

January 9, 2006

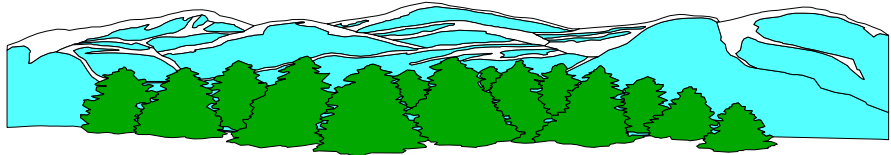
NEW RIVER VALLEY SHRM CHAPTER

AFFILIATE OF



SOCIETY FOR
HUMAN
RESOURCE
MANAGEMENT

www.nrvshrm.com



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Greetings From The President

NRV SHRM Chapter Members,

As the new year arrives, we take stock of all we've accomplished during the past and make plans for a successful future. At the National SHRM Leadership Conference last November, one keynote presentation centered on the theme of *courage*. We were asked to embrace courage in our approach to the advancement of our profession as we proceed throughout the year. We were also asked to exhibit courage as we look for ways to better serve our Chapter membership.

We have received several suggestions to schedule some lunchtime meetings to better serve those members who are unable to attend the 7:30 am morning meetings. In 2006, we have made arrangements to hold four Chapter meetings during mid-day, beginning at 12:00 noon and lasting about one and a half hours. As mentioned earlier, we have waived the Chapter meeting fee of \$5.00 as a solution to increase meeting participation. These are just a few examples of what is needed to better serve you the membership. We would like to do more. We need to do more, but we need your help.

As you complete Part IV of your 2006 NRV Chapter Membership form, take the opportunity, take the courage to tell us what is needed to better support you in your career. Please be specific, be creative, and be ready to embrace change. We need to hear what has been working well, as those areas that you would like to see improved.

Another take-away from the November Conference was that for a Chapter our size, on average, it is normal to have approximately 30 members regularly attend Chapter meetings. In addition to growing our membership, it is equally important to do those things that will increase participation at not only the chapter meetings, but the social events as well. One attendee noted that "if you've got good programs they will come".

I hope to see many of you at the January 19th Chapter meeting, in which Mr. James Cowan will provide us with a Legal Update.

Sincerely,
Michael Driscoll, SPHR

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 February newsletter are due January 31st. They may be sent to the chapter's secretary, Teresa Harless, at tharless@blacksburg.gov. Teresa's telephone number is 540-558-0721.

Meeting Notices

CHAPTER INDUSTRIAL MEETING

Be sure to mark your calendars to attend the next meeting that will be held on **Tuesday, January 10th** 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 7th** 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.

Board Meeting Minutes

Date: January 3, 2006

Attendees: Mike Driscoll, Lorraine Wachsman, Cindy Hale, Chuck Swain, Keith LaShomb, Gary McDaniel, Jim Cowan, Teresa Harless, Valerie Crabtree, Carol Dudding, Mike Aamodt, Karen Edmonds

- NRV SHRM Chapter will make a \$500 donation to the Radford University SHRM Chapter.
- It was decided that the monthly SHRM meetings would be cancelled due to inclement weather if Montgomery County schools were closed or on a 2 hour delay. The meeting will be held at the normal time if schools are on a one hour delay.
- Membership renewal forms submitted by February 13 will be included in a drawing for a \$125 gift certificate from giftcertificates.com.
- Gary McDaniel will do a survey of Chapter members to see what social events the group would like to have this year.
- Cindy Hale, Chuck Swain, and Karen Edmonds are serving on the Board for the Virginia State SHRM Chapter
- It was agreed that a donation of \$100 will be made to the SHRM foundation in memory of John Clark founder and long time member of the NRV SHRM Chapter.
- It was agreed that four of the monthly meetings will be held during the lunch hour.
- Three of the monthly Board meetings will be held at Beamer's Restaurant instead of LeClair Ryan Offices.

Chapter Financial Report

CHAPTER FINANCIAL REPORT

Beginning balance as of October 31, 2005	\$8,398.86
Ending balance as of November 30, 2005	\$8,493.48
Ending balance as of December 31, 2005	\$7,775.16

Visit nrvshrm.com for a detailed listing of transactions.

