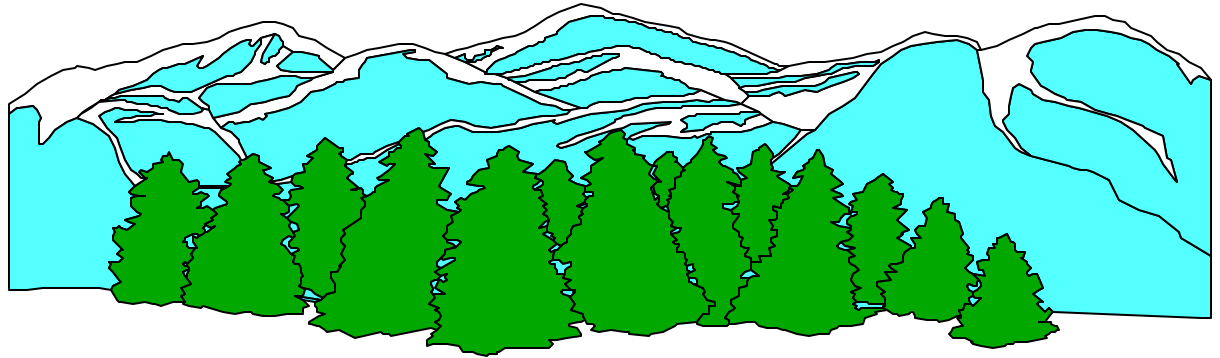


AFFILIATE OF



SOCIETY FOR
HUMAN
RESOURCE
MANAGEMENT



NEW RIVER VALLEY CHAPTER

Greetings From The President

May 1, 2002

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I want to thank Victor Cardwell, Dudley Woody and Alison Skinner, from Woods, Rogers & Hazelgrove presenting a program on “Legal and Practical Considerations for Terminations” It was encouraging to see so many folks attend, it is a sign that we are delivering the value to you.

The Annual Golf outing was a real success, although my team felt somewhat cheated when we found out that the highest score wasn't the winner! We will remember that for next years event. Our thanks go out to Bob Griffin for putting the event together and the following companies who provided gifts:

Flippin, Densmore, Morse and Jessee; TMD Friction; Electro-Tec Corp.; Monsour Group; Manpower; Adecco; BSI; Montgomery Regional Hospital; Federal-Mogul; NRB Industries, Woods, Rogers And Hazelgrove; Town of Blacksburg; Hoover Color

May 16th we have Mary Beth Nash of Gentry, Locke, Rakes & Moore Covering “Risk Management” this is sure to be valuable to you and your organizations. As always if you want a quick reference to upcoming events or recent newsletters you can access them on our web site ([nrvshrm](http://nrvshrm.com)).

There are a couple of items that need announcement:

- The Virginia SHRM conference will be held in Roanoke this year, this is an excellent educational event, if you can only attend one this year this should be it. It will be at the hotel Roanoke on October 9-11. Donna Tyson (www.drtyson.com) is scheduled to appear as well as Roosevelt Thomas (www.aimd.org) The event committee is currently seeking RFP's from additional presenters for more information on this visit the Roanoke SHRM website (www.rvshrm.org).
- Again, The State council will hold it's quarterly meeting in Christiansburg, May 24th (tentatively) at the Farmhouse restaurant, I am seeking volunteers / sponsors to assist in preparation for this event. If you can help or know of folks who would be interested please Contact me (cswain@kaydon.com).

Thanks and I look forward to seeing you at the May meeting.

Chuck

Chapter Industrial Meeting

Be sure to mark your calendars to attend the next meeting that will be held on Tuesday, May 14, 2002, at Stone's Cafeteria 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, May 8, 2002, at Applebee's Restaurant. 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 Chuck Swain at 557-5384 or e-mail to cswain@kaydon.com.

Chapter Financial Activity Report

Balance as of February 28, 2002	<u>\$6,377.56</u>
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Deposits:

3/04/02 2002 Membership Dues	90.00
3/22/02 2002 Membership Dues	270.00

Withdrawals:

Check #379 3/13/02	
Applebees – Board Meeting	50.00

Balance as of March 31, 2002	<u>\$6,687.56</u>
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Salary Survey Committee

The 2002 salary survey is now complete. SHRM members who responded to the survey will receive their copy during the first week of May. Although this is the first year the survey was distributed and returned electronically, the process went relatively well. The 2002 survey includes several new office and customer service positions. SHRM members who did not return a survey can purchase a copy of the survey results by contacting Bob Griffin (bgriffin@tmdfriction.com or 540-674-3555).

