



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 – October 2009

2009–2010 Board of Directors

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October Member's Meeting

DATE:	Tuesday, October 20, 2009
SITE:	Best Western, Watertown
TIME:	8:00 AM
TOPIC:	Legal Implications of the Use of Facebook and MySpace by Applicants and Employees (NEW TOPIC)
SPEAKER:	Michael J. Sciotti, Esq. Hancock & Estabrook, LLP
MENU:	Breakfast Buffet
COST:	\$10.00 Paid Members \$12.00 Potential Members & Guests \$5.00 Non-Dining Members
RSVP:	Cherie Moore – Treasurer cherie.moore@na.manpower.com by 4 PM Wednesday, October 14, 2009

October's Topic... The presentation covers the use of social networking sites as well as Google, YouTube, Twitter, Blogs, etc... at the workplace. The presentation will discuss the legal aspects of these sites as they relate to the NYS Human Right Law, NYS Labor Law, National Labor Relations Act and Title VII of the Civil Rights Act. Mike will also discuss employer protections, employee discipline and a number of suggestions for internal policies.

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 June 2010 awards a one year paid membership to the winner. Those members with perfect attendance at the monthly meetings (Sept-June) will be eligible for the drawing.

Message From The President

We had such a great turn out at the September meeting. It was nice to see so many familiar faces but it was especially nice to see some new ones as well. As our membership continues to grow the Board looks for more feedback on what you want to get out of your NCHRA membership. The Board relies on your input for meeting topics, meeting locations and times, speaker suggestions as well as content for the annual conference. Please continue to give us your ideas and comments so we can provide quality programming that will benefit you and other members.

The meeting topic for October has changed to "Legal Implications of the Use of Facebook and MySpace by Applicants and Employees". We have moved "Background Checks and Article 23" to the spring. Given the projection that employment will start picking up within the upcoming months and that more people will be competing for these openings, we thought it would be timely to take a look at the current online recruiting methods that applicants and employers are either using now or are considering to use in the future. Not only are applicants using these tools when looking for a job, but your employees are using these tools as well. Before you as HR jump in with both feet, come hear Mike Sciotti share what you should know about the legal implications of using these tools. Mike always provides a very informative aspect and you'll have "take aways" to help you back in the office.

One matter of business that we need to wrap up at the October meeting is the approval of a change that was recommended to the NCHRA By-Laws. This change was shared with the membership in April but still needs a vote to be approved. We'll be voting on this at the October meeting. Meanwhile, under separate cover, we'll email you the By-Laws with the recommended change that can be found in Section 6.5: Elections -Term of Office. Please take a few minutes to look it over before the meeting.

Thank you to those who signed up to help with the Membership, Scholarship or Certification Committee. It's great to have members who want to be involved and help develop or enhance these areas. We'll provide committee updates each month so look for that info in the next newsletter.

I look forward to another great turn out on Tuesday, October 20. The RSVP time frame is a bit shorter this month so please get your RSVP to Cherie Moore today so you don't miss out. The deadline is Wednesday, October 14, 2009 by 4 PM (cherie.moore@na.manpower.com).



Kathleen Scheible, PHR
President, North Country Human Resources Association

2009-2010 Meeting Dates

November 2009 – June 2010 meeting dates for your calendar. The specific meeting times and topics will be announced soon. All meetings will be held at the Watertown Best Western.

Tentative Topics

Tuesday, November 17, 2009	FLSA: Common Employer Mistakes
December 2009	No meeting scheduled
Tuesday, January 19, 2010	Social Service Benefits
Tuesday, February 23, 2010	Wellness, Part 2
Tuesday, March 23, 2010	Update on National Health Plan
Tuesday, April 20, 2010	Background Checks/ Article 23 OR EEOC: EEO-1 Reporting
Tuesday, May 18, 2010	To be determined
Tuesday, June 8, 2010	4 th Annual NCHRA Conference

Welcome to New Members

Please introduce yourself to the following new members and make them feel welcome to NCHRA:

Kathleen Meehan, HR Coordinator

- from Bernier, Carr and Associates
- kmeehan@thebcgroup.com
- 782-8130

Deborah Hurley, HR Implementation Consultant

- from ADP
- Deborah_hurley@adp.com
- 866-940-2311 x 33

Mary Thompson, HR Representative

- from Stream Global Services
- mary.thompson@stream.com
- 785-9200 x4032

Jason Ring, Asst Superintendent for Personnel

- from Watertown City School District
- jring@watertowncsd.org
- 785-3719

Andrea Brown, Attorney

- from Hancock and Estabrook
- abrown@hancocklaw.com
- 471-3151

Kate McGhee, Retired

- Clayton, NY



2009-2010 Membership Renewal

IMPORTANT NOTE ON MEMBERSHIP RENEWAL: Membership renewals will be accepted any time. However, unless your membership renewal application is received by November 1, 2009, your name will be removed from the chapter e-mail communication roster and you will no longer receive important chapter communications as a benefit of membership.