2005 NRV SHRM Financial Summary

In support of the HR profession the NRV SHRM funded a number of initiatives. An annual contribution was made to the SHRM Foundation (\$500). Proceeds from a raffle generated an additional \$115 which was also forwarded to the SHRM Foundation. A subscription to HR Magazine was purchased for the New River Community College (\$70). A silent auction produced \$420 for our Scholarship Fund. In support of Tsunami Relief a raffle was held generating \$720 (our chapter matched an additional \$500). This Tsunami Refund check in the amount of \$1,220 was forwarded to the American Red Cross. A number of SHRM Certification Kits were secured so that the kits would be available for purchase by certification students (\$3,177). Annual State Council dues were \$119. An annual contribution of \$500 was made to the Radford University Student Chapter of SHRM. The RU Students produce the annual Wage & Benefits Survey, which is free to SHRM members who participate in the Survey. Sale of the survey to non-participating members/non-members generated \$475. A number of SHRM Chapters in SW Virginia sponsored the annual State Council meeting held at Virginia Tech. We utilized \$1,500 to prepay expenses associated with this meeting. Funds to support these activities came through membership fees, which generated \$5,130 in 2005.

Holiday Social Silent Auction

Members who attended our Holiday Social at the Farmhouse last month had a great time and enjoyed the delicious food and drink. As part of our festivities, we held our Silent Auction again with proceeds benefiting our Scholarship Fund. At last count, we generated over \$400 toward our fund. Not to mention that our members who attended and participated in the auction walked away with some real bargains.

However, we still have one donated item to our auction that is still available. Teresa Edney of Echostar has generously donated a Dish Player-DVR 942 including installation with a retail value of \$750.

If you are interested on bidding on this item, you will need to send an email to Gary McDaniel at gmcdaniel@dsagency.com by January 16th with your bid amount. The highest bid received by this date will be the winner with the winner's name announced at our January Chapter Meeting on January 19th. The satellite system will be available for pick up at the meeting or can be delivered to you at your place of employment. Please note that bid amounts will not be shared, so please send in your maximum bid amount if you are interested in this satellite system.

Good Luck to everyone! Please feel free to contact Gary McDaniel at (540) 343-7855 with any questions.

Time To Apply for HRCI Certification?

What do you get points for?

Continuing education – hour-for-hour (actual hours spent in an educational session) – instructional content must be tied to the HR body of knowledge, i.e., university and college training courses; seminars; conferences; chapter meetings that are certified – maximum 60 hours

Providing instruction on an HR-related topic – first time a presentation or instruction takes place only - maximum 20 hours

On-the-job experience – a first-time work activity contributing to the HR body of knowledge - maximum 10 hours

Research and publishing – outside of regular job, i.e., journal or periodical article; published text; co-authored or edited works; audiovisual programming - maximum 20 hours

Leadership – external to employing agency, i.e., Board positions; chairing a committee or conference; testifying before legislature; lobbying - maximum 10 hours

Professional membership – national memberships to HR-related societies or associations (does not include chapter membership but Leadership does apply if a member of the Board of that chapter) - maximum 10 hours

For more information and application, check out www.hrci.org/recertification/CE

Your certification is too valuable to let it expire!

A Fond Farewell

It is with great sadness that I must report that John Clark, our Retiree Liaison has passed away. John was the former Director of Human Resources for Rowe Furniture, and most recently affiliated with Long & Foster. John was a founding principle of the New River Valley Chapter of SHRM many, many years ago.

Having personally met John only once since my arrival in the area, from that brief instance I can state with certainty that John Clark was a true professional who will be missed by all. He had an unforgettable smile and kind soul. In lieu of flowers, John's family has asked that expressions of sympathy be made in the form of a donation to a charitable organization of our choice. With that, we (the Chapter) have made a \$100.00 donation to the SHRM Foundation in John's memory.

Farewell John. You will be in our hearts and minds always.

Legislative Update

DO THE RULES IN YOUR EMPLOYEE HANDBOOK VIOLATE SECTION 7 OF THE NLRA?

by Clinton S. Morse, Esq.

