

The Official Newsletter of HR Tampa

EDUCATE, ENGAGE, EMPOWER AND ELEVATE YOUR LEADERS: Positioning Your Organization for Success

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Organizations will find themselves in an increasing competition for talent. Externalities like technological advances, the global economy, and the impending talent shortage are reasons for organizations to create strategies now that attract and retain talent, and that develop and nurture each individual. Join us as we explore strategies to develop executive leaders, 'mid-managers', and those newly promoted to a leadership role.

- **Location:** Centre Club
123 S. Westshore Blvd
Tampa, FL 33609
- **Date:** Wednesday, January 18, 2012
- **Time:** 7:30am



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SHRM Chapter #0074

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Patricia Sullivan,
MSBA, SPHR, CEC,
Certification Director

Patricia Sullivan is Founder and CEO of Profit by Design, HR Consulting (PDHR). She works with clients to create the workplace they first envisioned as leaders, a culture of motivated, empowered, creative and engaged employees. Her clients include entrepreneurs, executives, managers and newly promoted leaders, all of whom recognize that long-term business success is positively correlated to employees' motivation. Through leadership coaching and HR consulting, PDHR clients create the environment needed to increase profits through people, performance and processes. As a trainer and educator, Patricia serves as an Adjunct Professor for Villanova University and Adjunct Instructor for Arcadia University and has designed online classes for university and corporate settings.

As a leadership coach, Patricia works with clients to discover their true leadership potential. After successful participation in a proven coaching process, leaders recreate their business relationships to design their ideal organization. As a business consultant and trainer, Patricia guides business managers and provides tools to align human resource initiatives, including Leadership Training and Performance Management with strategic objectives. PDHR differentiates itself from other consulting firms by not only offering strategic solutions, but also providing hands-on implementation of any recommended solution.

Prior to starting Profit by Design, HR Consulting, Patricia spent 20 years in leadership roles. As a human resources executive, she has led results-driven projects in ISO and FDA regulated companies. She is an expert in organizational development, human resources, employee engagement, and training.

Patricia was awarded an undergraduate and graduate degree from Temple University, majoring in Human Resources Management. She is currently enrolled in a Ph.D. program at USF, focusing on Adult Education with a concentration in Leadership Development. Her many certifications include:

- Certified SPHR, Senior Professional in Human Resource Management (HRCI/SHRM)
- Energy Leadership™ Index Master Practitioner (iPEC)
- Certified Empowerment Coach (Institute for Professional Empowerment Coaching)
- Certified Conflict Resolution Mediator (Institute for Conflict Management)
- Certified Master Trainer and Certified E-Learning Specialist (Langevin Learning)
- Certified Yoga Instructor (Yoga Life Institute)



The Fair Labor Standards Act – Working Off the Clock

The FLSA requires employers to pay the appropriate overtime compensation to those non-exempt employees working more than 40 hours a week. The courts do not care why the employee worked over 40 hours – it is not relevant whether the employer ever asked the employee to perform the work. Work that has not been requested but was suffered or permitted is considered hours worked and an employer cannot escape liability by simply promulgating policies limiting work hours. However, such policies can be an important part of an employer's defense when faced with a claim for unpaid wages or overtime.

Policies limiting overtime, prohibiting off-the-clock-work and mandating meal breaks may assist employers in protecting themselves from an employee's allegations of uncompensated work time. For example, a bona fide meal period is not compensable time under the Fair Labor Standards Act and, as such, an automatic deduction of a 30-minute lunch period is not violative of the FLSA on its face. Nonetheless, employment lawyers generally advise that employers avoid automatic deductions. It is often difficult for employers to ensure the limitations placed on workers during these meal breaks will not be found to impede on the employee's entitlement to an uninterrupted break. With all of the loopholes and exceptions created over the years, missed meal periods and other off-the-clock work frequently form the basis of a claim for unpaid wages or overtime under the FLSA.

In order for an employee to succeed on an FLSA claim, the employee must demonstrate that (1) he or she worked overtime without compensation and (2) the employer knew or should have known of the overtime work. While it is often simple for employees to establish they worked without compensation, simply testifying that they did so, the second element can be more challenging. Policies that limit work hours, require meal breaks, and impose discipline for those employees violating the policies can be useful in defending this second element and make the employee's burden a little tougher. As seen in the Southern District of Florida, and in other federal district courts, the employer must enforce its work time policies to receive the full benefit.

