



North Country Human Resources Association, Inc.

Society for Human Resource Management (SHRM) Affiliated Professional Chapter #0559

Serving North Country HR Managers since 1998

Website: <http://northcountryhra.org>

Newsletter – January 2011

2010–2011 Board of Directors

- President**..... Kathleen Scheible, PHR
Credo Community Center
788-1530 ext. 111
kathys@credocommunitycenter.com
- President-Elect**..... Ross Wachowski
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348-4300
rwachowski@otictec.com
- Vice President**..... Lisa Storey, PHR
Samaritan Medical Center
779-5085
lastorey@shsny.com
- Treasurer** Cherie Moore
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376-6899
cherie.moore@na.manpower.com
- Secretary** Luanne VanBrocklin
Car-Freshner Corp
788-6250
lvanbrocklin@little-trees.com
- Board Member**..... Lisa Bowhall
Kelly Services
788-4345
bowhalm@kellyservices.com
- Board Member**..... April Fallon
North Country Orthopaedic Group
836-2168
afallon@ncortho.com
- Board Member**..... Jeanette Hinkal, PHR
Transitional Living Services of Northern New York
782-1777 x18
jhinkal@tlnsny.com
- Board Member**..... Deborah Wilson
North Country Library System
315-782-5540
dwilson@ncls.org
- Immediate Past President**..... Gilbert H. Pearsall, Jr.
Johnson Newspaper Corp.
782-1000 ext. 2318
gpearsall@wdt.net



January Member's Meeting

- DATE:** Tuesday, January 18, 2011
- SITE:** Best Western, Watertown
- TIME:** 11:30 PM Social Networking
11:45 PM Buffet opened
12:00–1:00 PM Meeting Topic
- TOPIC:** Case Management to Control
Worker's Compensation Costs;
Joe Burnash from J.H. Burnash & Co., Inc.
- MENU:** Lunch Buffet
- COST:** \$15.00 Paid Members
\$17.00 Potential Members & Guests
\$5.00 Non-Dining Members
- RSVP:** Cherie Moore – Treasurer
cherie.moore@na.manpower.com
by 4 PM Tuesday, January 11, 2011



January's Topic:

This month's topic will consist of Medical Case Management that is utilized for Worker's Compensation Claims. Joe will discuss the field itself, how case management is used, it's effect, when it's appropriate and the hopeful outcome. If time allows, he'll touch on Worker's Compensation and the use of Independent Medical Exams as related topics.

Cancellations:

We will make every effort to cancel the RSVP if given reasonable notice of cancellation. If NCHRA is charged for the meal, then you are responsible to pay for the meal.

Name tags will be provided at the door to help every one get to know their fellow members. Please remember to return them before leaving.

Remember...

- Bring your business cards with you to the monthly meetings to share and network with other members.
- At each meeting NCHRA Members can enter their business card in the door prize drawing for a free meal at the next meeting.
- The "Sally Kafka Memorial Membership Drawing" held in December 2011 awards a one year paid membership to the winner. Those members with perfect attendance at the monthly meetings (September 2010-December 2011) will be eligible for the drawing.

Message From The President

Happy New Year to everyone! I hope your holidays were joyful and fun-filled. Now it's back to work! We start the New Year off with two additional Board members... Ross Wachowski and April Fallon. They received their orientation before the holidays and have attended their first Board meeting already. We look forward to working with them over 2011.

Please Note: Our January meeting topic has changed to "Case Management to Control Worker's Compensation Costs". Joe Burnash will be presenting. He is from J.H. Burnash and Company. He will base his presentation on the knowledge and experiences he has accumulated during his 32 years in the business. Worker's Compensation is something that affects every business. Learning of ways to help control those costs will be of value to everyone. Due to the short turnaround time between this information getting to you and the January 18th meeting date, I ask that you RSVP ASAP. Please RSVP for the January meeting to Cherie Moore no later than Tuesday, January 11, 2011 by 4 PM (cherie.moore@na.manpower.com). I will see you there!

Also, we are beginning to plan for our annual June Conference. There will be a committee meeting directly following the general meeting on the 18th. We are looking for members to help out on the committee. There are a number of various things that you could help with....big and small. So why not join us for that new experience! I hope to see you there.



Kathleen Scheible, PHR
President,
North Country Human Resources Association

**JUNE CONFERENCE
PLANNING COMMITTEE MEETING
Following the Jan. 18 General meeting
at the Best Western
COME JOIN US**



2011 Meeting Dates (through June)

February – June 2011 meeting dates for your calendar. All meetings will be held at the Watertown Best Western.

