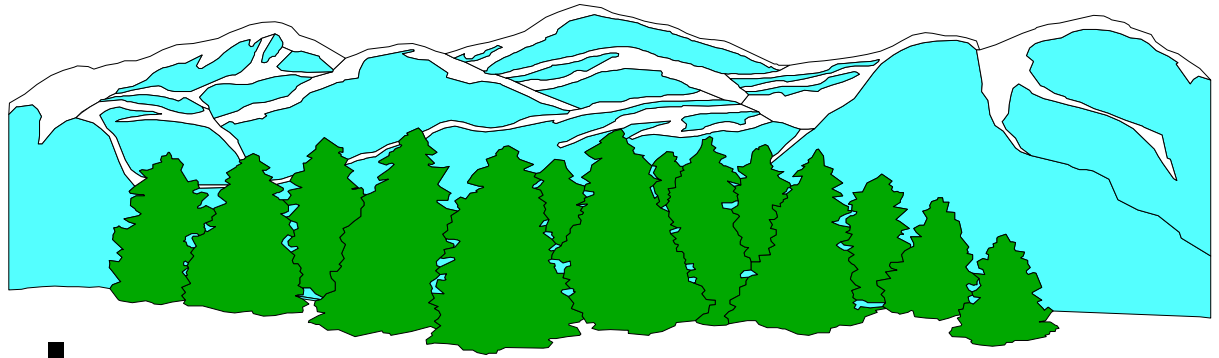


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SOCIETY FOR
HUMAN
RESOURCE
MANAGEMENT



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NEW RIVER VALLEY CHAPTER

Greetings From The President

August 1, 2001

Hope everyone had a safe and fun 4th of July! A big thanks to Todd Leeson from Flippin, Densmore, Rutherford and Jessee who at our July meeting gave our group updates and thought provoking questions regarding "hot" personnel policies such as workplace violence, electronic mail and internet use, harassment, and layoff and severance issues. If you were unable to attend and would like a copy of the handout, please contact me.

Davis Walker and I attended the Virginia SHRM State Council meeting on July 20. The meeting was hosted by and held at the Hershey Plant in Stuarts Draft, Virginia. What a great host – and yes, the candy wasn't bad either! From the meeting I realized that many of our members might not know or understand what the State Council is all about. To raise your awareness, I have included an article on the importance of the State Council later in this newsletter.

In the next issue I will share information from Betsy Knight, the National SHRM Vice President of Membership.

Don't forget to sign up for the "Organization Workshop" on August 16 with Paula Wilder as our guest speaker!

See you soon,

Cindy

VIRGINIA SUPREME COURT DETERMINES THAT NON-COMPETE AGREEMENT IS OVERBROAD

Written by Todd A. Leeson, Flippin, Densmore, Morse & Jessee

In Motion Control Systems, Inc. v. East, Record No. 001940 (Va. Sup. Ct. June 8, 2001), the Virginia Supreme Court decided two important issues relating to non-compete agreements and alleged trade secret violations.

As you may know, Motion Control Systems (“MCS”) designs and manufactures high performance drive systems including brushless motors. Like many high-tech employers, MCS asks its employees to sign non-compete agreements. The agreement at issue in this case prohibited the employee, in pertinent part, from leaving MCS and going to work for “any business similar to the type of business conducted by the company.” The agreement then defined the term “similar business” to include “any business that designs, manufacturers, sells or distributes motors, motor drives or motor controls.” After some negotiations, the employee signed the agreement. The employee thereafter left MCS and went to work for another company in the New River Valley. Litigation followed.

The Virginia Supreme Court concluded that the non-compete agreement was overbroad. The court noted that it had previously upheld agreements that prohibited employees from working for “similar businesses.” The court concluded, however, that the MCS agreement went too far when it defined the term “similar business” more broadly than its actual business. Thus, the court concluded that the agreement was overbroad and therefore unenforceable.