As union membership percentages in the American workforce continue to shrink to record lows, many employers have concluded that they no longer have to worry about the National Labor Relations Act. However, Section 7 of the NLRA grants employees not only the right to join or form unions but also the right "to engage in other concerted activities for the purpose of...mutual aid or protection." Decades of NLRB precedent holds that Section 7 thus provides employees a broad range of "free speech" rights in the workplace to discuss, criticize and complain about the terms and conditions of their employment even though the employees are not unionized and even though no union activity is involved.

Unfair Labor Practices

The NLRA also makes it an "unfair labor practice" for an employer to "interfere with restrain or coerce employees in the exercise of the rights guaranteed in Section 7." Thus, employers cannot, through their personnel policies, limit employees' Section 7 rights to discuss or complain about the terms and conditions of their employment or to otherwise criticize their employer.

Current NLRB cases confirm that if a work rule restricts employees' rights explicitly, the Board will declare it invalid. If the rule does not interfere with Section 7 rights explicitly, the Board will still find a violation if employees would reasonably construe the language to prohibit Section 7 activity. Moreover, the Board will find a violation of the NLRA based upon the mere maintenance of an overly broad work rule even if the rule is not enforced.

In a recent series of cases decided in the past year, the NLRB held that a number of work rules unlawfully interfered with employees' Section 7 rights and that the employers who promulgated them had violated the NLRA. For example, many employers believe that to maintain workplace decorum, they may properly limit employees from discussing among themselves such matters as disciplinary actions and wage and salary information. In one recent case, the employer thus maintained a confidentiality rule defining confidential information to include disciplinary information, grievances or complaints, performance evaluations, salary information, salary grade, types of pay increases and termination information about employees. The rule prohibited employees from providing such confidential information to other employees and barred discussion of personal information concerning individual employees unless there was a business need. Additionally, the rule prohibited employees from communicating company information to the press without management approval. In condemning the rule, the Board held that "it is hard to imagine a rule that more explicitly restricts discussion of terms and conditions of employment than the confidential information rule." The rule "expressly prohibits the discussion of wages and other terms and conditions of employment" and "plainly infringes upon Section 7 rights."

In a similar case, an employer who referred to its employees as "partners" promulgated a "partner reference guide" that included language on the importance of maintaining confidentiality. One provision said "we recognize and protect the confidentiality of any information concerning the Company, its business plans, its partners, new business efforts, customers, accounting and financial matters." Another provision said that "violating a confidence or [the] unauthorized release of confidential information" could lead to discipline. The Board held that while the policy did not explicitly restrict employees' rights to discuss their terms and conditions of employment, the policy could be seen as having a chilling effect on workers seeking to exercise those rights. The Board reasoned that the "rule's unqualified prohibition of

the release of “any information” regarding “its partners” could be reasonably construed by employees to restrict discussion of wages and other terms and conditions of employment with their fellow employees and with the union.”

The Board has also struck down employer rules prohibiting employees from criticizing or making complaints to their employer. In one case, the NLRB held that a company committed an unfair labor practice by maintaining a rule that prohibited employees from having “negative conversations” about their managers. Most recently, the Board ruled that an employer violated the NLRA by maintaining a rule prohibiting its employees from complaining about the terms and conditions of employment to the employer’s customers.

What employers are allowed to do

Not all challenges to employer work rules are successful but several recent cases dramatically illustrate the extent to which the General Counsel of the Board is willing to go to overturn employer personnel policies and work rules as a violation of Section 7. Even though employers are required by law to maintain a harassment free workplace and even though the NLRA expressly protects the rights of employees to “engage in or refrain from engaging in union activity,” the Board generally holds that an employer violates the Act by asking employees to report to the company “if you are threatened or harassed about signing a union card.” Thus, in a recent case, the General Counsel of the Board challenged employer rules that prohibited “using abusive or profane language” in the workplace and “harassment of other employees’ supervisors or any other individuals in any way.” The General Counsel advanced the startling argument that such rules were *per se* violations of the Act because they could implicitly restrict the exercise of employees’ Section 7 rights that might entail abusive or harassing conduct.

