

**BOARD OF DIRECTORS**

KEITH LASHOMB, SPHR

President 808-5191

klashomb@i-plus.net

MIKE AAMODT, SPHR

President Elect &amp; College Relations

Chairman 831-5513

maamodt@radford.edu

CHRISTY PORTERFIELD, PHR

Past President 231-9936

christyp@vt.edu

KAREN EDMONDS, SPHR

Treasurer 394-2007

kedmonds@naxs.net

SUSAN GRAVES

Secretary 381-3200

sgraves@duncanauto.net

JAMES COWAN

Legislative Coordinator 961-2600

cowan@flippindensmore.com

APRIL LUCAS

Diversity Coordinator 443-3443

alucas@warmhearth.org

SHARI CASTON

Workforce Readiness Coordinator

951-0841 shari.caston@adeconna.com

VALERIE CRABTREE

Chapter Membership 381-2386

Valerie.crabtree@na.manpower.com

LORRAINE WACHSMAN, PHR

SHRM Foundation Representative

443-3444

lwachsman@warmhearth.org

BECKIE COX, PHR

HRCI Coord. 552-3515 ext. 310

bacox@hhhunt.com

MIKE DRISCOLL, SPHR

Retiree Liaison 381-8525

mike\_driscoll@msn.com

JEFF HAMLEY

Industry Chairman 639-8971

jeffrey.hamley@atk.com

MELISSA VADEN

Member at Large 552-3011

mvaden@moog.com

SAM CAMDEN

Member at Large 231-4281

scamden@vt.edu

*President's Letter*

Hello Everyone!

The unfolding of a new year provides us all an opportunity to reflect on the years past and to look forward to the opportunities that we will have in 2008. One of the privileges of being the incoming president is the opportunity to attend the SHRM Leadership Conference held in Washington, DC each November. It provides an up-close look at the national SHRM services that are available to local chapters and the HR professionals that represent our membership. It's exciting to be able to share ideas and practices with SHRM members from all 50 states.

Two practices that appear to be shared by vibrant chapters are efforts to **expand membership enrollment** and **diversity of Board/membership representation**, to include the involvement of student chapter members in the programs and chapter events throughout the year. In this respect I would like to accept two challenges this year; (1) expand our membership by 20%, (2) provide students members with the opportunity to actively participate in our chapter. In support of the first initiative I would ask for volunteers to serve on a membership committee under the leadership of our membership chair, Valerie Crabtree. In support of the second initiative we are fortunate to have Mike Aamodt as our president-elect (Program Director); who also serves as our Student Chapter Liaison. The program for the 2008 (included in this newsletter) already has student members identified as speakers. In meetings with student members there has been an expressed interest in participating in chapter activities.

In structuring the monthly programs for this year Mike Aamodt has presented four distinct themes; Effective Employee Relations, Effective Staffing, Workplace Safety and Strategic Planning. The monthly topics within each of these themes will yield HRCI recertification credit. **We invite each of you to attend this month's program on Organizational Justice to be held at the Hampton Inn in Christiansburg (Thursday, January 17<sup>th</sup>, 7:30 a.m.)**

One of the major initiatives of SHRM national in the upcoming year is to broaden it's exposure in the business world. SHRM has historically provided support for the HR professional. National advertising will provide an opportunity to sell SHRM to business executives and provide an appreciation for the role of Human Resources in their organizations. Over the holidays I've noticed SHRM sponsorships on the FOX network. Other major advertising initiatives will be produced during 2008.

As a medium sized chapter, the New River Valley SHRM has a history of activity that speaks highly of our Board of Directors and the membership at large. Our achievements have been recognized by SHRM National and the Virginia State SHRM. We are proud to have members such as Chuck Swain, Cindy Hale, Karen Edmonds representing us at the state level.

We would like to welcome five new members to the 2008 Board of Directors; April Lucas (Diversity Chair), Shari Caston (Workforce Readiness), Jeff Hamley (Industry Chair), Melissa Vaden (Member-at-large) and Sam Camden (Member-at-large).

As we look forward to the New Year I wish you all the best in your organizational challenges and your personal and family affairs. Our goal in the New River Valley SHRM (in conjunction with SHRM National) is to provide you with the tools, knowledge and leadership skills necessary to enhance your role as an HR Professional.

Best Regards,  
Keith F. LaShomb

*Meeting Notices*

**BOARD OF DIRECTORS MEETING**

The monthly Board meeting will be held on Monday, January 8th at 7:30 a.m. at IHOP in Christiansburg. Any Board members that cannot attend should contact Susan Graves at [sgraves@duncanauto.net](mailto:sgraves@duncanauto.net).

**CHAPTER INDUSTRIAL MEETING**

Be sure to mark your calendars to attend the next meeting that will be held on Tuesday, January 9th 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 Jeff Hamley at (540) 639-8971 or [jeffrey.hamley@atk.com](mailto:jeffrey.hamley@atk.com) for more information on the Industrial Meeting.

