

OCTOBER 5, 2004

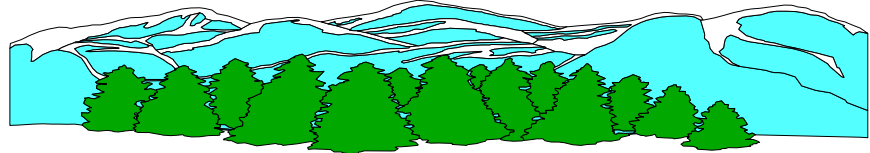
# NEW RIVER VALLEY SHRM CHAPTER

AFFILIATE OF



SOCIETY FOR  
HUMAN  
RESOURCE  
MANAGEMENT

[www.nrvshrm.com](http://www.nrvshrm.com)



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## Greetings From The President



SHRM's mission is to Serve the Professional and Advance the Profession (STP/ATP). STP is about delivering credible information, products and activities to help HR professionals perform their day-to-day responsibilities effectively. ATP is about helping HR professionals understand their leadership capabilities and potential contributions to their organizations, providing them the tools to enable them to fully engage in the business process, and helping them advance in their careers. ATP is also about helping the business community (and the public broadly) understand the contributions HR can make to organizational success. Your Chapter is committed to carrying out that mission for HR professionals in the New River Valley. Your ideas and participation are vital to our success: tell us how we can best meet your needs, and how you would like to participate.

Our major effort is to provide programs that follow the mission. Last month our Chapter meeting was held at lunchtime—we had a great turnout, and were happy to see some folks who can't make it to morning meetings. Many thanks to Steve Zimmerman, our SHRM Virginia State Council President, for his program on Career Planning for HR Professionals. Steve shared lots of insights and stories about the HR profession. His upbeat approach to HR is refreshing and revitalizing.

Our October 21st meeting will be a breakfast meeting at 7:30 a.m. at the Hampton Inn. **Todd Leeson of Gentry Locke Rakes & Moore will present "Responding to an EEOC Charge: Trends, Strategies, and Practical Advice."** Todd has presented to our Chapter many times, and always does a great job of keeping us up-to-date with the latest on legal developments. **Come prepared to buy raffle tickets for some great prizes: the raffle will benefit the SHRM Foundation.**

The **Leadership Business Decisions Forum 2004 will be held on October 26** at the Wohlfahrt Haus Dinner Theater in Wytheville. Our Chapter has co-sponsored this event for several years, and those of you who have attended know that it is a great value. The program looks terrific again this year—early registration deadline is October 11, so don't delay signing up. Details are attached to this newsletter. Link up with another Chapter member and carpool. You'll have a great day.

**On November 3, NRVSHRM invites you to a lunchtime Diversity Awareness Workshop** at the Farmhouse in Christiansburg. Christy Porterfield, our Board Diversity Chair, has arranged for Dr. Ben Dixon, VP of Multicultural Affairs at Virginia Tech, to present on an interactive program developed at VT to promote awareness of diversity in the workplace. **Bring your boss or CEO**—this is a great opportunity to demonstrate the value of HR strategies, and incidentally, the value of your membership in local and national SHRM. Look for details in this newsletter, and don't forget to RSVP!

Also in November, our regular morning meeting, on November 18, will feature **Cindy Schilling from Transformation Systems Inc. (TSI) on the topic "Motivating Your Workforce"**.

Best wishes,

*Lorraine*

## Legislative Update

### Alerting Local Police to Dangerous Traffic Conditions Caused by Picketers Not ULP

By Joseph M. Rainsbury

It is an unfair labor practice (“ULP”) for an employer “to interfere with, restrain, or coerce employees in the exercise of their right” to picket. Sometimes, however, the picketing activity may create dangers to public safety (e.g., traffic hazards). In CSX Hotels, Inc. v. NLRB, 2004 U.S. App. LEXIS 15391 (4<sup>th</sup> Cir. July 26, 2004), the Fourth Circuit explored whether and when an employer may seek the assistance of local law enforcement to address genuine concerns about safety hazards created by picketing activity.

#### **Facts**

CSX Hotels, Inc. operates the Greenbrier resort near White Sulphur Springs, West Virginia. It contracted with Lynch Construction to erect a maintenance facility on its property. The International Union of Operating Engineers, Local No. 132 (“Union”), determined that Lynch Construction was violating its agreement with the Greenbrier by hiring employees represented by a different labor union to work on the project. Accordingly, it decided to set up a picketing stand outside the Greenbrier.

The Union first picketed the Greenbrier’s employee entrance, which abuts U.S. Highway 60—a major thoroughfare. Several of the picketers parked their cars along Highway 60 in an unauthorized zone. A Greenbrier security officer notified local police about the picketers. The police officer ordered the picketers to move their vehicles, which they did. He also warned them that an assembly permit might be required. The officer told them he would check at the police station whether such a permit was required at that particular location. The picketers, however, remained at the site.