Fortunately, the NLRB rejected the General Counsel’s challenge to these rules reasoning that employers have a legitimate right to adopt prophylactic rules banning such language because employers are subject to civil liability under federal and state laws should they fail to maintain “a workplace free of racial, sexual or other harassment and abusive language.” The Board further stated that “it is preposterous to conclude that employees are incapable of organizing a union or exercising their other statutory rights under the NLRA without resort to abusive or threatening language.” The Board also found that Section 7 did not give employees an unlimited right regardless of the circumstances to repeatedly solicit coworkers who have asked them to desist.

This summer the NLRB similarly held that a company did not violate the NLRA by maintaining a rule outlawing employee conduct that “is or has the effect of being injurious, offensive, threatening, intimidating, coercing or interfering to other employees.” Amazingly, however, one Board member dissented from the decision holding that such rule unlawfully interfered with employees’ Section 7 rights.

Finally, the General Counsel also failed in a recent challenge to an employer rule that stated: “You must not fraternize on duty or off duty, date or become overly friendly with the clients’ employees or with co-employees.” The employer, a security company, said the rule was intended to avoid compromising security as a result of relationships between security guards or between security guards and the clients’ employees. In upholding the rule, the Board held that the rule did not explicitly prohibit the exercise of any Section 7 rights and that employees would reasonably understand the rule to prohibit only personal entanglements, rather than activity protected by the Act. “In our view, it would be an unreasonable stretch for an employee to infer that speaking to others about terms and conditions of employment is “fraternization” that is condemned by the rule.”

Bottom line

In the wake of these cases, employers should remember that Section 7 of the NLRA applies equally both to unionized and non-unionized work settings. All employers should accordingly review their work rules and employee manuals to ensure that their personnel policies do not infringe on employees’ Section 7 rights. Under current case law, employers may properly prohibit employees from engaging in unlawful acts such as threatening or harassing conduct, but employers may not maintain work rules which explicitly or implicitly prevent employees from discussing or criticizing their wages, benefits or disciplinary actions or otherwise complaining about the terms and conditions of their employment.

Another version of this article appears in the October 2005 Virginia Employment Law Letter (VELL) – available at hrhero.com. Questions about the article? Contact Clinton Morse at 540-510-3023 or clinton.morse@leclairryan.com

2006 Membership Renewal Invoices

The 2006 NRV SHRM membership invoice has been included on the last two pages of the newsletter. The membership invoice is setup as a form that can be completed on your computer and printed out. Return the completed form along with your payment to Valerie Crabtree at the address indicated on the invoice. All membership forms returned by February 13, 2006 will be included in a drawing for a \$125 gift certificate from giftcertificates.com. Giftcertificates.com offers gift certificates from hundreds of national and local merchants including the most popular stores, airlines, hotels, restaurants, and more. Contact Valerie Crabtree at 381-2386 or Valerie.crabtree@na.manpower.com if you have any questions regarding your membership dues.

Workplace Diversity

Stuttering Is Not an Impediment to Quality Job Performance

People who stutter may be harder workers because they have to compensate for their disability, reports the Stuttering Foundation of America.

“People who stutter often have a perfectionist temperament because many have to work tirelessly to gain fluency,” says Barry Guitar of University of Vermont. Guitar has dealt with his own stuttering on the job. If employers dismiss candidates for employment because of a speech impediment, they may be losing an opportunity to hire a hard-working, dedicated employee.

However, those who stutter also have a responsibility to be forthright with employers and should be willing to talk about how their stuttering might impact particular areas of performance. “If you hide your stuttering, you not only put yourself under tremendous pressure but also limit your effectiveness on the job,” says Jane Fraser, president of the Stuttering Foundation of America.

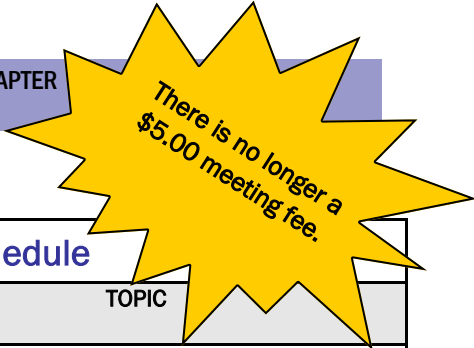
Research has shown that people who stutter perform successfully in a range of jobs that require communication skills, from sales to medicine to public relations. However, this may not be evident during the initial interview, perhaps the most stressful speaking situation for everyone, much less someone who stutters. The best way to approach an employee’s stuttering is through honest communication and by refraining from making assumptions about job-related abilities and skills.