The Court also decided a trade secrets issue. As you may know, Virginia has enacted a Trade Secrets Act that prohibits a person from using or disclosing an employer’s trade secrets. In this case, the trial court issued an injunction enjoining the employee from disclosing MCS’s trade secrets because the employee had “knowledge of MCS’s trade secrets.” The Supreme Court held that the injunction was improper because there was no finding that the employee had “actually disclosed or threatened to disclose such information.” The court further held that “mere knowledge of trade secrets is insufficient to support an injunction.”

This is an important case for employers. It confirms that courts will only enforce non-compete agreements if they are drafted very narrowly. In addition, if an employer believes that a former employee is misappropriating the employer’s trade secrets, the employer cannot obtain injunctive relief merely by showing that the employee has knowledge of the company’s trade secrets and is working for a competitor.

ANNOUNCEMENT: Jim Cowan Relocates to CRC Office

To respond to the growing needs of our clients, the law firm of Flippin, Densmore, Morse & Jessee is pleased to announce that James K. Cowan, Jr., a principal at the firm, has relocated to the firm's Blacksburg office at the Virginia Tech Corporate Research Center. Mr. Cowan is already well known among Blacksburg area businesses as he has regularly practiced in the CRC office with many of the firm's Roanoke attorneys since opening in March 2000. He will be joining the CRC team of Scott W. Fancher, Esq., Jeffery K. Mitchell, Esq. - Of Counsel, and Kathy Johnston, Office Manager.

Mr. Cowan is a graduate of Towson State University (B.S., summa cum laude, 1991) and Washington & Lee University (J.D., 1994), and has been with Flippin Densmore since 1997. He serves on the Board of Directors with the Botetourt County Chamber of Commerce (Past President, 2000 – 2001), and the Board of Directors of both the Roanoke Valley and the New River Valley Society for Human Resource Management. He serves as an advisor to the New Century Venture Center, and has been a member of the Workforce Development Committee of the New Century Technology Council.

Mr. Cowan's practice focuses on Labor, Employment Law as well as Technology Law for clients around the Roanoke, New River and Lynchburg regions.

Chapter Industrial Meeting

Be sure to mark your calendars to attend the next meeting that will be held on Tuesday, August 14, 2001, at Shoney's Restaurant in Christiansburg. This meeting is held on the second Tuesday of every month and meets at 7:00 a.m.

Board of Directors Meeting

The monthly Board meeting will be held on Wednesday, August 8, 2001, at Bright Services in Christiansburg. This meeting is usually held on the second Wednesday of every month at 5:00 p.m. Any Board member who cannot attend should contact Cindy Hale at 639-1199 or e-mail to chale@bsi-va.com.

Membership / Treasurer Update

Welcome new members!

Cindy Mikoychik, PHR Certified
Alliant Techsystems
P.O. Box 1
Radford, VA 24143-0100
Phone: (540) 639-8656
Fax: (540) 639-8395
e-mail: Cindy_Mikoychik@atk.com

Doug Howell, HR Manager
Intermet/ New River Foundry
1701 1st Street
Radford, VA 24141
Phone: (540) 731-0505
Fax: (540) 731-9057
e-mail: dshowell@I-plus.net

Doug McEldowney, HR Director
Duncan Automotive Network
2050 Roanoke Street
Christiansburg, VA 24073
Phone: (540) 381-3200
Fax: (540) 381-3229
e-mail: DmcEldowney@duncanauto.net

Please make a necessary change to your membership handbooks:

Chuck Swain's fax number is incorrect. The correct number should be: (540) 552-3929.

I look forward to seeing you all at the August meeting!

