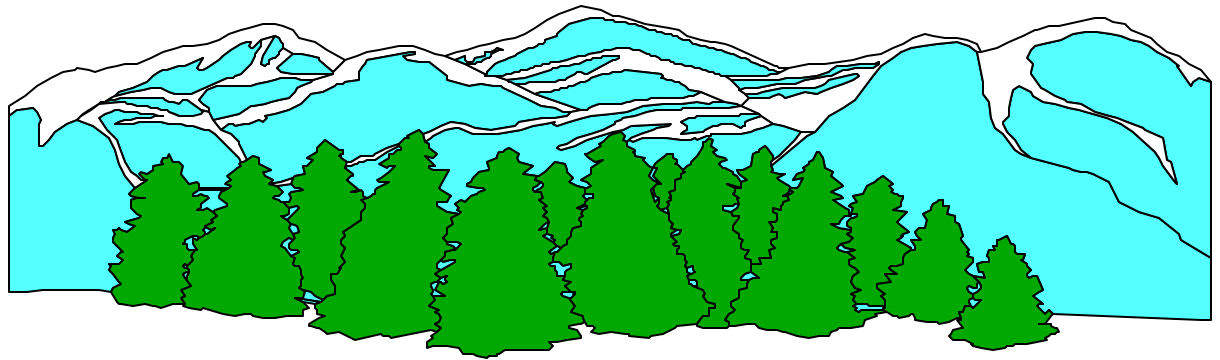


AFFILIATE OF



SOCIETY FOR  
HUMAN  
RESOURCE  
MANAGEMENT



## NEW RIVER VALLEY CHAPTER

### Greetings From The President

July 1, 2002

#### Board of Directors

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Student Chapter Liaison  
831-5513 maamodt@runet.edu

In the words of Sheryl Crow “I said a change, (a change) will do you good...”

Well we have changed the location for the next meeting. We will be meeting at Famous Anthony’s in Blacksburg this month. I am excited about the new location, and look forward to hearing your input as well. The breakfast items will be off the menu and range in price from ~ \$3.00 to \$7.00.

I want to thank Dan Summerlin and John Richmond, from Woods, Rogers and Hazelgrove for presenting a program on workplace violence. They hung in there and worked through their technical difficulties.

The brief presentation from Stacey Price of the Virginia Economic Bridge ([www.virginiaeconomicbridge.org](http://www.virginiaeconomicbridge.org)) was educational. This relationship will allow our needs regarding workforce development to be known by the appropriate persons. I also wanted to thank Matt Perry of the Carilion New River Valley Medical Center ([www.carilion.com](http://www.carilion.com)) for his informative presentation, it was very relevant and well received.

July 18<sup>th</sup> Todd Leeson of Flippin, Densmore, Morse and Jessee will be presenting “Recent Court Cases Update” / and Lorraine Wachsman will give a “Certification Update” 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 ([www.nrvshrm.com](http://www.nrvshrm.com)).

#### Remember:

- 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](http://www.drtyson.com)) is scheduled to appear as well as Roosevelt Thomas ([www.aimd.org](http://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](http://www.rvshrm.org)).

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

*Chuck*

## **IMPORTANT ANNOUNCEMENT!**

ATTENTION ALL MEMBERS: The meeting scheduled for Thursday, July 18, 2002 will be moved to a new location. Famous Anthony's Restaurant in Blacksburg will be the new site for all regular meetings until further notice. Famous Anthony's is located at 1353 S. Main St. in Blacksburg and is in the Blacksburg Square strip mall between Dollar General and Adelphia Cable. We will be emailing a reminder for this month's meeting with more detailed directions. Please feel free to contact Melani Bland at (540) 381-2386 or [melani.bland@na.manpower.com](mailto:melani.bland@na.manpower.com) for more information.

### **Chapter Industrial Meeting**

Be sure to mark your calendars to attend the next meeting that will be held on Tuesday, July 9, 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.