In 2009, the Southern District of Florida examined an employee's claim that she regularly worked through meal breaks that were automatically deducted from her time records and that she performed work off-the-clock for which she was not paid. The employer had written policies in place informing employees about automatic meal deductions and had a procedure for reporting missed meal breaks. The employer had strict policies for time-keeping and recording of work. During orientation, employees were trained on these policies and procedures.

It was undisputed that the employee had worked off-the-clock on at least one occasion. In fact, she was caught working off-the-clock by a supervisor, who disciplined the employee for violating the policy and then adjusted the employee's time card accordingly. The employee admitted that she knew working off-the-clock was not permitted. She also admitted that following her discipline, when a supervisor would see her in the building after her shift and ask if she was working late, the employee said no. The employee testified that despite her knowledge of company policies, she continued to work off-the-clock both during meal breaks and after hours.

The Southern District found that even if the employee could prove she had performed uncompensated work, she failed to demonstrate that the employer had actual or constructive knowledge of such work. The Court noted that while the employer could have done a better job of monitoring the amount of work performed by its employees, it would not hold the employer liable for an FLSA violation where the employee prevented the employer from learning about overtime work by actively attempting to deceive the employer by performing overtime work without detection. The Court found the employer made reasonable efforts to monitor the hours worked by its employees and enforce its policies. Specifically, the Court noted that the employee had not only been disciplined for working off-the-clock, but the employer attempted to prevent further events by monitoring the employee after the initial incident.

Most importantly, the Court held that while an employer has a duty to inquire into the working conditions of its employees, the employer must be given an opportunity to comply with the provisions of the FLSA. In this case, the employer made efforts to comply with the FLSA by promulgating its work time policies and by enforcing those policies. When the employee failed to notify the employer or deliberately prevented the employer from acquiring knowledge of the off-the-clock work, the employer's failure to compensate the employee for that time was not an FLSA violation.

It is important to note that in this case, there was no reliable evidence that the employer knew or should have known that its employees were routinely working in violation of its policies. An employer cannot stand idly by and allow an employee to perform off-the-clock work without proper compensation if the employer has knowledge that its employees are performing unpaid work. Nor can the employer encourage artificially low reporting of hours or alter truthful reporting of hours. But an employer can and should take every reasonable step to prohibit working off the clock through policies, training and enforcement.

While the task of implementing work time policies may be daunting, it's a simple matter of enforcement. Ensure that your company has written policies that detail the company's expectations of its employees. Train supervisors and managers to observe employees and be alert to potential problems. Discipline employees in a consistent manner if violations occur. Training and enforcement will assist in defending against an employee's claim of working off-the-clock.

Author: Caren Skversky is an associate at Constangy, Brooks & Smith, LLP. Ms. Skversky has been practicing law in the Tampa Bay area since 2001. Ms. Skversky represents employers in all areas of employment law and with a focus on employment litigation. She represents private and public sector employers in workplace matters in federal and state court and administrative forums.





“Every End is a New Beginning” *by Liam Moore*

The danger with quotes is that we never know who really said them. When thinking of a theme for this article, I instantly thought of a quote by Maya Angelou. An Internet search revealed that it was said by Dr. Thomas Garthwaite. Or even Carl Buechner. I’m not even sure who the last two are, but this is not surprising considering that I struggle with recalling the details of a joke or a story that I heard only yesterday.

Instead of summarizing my time as President of the Student Chapter with a misquoted quote (and most likely incorrectly attributed), I’ll just call it a philosophy that’s come to guide me over the last few years. In *The World According to Liam*, people tend not to remember exactly what we say or do to them, but they almost always remember how we make them feel. In a profession concerned with the development of people, HR professionals often have their hands full trying to balance how our people are “feeling” with the needs of our businesses.

Understandably, our type of work drives many of the thinkers and the logic lovers crazy. Indeed, feelings are not facts and they are very difficult to quantify. No sane business leader would roll out a company-wide goal that declared everyone in the organization should just “be happy”. Such a goal would be beyond both the scope and capabilities of even the most seasoned HR professionals. After all, we are not company-paid therapists.