~Christy

Articles for SHRM Newsletter

Articles for each month's newsletter are due on the last Tuesday of the previous month. For September's newsletter, the deadline would be August 28, 2001. They may be sent to Karen Edmonds at kedmonds@naxs.net

Chapter Financial Activity Report

Balance as of June 30, 2001 **\$5141.24**

Deposits:

07/31/01- Membership Dues/ 1st quarter payment \$ 532.50

Withdrawals:

7/23/01- Cindy Hale (SHRM brkfst reimbursement) \$ 18.00

Total Balance as of July 31, 2001 *\$ 5655.74*

Disability Friendly Strategies for the Workplace

Business Matters, Summer 2001

By Bridget Porterfield, Diversity Coordinator

- 1. Make a corporate commitment to include persons with disabilities among your stakeholders.**
 - ✓ Is the CEO committed to a disability friendly workplace?
 - ✓ Are workers with disabilities employed at all skill levels?
 - ✓ Are your products/services marketed to customers with disabilities?
- 2. Educate all staff on disability.**
 - ✓ Does new staff orientation include disability awareness training, with materials available in alternate formats such as large print, Braille, and captioning?
- 3. Provide ongoing information on disability.**
 - ✓ Does staff receive information that could be helpful at work, at home or at school?
 - ✓ Is disability information provided routinely in the company newsletter or on an intranet site?
 - ✓ Are disability resources in the community contacted to help injured workers return to the workplace as soon as possible?
- 4. Form a disability support group.**
 - ✓ Do employees with disabilities meet to discuss disability employment issues and have authority to make recommendations to management?
 - ✓ Is all staff aware of this group and the contributions it makes to corporate success?
- 5. Provide accessible facilities and services.**
 - ✓ Are buildings, parking areas, workspaces, and communication systems accessible to persons with disabilities?
- 6. Accommodate applicants and workers with disabilities.**
 - ✓ Are applicants and employees informed that accommodations are available if needed?
 - ✓ Does staff stay abreast of new developments in universal and assistive technology?
 - ✓ Project a disability friendly image to attract candidates and customers with disabilities.
 - ✓ Do recruiters search for resumes on disability-related Web sites?
 - ✓ Are persons with disabilities targeted for company advertising?
 - ✓ Are recruiters and other personnel responsible for establishing working relationships with community agencies serving applicants with disabilities?
- 7. Hire applicants with disabilities.**
 - ✓ Do recruiters regularly attend employment fairs for candidates with disabilities or target students at colleges?
 - ✓ Are employees offered incentive bonuses for referring applicants with disabilities?

8. Train and advance employees with disabilities.

- ✓ Do employees with disabilities routinely participate in employer-sponsored training opportunities?
- ✓ Are procedures in place to promote qualified employees with disabilities to management and supervisory positions?

8. Encourage staff to volunteer in the community.

- ✓ Is staff encouraged to build relationships with disability community service organizations during work hours?
- ✓ Does staff make regular visits to high schools to inform administrators, teachers and students (including students with disabilities) about scheduled open houses and job trends in your industry?

Employer Network

Mark your calendars for next **Employer Network** meeting on August 23 at Stone's Cafeteria in Christiansburg. The meeting is held every 4th Thursday of the month from 8 am-10 am. Breakfast begins at 8 am and the meeting begins at 8:30 am. The cost is \$6.00. The **Employer Network** brings various community organizations and local employers together to better serve the needs of those seeking employment. There is no membership fee. It's a great way to network, recruit employees, and advertise your business.

John Shaw, Sales Manager from High Peak Sportswear in Blacksburg spoke at this month's meeting. High Peak Sportswear offers screen-printing and embroidery services. They have four offices: Blacksburg, Roanoke, Lynchburg, and Charlottesville.

If you are interested in speaking, please contact Bridget Porterfield at (540) 639-9027 or Shaun Merrix at (540) 381-7122.

Job Fair

The **Workforce Development Center** is hosting a job fair on August 14 from 10 am-4 pm at 106 Town Center Dublin, VA. You may, however, set up your booth the day before. Any business interested in setting up a booth may contact Linda Matthews at (540) 674-1721. Several businesses have already reserved booths. Hurry to get a spot!!

