solicitation and Distribution Policy—** It is extremely important to uniformly enforce the organization's no-solicitation policy without regard to whether the solicitation or distribution is third party-oriented or not. The bottom line here is that if Sally is selling Mary Kay in the break room, then Harry can pass out literature on the benefits of third-party representation.

Positive Employee Relations can only be achieved through diligence along with attention to the desires and sentiments of employees. Organizations should periodically audit their work force to determine whether management's relationship with its employees remains strong or whether problems exist that may make the employees receptive to representation. Management must take a very critical look at employment conditions to see whether there are areas that can be improved so that they can avoid the pitfalls.

Have a great May!

Jackie Cordell  
Legislative Advocate

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## FREE SERVICE THAT HELP YOU RECRUIT, ACCOMMODATE & RETAIN DIVERSE EMPLOYEES

You may or may not be versed in all that the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) has to offer. Knowledge is power and for those who already possess the power, a refresher can never hurt. The DOL funds the following resources that you can access for free!

[Employer Assistance and Recruiting Network](#) (EARN) offers free consulting services and resources to support the recruitment and hiring of people with disabilities. Here are some of the areas in which EARN offers:

- Employers in understanding the practical business reasons for, as well as the practices that facilitate the recruitment and hiring of people with disabilities.
- Assistance to employment service providers and jobseekers with disabilities.
- A national toll-free telephone and electronic information referral service provided by ODEP to help employers locate and recruit qualified workers with disabilities.
- Employers the Workforce Recruitment Program (WRP), a recruitment and referral program that connects federal and private sector employers with highly motivated post-secondary students with disabilities nationwide. Last year's database includes profiles of more than 1,800 pre-screened students with disabilities, from over 200 colleges and universities across the U.S., who are interested in helping you meet your summer and permanent staffing needs. Each profile contains detailed information on the student, including: major, type of degree, skills, academic achievements and prior work experience.
- A monthly employer newsletter
- Videos online to assist you with incorporating hiring/retaining employees with disabilities into your workplace. These videos are part of the [new online multi-media resource](#), ODEP calls Business \$ense, created to articulate the business case for hiring people with disabilities. It is intended to facilitate a business-to-business dialogue in six areas: return on investment, human capital, innovation, marketing, diversity and social responsibility. Those with experience recruiting people with disabilities told ODEP that employer tax credits and incentives, disability awareness training and visible top management commitment were the most important strategies to have in place for hiring people with disabilities.

[Job Accommodation Network](#) (JAN), another service provided by ODEP, staffed by experts who can provide specific guidance for employers trying to determine how to accommodate various disabilities and achieve workplace productivity enhancements. JAN accomplishes this by:

- [Supporting the employment, including self-employment and small business ownership, of people with disabilities.](#)
- [Being the most comprehensive resource for job accommodations available](#)
- Helping employers hire, retain, and promote qualified employees with disabilities; providing individualized worksite accommodation consultation and training; providing information on accommodation options and practical solutions; educating employers about their responsibilities under the Americans with Disabilities Act and Rehabilitation Act; reducing workers' compensation and other insurance costs; and addressing issues pertaining to accessibility.
- Providing [person-to-person worksite accommodation technical assistance services](#), [electronic technical assistance services](#), [a quarterly electronic newsletter](#), and [an electronic topical newsflash called Consultants' Corner](#).

[Career One Stop](#) is a U.S. Department of Labor-sponsored Web site that offers career resources and workforce information to job seekers, students, businesses, and workforce professionals to foster talent development in a global economy. It includes:

- America's Career InfoNet helps individuals explore career opportunities to make informed employment and education choices. The Web site features user-friendly occupation and industry information, salary data, career videos, education resources, self-assessment tools, career exploration assistance, and other resources that support talent development in today's fast-paced global marketplace. ([www.CareerInfoNet.org](http://www.CareerInfoNet.org))
- America's Service Locator connects individuals to employment and training opportunities available at local One-Stop Career Centers. The Web site provides contact information for a range of local work-related services, including unemployment benefits, career development, and educational opportunities. ([www.ServiceLocator.org](http://www.ServiceLocator.org))
- Competency Model Clearinghouse provides the business community with a means to communicate its skill needs to educators and the workforce system in a common industry-driven framework. The models and other competency-based resources support development of curriculum and increased awareness of careers in high-growth industries. ([www.CareerOneStop.org/CompetencyModel](http://www.CareerOneStop.org/CompetencyModel))
- Key to Career Success provides career information and links to work-related services that help veterans and military service members successfully transition to civilian careers. ([www.CareerOneStop.org/militarytransition](http://www.CareerOneStop.org/militarytransition)) state and local employment sites designed to provide assistance to job seekers and employers in one convenient location. Services vary by state and by web site but generally enable registered employers to post jobs online and search for candidates with and without disabilities that meet various specifications, such as level of education or salary range.