A NEW BENEFIT PROVIDED BY NCHRA - Any member of NCHRA for the 2008-2009 year who is currently unemployed may renew their membership at no cost for one year at the Associate level. The deadline for submitting your membership renewal application is November 1. There's no refund if you've renewed prior to losing employment.

The membership year runs from September to August. Annual membership dues are payable to NCHRA and mailed to:

Cherie Moore
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 2009-2010



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

Are you a SHRM member? Yes No Do you have a certification? SPHR PHR GPHR

Do you know of anyone you would like to refer to NCHRA? _____

Internal Use Only

Application / Payment submitted on:

Type of Membership: Professional Associate Student Honorary

Membership expires: 2010 2011

Form of Payment: Personal Check Business Check Cash

Date Board approved:

Date Notification sent:

SHRM Membership Discount

The Society for Human Resource Management (SHRM) is offering a discounted rate to become a member of SHRM. You can access their membership application online at www.shrm.org and look for "Membership" under "About SHRM". Use the promotional code CHNED to get the discounted rate of \$145.....a \$15 savings. Check out the benefits of becoming a SHRM member while you're online!

Free SHRM Membership Available

Unemployment doesn't have to keep active members of the Society for Human Resource Management (SHRM) from being able to take advantage of the organization's many resources when membership renewal time rolls around. The global HR organization offers one-time free "transitioning membership" for up to one year as a way to help its members stay current on HR issues and provide them with the resources they need in their job search.

Transitioning membership is open to active SHRM members who are unemployed at the date that their membership expires and for those who become unemployed up to 90 days after their membership lapses. It does not extend to students, and there is no refund if a member loses his or her job after renewing SHRM membership, according to SHRM's web site.

A member's first step in applying for transitioning membership is to contact SHRM—by e-mail, fax or mail—to inform SHRM of his or her unemployment status. The application must be requested and approved before the active SHRM member makes a renewal payment. Members will receive notification when their transitioning membership has been approved and reactivated.

To apply for transitional membership, please fill out this form and send it in:

<http://sapphire.shrm.org/www/members/transitioning/application.asp>

For those who have found employment during the transitional period and need to reinstate their regular membership, go to:

<http://www.shrm.org/about/membership/transitioning/Pages/renew.aspx>

Take advantage of the "Sharing Table" at the monthly meetings. Bring in your handouts to share with members. Please take any left over material with you when you leave as it will not be retained for future meetings.

NCHRA Website Update Regarding Job Postings

Effective immediately, HR related job postings will be posted in the members area of the website (<http://northcountryhra.org/>) for a limit of 15 days. Resumes will no longer be sent to members via e-mail. To get a job posted on the website, please contact Cherie Moore (cherie.moore@na.manpower.com). Hard copies of resumes or job postings can be provided to the membership at monthly meetings using the "sharing table".

NCHRA is Seeking Committee Volunteers

Please consider signing up for a committee to help us grow and enhance our membership:

CERTIFICATION	MEMBERSHIP	SCHOLARSHIP
Chair: MaryLu Moriarty, SPHR	Chair: Luanne VanBrocklin	Chair: Jeanette Hinkal, PHR
Description: determine how to promote HRCI certification and participation; apply for credit for general meetings	Description: determine ways to welcome new members and promote membership	Description: determine what to scholarship and how much, ie. NYS SHRM conf, HRCI training, etc.

Contact the Committee Chair if you are interested in signing up for one of these committees.

1st NCHRA Scholarship Awarded

Michael Bufalini, a 2009 graduate of Watertown High School, is the first recipient of the annual NCHRA \$1,000 scholarship. Michael graduated high school with a 91.17 average and is currently attending Nazareth College majoring in business, specializing in finance. While in high school, Michael participated in basketball, golf and band. He also served as an officer of the Watertown High School's chapter of the National Honor Society. He hopes to return to the North Country after graduating from college. We are all proud of Michael's achievements and are honored to be able to assist Michael in continuing his college studies.