The general manager of the Greenbrier later approached the picketers and told them to move their picketing stand from the employee entrance to the entrance then being used by Lynch Construction (also abutting Highway 60). The picketers moved their operations to this entrance. Soon thereafter, three police officers returned to the picketing site and informed the Union members that they needed to obtain an assembly permit. The officers directed the picketers to leave the premises, which they did without incident.

The process for obtaining the requisite permit was time-consuming and further complicated by the fact that the police chief, who needed to approve the permit request, was out of town. Frustrated by these delays and convinced that it had a First Amendment and statutory right to picket, the Union decided to resume picketing at the Lynch Construction entrance without a permit.

As it happened, the police chief returned to work the morning the picketing resumed. After being notified of the picketing by Greenbrier employees, the police chief visited the scene. He determined that the picketing posed a traffic hazard. However, he was overruled by the city attorney, who had concluded that the picketing was lawful. Later that day, the Greenbrier’s attorney faxed a letter to the city attorney requesting that he enforce the assembly permit requirement. The city attorney demurred, citing the limited number of protesters and questions concerning whether the protest site even fell within city boundaries. Thus, the picketers were able to continue their protest.

#### **The Fourth Circuit’s Decision**

The Union filed a ULP charge with the National Labor Relations Board (“NLRB”), claiming that the Greenbrier unlawfully interfered with its picketing rights under the National Labor Relations Act when it reported its traffic concerns to the police chief and when its attorney requested the city to enforce its permit requirement. An administrative law judge found in favor of the Union, and a divided panel of the NLRB affirmed.

On appeal, the Fourth Circuit refused to enforce the NLRB decision. It disagreed with the NLRB’s conclusion that the Greenbrier was not justified in contacting the police. Rather, it held that the record supported the resort’s contention that the picketing created a potentially dangerous traffic condition. It noted the speed of passing vehicles, the proximity of picketers to those vehicles, the dangers caused by motorists attempting to read the signs displayed by the pickets, and other circumstances that presented traffic hazards. In light of such facts, the Fourth Circuit concluded that the Greenbrier was justified in contacting the police to have them assess the situation. It held that the Greenbrier’s action did not, therefore, constitute an unfair labor practice.

#### **Bottom Line**

Although this decision should reassure employers that they can—without fear of § 8(a)(1) liability—seek police assistance where picketing creates a hazardous traffic condition, it is important not to read too much into this case. This does **not** change the general rule that an employer’s exclusion of union representatives from public property violates § 8(a)(1) where the union is engaged in protected activity. Rather, it simply creates a limited exception to that rule where the employer genuinely believes that the protected activity creates a potentially dangerous traffic situation.

Joe Rainsbury may be contacted at [joseph.rainsbury@leclairryan.com](mailto:joseph.rainsbury@leclairryan.com). A version of this article first appeared in *Virginia Employment Law Letter* ([www.hrhero.com](http://www.hrhero.com) or 800-274-6774), which is edited by LeClair Ryan’s Employment & Labor team.

## SHRM Foundation Raffle



Just a reminder to everyone that it's time to start thinking about the SHRM Foundation and all it has to offer to us, and to once again ask everyone to contribute to the Foundation.

We're having a raffle to benefit the SHRM Foundation at the October 21<sup>st</sup> breakfast meeting. We'll be selling tickets for \$5.00 each. We'll put all the tickets in the "hat" and draw out the winning tickets – yes, I did say **tickets**, so we'll have **two** items to raffle off! You must be present to win – which of course, also means that you have to spend some dinero to win, so bring mucho dinero and take a chance!! We draw the winning ticket number out and the person holding the winning ticket number wins **"The Prize"**. **"The Prize"**, you say? What **"Prize"**?! Well, if you know me even just a little bit, you know I like suspense, so I'm not letting the cat out of the bag! If you want to find out what **"The Prize"** is, you're just going to have to come to the meeting, spend some of your hard-earned money and take a chance on winning **"The Prize"**. Well, actually, make that **Prizes**, but we draw them out one at a time. All of the proceeds are donated to the SHRM Foundation. So come on, be a sport, take a walk on the wild side, gamble a little, – bring your money and take a chance on the SHRM Foundation Raffle! Just look for me and I'll hook you up with as many tickets as you want to buy!

Ok, I know, I know. You're asking yourself, "So what does the SHRM Foundation do for me?" I'll tell you – read on.

