

Bio Speakers Jeffrey Novell/Tracy Henry



Jeffrey Novell is a litigator who focuses his practice in the area of labor and employment law with particular emphasis on workers' compensation defense. He has practiced before federal and state governmental agencies, enforcing labor and equal employment opportunity laws.

Mr. Novell joined Hinshaw & Culbertson LLP in October 1999. Previously, he prosecuted claims for permanent and total disability against the Social Security Administration.

Mr. Novell is a member of The Florida Bar and the Hillsborough County Bar Association.



Tracy Henry is a trial and appellate lawyer, representing a variety of entities in insurance, products liability, and labor and employment matters.

Previously, as an attorney with the Office of the Attorney General in Tampa, she maintained a criminal appellate practice before the Second District Court of Appeal and the Middle District of Florida. From 1998 to 2001 as an associate with Chamblee, Johnson & Haynes, P.A., in Tampa, she litigated individual and multi-plaintiff employment discrimination cases.

Ms. Henry joined Hinshaw & Culbertson LLP in 2007. She is a member of the St. Petersburg Bar Association, American Bar Association, Hillsborough County Association of Women Lawyers and The Florida Bar.

Guns in the Workplace ...What Now?

Wednesday, November 19, 2008

7:30 a.m - 10:00 a.m

Centre Club

123 S West Shore Blvd

Tampa, FL 33609

Tracy M. Henry and Jeffrey M. Novell, attorneys with the national law firm of Hinshaw & Culbertson LLP, will address questions concerning the controversial Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008.

This newly-enacted law has given rise to questions about workplace safety and whether an employer can legally control whether its employees bring guns to work. Topics to be discussed include how your company can protect itself from a lawsuit filed under this law, issues of discipline and termination of an employee who is suspected of having a gun on the workplace premises, and how your company can work with building owners to restrict employees' ability to have a gun on the premises.

Registrants for this program are encouraged to send specific questions prior to the meeting to Ms. Henry at thenry@hinshaw-law.com, so your questions can be addressed directly.

November 19th

HR Tampa Meeting

Dinner



December

HR Tampa Meeting

Dinner



HR Tampa/SHRMA Joint Diversity Meeting



SHRMA Guests



Sponsor Linda Bowman from VACO



Inass, Maureen and Jean



Sharon Marsh and Susan Stanley



"It's the sleeper of the year... great movie,
terrific cast, one of those films that comes
along once in a blue moon!"

— LARRY KING

READ MORE...

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MUSIC WITHIN

Audience for "Music Within"

Lawyers eating pizza - Iggy and David



Lori Goldsmith



Chris Greene and Jill Conklin



Americans With Disabilities Act

Big Changes in 2009

By Anice R. Prosser, SPHR, CCUE

Senior Vice President, Human Resources - Envision Credit Union

Historically, those seeking protection from employment discrimination on the basis of their disability have been traveling down a challenging road.

The promise of 1990's Americans with Disabilities Act (ADA) was dimmed a decade later by United States Supreme Court interpretations that made it extremely difficult for a person to prove they were "disabled" in a legal sense. Supreme Court decisions in 1999 and 2002 reduced a person's ability to demonstrate that they were entitled to protections under the ADA. While the ADA was designed to protect individuals with disabilities from employment discrimination, individuals who were no longer limited in their life functions through the use of medication or other mitigating actions frequently discovered they were not protected by the ADA.

Now Congress has passed, and President Bush has signed, the Americans with Disabilities Act Amendments Act of 2008 - a law that attempts to restore ADA back to its original intent. Under the new amendments, effective January 1, 2009, the determination of whether a person has an impairment that substantially limits a major life activity, a "disability" in the legal sense under the ADA, must be made, with a few exceptions, without regard to the beneficial effects of a mitigating action, such as taking medication. In addition, the amendments require that the disability only has to

limit one major life activity.

While beneficial to the worker, these amendments will provide more certainty in the interpretation of the ADA for companies, as well. Not only will the amendments make it easier for workers to establish they are disabled, but they will also improve a company's ability to determine whether they are dealing with a worker who is disabled, especially when the worker asks for an accommodation based on their impairment. This provides forward-thinking companies the opportunity to establish effective human resource management policies that facilitate disabled workers.