*\*Notice: If you are currently attending or are interested in attending the industrial meeting and would like a reminder notice e-mailed to you, please contact Melani Bland at (540) 381-2386 or [melani.bland@na.manpower.com](mailto:melani.bland@na.manpower.com). We will be happy to add you to the reminder list so that you will be informed about upcoming meetings.*

### **Board of Directors Meeting**

The monthly Board meeting will be held on Wednesday, July 10, 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](mailto:cswain@kaydon.com).

### **Membership/Public Relations Committee**

Due to scheduling conflicts and summer vacations our committee did not meet in June and will not meet again until September. Enjoy your fun in the sun and have a safe summer.

Please join me in welcoming two of our newest members:

Dina Imbriani  
General Sales Manager  
Blue Ridge Employment Weekly  
347 W. Campbell Avenue  
Roanoke, VA 24016  
Phone: 540-777-6822  
Fax: 540-777-6830  
Email: [dinai@roanoke.com](mailto:dinai@roanoke.com)  
National Member

Heather Tickle  
Account Supervisor  
Bright Services  
401 Depot Street  
Christiansburg, VA 24073  
Phone: 540-382-7213  
Fax: 540-381-1760  
Email: [Heathert@brightservices.net](mailto:Heathert@brightservices.net)

Also please forgive the omission and note in your 2002 Roster & Handbook:

Colette Donnelly  
Personnel Assistant  
Hubbell Lighting, Inc.  
2000 Electric Way  
Christiansburg, VA 24073  
Phone: 540-381-3562  
Fax: 540-382-1526  
Email: [Cjdonnelly@hubbell-ltg.com](mailto:Cjdonnelly@hubbell-ltg.com)

Look forward to seeing everyone at our next meeting.

*Keith*

## Chapter Financial Activity Report

**Balance as of April 30, 2002** **\$5,324.83**

### **Deposits:**

5/06//02 2002 Membership Dues, Golf Outing Receipts and ElectroTec Reimbursement for ck#383&390	750.00
5/24/02 Membership Dues	165.00

### **Withdrawals:**

Check #386 5/14/02 Luna Innovations – 2002 Dues Paid Twice	40.00
Check #387 5/16/02 Stone’s Cafeteria – Meeting Guest	12.00
Check #388 5/16/02 Chuck Swain (Applebees) –Board Meeting	45.00
Check #389 5/16/02 Virginia SHRM State Council – 2002 Chapter Dues	113.00
Check #390 5/23/02 Outback – ElectroTec State Council Gift (Reimbursed 5/6/02 Deposit)	50.00
Check #391 5/24/02 Virginia SHRM State Council Meeting – Farmhouse (Meeting sponsors invoiced \$350.00 in June)	350.00
Check #392 5/31/02 Old Town Printing & Copying – 2002 Handbook & Roster	392.95

**Balance as of May 31, 2002** **\$5,236.88**

## 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).

## HIPAA Privacy Regulations Seminar

There will be a free seminar on Thursday, August 1, 2002 for a HIPAA overview and update on Cobra regulations held at the Wyndham Hotel in Roanoke (9am to 11-30am). To register call: (540) 342-8977 or email: [lcrafft@hcc-va.com](mailto:lcrafft@hcc-va.com)

*\*\* More information is attached to last page of the newsletter.*

## Legislative Update

Article provided by Jim Cowan/ [cowan@flippindensmore.com](mailto:cowan@flippindensmore.com)

Employment / Labor / Immigration  
June, 2002

In a closely-watched case decided last month, *US Airways v. Barnett*, the United States Supreme Court ruled that an employer ordinarily will not be required to violate a seniority system to comply with the Americans With Disabilities Act ("ADA"). In a 5-4 decision, the Court ruled that it was not a "reasonable accommodation" for an employer to give preference to a disabled employee by permanently awarding him a position that had been bid upon by more senior employees.

The disabled employee, Barnett, was a cargo handler for US Airways. Following an on-the-job back injury, Barnett was placed in a "light duty" position in the mailroom. Pursuant to airline policy, the job in which Barnett was working was periodically posted for bid by other interested employees. When two more senior employees bid on the position, US Airways informed Barnett that it intended to remove him from the mailroom job. Barnett asked for an exception to allow him to remain in the job, which he claimed was a "reasonable accommodation" under the ADA. US Airways refused, noting that it would violate its long-standing seniority system to award Barnett the job. Barnett subsequently lost his job and sued.