The SHRM Foundation funds research, publications, and a wide variety of education initiatives to advance the profession and enhance the effectiveness of HR professionals. The SHRM Foundation serves as a catalyst for leading edge research and education. The Foundation also supports other SHRM efforts such as HRCl, research in priority issues, such as HR measurement, global HR, the impact of technology, and the changing role of HR professionals. **All contributions are tax deductible.**

Here are just a few of the many accomplishments of the SHRM Foundation:

- More than 27 research projects completed since 1998
- 78% of completed projects have resulted in publications, presentations or other significant impact
- More than \$360,000.00 has been committed in prior years for research in process

The following books have been published recently. Both are available from the SHRMStore (<http://www.shrmstore.shrm.org/shrm/>)

*Federal Wage and Hour Laws*, 2<sup>nd</sup> edition; a ready guide to the federal Fair Labor Standards Act.

*Making Mergers Work*, softcover edition; a practical roadmap for HR to add value in the M&A process.

*Graduate Programs in Human Resource Management*. 2<sup>nd</sup> edition; profiles of 114 HR-related master's degree programs. Free online to SHRM members at <http://www.shrm.org/foundation/directory/>

- Major sponsor of the SHRM Masters Series at Annual Conference (\$25,000.00)
- Major sponsor of the collegiate HR Games (\$36,200.00)
- Co-sponsor of the prestigious \$50,000 Michael R. Losey Human Resource Research Award
- Regional Scholarship Program; \$30,000.00
- Student Awards & Scholarships; \$12,000.00 – For a complete list of sponsored awards, visit [www.shrm.org/foundation](http://www.shrm.org/foundation)
- More than \$400,000.00 spent directly on grants, awards, and publications in 2003
- Education 52%; Research 33%; Awards 12%; Publications 3%

Foundation raised more than \$380,000.00 in 2003; a new record!

For more information on the SHRM Foundation, visit [www.shrm.org/foundation](http://www.shrm.org/foundation). Please remember also that tax-deductible donations can be made online. Click on **Foundation Volunteer Toolkit** for additional volunteer resources.

Come on, admit it – this kind of stuff really gets you pumped up, right? So bring your money to the October breakfast meeting and take a chance for a great cause that benefits us all. And if you're the winner of the raffle items, hey, what a way to start your day!!

Thanks, Melissa Zienius

## Announcements

### nrvshrm.com JOB DATA BANK

The Chapter now has a new job posting area on the web site. Members may begin placing job postings immediately. The data bank can be found under the "Position Postings" link on the web site. Please use the following guidelines when submitting a posting:

#### **Guidelines to Post Vacancies**

1. All postings should be submitted by e-mail via the website to Kathy Janosko, Web Site Administrator (kathy@ali-inc.com)
2. There is a 30 day posting limit unless notified to remove sooner.
3. We accept HR related postings only.
4. NRV-SHRM is not responsible for editing the job posting. We reserve the right to determine appropriateness. NRV-SHRM does not endorse any advertiser/submission.

**There is no charge to members of NRV-SHRM.**

### ARTICLES FOR SHRM NEWSLETTER

Articles for each month's newsletter are due on the last Tuesday of the previous month. Articles for the November newsletter are due October **26th**. They may be sent to the Chapter's secretary, Teresa Harless, at [tharless@blacksburg.gov](mailto:tharless@blacksburg.gov). Teresa's telephone number is 540-558-0721.

### CHAPTER FINANCIAL REPORT

Beginning balance as of August 31, 2004	\$8,485.42
Ending balance as of July 30, 2004	\$9,093.48

Visit [nrvshrm.com](http://nrvshrm.com) for a detailed listing of transactions.

### NEW MEMBERS

Richard Seamans, Branch Manager at Adecco

[richard.seamans@adeccona.com](mailto:richard.seamans@adeccona.com)

Elaine Bailey, Human Resources Manager at Pulaski Community Hospital

[Elaine.bailey@hca.healthcare.com](mailto:Elaine.bailey@hca.healthcare.com)

Kasey Martin, Employer Liasion at Virginia Tech Race and Social Policy Center

[kasey@vt.edu](mailto:kasey@vt.edu)

## Meeting Notices

### CHAPTER INDUSTRIAL MEETING

Be sure to mark your calendars to attend the next meeting that will be held on **Tuesday, October 12th** at IHOP in Christiansburg. **PLEASE NOTE THAT THE MEETING LOCATION HAS CHANGED FROM STONE'S CAFETERIA TO IHOP (INTERNATIONAL HOUSE OF PANCAKES) IN CHRISTIANSBURG.** IHOP is located between Ryan's and Red Lobster in Christiansburg. This meeting is held on the second Tuesday of every month and meets at 7:00 a.m. Contact Bruce Jennings at (540) 674-7461 or [bruce.Jennings@volvo.com](mailto:bruce.Jennings@volvo.com) for more information on the Industrial Meeting.

