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*President's Letter*

Hello Everyone!

As we approach the end of this 2008 calendar year I'm sure most of us find our calendars full. We'll find an increased number of employees on vacation and year-end suspense's that will need to be met. And this is not to mention our looking over our shoulders at those projects we promised at the first of the year that somehow our busy schedules never allowed us to accomplish. This is a time of the year that is not surprisingly associated with higher than normal stress levels. As HR professionals we need to be cognizant of employees who may be experiencing higher than normal stress levels or depression. If your company offers Employee Assistance Programs and/or counseling, make this material available to your employees.

We offer a special thanks to Jim Cowan for the legal update he provided at our November meeting. We also extend our appreciation to Maggie Sloan for her presentation on diversity issues. **The remaining event for this year is our annual holiday social to be held at The Farmhouse on Thursday evening, December 4<sup>th</sup> between 5:30 – 7:30 p.m. This event is always well attended and is noted for the fine selection of Hors d'oeuvres. The seafood varieties are always a favorite. This is just a small way for us to show our appreciation to the membership of the New River Valley SHRM. We will also be holding a silent auction in support of the NRV SHRM Scholarship Fund.**

In January the 2009 NRV SHRM Board of Directors will be seated and we would like to welcome four new Board members; Robin Ball (President-Elect), Brook Perry (Chapter Membership), Cyndy Rupe (HRCI Coordinator), and Darren Wagnon (Member-at-Large).

I've been encouraged over the participation of student members over the past year. Beyond the traditionally support that our students provided (the annual salary survey, HRCI classes each spring, maintenance of our web site) it has been encouraging to find students attending monthly meetings and lending their expertise as key speakers at several of our program presentations. Student chapter members represent the future leadership of SHRM and their early involvement in our organization is encouraging.

Enhanced student involvement was an initiative undertaken this year and in this regard we have been successful. Another initiative this year was to significantly increase our membership. In this respect we still have work to do. There are many small businesses that do not have the luxury of employing an HR Director. There are personnel in these organizations however who are performing HR related functions who could benefit from membership in the NRV SHRM. Often it will be these Business Managers or Administrative Assistants of an organization who would most utilize the information that our local chapter and our National SHRM provide.

A primary goal of the New River Valley SHRM is to provide HR Professionals with the tools, knowledge and leadership skills necessary to enhance your roles. I believe that the programs we have offered this past year have served you and the HR profession very well. Under the leadership of Mike Aamodt in 2009 I believe you will see a continuation (and an enhancement) of this effort to support the HR professionals of the New River Valley.

Happy Holidays,  
Keith LaShomb

*Meeting Notices*

**BOARD OF DIRECTORS MEETING**

The monthly Board meeting will be held on Tuesday, December 2nd at 7:30 a.m. at Manpower 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, December 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 October 31, 2008	\$ 3,362.63
Ending Balance as of November 30, 2008	\$ 2,682.63
Scholarship Balance	\$ 2,872.00
Certificate of Deposit	\$ 2,500.00
TOTAL ASSETS	\$ 8,054.63



## State Council

### **Announcing the First Virginia SHRM Leadership Conference**

Most of you have begun the process of selecting your Chapter's leaders for 2009. Like the New Year, the new Chapter leaders come with a lot of questions. "What's this leadership position about?" "What do I do on day one?" "What's a CAP?" "I'm supposed to report what to whom?" These plus many other queries were how we all started in our new Chapter leadership positions.

After many conversations with Chapter leaders throughout the state the Virginia SHRM State Council has determined that the best way to provide both practical and strategic training is to bring those going into the key chapter leadership positions together for a Two-Day Leadership Conference. We are in the middle of planning this event. This notice is to alert you to the dates, the purpose, the planned attendees, and to solicit your help.

