

Bio

Speaker Dennis Kennedy



Dennis Kennedy has an unwavering passion to ensure that all individuals receive equal opportunities in the workplace regardless of race, ethnicity, gender, religion, sexual orientation... He founded the National Diversity Council to champion diversity as a business imperative,

with a primary goal to turn all communities into inclusive environments where individuals are valued for their talents and unique characteristics and have opportunities to reach their full potential. In addition, he is a consultant in the following fields: Workforce Diversity, Mentoring and Personal Branding.

The first branch of the National Diversity Council --- the Texas Diversity Council --- launched in February 2004. Since then, state councils have also been established in California, Florida, and the Midwest. The websites are: www.nationaldiversitycouncil.org, www.texasdiversitycouncil.org, www.floridadiversitycouncil.org, www.ksdiversitycouncil.org and www.californiaindiversitycouncil.org. His vision is to have state and regional diversity councils across the United States.

Along with the state councils, Mr. Kennedy has launched several state wide conferences focused on both leadership and diversity.

Mr. Kennedy graduated from the University of Houston with undergraduate degrees in economics, business management and political science; he also earned a MBA from University of Houston. Prior to founding the National Diversity Council, Mr. Kennedy spent several years as a college professor and worked in a corporate environment in the field of Human Resources.

HR Tampa/Shrma Joint Diversity Meeting

Wednesday, October 15, 2008

5:30 pm - 8:00 pm

Channelside Cinemas

615 Channelside Drive

Tampa, FL 33602

(813) 221-0700

The HR Tampa and the Suncoast Human Resource Management Association are proud to co-host a special screening of the MGM Award Winning Movie "Music Within". The movie is based on the true life story of Richard Pimental, a life-long advocate of persons with disabilities.

Go to <http://www.musicwithinmovie.com> to learn more about this inspirational and entertaining movie. Be sure to click on "TRAILER" to watch the 2-minute trailer for the movie. Please note that the movie is Rated R for language and some drug / sexual references (no nudity).

Mr. Dennis Kennedy, CEO and Founder of the National Diversity Council will be attending from Texas to say a few words and help welcome all of our guests that evening. Pizza, popcorn and soda will be served and is included in your meeting price. Other refreshments will be available for purchase.



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October 15th



HR Tampa & SHRMA Diversity Meeting

Dinner

Channelside Cinemas



November th

HR Tampa Meeting

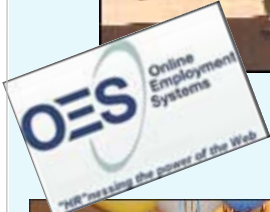
Dinner



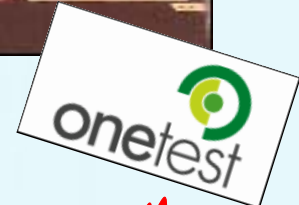
HR Tampa Expo & Legal Conference



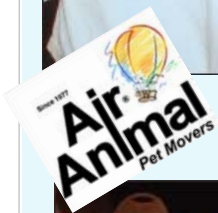
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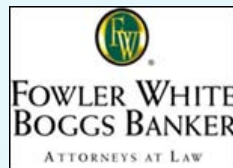
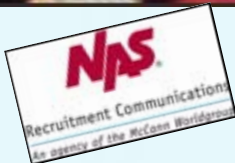
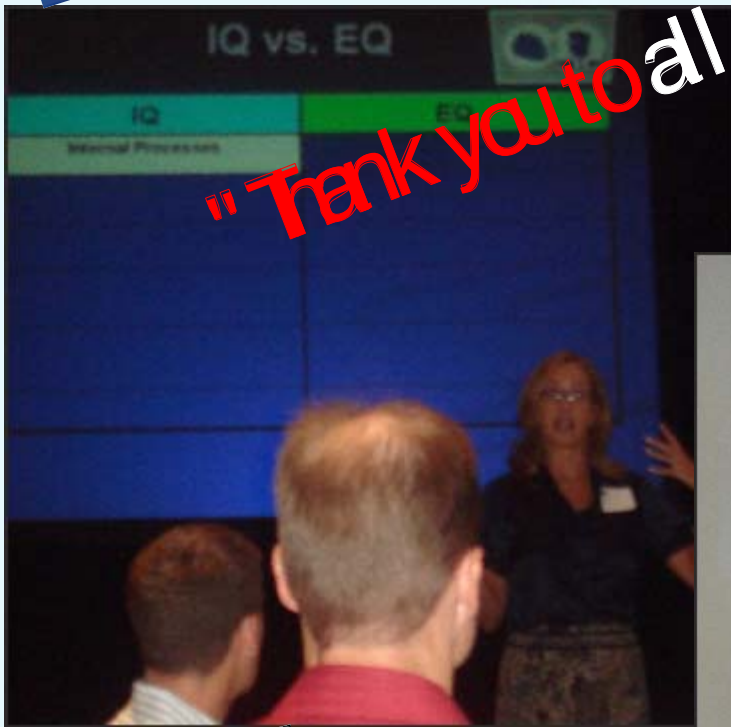
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Optional Standard Mileage Rates