### BOARD OF DIRECTORS MEETING

The monthly Board meeting will be held on **Tuesday, October 12th** at the Warm Hearth Kroontje Health Care Center. This meeting will begin at 5:15 p.m. Any Board member who cannot attend should contact Teresa Harless at 558-0721 or e-mail to [tharless@blacksburg.gov](mailto:tharless@blacksburg.gov)

## 2004 Calendar of Events & Annual Meeting Schedule

DATE	SPEAKER	TOPIC
January 15, 2004	Charlotte Mason, Innovative Management Group	Coaching for Success
February 19, 2004	Victor Cardwell and Tom Winn with Woods, Rogers	Legislative Update
March 18, 2004	Eric Melniczek, Career Assessment Coord., Radford University	Experimental Learning and Career Development Center
April 15, 2004	Members of the Radford University Student SHRM Chapter	NRV SHRM Chapter Salary Survey
May 20, 2004	Camille Wright-Miller	Strategic Human Resources*
June 17, 2004	FMLA Legal Update Clint Morse, LeClair, Ryan, Flip-pin, Densmore, Morse, & Jessee	Legislative Update
July 15, 2004	Jonathan Ward International Director, SHRM Virginia State Council	Outsourcing Issues
August 19, 2004	Richard Groesbeck, PH.D., Research Assistant Professor with the Industrial and Systems Engineering at Va. Tech.	Panning For Gold In Your Customer And Employee Survey Data
September 15, 2004	Steve Zimmerman, SHRM VA State Council President	Career Planning for HR Professionals
October 21, 2004	Todd Leeson, Gentry, Locke, Rakes & Moore	Responding to an EEOC Charge: Trends Strategies and Practical Advice
November 18, 2004	Cindy Schilling, Transformation Systems, Inc.	Motivating Your Workforce
December 2, 2004	Christmas Social	

All NRV-SHRM Breakfast Meetings will be held at the Hampton Inn, Christiansburg at 7:30 a.m. unless otherwise noted

PLEASE BE SURE TO REPLY TO THIS E-MAIL FROM TERESA HARLESS ([tharless@blacksburg.gov](mailto:tharless@blacksburg.gov)) BY MONDAY, OCTOBER 18<sup>TH</sup> IF YOU ARE PLANNING TO ATTEND THE OCTOBER MEETING. PLEASE INDICATE 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

## UPCOMING EVENTS

### DIVERSITY AWARENESS WORKSHOP



The Workshop on Diversity Awareness and Professional Development for Virginia Tech is a “Home Grown” diversity program that was created by Tech employees for Tech employees emphasizing the development of the training by peers. The program consists of real-life experiences of current employees and has interactive discussions, video segments, workbooks and handouts, casework study groups, and includes a professional looking certificate that is presented at the end. Some highlights of the training include:

- A history of the project and university goals, objectives and vocabulary utilized in the workshop.
- A segment that includes a self-assessment of life experiences in diversity by evaluation of each individual’s past experiences that influence current thoughts and ideas.
- A discussion about current climate surveys and VT demographics about where we are and where we want to be.
- Video segments about real people employed at Virginia Tech that had issues who were made to feel unwelcome and uncomfortable because of their own unique qualities of diversity such as age, disability, gender, national origin, race, religious beliefs, and sexual orientation.

A closing segment that asks each attendee to devise a Personal Action Plan to help with changes in their own life and influence in the workplace.

The program synopsis is presented to the New River Valley SHRM to demonstrate how effective a diversity program can be if developed as a “Home Grown” product and also to illustrate some of the effective forms of training such as the videos, small group casework, and large group discussions of ideas.

Join Dr. Ben Dixon, VP of Multicultural Affairs at Virginia Tech for this valuable discussion.

**WEDNESDAY, NOVEMBER 3  
THE FARMHOUSE RESTAURANT  
12 NOON TO 2:30 P.M.**

Bring your boss or CEO! Lunch will be \$10.00 per person, paid at the door, cash or check (sorry, no credit cards). NRV SHRM will provide complimentary coffee and dessert. RSVP by Friday, October 29, 2004. Lunch will be your choice of Bacon Chicken Salad, Ham and Swiss Sandwich, and Vegetarian Pasta. You will need to let Teresa know your choice of lunch when you RSVP.

RSVP TO TERESA HARLESS AT 540/558-0721 or tharless@blacksburg.gov

### LEADERSHIP BUSINESS DECISION FORUM 2004

“Everybody Wasn’t Raised at Your House”, Tuesday October 26th from 8:00 a.m.—3:45 p.m. at the Wohlfahrt Haus Dinner Theatre, Wytheville, VA. This event is sponsored by the Wytheville SHRM Chapter. See the attached flyer for further details and registration form.