It is extremely important that human resource managers understand the significance of these amendments. To that end, the Florida Commission on Human Relations offers workshops and an annual Employment Law Conference to keep individuals informed of their rights and responsibilities under state and federal anti-discrimination laws. By learning more about these important laws, business owners and managers can avoid costly lawsuits, decreased productivity, and low employee morale.



For more information about the Florida Commission on Human Relations, our upcoming Florida Employment Law Conference or the trainings we offer, please visit our website at <http://fchr.state.fl.us>.

2008 HR TAMPA DIVERSITY AWARD QUESTIONNAIRE

HR Tampa will name its second annual Diversity Award winner at the December Holiday meeting. The Award will be given to the HR Tampa member company that has best shown how it values diversity and inclusion in its workplace.

HR Tampa members are asked to inform the HR Tampa Board of Directors why their company should be awarded the HR Tampa Diversity Award for 2008 by the November 19, 2008 monthly meeting in order for the entry to be considered for the award. This is a great opportunity for an HR Tampa member and their company to be spotlighted and recognized for their hard work. In order to keep this simple and not too time consuming, this questionnaire shall consist of only one question.

We will collect the applications at the start of HR Tampa's monthly meetings at the registration table.

You can find the questionnaire on: <http://www.hrtampa.org>. Select 2008 HR Tampa Diversity award.

LEGISLATIVE UPDATE

By David Steffen

The Long Goodbye - Planning For Layoffs

According to the Labor Department's monthly job reports, September brought a record number of job losses and with the economic downturn, more losses are predicted in October and the months to come.

With reductions in force increasing, often lawsuits for wrongful termination and other claims follow shortly thereafter. Although it is difficult to make these decisions, there are appropriate procedures to follow in order to reduce your company's liability.

The first step is assessing your company's liability. Oftentimes, this may require the company to conduct a critical assessment of where it may be susceptible to lawsuits. For instance, employees, who are not interested in creating waves while they have steady employment, may suddenly become litigious if they believe their best source of future income will be a lawsuit against their employer. If the threat of lay-offs begins to loom over the company, it is not uncommon for a company to face an increase in workers' compensation claims, employees making a concerted effort to engage in protected activity to establish retaliation claims, or even employees who suddenly remember that they regularly worked through lunch without being compensated for their time. Therefore, an employer must prepare itself to defend against the threat of additional claims.

While the threat of litigation often increases when employees suspect they may be laid off, early notice to employees when coupled with open communications may also benefit a company. An employer who prepares its employees for potential job losses allows the individuals to prepare for a potential reduction in force. Not to mention, an employer's obligations to comply with the Worker Adjustment and Retaining



Notification Act's ("WARN") may require an employer to provide its employees with at least 60 days notice of a pending reduction.

Once a company decides that it must reduce its workforce, it must carefully choose which employees will be let go and which employees will remain with the company. The importance of this decision cannot be understated; however, before a company identifies the specific individuals who will be laid off, it must implement a process that will limit the company's exposure to potential employment discrimination claims. If a company uses a flawed process, it may have a very hard time trying to justify the terminations of individual employees.

As part of this process, a company needs to provide the individuals who select the specific employees included in the layoff with clear instructions as to what criteria they should use when identifying the potential layoff candidates. At the very least, the criteria should not simply be to pick the least effective employees. Even though a layoff may result in many of the weakest employees being let go, it should not be used to address performance issues that were not properly handled before the layoff became an issue. Instead, specific criteria should be established if the company elects to use performance evaluations or employees' disciplinary histories as factors when deciding if a particular employee should be let go. Otherwise, juries are not very sympathetic to companies who fail to implement a procedure or do not follow the procedure when deciding who to layoff.

Another issue to consider is severance packages and obtaining a release from employees who are dismissed.



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College Relations Update

by Toni Mayros, Director of College Relations



Each month I try and provide our members with a glimpse of student chapter activities, upcoming events and programs offered. This month is no exception as the student chapter has been very busy over the last couple of months.