The optional standard mileage rate used by the IRS has increased 80 percent for business use over the past 10 years from 32.5 cents per mile in 1998 to most recently 58.5 cents per mile. Additionally, the standard mileage rate for moving expenses has increased 170 percent from 10 cents per mile a decade ago to 27 cents per mile today.

For more information, please contact:
Sharan.backus@floridamoves.com



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LEGISLATIVE UPDATE

By David Steffen

ADA Amendments

Despite Congress' historical inactivity during the months leading to an election, a couple of pieces of legislation have been passed that directly impact employers. These include the ADAAA and Consumer Product Safety Improvement Act of 2008 ("CPSIA").

On September 25, 2008, President George Bush signed the Americans with Disabilities Amendments Act following the unanimous August vote by the United States Senate and the House of Representatives subsequent passage. The ADAAA is a compromise reached by employer and business groups, including the Society of Human Resource Management, and the disability rights community.

Initially, the ADAAA was known as the "ADA Restoration Act." While the Restoration Act had many of the same features that are included in the ADAAA, some of the biggest problems that faced employers were removed. In particular, the Restoration Act attempted to place the burden of proof on employers in ADA cases, treated an "impairment" as a "disability," included a list of medical conditions that essentially established per se disabilities, and made other changes that were designed to dramatically broaden the scope of the Americans with Disabilities Act.

SHRM and other business groups responded to the ADA Restoration Act's potential scope, by working with disability groups to create a more moderate modifications to the ADA. This included leaving the burden of proof with the employee, not treating all "impairments" as "disabilities," and dispensing with the "per se list" of disabilities. Despite being successful in softening the potential ramifications that could have resulted from the ADA Restoration Act, the House and Senate repudiated the U.S. Supreme Court's 1999 decision in *Sutton v. United Air Lines* (finding that mitigating measures had to be considered in determining whether an individual is substantially



limited in a major life activity) and its 2002 decision in *Toyota Mfg. Co. of Ky. v. Williams* (taking a restrictive view of what constitutes a substantial limitation in the major life activity of working). In addition, the ADAAA added "bending" and "lifting" (among other less-alarming additions) to the list of major life activities.

Due to the changes to the ADA, employers now need to review their policies and procedures to ensure that they are meeting their responsibilities under the law. In particular, employers need to recognize that it will be much more difficult to take the position that any given individual is not "disabled" within the meaning of the Act. The biggest change may simply be recognizing that there will be an increase in the number of reasonable accommodation requests and decisions. Even with the increase in requests, employers should not have to alter their approach when trying to identify what would qualify as a reasonable accommodation because non-discrimination and reasonable accommodation provisions did not undergo any significant changes. Therefore, the best defense for employers will be to ensure that human resources and operations management are up to date on their legal obligations and handle accommodation requests appropriately.

Consumer Product Protection

President Bush recently signed the Consumer Product Safety Improvement Act of 2008. In doing so, employees who now "blow the whistle" regarding defective products may have engaged in protected activity.