*Chapter Financial Report*

Beginning Balance as of November 30, 2007	\$2,338.07
Ending Balance as of December 31, 2007	\$ 876.93
Scholarship Balance	\$2,384.50
Certificate of Deposit	\$2,500.00
TOTAL ASSETS	\$5,761.43

## Tips on How to Survive an OSHA Inspection

by John M. Barr, Esq. of LeClairRyan

No employer wants to have a Virginia Occupational Safety and Health Administration (VOSH) inspector rummaging around its work site. But with fines for individual violations reaching up to \$70,000, you'll want to insure that your company follows the guidelines set forth below to minimize the chance that it'll be fined for violations.

Your company is most likely to encounter two types of VOSH inspections. The first is a programmed comprehensive inspection. That type of inspection is generated by a random list of employers in various high-risk industries, and it permits the VOSH inspector to inspect your entire place of business. The second is a partial inspection based on an employee complaint regarding an unsafe working environment or based on the report of a fatality or multiple injuries. A VOSH inspector making a partial inspection is permitted to inspect only work areas that are reasonably related to the complaint.

VOSH inspections will generally follow a particular pattern. First, the VOSH inspector will attempt to document any violation that can be observed from the public street. The inspector will then arrive at your front door, display his credentials, and hold an initial conference. In the initial conference, he'll explain why he's there and what he intends to inspect and determine who'll accompany him. The employer has the right to send a representative along with the inspector. If the workplace is organized, the union may also send a representative on the inspection.

The inspector will then conduct the actual inspection. If the inspection is comprehensive, you should be prepared for the inspector to investigate the entire work site as well as review any documentation your company is required to keep (e.g., OSHA 300 logs, emergency communication plans, and lockout/tagout programs). If it's a partial inspection, the inspector is allowed to inspect only the area and information pertinent to the complaint that was received regarding your company. Typically, the inspector will take notes and photographs and interview employees.

After the inspection is complete, but almost never on the same day, the inspector will hold a closing conference. At the conference, he will explain any violations he found at the work site and issue citations based on those violations. Your Company will be given a time period to either pay the fine or to contest the citations.

### Tips on surviving the inspection

The best way to avoid citations is to maintain a safe workplace. A programmed inspection or a disgruntled employee filing a complaint, however, can hit even the best employer. By following the 10 steps outlined below, your company can put itself in a good position to either ameliorate the penalties that are imposed or avoid citations altogether.

1. **Accompany the inspector.** Your company has the right to accompany the inspector during the inspection. You should have a person designated in advance to go with the inspector and who has a camera available to take pictures of anything that the inspector takes a picture of. You may wish to choose someone who is familiar with the applicable safety standards for your facility. The person should be prepared to take notes about what the inspector looks at and any comments the inspector makes.

2. **Make sure you're complying with the easy stuff.** Two areas in which you can act now to prevent significant liability later are in repeat citations and paperwork. If your company has been cited for a violation in the past and is cited again for the same violation, the cost of the new citation can increase up to 10 times. Investigate your company's VOSH history and ensure that any violations cited in the past have been corrected. Also, make sure that the required paperwork is in order (OSHA 300 logs, emergency communication plans etc...).

3. **Keep limited inspections limited.** Remember that complaint inspections can cover only the area for which the complaint was filed and fatality inspections can only cover relevant areas. For example, if an employee complains about unsafe working conditions on a production line, the inspector typically may inspect only that line, not the warehouse. Unless you give consent, the inspector isn't authorized to inspect other areas of the plant. Therefore, resist the temptation to appear cooperative during a complaint-based inspection and refuse any requests by the inspector to examine areas that aren't reasonably relevant to the inspection. Letting the inspector freely wander your place of business only allows him to find more violations and



increase the potential liability of your company.

4. **Keep your job site out of public view.** VOSH inspectors can drive around and issue citations for violations they see from the street, even if the company wasn't scheduled for an inspection that day. To avoid such citations, don't have employees work where they can be observed from the street and take steps to block public view of the work site. On a construction site, for example, erecting a quick fence can prevent an overzealous inspector from taking pictures of your employees from a parking lot across the street and then showing up with a fistful of citations.

5. **Be polite, but don't volunteer information.** A willful violation can cost your company more than \$60,000 more than a serious violation, and the only difference between the two is if VOSH can demonstrate that the company knew, or should have known, that it was in violation of the applicable safety or health standard. The VOSH inspector will be listening to and taking notes on everything your managers and supervisors say during an inspection to gather evidence to support a willful citation. Your designee accompanying the VOSH inspector should refrain from volunteering information or discussing applicable standards. Also, while it would be inappropriate for your supervisors and managers to remain mute if asked a question, they should provide only the requested information and shouldn't speculate.