PHR/ SPHR Certification

The NRV Chapter of SHRM is currently looking for members who are interested in taking the certification exam in December. We are now in the process of forming a study group that would meet beginning in August to prepare for the certification exam. The chapter has an HRCI Learning System to share and is looking for potential members to join the study group. If you are planning to take the PHR/SPHR Certification Exam in December and would like to join this study group, please contact

Lorraine Wachsman (961-2623 or lwachsma@warmhearth.org).

Diversity Update

(By Bridget Porterfield / bporterfield@goodwill-th-valleys.com)

Many of you have mentioned an interest in Diversity Training for your organization. I recently found an individual from Department of Rehabilitative Services that offers this training to organizations. The training does not focus on disabilities alone, but on a variety of diversity issues. Please contact me (540) 639-9027 x 116 if you are interested.

I would like to thank Jim Cowan for presenting at April's Employer Network Meeting. Jim gave a very informative presentation on ADA. The next Employer Network Meeting is May 23 at 8 am at Stone's Cafeteria in Christiansburg. Manpower and Blue Ridge Employment Weekly will be presenting. Bring a friend!

Legislative Update

(From Jim Cowan/ cowan@flippindensmore.com)

Supreme Court Invalidates DOL Penalty for Failure to Designate FMLA Leave in Advance Employment / Labor / Immigration
April, 2002

On March 19, 2002, the United States Supreme Court refused to permit a penalty on an employer who had failed to give advance notice that an employee's leave was designated as leave under the Family and Medical Leave Act of 1993 (or FMLA). Interpretive regulations of the Secretary of Labor, issued in 1995, resulted in an additional 12 weeks of leave if an employer failed to notify the employee that the leave counted as FMLA leave.

In *Ragsdale v. Wolverine World Wide Inc.* (No. 00-6029), a divided Supreme Court held that the regulation penalizing employers with additional leave, 29 CFR Section 825.700(a) (2001), is "contrary to the [FMLA] and beyond the Secretary of Labor's authority," 535 U.S. ___, 122 S.Ct. 1155, 2002 U.S. LEXIS 1936, 70 U.S.L.W. 4191 (2002).

Petitioner Tracy Ragsdale took medical leave in 1996 when cancer kept her out of work. Respondent Wolverine World Wide, Inc., granted her 30 weeks' leave but did not notify her that 12 weeks of the absence would count as FMLA leave. She was unable to return to work at the end of the leave and sought a further extension. The company refused and terminated her employment when she did not come back to work. In striking down the penalty of additional leave in this case, the Supreme Court relied in part on the fact that the regulation permitted Ragsdale to bring suit without showing that her employer's failure to give notice interfered with the exercise of her rights under the FMLA. The Supreme Court held that additional remedies (reinstatement and back pay) were also inappropriate in this case and said: "By mandating these results absent a showing of consequential harm, the regulation worked an end run around important limitations of the statute's remedial scheme."

The Ragsdale decision leaves open the possibility that, if an employee's rights are prejudiced by the employer's failure to give advance notice, the penalty might still apply. An example might be an employee who needs intermittent leave but is unaware that intermittent leave may qualify under the FMLA and therefore exhausts FMLA entitlement by taking 12 weeks of FMLA leave all at once. The Supreme Court refused to declare whether "the notice and designation requirements are themselves valid or whether other means of enforcing them might be consistent with the statute. Whatever the bounds of the Secretary's discretion, they were exceeded here."

Until the Supreme Court decides the next FMLA case, employers can take some comfort from this decision, but they should not stop giving FMLA notice to employees "within one or two business days if feasible" (Section 825.301(c)) when they take medical or other FMLA leave. The notice should be in writing and should give detailed information about the employee's rights and duties. For detailed information on notices that employers must provide under the FMLA, see the U.S. Department of Labor's website:

<http://www.dol.gov/dol/esa/public/regs/compliance/whd/1421.htm>. Look for the section entitled "Employer Notices." This portion of the site also contains a link to Form WH-381, which can be used to provide the required notice.

Laura Effel

ph. 540-510-3026/ effel@flippindensmore.com/ URL: Laura Effel

Board Meeting Minutes

Date: April 10, 2002

Location: Applebee's Restaurant

Attendees: Chuck Swain, Karen Edmonds, Keith Foreman, Melani Bland, Bridget Porterfield, Lorraine Wachsman, Bob Griffin, Jim Cowan, Bruce Jennings, Cindy Hale, Melissa Zienius and Mike Aamodt

- Pictures were taken of the Board to be sent along with a press release to the local papers announcing the 2002 Board appointments.
- Planning will begin for the August picnic and volunteers for the planning committee will be needed. An announcement to be made at the next meeting.
- The wage survey is almost complete and results will be distributed by email in May.
- Confirmations on reservations for the golf outing were discussed and a final request for participants was made to the membership at the April meeting.
- Paid advertising for the newsletter will be considered for future issues as a source of revenue for the chapter. Keith will research pricing and other information with the Roanoke Chapter.
- A vote was taken and approved to purchase an updated version of the HRCI Learning System for the chapter's use. Planning will begin to hold a training course for those members who are interested in taking the Certification exam in December.