With every organization that the Student Chapter has visited in Tampa Bay over the last year and a half, I’ve seen how much the feelings of people do matter to the success of a business. Our gracious hosts illustrated for us how the partnership between HR professionals and the businesses we serve ensures that our people feel respected, heard, supported, and valued. We do this by encouraging fair, consistent business practices that promote empathy, listening, compassion, and treating others with dignity.

Our community partners have shown us time after time how HR activities exist in tandem with the goals and objectives of our organizations and together they help make a business a success. Staffing, employee relations, risk management, labor relations, and compensation are but some of the HR activities that allow our organizations to find (and keep) the right people for the right jobs. The Tampa Bay area businesses visited by the Student Chapter have repeatedly demonstrated for us how these activities support their businesses objectives, help them thrive, and keep their people happy.

2011 marks the end of both my formal schooling and my time as Student Chapter President for HR Tampa. My involvement with HR Tampa and the Student Chapter has opened many doors for me in the last two years, and introduced me to many wonderful people to whom I am forever indebted. These men and women have become my mentors, my network, and my friends. I may never be able to repay you for your kindness, but it is my sincere hope that our time together so far has left you feeling respected, valued, supported...and, of course, happy.

You Are Important to Our Future!

Host companies are needed for Tampa Bay HR Student Chapter monthly meetings.

The purpose of SHRM student chapters is to educate and mentor our future HR professionals. Meetings can be held the third or fourth week of the month from 5:30 to 7:30 and the host company can choose the day of the week that is most convenient for them.

As the host, you will have the opportunity to facilitate a presentation or discussion relevant to HR issues affecting your company or industry. To learn more about available dates, contact Diane Berry, Tampa Bay HR Student Chapter Director of Corporate Relations, at diane.berry@phoenix.edu or 813-342-5641. The difference between try and triumph is a little umph....



Building Employee Growth Through Higher Education

The Tampa Bay Higher Education Alliance provides higher education opportunities to businesses and organizations within the Greater Tampa Bay area.



www.TBHEA.org

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Have Breakfast or Dinner On Us!

By referring a NEW member to HR Tampa who successfully joins, you will be eligible to have a meal on us!* E-mail hrtampamembership@yahoo.com with your name and the person who you referred or have them add your name in the referral box when they sign up!

*Premium members will be eligible to bring a guest for a breakfast or dinner meeting on us!



Reminder from the Membership Co-Directors:

Please keep your profile current at all times including your SHRM information. We are presently looking for Ambassadors to greet guests and new members at the monthly meetings. If interested, please contact Jill Conklin or Layla Jamil at hrtampamembership@yahoo.com.

We wish everyone a successful year and please do not hesitate to contact us with any questions.



Jill Conklin, PHR,
Membership C0-Director



Layla Jamil, PHR
Membership C0-Director

Workforce Readiness

Workforce Readiness Needs You

The success of the Workforce Readiness Intern Program depends on the generosity of our sponsors. If you or your organization would be interested in getting involved by donating toward our scholarship fund, or if you are a HR Professional who would be interested in giving the students a tour of your HR department and discuss your role, please contact Cheryl Brown at (813) 414-6215 or cheryl.brown@gtefcu.org.

Workforce Readiness is thrilled and privileged to work with our high school community! This is one of the ways your membership is giving back, so thank you!!



Cheryl Brown,
MBA, PHR
Workforce Readiness
Director

HR SUPER HERO VOLUNTEER OPPORTUNITIES

Would you like to become more involved with HR Tampa?

Check out the exciting volunteer opportunities below and make the difference today!

Hospitality Committee

Volunteers are needed for our Hospitality Committee! Hospitality Committee Volunteers assist at the registration desk before our monthly meetings. Duties include greeting members as they enter the meeting, checking names against the registration list, collecting meeting fees, and issuing badges to attendees. Hospitality Committee volunteers stay busy, but also have fun and have the opportunity to meet many HR Tampa members. After the registration process has finished, volunteers are free to enjoy the HR Tampa program and meal.

Volunteers are needed for both our morning and evening meetings. We ask morning volunteers to arrive at the meeting by 7 am and evening volunteers to arrive by 5 pm.