The conference will be held in a centrally located area of Virginia (most likely near Charlottesville) on:

**Friday, January 9<sup>th</sup> and Saturday, January 10<sup>th</sup>, 2009**

The expected outcomes from the conference are that the attendees will:

- Leave the conference with an understanding of what's expected of them as SHRM Chapter leaders
- Understand the deliverables of their position
- Have familiarity with the SHRM tools to help them accomplish their roles
- Understand their connection with the State Council and with SHRM National
- Have established a network of peers and subject matter experts

Each key functional area of leadership training will be led by subject matter experts (SMEs) from SHRM National or State Council or outside professionals (Legal and Finance) or a combination of all three. In addition, SMEs from specific chapters are encouraged to participate in leading the sessions. Each key functional area will cover:

- Rules, laws and resources
- Objectives and reporting
- Planning, reporting and day-to-day activities and processes

In an effort to appropriately cover the subject matter and limit the conference cost we decided to limit the key functional areas to be addressed at this conference. Currently, we are planning to have five focused areas:

1. President and President-Elect

2. Communications (Including Secretary and Technology positions)
  3. Treasurer and Controller (the key finance positions)
  4. Membership
- Programs, Sponsorships and Program Certification

The conference will include one night's hotel, meals and conference materials. We are working to present the conference at minimal cost to the attendees. This is where we need your help:

Mark the January dates on your calendar and begin to plan now for your Chapter Leaders to attend the conference. More details will follow but we anticipate each chapter sending five participants representing the leadership positions listed above.

We need you to enlist Sponsors/Vendors for the event. It is a unique opportunity for them to reach each Chapter's leaders. On the reverse side of this announcement is the Sponsor Agreement Form. Please contact Mary Rudisill ([maryrudisill@capitalrelo.com](mailto:maryrudisill@capitalrelo.com)) with any questions regarding Sponsors for this event.

Again, we will communicate more details to you as the planning is finalized. If you have any questions, suggestions or want to participate in delivering the subject matter please email Marcy Engle ([marcy.enge@emu.edu](mailto:marcy.enge@emu.edu)), Roy Gross ([grossroy@aol.com](mailto:grossroy@aol.com)), or Karen Edmonds ([edmondska@montgomerycountyva.gov](mailto:edmondska@montgomerycountyva.gov)).

## *Legislative Update*

### **NEW FMLA "FINAL RULE" CLARIFIES RULES FOR EMPLOYERS AND EXPANDS FMLA FOR MILITARY FAMILIES**

On November 17, 2008, the Department of Labor ("DOL") published its "final rule" under the Family and Medical Leave Act ("FMLA"). The final rule implements the military family leave amendments to the FMLA that President Bush signed into law in January 2008, and clarifies the rights and responsibilities of employees and employers regarding FMLA leave. The final rule is the result of a two-year process during which the DOL took into consideration almost 20,000 public comments from employers, organized labor, and employee-rights groups. The new rules become effective on **January 16, 2009**. Prior to the effective date, employers covered under the FMLA must ensure that their policies comply with these new amendments. Some of the new or updated provisions are summarized below.

#### **Military Family Leave Entitlements:**

**Military Caregiver Leave.** FMLA protections are expanded for family members caring for a covered service member with a serious injury or illness incurred during active duty. Family members now include "next of kin," which can mean grandparents, first cousins, aunts, and uncles. These caregivers are entitled to 26 workweeks of leave in a single 12-month period.

**Qualifying Exigency Leave.** Family members of National Guard and Reserve members on active duty may now take the normal 12-workweek FMLA leave for any "qualifying exigencies" arising out of the active duty status. "Qualifying exigencies" are defined as: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities agreed to by the employer and employee.

#### **Highlights of Additional Amendments:**

**Notice Obligations: Employers.** Employer notice requirements are now set forth in a single section of the regulations and are updated to better inform employees about their FMLA rights. Employers must provide employees with (1) a general FMLA notice; (2) an eligibility notice; (3) a rights and responsibilities notice; and (4) a designation notice. Employers may now provide notices within five business days, instead of two.