July 10, 2001 Meeting of SHRM Board

Attendees: Cindy Hale, Chuck Swain, Christy McNeil, Judith Jones, Stacye Lucas, Keith Foreman, Jim Cowan, Karen Edmonds

Items Discussed:

- Cindy announced the Virginia SHRM State Council meeting to be held in Stuarts Draft on July 20. She invited any Board members who could attend to do so.
- The November Corning tour will not work out. Other industries and organizations were suggested to consider as a replacement option.
- It was suggested that the Membership Committee and Public Relations Committee be joined and Keith Foreman agreed to chair the combined group.
- Stacye Lucas has accepted the Web Site Committee Chair. Stacye asked the Board for any suggestions in the site development process.

2001 HR ODYSSEY

Virginia SHRM State Conference

September 23, 24, 25

Keynote Speakers – two best selling authors:

Otto Kroeger, author of "Type Talk"

Marcus Buckingham, author of "First Break All the Rules"

Hosted by Hampton Roads SHRM

For further details visit www.hrshrm.org

SHRM STATE COUNCIL

The **MISSIONS** of the State Council are:

- To provide a forum for chapters to discuss common issues, problems, concerns, and to share ideas and successes;
- To facilitate information from chapters and the state council to the area and national boards and from the area and national boards to the state council and chapters;
- To represent SHRM by visiting chapters and sharing with individual members the services and benefits offered by SHRM;
- To assess needs of members and chapters, and meet those needs by securing and/or providing information;
- To adopt programs that will promote the progress, visibility and welfare of SHRM and its members in the human resources profession;
- To communicate with those SHRM members within the state who are not affiliated with a particular chapter (considered at-large members); and
- To coordinate state and national legislative initiatives.

The **VISION** of the Virginia SHRM State Council is to be the state voice of the human resources profession.

Our State Council has 25 Members, not including the 27 Chapter Presidents and President Elects. Our Chapter has been represented at each of the quarterly meetings this year and has gained a great deal of insight to what other chapters are doing and the issues they face.

A little trivia provided by Shelly Prochaska, Area II Manager – Area II includes Florida, North Carolina, South Carolina, Virginia, Alabama, Georgia, Washington, West Virginia, Puerto Rico, Bahamas, and Virgin Islands). There are in Area II: 122 Chapters; 37,939 Members; 12,546 Certified Members (33%); 48% are SHRM members

CERTIFICATION IN PROFESSIONAL HUMAN RESOURCES MANAGEMENT

Bluefield College is offering a class to help prepare students for the PHR/SPHR Exam on December 1, 2001.

Class Site & Times

Bluefield College – Roanoke Higher Education Center
108 N. Jefferson Street, Suite 513
Roanoke, VA 24016
(540) 767-6050 or (800) 817-3554

September 8, 2001 – November 17, 2001

9:00 a.m. through 12:00 noon

No class on September 29 (Labor Day Weekend)

Course Fee

\$795, which includes the SHRM Learning System

Registration

Deadline is August 15, 2001

Call Coy Renick at (540) 767-6050 or (800) 817-3554

2001 Calendar of Events & Annual Meeting Schedule

January 18, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 am. Flippin, Densmore, Morse & Jessee "Legislative Update"
James K. Cowan, Jr. / New regulations regarding Affirmative Action Plans and OFCCP audits

February 15, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Dr. Basil Gooden / NRV-NAACP "Diversity, how the NAACP can help your business"

March 15, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, **7:30 a.m.-10:00 a.m.**
Theresa Turner / Draper Aden Workshop - "Salary & Benefits Strategies that Attract and Retain Employees"

April 19, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m. Flippin, Densmore, Morse & Jessee "Legislative Update"
Bruce Larson – Immigration & I-9

May 11, 2001 NRV-SHRM 7TH ANNUAL CAPTAIN'S CHOICE GOLF OUTING AT AUBURN HILLS GOLF COURSE (Note: Information in this newsletter and more to follow as we get closer...)