The Job Accommodation Network (JAN) web site provides employer tips for interacting with those who stutter, particularly in an interview setting:

- Be patient and listen. Do not complete words or sentences for the individual.
- Be attentive in your mannerisms by maintaining conversational eye contact and focusing on the content of communication rather than the delivery of the communication.
- Relax and communicate as you would normally.
- Provide interview questions in advance if possible to allow the individual time to prepare and deliver responses effectively.
- Consider offering a personal interview as an alternative to a phone interview.
- Become knowledgeable about stuttering.

“It’s important for employers to look beyond the individual’s speech to see the underlying qualities of the applicant,” adds Pat Garahan of San Diego, who has been on both sides of the fence as an employer and as a job candidate/interviewee who stutters. “Listen to what applicants say, rather than how they say it.”

Rebecca R. Hastings, SPHR, is online writer/editor for SHRM.



There is no longer a
\$5.00 meeting fee.

2006 Calendar of Events & Annual Meeting Schedule

DATE	SPEAKER	TOPIC
January 19, 2006	James Cowan with LeClair Ryan Flippin Densmore	Legal Update
February 16, 2006		
March 16, 2006		
April 20, 2006*		
May 18, 2006		
June 15, 2006*		
July 20, 2006		
August 17, 2006		
September 21, 2006*		
October 19, 2006		
November 16, 2006*		
December 7, 2006	Holiday Social	

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

*The NRV SHRM meeting on April 20th, June 15th, September 21st, and November 16th will be lunch meetings that will be held from 12:00 noon until 1:30 p.m. The locations and details regarding the lunch meetings will be sent to members at a later date.

PLEASE BE SURE TO REPLY TO THIS E-MAIL FROM TERESA HARLESS (tharless@blacksburg.gov) BY TUESDAY, JANUARY 17TH IF YOU ARE PLANNING TO ATTEND THE JANUARY 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

**Invoice for Annual Chapter Membership Dues
Society for Human Resource Management
New River Valley Chapter
January 1, 2006 – December 31, 2006**

Part I – Please provide the following information for the Chapter Membership Directory.

Name/Position: _____

Name Preferred for Name Tag: _____

Company: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____

Referred By _____

Certification: **New Member** **Renewing Membership**
 PHR **SPHR** **Not Certified**

Date of Last Certification _____
(Renewable every 3 years)

Part II – The NRV SHRM Chapter receives financial reimbursement from the National SHRM Organization for every Local Chapter Member who is also a National SHRM Member. Therefore, please provide the following information so we can ensure our records agree with the records of the National Organization.

I am not a National SHRM Member

I am a National SHRM Member (Please provide the information below)

Chapter Affiliation (Chapter Name, City, State) _____

Membership Number _____ Expiration Date _____

Part III – Dues must be received by January 14, 2006 to ensure you will be included in the 2006 Chapter Membership Directory. Dues are as follows:

_____ \$40.00 Annually for National SHRM Members (A discounted rate for National SHRM Affiliation).

_____ \$50.00 Annually for Non-National SHRM Members (Local NRV Chapter Member Only).

_____ \$10.00 Annually for Retired National or Retired Local SHRM Members.

Please make check payable to NRV SHRM and remit with this form to:

Valerie Crabtree
Membership Director, NRV – SHRM
c/o Manpower
100 Arbor Drive, Suite 102
Christiansburg, VA 24073

Questions?
Call (540) 381-2386 or Email
valerie.crabtree@na.manpower.com

Part IV – Please provide comments.

What can NRV SHRM do for you?

Please indicate in which of the following areas you would be interested in volunteering –

_____ Membership

_____ SHRM Foundation

_____ Social Events

_____ Industrial Committee

_____ Programs

_____ Wage Survey

_____ Certification

_____ Other (Please Specify): _____