Sources: Hastings, Rebecca, 1/22/2009, "DOL: Some Free Services Underutilized by Employers" (article posted on [shrm.org](http://shrm.org))  
Contact information: Office of Disability Employment Policy, [www.dol.gov/odep](http://www.dol.gov/odep), [www.earnworks.com](http://www.earnworks.com) or toll free at 1-866-EARN-NOW, [www.jan.wvu.edu](http://www.jan.wvu.edu) or toll free at (800) ADA-WORK JAN can also be contacted via MySpace, Facebook, Twitter and the JAN Blog. [www.careeronestop.org](http://www.careeronestop.org) or toll free at 1-877-348-0502

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I BILL OF RIGHTS Sec. 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety. Sec. 2. All political power is inherent in the people. Government is instituted for their protection and benefit, and they have a right to alter, reform, or abolish the same, when ever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be generally revoked, or repealed by the General Assembly. Sec. 3. The people have the right to assemble together in peaceable manner, to consult for their common good, to instruct their Representatives; and to petition the General Assembly for the redress of grievances. Sec. 4. The people have the right to bear arms for their defence and security; but standing armies in time of peace are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power. Sec. 5. The right of trial by jury shall be inviolate, except that, in civil cases, it may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury. (Adopted Sept. 3, 1912.) Sec. 6. There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime. Sec. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any preference with respect to rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction. Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, except in cases of rebellion or invasion, the public safety require it. Sec. 9. All persons shall be bailable by suitable sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted. Sec. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against

2009 Law Update

## BWSHRM MOBLEY HUMAN RESOURCE CONSULTING and OGLETREE DEAKINS

Present

### EMPLOYMENT LEGISLATION AND REGULATORY UPDATE:

- What Has Changed;
- What Additional Changes To Expect; And
- What To Do Now.



**THURSDAY, JUNE 4, 2009**

#### TIME

7:30 – 11:00 a.m.

#### LOCATION

Wetherington Golf & Country Club  
7337 Country Club Lane  
West Chester, Ohio 45069  
(513) 755-2582

#### Directions:

Take I-75 to Tylersville and turn west. Go to the entrance of Wetherington Homes, which is just past Shell & Encore Café, turn right and follow to the stop at the corner of Country Club Lane. Turn right at stop sign and follow road to left. It takes you into Country Club parking lot.

#### COST

\$25.00 for members  
\$27.00 for non-members

# Program Agenda

THURSDAY, JUNE 4, 2009

- 7:30 – 8:00 a.m. Sign-in, Networking and Hot Breakfast
- 8:00 – 8:45 a.m. **THE NEW EMPLOYMENT LEGISLATIVE/REGULATORY MINEFIELD**  
*Presenter: Peter Newman (Ogletree Deakins)*
- New ADA amendments
  - New FMLA regulations
  - Ledbetter Fair Pay Act
- 8:45 – 9:30 a.m. **NEW EMPLOYEE BENEFITS**  
*Presenter: Thomas Mobley (Mobley Human Resource Consulting)*
- New COBRA subsidy and elections
  - Healthy Families Act
  - Other developments
- 9:30 – 9:45 a.m. Break
- 9:45 – 10:15 a.m. **WITH THE PASSAGE OF THE EMPLOYEE FREE CHOICE ACT (EFCA) IN DOUBT, WHAT OTHER PROPOSED LABOR AND EMPLOYMENT CHANGES SHOULD EMPLOYERS WATCH?**  
*Presenter: Peter Newman (Ogletree Deakins)*
- A potential EFCA compromise based on Senator Arlen Specter's proposal
  - The RESPECT Act
  - The New Obama National Labor Relations Board (NLRB)
  - Increased Department of Labor enforcement of wage claims
- 10:15 – 10:45 a.m. **WHAT OTHER CHANGES ARE ON THE HORIZON?**  
*Presenter: Thomas Mobley (Mobley Human Resource Consulting)*
- Protectionism
  - More "pro-family" legislation
  - A new protected class for gay and lesbian employees
- 10:45 – 11:00 a.m. Questions and Answers

## Registration

Please RSVP by Friday, May 29th

### CONTACT

Angela Sherrick at [asherrick@generalrevenue.com](mailto:asherrick@generalrevenue.com)

We look forward to seeing you!