May 17, 2001 NRV-SHRM Breakfast Meeting at Stone's Cafeteria in Christiansburg, **7:30 a.m. – 12:00 noon**
Eileen Van Aiken / Enterprise Engineering Research Lab at VT Seminar - "Linking Organizational Vision and Action"

June 21, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m. Woods, Rogers and Hazlegrove, "The Contingent Workforce"
Bayard Harris, Victor Cardwell, and Dudley Woody

July 19, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m. Flippin, Densmore, Morse & Jessee "Legislative Update"
Todd Leeson / Personnel Policy Update (including e-mail and workplace violence issues)

PLEASE BE SURE TO E-MAIL SUSANNE ALLORE AT sallore@nrbindustries.com BY TUESDAY, AUGUST 14, 2001 OR RETURN THE ENCLOSED FAX SHEET IF YOU ARE PLANNING TO ATTEND THIS BREAKFAST MEETING. IT IS IMPORTANT THAT SUSANNE GET AN ACCURATE COUNT OF PEOPLE SO THAT THE STAFF AT STONE'S CAN PREPARE FOOD ACCORDINGLY.

August 16, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, **7:30 a.m.-10:00 a.m.**
Paula Wilder, WIT Associates Seminar - "The Organization Workshop"

September 20, 2001 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m. Flippin, Densmore, Morse & Jessee "Legislative Update"
Clint Morse / Annual Labor and Union Organizing update

October 18, 2001 NRV-SHRM Breakfast Meeting at Stone's Cafeteria, 7:30 a.m.
Steve Zimmerman/International Dir. for Virginia SHRM State Council "Global Forum and International HR"

November 15, 2001 NRV-SHRM Breakfast Meeting at Corning, Inc. 7:30 a.m.
Employee Teams Best Practices and tour of Corning facility hosted by Joe Cardos

Season's Greetings



December 20, 2001 NRV-SHRM Winter Social 5:00 p.m. – 7:00 p.m. **Location TBD**

January 17, 2002 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 am. Flippin, Densmore, Morse & Jessee "Legislative Update" **Topic & Speaker TBD**

Legislative Representatives

Virginia:

Delegate James Shuler
Room 818 General Assembly Building
P.O. Box 406
Richmond, VA 23218
(804) 698-1012

Senator Madison Marye
Room 426 General Assembly Building
Richmond, VA 23219
(804) 698-7539

Delegate W. B. (Benny) Keister
Room 819 General Assembly Building
Capitol Square
Richmond, VA 23219
(804) 698-1007

Senator Malfourd W. Trumbo
Room 312 General Assembly Building
Capitol Square
Richmond, VA 23219
(804) 698-7522

U.S.:

Senator John Warner
225 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-2023
Fax (202) 224-6295

Senator George Allen
708 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-4024
Fax (202) 228-2138

Representative Frederick Boucher
2187 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-3861
Fax (202) 225-0442

**SOCIETY FOR HUMAN RESOURCE MANAGEMENT
NEW RIVER VALLEY CHAPTER**

**FACSIMILE TRANSMISSION LEAD SHEET
RESERVATION FORM**

To: Susanne Allore (e-mail sallore@nrbindustries.com)
Company Name: NRB Industries
Fax Number: (540) 731-8503 **Phone Number:** (540) 731-8023
Total Number of Pages (Including Fax Lead Sheet): 1

From: _____
Company Name: _____
Fax Number: _____ **Phone Number:** _____

PLEASE E-MAIL OR FAX THIS FORM TO SUSANNE ALLORE BY TUESDAY, AUGUST 14, 2001, IF YOU ARE PLANNING TO ATTEND THE NEXT BREAKFAST MEETING! IT IS IMPORTANT THAT SUSANNE GETS AN ACCURATE COUNT OF PEOPLE SO THAT THE STAFF AT STONE'S CAN PREPARE FOOD ACCORDINGLY. THEY WILL PREPARE FOOD IN ACCORDANCE ONLY WITH THE TALLY OF PEOPLE PROVIDED TO THEM BASED ON SUSANNE'S RESPONSE FAXES.

- I plan to attend the BREAKFAST MEETING on Thursday, August 16, 2001 at Stone's
I will be bringing _____ guests
I will be having coffee ONLY _____

Please list topic suggestions for future breakfast meetings: