

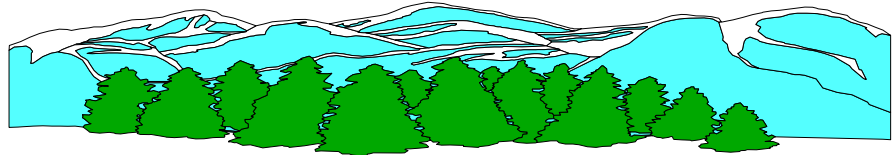
FEBRUARY 2, 2005

NEW RIVER VALLEY SHRM CHAPTER

AFFILIATE OF



www.nrvshrm.com



Board of Directors

JIM HUNGATE, SPHR
President 557-5323
jhungate@kaydon.com
MIKE DRISCOLL, SPHR
President-Elect 951-5585
Michael.driscoll@tetra.net
BRENDA FARMER
Chapter Membership 980-1423
brenda@brightservices.net
TERESA HARLESS
Secretary 558-0721
tharless@blacksburg.gov
KEITH LASHOMB, SPHR
Treasurer 381-3200 ext. 1903
hr@duncanauto.net
CHRISTY PORTERFIELD
Diversity Coord. 231-8060
christyp@vt.edu
JAMES COWAN
Legislative Coord. 961-2600
cowan@flippindensmore.com
BRUCE JENNINGS
Industrial Liaison 674-7461
bruce.jennings@volvco.com
MELISSA ZIENISS
Shrm Foundation Rep. 980-7233
Melissa@hoovercolor.com
MIKE AAMODT
Student Chapter Liaison
831-5513 maamodt@radford.edu
KATHY JANOSKO
Web Site Administrator
443-3377 Kathy@ali-inc.com
KAREN EDMONDS, SPHR
Member at Large 394-2007
kedmonds@naxs.net
CINDY HALE, SPHR
Member at Large 552-3515 ext. 307
chale@hhhunt.com
CHUCK SWAIN, PHR
Member at Large
Chuck.swain@eaglepicher.com
LORRIANE WACHSMAN, PHR
Past President 443-3444
lwachsman@warmhearth.

Greetings From The President

At our January chapter meeting on Thursday January 20th, Dr Richard Wilson, MD presented a program on Physical Medicine and Rehabilitation. Our February program will be a legislative update from Jeff Van Doren, Attorney of LeClair Ryan Flippin Densmore. This update will focus on the new US Department of Labor regulations and guidelines for processing resident applications for visas.

On Friday, January 28th, three members of our Board attended the State Leadership Conference in Charlottesville, VA. This meeting was hosted by the Virginia SHRM State Council and focused on "SHRM Volunteer Leadership for the Future" and was presented by Dorothy Hill, SPHR, Director of the Southeast Region. If you have not visited the State Council's web site I encourage you to do so at www.shrmva.org.

Our fundraising effort for tsunami relief is going well, I encourage you each to purchase a raffle ticket and support this worthy cause – the drawing for the raffle will be held at our February meeting. Additionally, the chapter is purchasing the latest HRCI training materials; those of you that are interested in professional certification should contact Karen Edmonds.

I look forward to seeing you at our meeting on February 17th.

Regards,
Jim Hungate, SPHR, CPC
Chapter President

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 March newsletter are due February 24th. They may be sent to the chapter's secretary, Teresa Harless, at tharless@blacksburg.gov. Teresa's telephone number is 540-558-0721.

CHAPTER FINANCIAL REPORT

Beginning balance as of December 31, 2004	\$6,172.82
Ending balance as of January 31, 2005	\$9,298.48

Visit nrvshrm.com for a detailed listing of transactions.

LOCAL CLASS COMING FOR SHRM CERTIFICATION

If you've been waiting for local classes to help with your studying for the SHRM Certification Exam, here they are! Dr. Mike Aamodt and his students will begin classes at Radford University this Spring for NRV-SHRM Chapter members. They will begin on March 22 and run through April 26 on Tuesday evenings at 6:30 p.m. There will be no charge to take the classes, which will be held in Russell Hall, Room 348. The next exam window will be May 1-June 30, 2005. You must register online by March 4 at www.hrci.org to take the exam. Each individual will need his/her own Learning System Kit. If at least five members wish to take the study class, the cost would be \$460 for each kit. It will be \$595, if we do not have five interested. Please call Karen Edmonds, 394-2007, if you would like to register for the class.

JANUARY BOARD MEETING MINUTES

Date: January 11, 2005

Attendees: Jim Hungate, Mike Driscoll, Brenda Farmer, Teresa Harless, Lorraine Waschman, Keith LaShomb, Kathy Janasko, Mike Aamodt, Jim Cowan, Christy Porterfield, and Karen Edmonds

- The Board discussed holding another roundtable lunch in the Spring. It was decided to move forward with choosing a topic, place, and date.
- Christy Porterfield expressed an interest in establishing a diversity link on the NRV SHRM.
- Brenda Farmer reported that there were a 119 members for 2004. This was a decrease in membership from 2003.
- Mike Aamodt plans to send out the wage survey within the next month.
- The Roanoke Chapter expressed interest in participating in the Tsunami Relief fundraiser. The NRV SHRM will cap their donation at \$500.

Meeting Notices

CHAPTER INDUSTRIAL MEETING

Be sure to mark your calendars to attend the next meeting that will be held on **Tuesday, February 8th** at IHOP 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 for more information on the Industrial Meeting.

BOARD OF DIRECTORS MEETING

The monthly Board meeting will be held on **Tuesday, February 1st** at 5:15 p.m. in the LeClair Ryan Flippin Densmore offices located at 2000 Kraft Drive Suite 1000. Any Board members that cannot attend should contact Teresa Harless at tharless@blacksburg.gov.

Legislative Update

Department of Labor Revises Child Labor Regulations

By Jeffrey A. Van Doren, Esq.

LeClair Ryan Flippin Densmore

Virginia employers who employ children between 14 and 18 years of age should be aware of several recent changes made by the U.S. Department of Labor ("DOL") to the child labor regulations. These new regulations become effective on February 14, 2005.

Under both federal and Virginia state law, employers may employ minors under the age of 18, but such employment is subject to strict regulation as to the number of hours worked and the types of work that may be performed. There are many occupations and duties that minors are prohibited to perform. In addition, in Virginia children 16 and younger must generally possess a work permit, which is usually issued by the child's school.

This article is not intended as a detailed review of the complex child labor regulations. Rather, it is intended to highlight certain changes made by the DOL in regulations that will go into effect later this month. The new regulations include revised or new rules in four substantive areas:

- *Cooking: Changes to permitted cooking activities for 14- and 15-year olds.*
- *Roofing: Prohibits all work by minors on roofs.*
- *Driving: Implements the Drive for Teen Employment Act of 1998.*

Paper Balers and Compactors: Implements the Compactors and Balers Safety Standards Modernization Act of 1996, and prohibits minors from operating compactors/balers that process materials in addition to paper.

Two of the changes are intended to implement laws that Congress passed several years ago to amend the child labor rules. The other significant changes are in the area of cooking restrictions for minors aged 14 and 15, and a new prohibition of **all** work on roofs by minors.

1. Cooking: Changes to permitted cooking activities for 14- and 15-year olds.

The current regulations on cooking activities by minors under age 16 date to 1960 when the Fair Labor Standards Act ("FLSA") was extended to cover retail and service establishments. At that time, it was recognized that the "heavy-duty" type of cooking performed in restaurant and institutional kitchens (e.g., long hours over hot stoves, lifting heavy pots of boiling liquid, using power-driven slicing and baking machinery) was inappropriate for children under 16 years of age. But it was also recognized that the "light" type of cooking done at soda fountains and snack bars did not present major hazards to working youth. Therefore, the current regulation prohibits cooking, "except at soda fountains, lunch counters, snack bars, or cafeteria serving counters." As a means of defining the lighter types of cooking minors could safely perform, the DOL has long interpreted the

regulations as establishing an “in plain view” rule. Thus, under the current regulations, cooking is permitted by 14- and 15-year olds if it is performed “in plain view” of the customer. The fact that the customer could see the cooking did not make it safer, but because of the kitchen designs common to food service establishments operating in the 1960’s, this rule tended to limit cooking to the light type.

Today, fast food restaurants have all but replaced the snack bars, soda fountains, and lunch counters of earlier times. Accordingly, the new regulations eliminate the “in plain view” rule, and instead ban all cooking by 14- and 15-year olds, except cooking which involves electric and gas grilles (but not open flames) and deep fat fryers that are equipped with and use mechanisms to automatically raise and lower the baskets into the hot oil. The new regulations also incorporate the DOL’s long-standing policy that 14- and 15-year old minors may dispense food from food warmers and steam tables, may use microwave ovens, and may operate machines such as toasters, popcorn poppers, milk shake blenders, coffee grinders and coffee machines. Finally, the new regulations allow 14- and 15-year olds to clean, repair, and maintain cooking equipment as long as none of the surfaces exceed 100° F.

2. Roofing: Prohibits all work by minors on roofs

Current DOL rules ban all work in roofing occupations for minors under age 18, but they do not ban all work on roofs. The new regulations prohibit minors from **all** work “on or about roofs,” which DOL defines as work performed on or in close proximity to a roof. The prohibition extends not only to roofing tasks such as laying shingles, etc., but also covers installation of cable or satellite television, heating or ventilation systems or other similar work. An exception to the rules exists for recognized apprenticeship or student-learner programs.

3. Driving: Implementation of the Drive for Teen Employment Act

Congress passed the “Drive for Teen Employment Act” in 1998. This law amended the FLSA to ban all on-the-job driving on public roads by 16-year olds, and added additional restrictions for on-the-job driving on public roads by 17-year olds. The DOL, however, never got around to amending its regulations to reflect this new law.

The new regulations incorporate the “Drive for Teen Employment Act” which bans all on-the-job driving on public roads by 16-year olds. Further, 17-year olds may drive automobiles and small trucks (under 6,000 lbs) on-the-job only if:

- The driving is during daylight hours;
- The minor has a state license valid for the type of driving involved and has no records of any moving violations at the time of hire;
- The minor has successfully completed a state-approved driver education course;
- The vehicle is equipped with seat belts, and the employer has instructed the minor that such equipment must be used;
- Such driving may not include: towing of vehicles; route sales or deliveries; the transportation for hire of passengers, property, or goods; urgent, time-sensitive deliveries; or transporting more than three passengers (including fellow employees of the employer);
- Such driving also may not include more than two trips away from the business on any workday for the purpose of delivering goods of the employer; no more than two trips away from the employers’ place of business on any one day for the purpose of transporting passengers; or driving beyond a 30-mile radius from the employers’ place of business; and

The driving must be occasional and incidental – which is defined by the regulations as no more than 1/3 of an employee’s work time in any one day and no more than 20 percent of an employee’s work time in any work week.

The most direct impact of the regulations is on restaurant delivery positions, such as pizza delivery employees. In fact, the new regulations specifically note that “delivery of pizza and prepared foods” to customers is a prohibited “urgent, time-sensitive delivery.” Thus, under both the new regulations and the Drive for Teen Employment Act, minors under 18 cannot be employed in such positions.

4. Paper Balers and Compactors: Implementation of the Compactors and Balers Safety Standards Modernization Act.

Another law that Congress passed which the DOL never amended its regulations to conform with is the “Compactors and Balers Safety Standards Modernization Act of 1996.” Prior to the Act’s passage in 1996, the DOL had a near blanket prohibition on minors under 18-years of age from loading, operating, and unloading scrap paper balers and paper box compactors. Unwary employers, particularly in the grocery and retail industries, frequently violated this ban by allowing minors to throw scrap cardboard into compacting equipment.

Under the Act and the newly revised regulations, 16-and 17-year olds are permitted to load, but not operate or unload, scrap paper balers and paper box compactors under the following conditions:

- The equipment cannot be operated while being loaded;
- The equipment must meet the requirements of specifically identified standards issued by the American National Standards Institute (ANSI);
- The equipment includes an on/off switch with a key-lock device, and the key is in the custody of workers over 18 years of age; and

The employer posts a notice on each piece of equipment stating that: it meets the applicable ANSI standard, employees 16 and 17 years of age may only load the equipment, and no one under 18 years of age may operate or unload the equipment.

With regard to the notice posting requirement, the DOL states in the preamble to the regulations that notices developed and distributed by the Food Marketing Institute and the National Grocers Association do not comply with the statutory requirement of identifying the applicable ANSI standard. Employers who currently are using these notices will need to make sure their notices comply with these new regulations.

Finally, the new regulations also clarify that only paper/cardboard baler and compactors are covered. Minors under age 18 are prohibited from operating and unloading all balers and compactors that process materials in addition to paper, such as garbage, metal, or rubber.

The new regulations also make a number of other amendments to the child labor rules concerning items such as to whom federally issued work certificates must be returned and clarifying the appeals process for fines assessed for violations. These provisions are largely technical in nature. The provisions that will have the most direct impact on Virginia employers are discussed above.

All Virginia employers who employ children under 18 years of age should familiarize themselves with these new regulations as well as the child labor laws in general. Penalties for violations of the child labor rules can be quite steep, including civil money penalties of up to \$11,000 for each employee subject to each violation.

This article and others written by attorneys in the firm appeared in the *Virginia Employment Law Letter*. For more information, go to www.hrhero.com

Jeff Van Doren can be reached via email at Jeffrey.vandoren@leclairryan.com or via phone at 540-510-3054..

2005 Calendar of Events & Annual Meeting Schedule

DATE	SPEAKER	TOPIC
January 20, 2005	Dr. Richard Wilson—Ability Physical Medicine & Rehabilitation	Preventing Workplace Injuries
February 17, 2005	Legislative Update—DOL Regulations on Employment Based Permanent Resident Applications	Jeff VanDoren of LeClair, Ryan, Flippin & Densmore
March 17, 2005		
April 21, 2005		
May 19, 2005		
June 16, 2005		
July 21, 2005		
August 18, 2005		
September 15, 2005		
October 20, 2005		
November 17, 2005		
December 2005	Holiday 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) BY MONDAY, FEBRUARY 14TH IF YOU ARE PLANNING TO ATTEND THE NOVEMBER 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