In voting to overturn a lower court's decision, the majority of the Supreme Court held that, in most cases, the ADA does not require an employer to violate a bona fide seniority system as a reasonable accommodation. In doing so, the Court rejected the positions of both parties and forged a new standard, which essentially establishes a burden shifting approach to analyzing requests for accommodation under the ADA. At the outset, an employee carries the burden of proving that an accommodation is "reasonable." An employee can do this by showing that the accommodation is "reasonable on its face" or, assuming it is not, that there are "special circumstances" that make the accommodation "reasonable" in the specific situation at hand. Once this is established, the burden then shifts to the employer to prove the proposed accommodation poses an "undue hardship" on the operation of its business.

On the facts of the case before it, the Court held that violating a seniority system "would not be reasonable in the run of cases" unless the employee can show some additional facts, i.e., special circumstances, that make a violation of the seniority system reasonable in his particular situation. For example, the Court said the employee may be able to show that the employer already had made exceptions to the seniority system in its policy or practices. If so, the burden would then shift to the employer to show that violating the seniority system would pose an undue hardship on its operations.

The seniority system in *Barnett* had been adopted by the employer unilaterally and was not the result of collective bargaining. This caused several of the Justices to note that employers typically reserve the right to modify or depart from their own policies. Indeed, employers are routinely advised by their labor counsel to include disclaimers stating that employee handbooks or other policy manuals do not create a contract of employment. Employers should expect, therefore, that plaintiff lawyers will argue that handbooks or other policies that have been unilaterally modified are evidence of "special circumstances" that make a departure from the seniority system reasonable in

a particular situation. Obviously, if the employer has in fact departed from the seniority system in the past, it will find its system more readily subject to attack. Conversely, collectively bargained seniority systems, because they can only be changed with the union's consent, are less vulnerable.

Employers should also expect the Barnett decision to be applied in other contexts. As noted above, the majority opinion created a new analytical framework for reasonable accommodation cases. It remains to be seen how courts and the EEOC will apply this framework in non-seniority system cases. However, the decision seems to suggest that employers seeking to minimize the need to make "reasonable accommodation" exceptions to "disability-neutral" policies, such as seniority policies, should consider limiting exceptions made in other circumstances.

The decision also reinforces approaching these matters on a case-by-case basis and making an individualized assessment of an employee's request for accommodation. Even if the request would require the employer to violate a long-standing facially-neutral policy, the employer would be well advised to consider how the request impacts other employees, whether any other exceptions have been made to the policy and any other "special circumstances" present before deciding whether the request is "reasonable."

Jeffrey A. Van Doren  
Flippin Densmore Morse & Jessee  
ph. 540-510-3054  
email: vandoren@flippindensmore.com  
fax: 540-510-3050  
URL: Jeffrey A. Van Doren

#### **Board Meeting Minutes**

Date: June 12, 2002

Location: Applebee's Restaurant

Attendees: Chuck Swain, Davis Walker, Karen Edmonds, Melani Bland, Lorraine Wachsman and Bob Griffin

- A planning committee for the picnic to be held in August has been formed and will be meeting before the end of June. The members for the planning committee are: Karen Edmonds, Lorraine Wachsman, Bridget Porterfield and Melani Bland. More discussion was held over a place to hold the picnic. Announcements will be made at the next meetings and in the newsletter to ask for volunteers for the event.
- Chuck Swain proposed that the chapter should hold an installation ceremony for the 2003 Board members at the January 2003 meeting. Possibly having a state or area representative from SHRM to induct the new members.
- A nominating committee has been formed and will be meeting in August to begin nomination proceedings for the 2003 Board. The members for the nominating committee are: Bruce Jennings, Jim Cowan, Davis Walker and Melissa Zienius.
- An inquiry was made and discussion was held on changing the current meeting location from Stone's Cafeteria to another more appropriate location. Davis Walker volunteered to research some potential sites for the chapter meetings and will report back to the Board. The decision will be made at a later meeting.