**Notice Obligations: Employees.** Employees who need FMLA leave must follow their employer's customary call-in policies when they plan to miss work, absent unusual circumstances. This changes the current regulation, which allows some employees to notify their employers about their need for FMLA leave up to two days after the employee's absence.

**Penalties.** The "categorical" penalty, which requires an employer who failed to properly designate FMLA leave to provide 12 additional weeks of FMLA leave after an employee had already taken 30 weeks of leave, is eliminated. The final rule clarifies that if an employee suffers harm as a result of the employer's failure to follow the notification rules, the employer may be liable.

**Perfect Attendance Awards.** Employers may disqualify employees from receiving "perfect attendance" awards when the employee has taken FMLA leave, as long as the employer treats employees with non-FMLA leave in the same way. This regulation changes the prior treatment of perfect attendance awards.

**Medical Certification Process.** When a medical certification is needed, an employee's direct supervisor may not contact the employee's healthcare provider. Instead, it must be the employer's healthcare provider, human resources professional, leave administrator or a management official. If an employer deems the employee's medical certification to be insufficient or incomplete, the employer must specify the deficiencies in writing, and the employee has seven calendar days to fix the certification. The final rule also offers guidance on the timing of the medical certification process.

**Light Duty.** Previously, some courts have held that an employee performing a "light duty" assignment after taking FMLA leave counts toward the employee's 12 weeks of FMLA-protected leave. The final rule rejects that practice and confirms that when employers place an ill or injured employee on "light duty" work, the time spent doing that work does not count against the employee's FMLA leave entitlement. If the employee is performing the light duty work voluntarily, that employee is not on FMLA leave.

**Serious Health Condition.** The final rule clarifies the number and type of health care treatment and visits to health care providers that employees must undergo in order to qualify under the "chronic" and "continuing treatment" definitions of a serious health condition.

**Waiver of Rights.** Prospective waivers by employees of their FMLA rights are still prohibited. The final rule clarifies that employees may, however, voluntarily settle or release their FMLA claims retroactively, without DOL or court approval.

**Fitness-for-Duty Evaluations.** Employers may require fitness-for-duty certifications for employees who took intermittent FMLA leave and are returning work where reasonable job safety concerns exist. Employers may also require that the certification expressly address the employee's fitness to perform the essential functions of his or her job. These two provisions are changes to the current "fitness-for-duty" certification process.

These changes may affect virtually every employer covered by the FMLA. The full text of the FMLA Regulations and Final Rule can be found on the DOL website, at <http://www.dol.gov/federalregister/PdfDisplay.aspx?DocId=21763>.

Employers who would like assistance interpreting or implementing the new regulations may contact the LeClairRyan Labor & Employment group.

*This Client Alert was prepared by associates  
Brian G. Muse and Nancy B. Sasser.*

## 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—11:45a.m. to 1:30 p.m.
March 20, 2008	Legal Update: Focus on Em- ployee Relations	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; Jerry Barnett, VEC	Baker's Best—5:30 p.m. to 8:30 p.m.
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	Dr. Dennie Templeton, Radford University	Hampton Inn—7:30 a.m. to 9:00 a.m.
July 17, 2008	Dealing with the Distressed Employee	Dr. Sarah Hastings, Radford University	Farmhouse—11:45 a.m. to 1:30 p.m.
August 21, 2008	Legal Update: Health & Safety Approved for HRCI—1.0 credit	Stephen Burt & Dudley Woody Woods, Rogers	Hampton Inn—7:30 a.m. to 9:00 a.m.
September 18, 2008	Ethical Dilemmas Approve for HRCI/ Strategic Mgt Credit—1.0 credit	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	Hampton Inn—7:30a.m to 9:00 a.m.
November 20, 2008	Legal Update and Diversity Issues Approved for HRCI—1.0 credit	Jim Cowan Jeanie Reilly	Hampton Inn —7:30 a.m. —9:00 a.m.
December 4, 2008	Holiday Social	Fun, Fun, Fun	Farmhouse—5:30 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.**