So far this semester, student chapter members have had the opportunity to visit Jobing.com, Bouchard Insurance and this month Bighthouse Networks/ Bay News9! With each of these monthly meetings, student members learn about the organization and their HR functions, tour the facility and have an opportunity to speak directly with you, the HR Professional. This in itself is immeasurable to the future of our profession.

Additionally, this academic year, a new

slate of student chapter officers has been elected. It is with great pleasure I congratulate Stephanie Hippensteel as the chapter's 2008/ 2009 President. Stephanie brings an incredible energy to the group with her commitment to the future of the HR profession and success of each student chapter member. In addition to Stephanie, the student chapter has elected a President Elect, Secretary and Treasurer. This year's 2008/ 2009 student chapter officers are:

- President: Stephanie Hippensteel, Keller Graduate School of Management
- President Elect: Terri Burns, Keller Graduate School of Management
- Secretary: Elie Klein, Keller Graduate School of Management
- Treasurer: Sandra Scott, Penn State University

Congratulations to each of you!



Drowning in an ocean of HR paperwork?

Policy Updates

Employee Acknowledgments

Compliance Changes

Distribution Challenges

Printing Pile-Ups

Language Barriers



Compliance Mark Can Help

See our demo at <http://www.OnlineEmploymentSystems.com>

Or call us at (813) 333-9651

Interns In The Workplace

by Sue Styx, PHRI

Have you oftentimes wished for temporary help to get that long-shelved HR project off the ground and implemented - at a cost that won't break the bank? Is open enrollment looming - with no one to help you keep it on track? Are you technology-challenged to implement the new HRIS system? Have you ever considered hiring a student intern? Does the thought of handholding student interns who are clueless about dealing with the business world leave you cold? Do you even know the difference between an intern and a summer temp? Pssst....let me give you a hint...interns can work on meaningful projects to help meet true business needs!

The Internship Program of the College Relations Committee (CRC) of HR Tampa assists in identifying interns who can help put those long-neglected HR projects back on track or help to startup new projects. Providing meaningful projects leads to meaningful internships, the experience of which our students take away with them as they begin their full-time

careers providing you with a knowledgeable resource.

Perhaps less obvious are the benefits interns bring to a business: helping companies become better known on college campuses, building a better pool of candidates, identifying potential full-time employees, working with enthusiastic employees who have a vested interest in doing well. And based on their experience, students may also provide the best publicity advertising dollars cannot buy - word-of-mouth advertising for your organization!

Our CRC interns are our future HR professionals. They are smart, energetic, eager to learn, and they bring incredible talent and imagination to the job. So the next time you are looking for some short-term, temporary, or perhaps even temporary-to-perm help, please consider an intern from our HR Tampa CRC program and give one of our very own interns an opportunity to assist you. Please contact Sue Styx at 813.868.8846 with any questions on the CRC Internship Program.

Opportunity to Participate!!!

We are in the early development stages of the conference and are seeking the following:

- Speakers
Executives and Diversity Experts
- Sponsors
- Volunteers
- Planning committee members

Interested parties please contact
Dennis Kennedy

Please Join us to help make this
conference a huge success!



Inaugural Florida Diversity & Leadership Conference Job Fair and Expo

February 11-13, 2009
Orlando, Florida

Conference Highlights

Job Fair	Nationally recognized Keynote Speakers
Mentoring Summit	A Variety of Concurrent Sessions
Sponsorship Opportunities	Exhibitor Opportunities
Exhibit Hall	Grand Prize Give Away

For more information on how to participate, please contact
Dennis Kennedy at dennis.kennedy@nationaldiversitycouncil.org

WWW.FLORIDADIVERSITYCONFERENCE.COM

Legislative

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While a generous severance package can eliminate a lot of potential lawsuits, they can also waste a significant amount of the company's money if they do not require employees to sign a valid release. A proper release requires more than language stating the employee is waiving and releasing any claims that he or she may have against the company. Laws such as the Older Worker Benefit Protection Act require a release to be written in a manner calculated to be understood by "such individual, or the average individual eligible to participate." If a release fails to meet this standard, a court can invalidate the document and negate any potential value that would exist by providing employees with the severance package.