*\*\*Notice: An emergency Board meeting was held after the regular meeting in June. Those present were: Chuck Swain, Karen Edmonds, Cindy Hale, Jim Cowan, Davis Walker, Bridget Porterfield, Lorraine Wachsman, Keith Foreman and Melani Bland. Davis Walker presented his findings from the research for a new meeting location. A motion was made and carried to change the meeting location to Famous Abthony's restaurant in Blacksburg. Also, funds were allocated for the picnic to be held in August.*

#### **Articles for SHRM Newsletter**

Articles for each month's newsletter are due on the last Tuesday of the previous month. For the **August** newsletter, the deadline would be **July 30, 2002**. They may be sent to the Chapter's secretary, Melani Bland, at [melani.bland@na.manpower.com](mailto: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 8<sup>TH</sup> 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"

June 20, 2002. . . . . NRV-SHRM Breakfast Meeting at Stones Cafeteria in Christiansburg, 7:30 a.m.  
Victor Cardwell & Agnis Chakravorty, Woods, Rogers & Hazlegrove "Trial by Fire: A "First Class" Look at Workplace Violence"

July 18, 2002. . . . . NRV-SHRM Breakfast Meeting at Famous Anthony's in Blacksburg, 7:30 a.m.  
Todd Leeson, Flippin, Densmore, Morse & Jessee "Recent Court Cases Update"/ "Certification Update"

**\*\*PLEASE BE SURE TO "REPLY" TO THIS E-MAIL FROM MELANI BLAND ([melani.bland@na.manpower.com](mailto:melani.bland@na.manpower.com)) BY TUESDAY, JULY 16<sup>th</sup> IF YOU ARE PLANNING TO ATTEND THE JULY 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 \*\***

August 10, 2002. . . . . NRV-SHRM PICNIC at TBA, Noon

August 15, 2002.....NRV-SHRM Breakfast Meeting at TBA, 7:30 a.m.  
Marcy Engle, SHRM Foundation

September 19, 2002. . . . . NRV-SHRM Breakfast Meeting at TBA, 7:30 a.m.  
Mike Aamodt, Radford University "Innovations in Employee Selection"  
"Invite Your Manager" Day

October 17, 2002 . . . . . NRV-SHRM Breakfast Meeting TBA, 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 TBA, 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 TBA, 7:30 a.m.

Flippin, Densmore, Morse & Jessee

“Legislative Update”/ Installation of Officers

February 20, 2003 . . . . .NRV-SHRM Breakfast Meeting at TBA, 7:30 a.m.

TBA

Legislative Representatives

Virginia:

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Delegate W. B. (Benny) Keister (6<sup>TH</sup> Dis.)  
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Representative Frederick Boucher  
2187 Rayburn House Office Building  
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Fax (202) 225-0442  
Email: [Ninthnet@mail.house.gov](mailto:Ninthnet@mail.house.gov)

# **HIPAA PRIVACY REGULATIONS.....**

**EFFECTIVE APRIL 2003.....**

**HIPAA IS AN EMPLOYER RESPONSIBILITY!!!**

**ARE YOU READY???**

Join us on Thursday, August 1, 2002 for a HIPAA overview and update on COBRA regulations. There is no cost to attend this seminar!

HIPAA privacy regulations go into effect in April 2003, and affect the way your company does business. The issues that HIPAA addresses not only involve technology and information sharing, but requirements imposed on administration operations which impact everything from document storage to medical procedures coding to health plan customer service.

Come hear about the 12 steps to HIPAA compliance; talk first hand with Kanawha Insurance Company's Privacy Officer; see model privacy policies and business associate contracts. This is a big topic! It will be covered in a clear, concise manner to make good use of your time.

**DATE: Thursday August 1, 2002**

**TO REGISTER:**

**PLACE: Roanoke Wyndham  
Conference Theater**

**Call (540) 342-8977**

**FAX (540) 342-9101**

**EMAIL: [lcrafft@hcc-va.com](mailto:lcrafft@hcc-va.com)**

**TIME: 9:00 a. m. – 11:30 a. m.**

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