For more information, please contact Shaun Androff at shaun@hiregy.com or at 813-767-9974.

Certification Committee

Want to get more involved in HR Tampa Certification? We have volunteer opportunities for study group speakers.

If you are a current certified member of HR Tampa and would like to help facilitate one or more of the study sessions, please contact Patricia Sullivan at certificationhrtampa@yahoo.com. The study groups meet once per week for 12 weeks to provide an overview of the major areas of Human Resources: (1) Strategic Management, (2) Workforce Planning and Employment, (3) Human Resource Development, (4) Total Rewards (formerly Compensation and Benefits), (5) Employee and Labor Relations and (6) Risk Management (formerly Occupational Health, Safety, and Security). The Study Groups focus on learning through participation and shared learning.

By helping to present at one of the study group sessions or helping with the facilitation of the study group, the individual will be eligible to receive re-certification credits.

This is a wonderful opportunity to receive re-certification credits and help others become a professionally certified member of SHRM!

College Relations Committee

The College Relations Committee focuses on the future of the HR profession, overseeing the Tampa Bay HR Student Chapter, the mentor and internship programs and career workshop.

Volunteer Opportunities Include:

- College Relations - general volunteer assisting with monthly meetings and student chapter events
- Monthly Meeting Host
- Career Workshop - resume' review, mock interview, speaker, vendor or sponsor
- Become a mentor
- Host an intern

For more information, please contact Susan Styx at ssstyx@hinshawlaw.com

Diversity Committee

The Diversity Committee is responsible for spearheading the effort to diversify HR Tampa's membership and to publicize successful diversity programs in the Tampa Bay community.

We meet on a monthly basis at a time that is convenient for most of the committee members. As a volunteer on the Diversity Committee, you could participate by helping to organize diversity-related events, writing newsletter articles, researching Tampa area resources and events, developing materials to distribute to our members, helping out at monthly meetings or special events, or by participating in the initiatives that the committee develops each year.

For more information, please contact Ana Swiger at aswiger@travelers.com

Membership Committee

Do you want to be a Membership Ambassador?

If you can give an hour before the meetings to be a greeter and resource to our guests and new members, then the HR Tampa Membership team wants you! Please contact Jill Conklin or Layla Jamil to find out more at hrtampamembership@yahoo.com.

Non-Dues Committee

We are seeking individuals who are willing to make a commitment and donate their time and energy to assist in promoting HR Tampa to the Hillsborough-area Community. We need forward-thinking, creative individuals with a marketing background, excellent relationship building and communication skills and a good reputation within the media. You will also need to have the support of your company since some of the projects will require the ability to work during normal business hours.

A sound understanding of social media is essential to help promote our organization through your LinkedIn, Facebook and Twitter accounts.

You must be a member in good standing of HR Tampa and SHRM. The rewards are endless if you are willing to give of your time and energy. You'll make lifetime friends while being recognized for a job well done! Email: chris.greene@shaker.com

SHRM Foundation Committee

The SHRM Foundation was founded in 1966 as a non-profit affiliate of SHRM. The Foundation funds research, publications and education to advance the HR profession and enhance the effectiveness of HR professionals. To support its important work, the SHRM Foundation conducts an annual fundraising campaign.

As mentioned, the Foundation promotes research, innovation and the use of research-based knowledge. Some of the major research projects the Foundation is currently funding are: Aging Workforce, Changes in the HR Function and Roles, and Global HR just to name a few.

Individuals and Chapters are encouraged to donate to this worthwhile cause; HR Tampa truly believes in the Foundation's efforts and is one of the leading chapter's in the Nation for contributions.

Committee members will assist in continuing the Chapter's efforts for the Foundation and their cause by determining, assisting and participating with Chapter activities to raise money for the Foundation. Become a committee member – let's have fun, raise money and give back to the profession to continue its growth!

For more information, please contact Lisa Murfield at murfieldld@yahoo.com

Workforce Readiness Committee

Workforce Readiness' vision is to reach out to the community to strengthen the workforce through skill and professional development, coaching, and mentoring programs by a collaborative effort between HR Tampa members, the local community, State and Federal government, and local businesses. We also advance the Human Resources professional by partnering with local schools, technical colleges, and two and four year colleges.