While high-profile toy recalls prompted the legislation, its protections extend beyond manufacturing and children's products. Covered employers include manufacturers, private labelers, distributors, and retailers. The Department of



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Is your next outstanding hire
working for your competition?

you're
invited...



...to hear about proven strategies for recruiting
the "best of the best" of today's workforce.

Please join us for breakfast, Tuesday October 21, 2008.

Guest Speaker Stan Lasater, from Axxis Advertising, will present proven strategies for
targeting first-rate candidates in today's fast-paced, electronic world.

8:30am-9:15am ~ Breakfast from Panera Bread

9:15am-10:00am ~ Presentation by Stan Lasater

10:00am: Optional Radio Studio Tour

Door Prizes:

Tampa Bay Buccaneers Tickets, Tampa Bay Lightning Tickets, Applebee's Dinner for Two,
and \$50 GiftCard to The Venue

Please RSVP before Friday, October 16, 2008 to

openhouse@clearchannel.com

Address: 4002 Gandy Boulevard, Tampa, FL 33611; 813-832-1000

Click below for directions:

<http://maps.google.com/maps?hl=en&q=directions%20clear%20channel%20radio%20tampa&um=1&ie=UTF-8&sa=N&tab=wl>



New Year - New Opportunities

by Stephanie L. Hippensteel

Student Chapter President, HR Tampa

As the incoming Student Chapter President, I first extend our sincere thanks and appreciation to Ted Emerson, PHR for serving as our Chapter President for the last year. Ted worked closely with me and the College Relations Committee to bring professionalism, HR knowledge, and current event updates to our Chapter. Under his leadership, our chapter was again awarded the SHRM Merit Award. Ted will be missed but we wish him the best in his endeavors. I'm sure we will be seeing him in the Professional chapter.

For those of you unaware of our chapter, our members come from graduate and undergraduate programs from several Tampa Bay area schools. Most are studying HR or business management, project management, etc. but all have an interest in HR. We have several annual events and programs that need the professional chapter to help them be successful. In February, we will be looking to "shadow" our professional colleagues around Ground Hog's Day. One of our biggest events is our yearly Career Workshop in April. We hold our monthly meetings at "host" companies in the evening. We also provide internship and mentor opportunities for our student members. Our host companies have included organizations such as Coca-Cola, TECO Energy, The Tampa Tribune, Creative Loafing and Advantec to name a few.

For the 08-09 academic year our HR Tampa

Student Chapter will continue to build on the solid foundation and reputation that Ted (and Toni Mayros before him) have laid for us. It is critical that while we are entering a growth phase, we do not compromise our high standards or relax our dedication to the HR profession.

We have increased our membership and will be voting in a full board in the coming months. This will allow us to increase our presence within the professional chapter. In the year or so that I have been involved in the student chapter, I have seen what a valuable resource it is for students. I'd like to enlist the help of our HR Tampa professional members in the coming year to help us continue to provide value-added services to our students.

Whether you can help out with hosting a meeting, being a mentor, or letting a student shadow you for the day - get involved! Please feel free to contact me for more information at shippens01@msn.com. You can also contact Toni Mayros, Director of College Relations at tmayros@gmail.com.

Thank you and I look forward to another year filled with opportunity, learning and networking. With the help of HR Tampa and members of the College Relations Committee the student chapter continues to provide future HR professionals a head start on their professional career paths.

New Members

First Name	Last Name	Cerification	Company	Title
Cynthia	Schwab		Great Tampa Chamber of Commerce	Finance & Admin. Manager
Marilyn	Jenkins	PhD	Barry University	Assoc Dean, Con. Ed.
LisaCawley	Cawley	PHR	Fisher & Phillips LLP	
Pamela	Sprigg t		AnazaoHealth Corporation	HR Specialis
Theresa	Colina-Ramirez	PHR	Florida Mentor	HR Generalist
Steven	Freedman	SPHR		
Tara	Rodriguez		Sykes Enterprises, Inc.	
Holly	Beech	PHR		
DeCarlo	McKenzie		Great Tampa Chamber of Commerce	Director of Finance
Paul	Macleish		Achieve Leadership	President

Legislative

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Labor, Occupational Safety & Health Administration is responsible for enforcing its protection provisions. (These protections went into effect on August 14, 2008, the day the Act was signed into law.)