For those who are unaware of our new scholarship program, last year the North Country Human Resource Association (NCHRA), in conjunction with the Northern New York Community Foundation, Inc., established an annual \$1,000 college scholarship for any **full-time** traditional or non-traditional students residing in either Jefferson or Lewis Counties pursuing programs in the following areas of study: Human Resource Management, Business Management, Business Administration, Employee Health and Safety, and Labor Relations.

This is an excellent opportunity to recognize the many quality students in the North Country who wish to study a business related program in college. Both NCHRA members and their family's members are eligible to apply. More information on this scholarship will be available soon on our website as well <http://www.nnycf.org>

New York State to Require Employers to Notify New Hires of Pay Days

New York's Labor Law requires employers to give notice to employees at the time of hire of the rate of pay and of the employer's designated regular pay day. Effective October 26, 2009, employers will be required to give such notice to employees in writing. If employees are eligible for overtime compensation, the employer will also be required to give notice of the regular hourly rate and the overtime rate of pay. In addition, employers will be required to obtain written acknowledgment from each employee of receipt of such notice.

(Ch. 270 (S.B. 3357), L. 2009, enacted July 28, 2009, and effective October 26, 2009.)

Salary Level Test Increase for Exempt Employees

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Did You Know...

The salary level test for the executive and administrative exemptions increased to \$543.75 per week?

Employer Risks and Exposures

When the New York State minimum wage increased to \$7.25 per hour on July 24, 2009, the minimum salary level an employee must be paid to be considered exempt also increased.

An "exempt" employee is a worker who is not subject to the minimum wage and overtime pay requirements of the federal Fair Labor Standards Act (FLSA) and New York State labor regulations. An employee may qualify for an exemption as an

executive, administrative, professional, outside sales, computer professional, or highly compensated employee.

To be classified as exempt, an employee must generally:

- 1) meet a job duties test;
- 2) be paid on a salary basis; and
- 3) be paid at least a minimum salary level.

Effective July 24, 2009, the minimum salary level requirement for the executive and administrative exemptions under NYS labor regulations increased from \$536.10 per week to \$543.75 per week. The duties tests and the salary basis requirement for these exemptions remain the same. (Note: The salary level test under the FLSA remains at \$455 per week but NYS employers must pay the higher of the two salary levels.)

Noncompliance with the FLSA and NYS wage and hour regulations can result in penalties as well as payment of back wages and overtime compensation for up to three years for those employees who were incorrectly paid or misclassified. All exempt employees subject to such practices may also have to be reclassified as non-exempt. Employees have the right to sue on their own behalf or bring a class action charge and the Department of Labor can also file charges on behalf of employees.

Avoiding Disaster

Review your payroll records to make sure that employees who are classified as an executive or administrative exempt employee are paid a salary of at least \$543.75 per week as of 7/24/09 in order to maintain the exemption.

If you have questions about the changes to the NYS exempt salary level, contact HR One's Human Resource Hot Line at 1.800.457.8829.

This HR eNews is not intended to render legal advice but is meant for general informational purposes only.

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New York Laws Extend Health Insurance Coverage for Dependent Children and COBRA Beneficiaries

Harbridge Consulting Group does not practice law and this communications does not constitute legal advice.

New York State has passed two new laws that amend New York State Insurance Law and will impact all sponsors of insured health benefit plans (hospital, medical and prescription drug) in New York. One law will amend New York's "mini-COBRA" law to

extend eligibility for continuation coverage to 36 months for all qualifying events. The second law requires insurers to offer the extension of dependent eligibility through age 29. Both laws include details that will require attention and decisions from insured health plan sponsors.

Extension of Mini-COBRA Coverage to 36 Months

Current New York State insurance law includes a continuation of coverage requirement for health insurance plans that have fewer than 20 employees and are therefore not subject to the federal COBRA requirement. New York is one of several states with this type of statute, which are often referred to as "mini-COBRA" laws. The new law extends the maximum period of coverage under the New York law from 18 months to 36 months for those individuals who lose coverage due to a termination of employment or reduction in hours. A significant provision of this law is that in addition to changing the coverage continuation law for groups with fewer than 20 participants, the 36 month extension also applies to insured plans subject to federal COBRA continuation requirements. As a result, insured New York plans that are subject to COBRA will be required to offer continuation of coverage for up to a total of 36 months for all COBRA qualified beneficiaries. If the qualifying event only entitles the qualified beneficiary up to 18 months of continuation coverage under COBRA (i.e., due to termination of employment or reduction in hours), then the New York law will provide eligibility for the second 18 months of continuation coverage.