We assist individuals in developing their skills to become more competitive in our local and global economy. We partner with small businesses by providing expertise, training, and support in Human Resources practices through education and hands-on training. We also encourage students' interest in the Human Resources profession through education and on-the-job-training.

For more information, please contact Cheryl Brown at cheryl.brown@gtefcu.org (or 813-414-6215).

IT'S A GREAT TIME TO JOIN HR TAMPA

Choose your level of membership

PREMIUM Membership **Early Bird Special PREMIUM Membership** **\$225 till 1/31/2012**

Dues plus all regular monthly meeting costs inclusive - a value of over \$505 (\$100 is applied towards annual operating costs). This premium membership status allows access to the HR Tampa Website, Directory, Newsletter, Free Job Postings for your company and ALL Monthly Meetings and most Special Events included per year.

BASIC Membership \$100

Dues Only - Meeting Fees and Events Paid Separately. This standard membership status allows access to HR Tampa Website, Directory, Newsletter, Free Job Postings for your company, and ALL Monthly Meetings and Special Events on a pay-per-use basis.

Our chapter is a 100% chapter, which means that each member must also be a member of the National SHRM. Please designate HR Tampa as your local chapter (#074) when joining SHRM.

HR Tampa is committed to bringing you the most meaningful programs to supplement and enhance your HR knowledge and have fun at the same time. We hope you choose to be a part of one of Florida's largest and most active chapters.

The success of the National Society for Human Resource Management (SHRM) depends on local chapters. Our HR Tampa chapter depends upon your membership. Joining HR Tampa is an excellent way to be involved. Our chapter services/programs will benefit you in several ways:

- Regular monthly breakfast and dinner meetings featuring expert speakers on current pertinent human resource topics (many meetings qualify for HRCI credits) generally held the 3rd Wednesday of the month
- Keep current with HR developments, trends, position openings, and events etc. on our website
- Networking with over 400 local HR Tampa members
- Free study group (for active Basic & Premium paid members) for PHR/SPHR certification
- Monthly electronic newsletter featuring legislative updates, local HR news and events
- Joint diversity meeting with the Pinellas chapter providing further professional development and networking opportunities
- Association with professional HR industry focused vendors
- Assistance in HR internship programs and finding candidates
- Professional Mentor programs for college students
- Access for your company to advertise open HR positions on our Job Board for Free or discounted rate (\$100 cost per posting for non-members).
- Volunteer opportunities in the community in your profession
- Special Events, Conferences, and Expos to earn continuing education credits
- Reduced rates at the annual FL State Conference

Our chapter is a 100% chapter, which means that each member must also be a member of the National SHRM. Our chapter receives additional quarterly funding from the SHRM Chapter Financial Support Program for each member who joins our chapter. This allows us to bring a higher quality of events and services to our members. Annual dues for the National SHRM membership are approximately \$160. National SHRM regularly has \$145 dues specials for first-time members. You can complete your membership application with SHRM on-line and automatically receive a membership number. Please designate HR Tampa as your local chapter when joining SHRM.

Sponsorship Opportunities

2012 MONTHLY MEETING SPONSORSHIPS - NOW AVAILABLE

MEETING SPONSORSHIPS

2012 - January & February Sold

NEWSLETTER ADVERTISING

Quarter Page Ad – 3.625 x 4.5 - \$ 150.00

Half Page Ad – 7.75 x 4.5 - \$ 250.00

Full Page Ad – 7.75 x 10.25 - \$ 400.00

Volume discounts can be negotiated for multiple ads.

RESOURCE DIRECTORY ADVERTISING

\$125.00 per business specialty listing – calendar year.

**Contact Chris Greene – chris.greene@shaker.com
for more details!**

OTHER GREAT SPONSORSHIPS ALSO AVAILABLE!

- College Relations – contact Susan Styx - [sstyx@hinshawlaw.com](mailto:ssstyx@hinshawlaw.com)
- Membership – contact Jill Conklin or Layla Jamil - hrtampamembership@yahoo.com
- Workforce Readiness – contact Cheryl Brown - Cheryl.brown@gtefcu.org



Chris Greene
Non-Dues Revenue Director

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2011 Board of Directors

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