6. **Have an attorney with you.** VOSH inspectors are entitled by law to interview employees of your company in private and you should do nothing to interfere with that right. Your company, however, is entitled to insist that an attorney or company representative be present during any interviews of supervisors or managers. You should exercise that right to help prevent a VOSH inspector from guiding an interview toward undesirable admissions. And your managers and supervisors should either refuse to sign any statement drafted by the VOSH inspector or wait until an attorney has had a chance to review it. Your company can always submit its own statement should the need subsequently arise.

7. **Consider demanding a warrant.** Your company has a constitutional right to demand that the VOSH inspector obtain a warrant before inspecting the place of business. If an inspector shows up and you know your company is facing a slew of violations, insist on a warrant and launch an emergency effort to clean things up before the inspector returns. You can use that tactic only once. After the first time, you insist on a warrant VOSH will appear at your company with a warrant in hand for all future inspections and they will conduct a very thorough inspection when they do come in with the warrant.

8. **Don't retaliate against employees who speak to VOSH.** The statute protects employees who file a VOSH complaint or aid in an investigation from punishment by their employer for doing so. As with discrimination law, many times employers who have not done anything wrong wind up with legal trouble because they retaliated against an employee who complained or who spoke to the authorities. Save your company the headache of additional litigation by ensuring that there's no retaliation against employees who help an inspector or file a complaint.

9. **Challenge citations.** Under the statute, your company has only 15 days after a citation to challenge it. Given the short time frame, it almost always makes sense to file a challenge to the citation. You can subsequently change your mind and accept the citation, but if you miss the deadline, it's too late and you have to pay the penalty.

**Maintain a safe workplace.** Most importantly, make sure your company is following the safety standards that apply to it. If you're in compliance, you're employees are safer and you have much less to worry about from VOSH.

# # # #

*The author, John Barr, can be reached at the firm's Richmond office at 804-915-4118 or via email at [john.barr@leclairryan.com](mailto:john.barr@leclairryan.com).*



**NEW RIVER VALLEY SHRM**

**MEMBERSHIP MEETING  
January 17, 2008**

**Topics: Organizational Justice**

**Speaker: Dr. Mike Aamodt, Radford University**

**Location: Hampton Inn  
380 Arbor Drive  
Christiansburg, VA 24073**

**Time: 7:30 a.m.—9:00 a.m.**

**APPROVED FOR RECERTIFICATION CREDIT**

This program has been approved for 1 credit hour toward PHR, SPHR, and GPHR recertification through the Human Resources Certification Institute (HRCI)



## 2008 Calendar of Events & Annual Meeting Schedule

DATE	TOPIC	SPEAKER	LOCATION
January 17, 2008	Organizational Justice (approved for HRCI—1.0)	Dr. Mike Aamodt, Radford University	Hampton Inn—7:30 a.m. to 9:00 a.m.
February 21, 2008	Mediating Conflicts (approved for HRCI—1.0)	Bobbie Raynes, Certified Mediator	Farmhouse—12:00 p.m. to 2:00 p.m.
March 20, 2008	Legal Update: Grievances & Termination	Jim Cowan, LeClair Ryan	Hampton Inn—7:30 a.m.— 9:00 a.m.
April 17, 2008	Technology and Staffing Online Recruiting and Screening	David Cohen, DCI Consulting; Ella Greer, Radford City Po- lice; Perry Cole, VEC	TBA
May 15, 2008	Legal Update: Staffing	Todd Leeson, Gentry, Locke, Rakes	Location TBA—7:30 a.m. to 9:00 a.m.
June 19, 2008	Terrorism & Workplace Vio- lence	Todd Branscome, Radford Uni- versity or Sgt. Robert Carpen- teri, Virginia State Police	Location TBA—7:30 a.m. to 9:00 a.m.
July 17, 2008	Dealing with the Distressed Employee	Dr. Sarah Hastings, Radford University	Farmhouse—12:00 p.m. to 2:00 p.m.
August 21, 2008	Legal Update: Health & Safety	Victor Cardwell & Tom Winn,	Location TBA—7:30 a.m. to 9:00 a.m.
September 18, 2008	Ethical Dilemmas	Mary Jane Umberger, HR Alliance, LLC	Farmhouse—12:00 p.m. to 2:00 p.m.
October 16, 2008	Scanning the External Environ- ment in the NRV	Aric Bopp, NRV Economic Development Alliance	Location TBA—7:30a.m to 9:00 a.m.
November 20, 2008	Legal Update: Privacy	Heather Polzin, LiClair Ryan	Location TBA—7:30 a.m.—9:00 a.m.
December 2008	Holiday Social		Farmhouse—5:30 p.m.— 7:30 p.m.
January 2009			

**Inclement Weather Policy: Meetings will be cancelled if Montgomery County Schools are closed or on a two-hour delay due to inclement weather.**