Membership/Public Relations Committee Minutes

As you are reading highlights from the month of April the 2002 Member Roster and Handbook is finalized and going to print. I would like to thank all committee members for the time volunteered to make this happen. The Membership Committee also discussed promoting advertising in our monthly newsletter to establish a scholarship fund. Look for details in the next newsletter.

Look forward to seeing everyone at our next meeting.

Keith

SHRM National :May Membership Special!

SHRM National announced May membership special for all new national members. Online membership application is available at www.shrm.org/join

Here is how the program works:

- The promotion begins Wednesday, May 1, 2002.
- This special offer is valid through Friday, May 31, 2002.
- New members who join SHRM online join at the \$145 rate.

For every chapter member who joins SHRM national during the online promotion, our chapter will receive credit toward affiliation goals and chapter financial support!

Articles for SHRM Newsletter

Articles for each month's newsletter are due on the last Tuesday of the previous month. For the **June** newsletter, the deadline would be **May 28, 2002**. They may be sent to the Chapter's secretary, Melani Bland, at melani.bland@na.manpower.com Melani's telephone number is 540-381-2386 and fax 381-2388.

2002 Calendar of Events & Annual Meeting Schedule

- January 17, 2002 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
James Cowan, Flippin, Densmore, Morse & Jessee “Legislative Update--Compensation Discrimination”
- February 21, 2002 NRV-SHRM Breakfast Meeting at EchoStar in Christiansburg, 7:30 a.m.
Tour of EchoStar Facility in Christiansburg
- March 21, 2002 NRV-SHRM Breakfast Meeting at Stone’s Cafeteria in Christiansburg, 7:30 a.m.
Andrew Monsour, The Monsour Group “HR’s Role in Employee Financial Education”
- April 18, 2002. NRV-SHRM Breakfast Meeting at Stone’s Cafeteria in Christiansburg, 7:30 a.m.
Tom Winn & Allison Skinner, Woods, Rogers & Hazlegrove “Legal & Practical Considerations for Terminations”
- April 26, 2002. NRV-SHRM 8TH ANNUAL CAPTAIN’S CHOICE GOLF OUTING at Auburn Hills
- May 16, 2002. NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Mary Beth Nash, Gentry, Locke, Rakes & Moore “Risk Management”

****PLEASE BE SURE TO “REPLY” TO THIS E-MAIL FROM MELANI BLAND (melani.bland@na.manpower.com) BY TUESDAY, MAY 14TH IF YOU ARE PLANNING TO ATTEND THE APRIL MEETING. PLEASE INDICATE IF YOU WILL BE HAVING BREAKFAST OR “COFFEE ONLY” AND LET US KNOW IF YOU WILL BE BRINGING ANY GUESTS. IT IS IMPORTANT THAT WE GET AN ACCURATE COUNT OF PEOPLE SO THAT FOOD AND HANDOUTS CAN BE PREPARED ACCORDINGLY. THANK YOU ****

- June 20, 2002. NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Victor Cardwell & Agnis Chakravorty, Woods, Rogers & Hazlegrove “Trial byFire: A “First Class” Look at Workplace Violence”
- July 18, 2002. NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Todd Leeson, Flippin, Densmore, Morse & Jessee “Recent Court Cases Update”/ “Certification Update”
- August, 2002. NRV-SHRM PICNIC
Marcy Engle, SHRM Foundation
- September 19, 2002. NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Mike Aamodt, Radford University “Innovations in Employee Selection”
“Invite Your Manager” Day
- October 17, 2002 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Clinton Morse, Flippin, Densmore, Morse & Jessee “Annual ‘State of the Union’ Legislative Update”
- November 21, 2002 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Bobby Raynes, Personnel Research Associates “Resolving Workplace Conflicts”
- December 19, 2002 NRV-SHRM WINTER SOCIAL 5:00-7:00 p.m., Farmhouse Restaurant
- January 16, 2003 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
Flippin, Densmore, Morse & Jessee “Legislative Update”/ Installation of Officers
- February 20, 2003 NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.
TBA

Legislative Representatives

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Delegate W. B. (Benny) Keister (6TH Dis.)
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