<i>Meeting dates</i>	<i>Topics</i>
Tuesday, February 15, 2011 (lunch)	Employer Benefit Plans
Tuesday, March 15, 2011 (lunch)	Staffing Services
Tuesday, April 26, 2011 (breakfast)	Affirmative Action
Tuesday, May 24, 2011 (breakfast)	New Employee Processing and Files
Tuesday, June 7, 2011 (at State Office Building)	5th Annual NCHRA Conference

Congratulations to Jeanette Hinkal

Congratulations to Jeanette Hinkal for being one of the four academic recipients in our region of the 2010 SHRM Foundation Scholarship. Out of 20 scholarships awarded each year in each of the 5 regions, 4 are academic and 16 are certification. She was selected from the 420 applications submitted for the 100 scholarship opportunities. Jeanette was awarded \$2,000 to apply to tuition for a dual program she is enrolled in. She will obtain her BS in Business with a Specialization in Human Resource Management in March of 2011, and a Master of Science in HR Management with a Specialization in General HR Management upon completion.

The NCHRA Board extends their congratulations to Jeanette and applauds her for furthering her education and carrying out her career goals.

The annual scholarship is yet one more benefit of being a SHRM member. The SHRM Foundation supports lifelong learning for HR professionals and their scholarship program helps SHRM members achieve their career and educational goals. All SHRM members are eligible to apply. For more info, you can visit www.shrm.org/foundation and select "Scholarships and Awards".

2010-2011 NCHRA Membership

We have changed the fiscal year for the NCHRA to coincide with the calendar starting in 2011. The 2010-2011 membership year runs from September 2010 to December 2011. Annual membership dues are payable to NCHRA and mailed to:

NCHRA
PO Box 8302
Watertown NY 13601

A one-year professional membership is \$35 and two-year is \$60.
A one-year associate membership is \$20 and two-year is \$35.

Remember: there is a meal price difference for members and non- members so it's to your advantage to get your membership in early!

Types of memberships:

PROFESSIONAL MEMBERSHIP: Professional Members shall be limited to (a) those individuals engaged in Human Resources or Industrial Relations functions; (b) the teaching, administration or management of Human Resources; (c) individuals who previously served in those positions.

ASSOCIATE MEMBERSHIP: Individuals who do not meet the qualifications of the other classes of membership, but who demonstrate a bona fide interest in human resource management and the mission of the Chapter. Associate members may not vote or hold office in the Chapter.

STUDENT MEMBERSHIP: Individuals who are actively enrolled in Human Resources or related programs at the college or University level. Student members may not vote and may not hold office in the Association. Student members shall be entitled to full membership without the payment of dues.



North Country Human Resources Association Inc.

P.O. Box 8302, Watertown, NY 13601

Society for Human Resource Management (SHRM) Affiliated Professional Chapter #0559

Serving the North Country HR Managers since 1988.

MEMBERSHIP APPLICATION FOR 2010-2011



Web Address: <http://northcountryhra.org/>

Professional Member Dues: \$35.00 one year – non refundable if approved - due with your application.

\$60.00 two years – non refundable if approved -due with your application.

Associate Member Dues: \$20.00 one year – non refundable if approved - due with your application.

\$35.00 two years – non refundable if approved - due with your application.

Membership in NCHRA is contingent upon approval of Board of Directors.

Applicants will receive notification of membership decision.

Name: _____ (Membership is individual-not transferable)

Home Address: _____

Phone: _____

Company: _____

Address: _____

Email Address: _____ Company Web Site: _____

Telephone: _____ Fax: _____

Title: _____

Function(s): _____

Renewal Membership New Membership

Do you have a certification? SPHR PHR GPHR

Are you a SHRM member? Yes No

How long have you been a SHRM member? _____

How did you hear about the NCHRA? _____

Internal Use Only

Application / Payment submitted on:

Type of Membership: Professional Associate Student Honorary

Membership expires: 2011 2012

Form of Payment: Personal Check Business Check Cash

Date Board approved:

Date Notification sent:

BSK, PLLC Labor & Employment Law Information



Employee Benefits Law Information Memo

December 2010

[Electronic Dispatch](#)

[Go to BS&K Employee Benefits Practice Home Page](#)

TAX BREAK EXTENSION LEGISLATION INCLUDES EMPLOYEE BENEFITS PROVISIONS AND IRS DELAYS COMPLIANCE WITH NONDISCRIMINATION RULES FOR INSURED GROUP HEALTH PLANS

On December 17, 2010, President Obama signed into law the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 ("Tax Relief Act"), which generally extended the Bush-era tax reductions through December 31, 2012. The Tax Relief Act also included several employee benefits-related extensions of interest to employers.