The CPSIA prohibits covered employers from discharging or otherwise retaliating against an employee because the employee engages in certain activities related to his or her reasonable belief that there has been a violation of any the Act's provisions, any other Act enforced by the Consumer Product Safety Commission, or any order, rule, regulation, standard or ban under such Acts. The protected activities include the following:

*Providing, or causing to be provided, or being "about to provide" to the employer, the federal government, or a state attorney general, information about the alleged violation.

*Objecting to or refusing to participate in any activity, policy, practice, or assigned task related to the alleged violation.

If based upon a reasonable belief, CPSIA also protects employees who participates or assists in a proceeding under the laws, orders, rules, regulations, standards, or bans enforced by the Commission.

Complaints and Enforcement

An employee who believes that he or she has been subject to prohibited retaliation must file a complaint with OSHA within 180 days of the alleged action. After receiving the complaint, OSHA provides both the complaining employee and employer an opportunity to submit written statements in support of or in response to the complaint. If the complaining employee describes behavior that shows conduct prohibited by the CPSIA was a "contributing factor in the unfavorable personnel action alleged in the complaint," OSHA will initiate an investigation to determine whether there is reasonable cause to believe that the complaint has merit.

If OSHA finds reasonable cause, it will enter a preliminary order providing relief, including affirmative action to abate the violation, reinstatement, back pay, and compensatory damages. If OSHA issues a preliminary order, both the employer and the complainant will be given a 30-day period to file objections to the findings and preliminary order and to request a "hearing on the record."

Not later than 120 days after any hearing's, requested by the complainant or employer, OSHA must issue a final order providing or denying the complainant's requested relief. If the parties reach a settlement at any time before a final order is issued, OSHA may terminate the proceedings.

Finally, the Act establishes the "heads I win, tails you lose" standard that is so familiar to employers - if an order is issued in favor of the complainant, he or she need only request an assessment of fees and costs (including attorneys' and expert witness fees) against the employer, and OSHA will award those reasonably incurred. Employers, however, can be awarded reasonable attorneys' fees only if the complaint was frivolous or brought in bad faith. Even in such cases, the CPSIA caps the employer's attorneys' fee award at \$1,000.

As always, if you have any questions about either of these new laws or any other recent developments, please do not hesitate to ask me a question during the next meeting.

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(813) 503-6798
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(813)259-8234
gpaarons2@mac.com

DIRECTORS

Membership

Ignacio Garcia
(813) 289-1247
lggy.Garcia@ogle-
treedeakins.com

Karen Drummond, SPHR
(727) 561-4000 x5612
kdrummond@mercuryinsur-
ance.com

Programs

Patricia Gaudin, SPHR
(813) 258-0293
pgaudin@scicompanies.com

Special Events

Carol McDaniel
(813)961-9255
cmcdaniel@ta.hodes.com

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Jill Conklin, PHR
(813) 207-857
jconklin@advantec-hr.com

Communications

Rebecca Lukban, PHR
(813) 864-8273
RLukban@OasisAdvantage.com

Non-Dues Director

Michele Lembo
(813) 781-0295
mlembo@execustay-main-
sail.com

Legislative

David Steffen, JD
(813) 222-1353
dsteffen@constangy.com

Education/Certification

Sharon Marsh, SPHR
(813) 267-9488
SharonMatlock@ss-electric.com

Diversity

Debbie Dube
(813) 246-4999 x4387
ddube@lazydays.com

College Relations

Toni Mayros
(727) 534-4955
tmayros@gmail.com

Technology Director

Alina Diaz
(813) 259-7188
adiaz@tampatrib.com

Workforce Readiness

Cheryl Brown, PHR
(813) 830-5520
cherylbrown@metropcs.com