As always, if you have any questions or concerns about reductions in force, please do not hesitate to speak with me at the next meeting.

MEMBERSHIP DIRECTORY UPDATE

**Moved? Changed jobs?
Received your SHRM certification?**



Please take the time to update your personal and professional information on your member profile at the membership directory area. It is extremely important we have your current contact information so you will receive updates as they are sent out.

If you would like to volunteer to help at the front desk please contact Jill Conklin by email:
jconklin@advantec-hr.com.

HR SEEKERS FLORIDA

Sponsored by: DBM, Inc. & HR Florida State Council
A forum for HR professionals in transition

If you are an HR professional in transition seeking a new position, you are invited to join our HR Seekers Forum. Our purpose is to provide networking opportunities, career transition training and a central source for HR professionals to connect to opportunities in Florida. The format will be a program on job search strategies, a networking session and sharing job leads. These are offered at your local DBM office and also web-based. You will also be sent job leads as received by DBM, Inc. for HR Seekers. To sign up for this complimentary program go to <http://www.hrflorida.org>.



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MEMBERSHIP UPDATE

Get Ready for 2009!

HRTampa is looking forward to another great year and we hope you will continue with us as we strive to make this the best chapter in Florida! Hopefully, you were able to attend the majority of meetings. We had a lot of fun, but also had the opportunity to learn more about our profession. We understand you are very busy so we will continue to offer both breakfast and dinner meetings along with some ½ day and full day special events.

Now is the time to join or renew! Our dues will remain the same and we again have several options for you to select from. Once you choose the option that best fits your needs, you can renew on-line.

2009 DUES

Options (Dues run Jan- Dec)!

Please remember that we are a 100%chapter and you must be a current member of SHRM to join or renew with HRTampa.

PREMIUM \$225

One fee covers annual dues prorated and all meal/ event costs for monthly meetings and annual Legal Update and Expo. One fee covers annual dues and meal costs. This is a great option. The more meetings you attend, the more you save! Membership ends December 31st.

BASIC \$100

Covers cost of annual dues; pay as you go for our monthly meetings (\$30) and other events such as the Legal Update and Expo. Membership ends December 31st.

Payment Methods:

1. **Pay on-line** using a major Credit Card via Pay Pal system.
2. **Pay by Check:** send in payment to HR Tampa PO Box 26554, Tampa, FL 33623-6554. If your company is paying, please

ensure the Accounting Department includes your name on the check or bring payment to regular meeting.

Bring payment to regular meeting. Please bring a copy of your Bill for Payment Due you will print when renewing online.

STUDENTS

If you qualify under the SHRM national student program then we encourage you to visit our College Relations webpage for information on joining the HR Tampa Student Chapter which is supported by HR Tampa!

Students run on a school year and new pricing is:

PREMIUM \$50 for all chapter meetings and events;

ATTENDING MEMBER \$35 for all chapter meetings. You can visit the SHRM student site to see if you qualify for student rates. *Note: You will only qualify for our student rates if you are a valid national SHRM student member.*

Please take the time to update your personal and professional information on your member profile at the membership directory area. It is extremely important we have your current contact information so you will receive updates as they are sent out.

If you are interested in assisting one of our HRTampa Volunteer Leaders and serving on one of our committees, please contact the appropriate board member listed on the Leadership page. Get involved and have some fun!

We hope to see you at our first meeting in 2009. You can register for this event on-line at our Events and Meetings page. Please take the time to renew your membership before registering for this event.

Visit our website at www.hrtampa.org for more information.

New Members

First Name	Last Name	Cerification	Company	Title
Rosilyn	Dickerson	PHR		
John	Colburn		PDS Technical Services	
Bonnie	Lalli		eMason, Inc.	
Beverly	Sparkman	PHR	Metropolitan Ministries	Director of Human Resources
Angela	Warner		Alltel	
Deborah	Forte		Suncoast Community Health Centers, Inc.	Human Resources
Pattie	Balchon		Healthpoint Management Services	HR Generalist
Ann	Geiger		Alltel	HR Generalist
Virginia	Bibiloni		Senior Care Group, Inc.	Corporate Dir. of Benefits



BOARD of Directors

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