Educational Assistance Programs

Section 127 of the Internal Revenue Code ("Code") permits an employer to maintain a program to provide tax-free educational assistance to its employees, provided that certain eligibility and nondiscrimination requirements are satisfied. A qualified educational assistance program may provide up to \$5,250 in tax-free educational assistance for the payment of tuition and related expenses for undergraduate and graduate level coursework. Code Section 127 was scheduled to expire on December 31, 2010. The Tax Relief Act extends the application of Code Section 127 through December 31, 2012, allowing employers to continue to provide tax-free educational assistance to their qualifying employees for an additional two years.

Adoption Assistance Programs

Code Section 137 permits an employer to provide tax-free adoption assistance benefits (up to \$13,360 per eligible child for 2011) to its employees, subject to the satisfaction of certain eligibility and nondiscrimination rules. Code Section 137 was scheduled to expire on December 31, 2011. However, the Tax Relief Act extends the application of Code Section 137 through December 31, 2012.

Mass Transit and Vanpool Benefits

Under current law, an employee may exclude from income up to \$230 per month in qualified employer-provided mass transit and vanpool benefits (along with employer-provided parking benefits), provided that the program satisfies the requirements of Code Section 132(f). However, the permitted exclusion amount for mass transit and vanpool benefits was scheduled to be reduced to \$120 per month after December 31, 2010. The Tax Relief Act extends the \$230 monthly exclusion amount for employer-provided mass transit and vanpool benefits through December 31, 2011. The exclusion for employer-provided parking benefits is not subject to this sunset provision.

Bond, Schoeneck & King, PLLC

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IRS Delays Compliance with Nondiscrimination Rules for Insured Group Health Plans

Section 2716 of the Patient Protection and Affordable Care Act (“Affordable Care Act”) requires insured group health plans to satisfy the requirements of Code Section 105(h)(2). Code Section 105(h)(2) prohibits discrimination in favor of highly compensated individuals as to eligibility to participate, and the benefits provided. A highly compensated individual is defined as one of the five highest paid officers of the employer, a 10 percent or greater shareholder, or (with some exclusions) an individual among the highest paid 25% of all employees when ranked by compensation. Section 2716 also provides that “rules similar to” the nondiscriminatory eligibility classification test, nondiscriminatory benefits test and the controlled group rules of Code Section 105(h)(3), (4) and (8), respectively, shall apply. Failure to satisfy these requirements could result in a hefty excise tax being imposed on the employer: \$100 per day per individual discriminated against.

In September, IRS Notice 2010-63 requested comments about the guidance needed in order to satisfy the nondiscrimination requirements. In addition to guidance concerning the meaning of “rules similar to” Code Section 105(h), commentators noted that compliance prior to 2014, when the state insurance exchanges and individual and employer responsibility and penalty provisions take place, would be difficult without substantial guidance. The Notice acknowledges that guidance is required with respect to such questions as whether the rate of employer contribution is a “benefit” that must be provided on a nondiscriminatory basis, whether the nondiscrimination standards can be applied separately to distinct geographic locations, how the rules apply to expatriates and inpatriates, how the rules apply to employees who voluntarily waive coverage, and whether paying for the coverage of highly compensated individuals on an after-tax basis affects the nondiscrimination requirements, among other things.

The IRS (and the Departments of Labor and Health and Human Services) have delayed compliance with the nondiscrimination requirements of the Affordable Care Act until after regulations or other administrative guidance are issued (IRS Notice 2011-1). The nondiscrimination rules would otherwise apply to insured, non-grandfathered group health plans for plan years beginning after September 23, 2010. Grandfathered insured plans were required to comply beginning with the 2014 plan year, or the first plan year grandfathered status is lost, if earlier.

If you have any questions about this memorandum, please contact Aaron Pierce in our Syracuse office (315-218-8635, apierce@bsk.com) or any of the other members of our Employee Benefits and Executive Compensation Practice Group listed below.

In Central New York, call 315-218-8000 or e-mail:

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In the Capital District, call 518-533-3000 or e-mail:

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In the Rochester Region, call 585-362-4700 or e-mail:

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BSK, PLLC Labor & Employment Law Information



Health Care Reform Update

December 2010

Electronic Dispatch

COURTS SPLIT ON CONSTITUTIONALITY OF “INDIVIDUAL MANDATE”

To date, three Federal courts have ruled on the constitutionality of the section of the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act (“PPACA”), that may impose a monetary penalty on individuals who are not covered by adequate health insurance, beginning in 2014. The coverage requirement is commonly known as the individual mandate.