Dependent Eligibility Extension through Age 29

Insurers in New York will need to offer dependent eligibility through age 29 on all group health insurance policies. If the group policyholder chooses not to extend eligibility to age 29, they must offer voluntary coverage (100% contributory) to dependents who have reached the maximum age under the policy. Dependents are eligible to continue coverage as long as they satisfy *all* of the conditions listed below. They must:

1. Be under age 30,
2. Be unmarried,
3. Work or reside within New York State or the service area of the insurer,
4. Not be *eligible* for coverage under another group health plan, and
5. Not be covered under Medicare

It is important to note that these eligibility criteria do not require the dependent to be financially dependent upon the covered employee or member. Consequently, if an employer complies with this law by providing subsidized coverage to dependent children who are not dependents for tax purposes, then the employer should report the value of that subsidy to the employee as imputed income.

The law also establishes several administrative requirements, including:

1. Dependents may elect coverage within:
 - a. 60 days of reaching the maximum dependent age under the policy,
 - b. 60 days of regaining eligibility by satisfying all five of the conditions listed above (i.e., dependents may lose eligibility, regain it, and re-elect

- coverage), or
 - c. a 30 day annual open enrollment period
2. Premium payments may be required no more frequently than monthly. Premium payments can be due prospectively at the beginning of each coverage period, but a 30 day grace period is required.

Effective Dates and Plans Covered

The law extending the New York continuation of coverage to 36 months is effective for new policies written on or after July 1, 2009. The law extending dependent eligibility to age 29 is effective for new policies written on or after September 1, 2009. Existing policies need to comply with both laws when they are amended or renewed on or after those dates. Therefore, existing group health policies with a December 31 policy year-end will need to comply beginning on January 1, 2010 (provided they are not amended prior to that date).

Both laws apply to insured health (hospital, medical, prescription drug) plans with policies issued in New York. The laws do not apply to self-insured health plans or any dental or vision plans.

Additional Considerations for Sponsors of Self-Insured Plans

Plan sponsors who offer both self-insured and insured (e.g., HMO) plan options will need to evaluate how to comply with these laws. Their options could include:

1. Amending all plan options to comply with the laws, which would create consistent administration among the options
2. Amending only the insured options, which will create different continuation rights for participants in the insured and self-insured options
3. Discontinuing or self-insuring the options that are currently insured.

Victims of Domestic Dispute Now a Protected Class under NYS Regulation

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Did You Know...

Victims of domestic violence are now a protected class under New York State regulation?

As of July 7, 2009, New York State Human Rights Regulation prohibits employers of four or more employees from discriminating against employees who are victims of domestic violence. This means that an employer cannot treat an employee differently with regard to any term, condition, or privilege of employment based on the fact that the individual is a victim of domestic violence. The regulation also prohibits an employer from retaliating against an individual for filing a complaint with the Division of Human Rights.

The regulation defines a "domestic violence victim" as an individual subjected to acts constituting a "family offense" under New York's Family Court Act § 812 when it occurs between spouses or former spouses, between a parent and child, or between members of the same family or household. Examples include disorderly conduct, harassment, stalking, criminal mischief, menacing, reckless endangerment, and assault or attempted assault.

Employees who need time off from work because they are victims of domestic violence must be treated the same as any other employee who needs time off from work for other reasons. In accordance with the disability and reasonable accommodation provisions of the NYS Human Rights Regulation, if the employee is taking time off from work to receive medical or mental health care, he or she must be granted reasonable time off unless it would create an undue hardship on the company.

Victims of domestic violence are also protected under NY Penal Regulation §215.14. This regulation prohibits an employer from taking any adverse action against an employee who is a victim of a crime for taking time off of work to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection.

An employee who voluntarily quits a job because of domestic violence is not automatically disqualified from receiving unemployment benefits if the circumstances are shown to be "good cause" for quitting. Likewise, an employee is not automatically disqualified from receiving unemployment benefits if he or she was terminated due to poor performance issues, such as tardiness or absences, if they are related to domestic violence.

Fines and Penalties

An employer that discriminates against an applicant or employee in violation of the NYS human rights regulation is subject to civil penalties of up to \$50,000. If the discrimination is willful, the penalty increases to up to \$100,000.

Avoiding Disaster

Update your EEO policies and practices to address domestic violence victims.

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If you have questions, contact HR One's Human Resource Hot Line at 1.800.457.8829.