On December 13, 2010, Judge Henry E. Hudson of the United States District Court for the Eastern District of Virginia ruled that the individual mandate was unconstitutional and not enforceable. This decision conflicts with two prior Federal court decisions, one from the Eastern District of Michigan and other from the Western District of Virginia. In those cases, the courts held that the individual mandate was constitutional.

Most recently, on December 16, 2010, the constitutionality of the individual mandate was argued before U.S. District Judge Robert Vinson in the U.S. District Court for the Northern District of Florida, in a case that represents a twenty-state challenge to the PPACA. The Northern District of Florida case, which has not yet been decided, involves challenges to the PPACA on several grounds, including the constitutionality of the individual mandate.

It is expected that the conflicting decisions regarding the validity of the individual mandate eventually will be resolved by the United States Supreme Court. Despite the uncertainty created by the conflicting court decisions, senior White House officials have said that the Obama Administration will continue to work vigorously to implement the PPACA.

With respect to those PPACA provisions that become effective before 2014, employers and group health plan sponsors should do the same thing. That is, even though the individual mandate is not scheduled to become effective until 2014 (and may not become effective at all), employers and group health plan sponsors should continue to implement applicable PPACA requirements that took effect in 2010 or that will take effect beginning in 2011.

If you have any questions, please contact:

In Buffalo / Niagara Falls, call 716-566-2800 or e-mail:

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Bond, Schoeneck & King, PLLC

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BSK 2010-2011 Breakfast Series

2010-2011 HR Breakfast Series

The Breakfast Series Seminars, co-sponsored by BS&K and MACNY, are designed to address current, important issues and provides updates and insight on a variety of important HR topics.

All Syracuse presentations will take place at MACNY headquarters (see below). Please see reverse for dates and location of our "On The Road HR Series" in Utica.

October 19, 2010

Wage/Hour Update: State and Federal DOL Crackdown and Class Action Issues – Do You Have Exposure?

- DOL Enforcement Initiatives; Review of Enforcement Positions and Opinion Letters and Regulatory Updates
- Deductions from Wages; Meal Periods; Hiring Documentation; and Other State Law Issues
- Class Action Developments
- Equal Pay Act & Potential Amendments to FLSA – Pending legislative and regulatory developments
- Hiring Incentives – how to qualify and practical concerns

November 16, 2010

FMLA and ADA Update: Handling Delicate Medical Issues with Employees

- FMLA Medical Certification Challenges and Solutions
- Intermittent Leave Issues
- ADA – Reasonable Accommodations & the Interactive Process
- Difficult Accommodation Issues
- FMLA and ADA Overlap – additional time off as accommodation and other issues

March 15, 2011

Social Media/Networking – Dangers and Opportunities

- How to Use Social Networking to Screen Applicants and Avoid Litigation
- Legal Pitfalls to be Avoided in the Monitoring and Managing of Employee Use of Social Media
- Developing an Effective Social Media Policy

April 19, 2011

What *all* Employers Need to Know About the NLRB: How new board appointments, rulings and legislative developments are effecting both unionized and non-unionized employers alike.

- The "New" Board – How Changes in Membership Have Influenced the Law
- NLRB Decisions and Impact on Organizing
- NLRB Decisions and Impact on Unionized Employers
- Legislative Developments – Status of EFCA and Other Initiatives
- Preparing for Union Organizing
- Best Practices for Unionized Employers

HRCI Recertification Credit: These programs have been submitted to the HR Certification Institute.

Registration and Breakfast: 7:30 a.m. to 8:00 a.m.; Program: 8:00 a.m. to 9:30 a.m.

Briefings held at MACNY Headquarters, One Webster's Landing, Syracuse, NY

Cost for each HR Breakfast Series Session is \$25 for BS&K Clients and MACNY Members
\$35 for Non-Clients and Non-Members (includes breakfast and handouts)
(Make checks payable to MACNY)

See reverse side for registration information.



BOND, SCHOENECK & KING, PLLC
ATTORNEYS AT LAW • NEW YORK FLORIDA KANSAS



Fax-Back Registration Form

Fax your registration to Bill at MACNY: Fax 315-474-0524; Phone 315-474-4201, ext. 16

Please indicate if you are a BS&K Client or MACNY Member

Participant _____ Contact Name _____

Address _____

Telephone _____ Fax _____ E-mail _____

Seminar _____ Date _____

Seminar _____ Date _____

Seminar _____ Date _____

Seminar _____ Date _____

If you are unable to honor your registration, please provide 48 hour cancellation notification.
Otherwise, we will be charged by the venue and have to pass along the cost to you.