



# Buffalo • Niagara

## Human Resource Association

To Lead • To Educate • To Inspire



### Buffalo Niagara Human Resource Association Newsletter

September 2007

#### Letter from the President- Colin Adams, GPHR

The theme of the summer is “Networking” and the benefits that come from establishing and maintaining relations both personal and professional. I believe most human resource professionals are what Malcolm Gladwell defines in his book *The Tipping Point: How Little Things Can Make a Big Difference* as connectors, people who are the “hubs” of the human social network and responsible for the small world phenomenon. This was exhibited in many ways in the last couple of weeks through some of the Chapter activities.

First, through our partnership with Randy Murphy and Harmony Expositions, the BNHRA was able to coordinate the very successful Buffalo WellFest Conference in May. Thanks to the hard work and dedication of many volunteers lead by Denise Ligammare and Kim Nemeth. They kicked off what I believe will be solid annual event in the BNHRA program line up. We are very appreciative for the opportunity to work with Harmony productions on this event which provided the Chapter with some additional funds for future programming.

Second, after two years into our relationship with the Buffalo Niagara Professional Alliance we were able to extend the Chapter’s influence beyond the professional arena. We were able to Advance the Profession in the eyes of the community by partnering with the other member organizations of the BNPA to raise almost \$10,000 for the Joan Male Foundation to support victims of domestic violence. Thank you to all of the volunteers, sponsors, participants and donors to help deliver a successful event.

Third, the BNHRA and the Buffalo Niagara Partnership have established a formal relationship to support each other in achieving our organization’s goals and objectives. The relationship will be led by Christina Schweitzer, the Chapter’s Strategic Partnership Chair. The biggest joint initiative that we will be working is a collaboration to deliver the “Compelling Places to Work” workshop series in 2008. Stay tuned for more information. If you or some one you know is interested in volunteering on this initiative, please contact Christina.

Fourth, with our partnership with Triple Track we will be joining in the Second Annual Work-Life Jam Session at the Millennium Hotel on Walden Avenue on September 27th. Through this relationship, the Chapter has been able to Service the Professional by providing more educational and professional development opportunities. Registration information for this unique and exciting one day conference is available on our website.

All of these activities and relationships were the result of the many small networks of people that exist in Western New York. The connections came from Chapter members and were developed in ways to enable us to Advance the Profession and Service the Professional and strengthen our goal as being the preeminent HR organization in WNY.

Continued on page 2

### Events

#### Make “The Best Companies in NY” List

What does it take to be one of the “Best Companies to Work for in New York”? Your company may have the right stuff! To find out more and to register now, go to [www.bestcompaniesNY.com](http://www.bestcompaniesNY.com)

The “Best Companies to Work for in New York” program is a NYS SHRM/ Best Companies Group program. NYS SHRM would like to thank our sponsors:

Major Sponsor: Right Consultants [www.right.com](http://www.right.com)  
Supporting Sponsors: Bernard Hodes Group [www.hodes.com](http://www.hodes.com) and Jackson Lewis [www.jacksonlewis.com](http://www.jacksonlewis.com)

For more information, call Best Companies Group toll free at 877-455-2159 and check out pages 4-5!

#### 2007 09-19 Dinner

Legal Update - breakout sessions presented by Robert W. Patterson, Esq. Jaeckle Fleischmann & Mugel, LLP; Robert Heary, Hiscock & Barclay; Sara E. Visingard, Harris Beach PLLC at Holiday Inn, Airport sponsored by Walsh Duffield Companies.

Please visit [www.bnhra.org](http://www.bnhra.org) to register for these events.

### Contributors

Susan C. Matikosh  
The Bartech Group  
Christopher D. Ahlers, Esq.  
Damon & Morey LLP  
Bob Anderson, CCP  
CTG  
Krista Fiegel  
Flexible Staffing  
Tim Finney, PHR  
Superior Staff Resources

Bonnie Sugrue  
Grey Allen, Inc.  
Greg Thrun  
LifeStyles Management  
Andrea Todaro  
VESID  
Nathan Tallman  
Michael Berta  
Phoenix Online University  
Pam Nicaastro  
Catholic Health Systems

### Advertisers

PG 5 Western Division Federal Credit Union

Finally, the August Chapter meeting was a Social event held the Pearl Street Bar and Grill where about 30 members came and did some good old fashion networking. We just talked about HR, the Chapter and had a good time meeting new people. Don't wait for the next social meeting. Be social at the next Chapter meeting. Step up and say hello to some one you don't know. You never know where the next personal or professional opportunity is going to come from.

## Employee Embezzlement: Prevention, Detection, and Cure

Employee embezzlement costs American employers about \$6 billion per year. Embezzlement is the fraudulent taking of personal property with which one has been entrusted. By definition, the offender is someone trusted by the employer. When detected, embezzlement brings great heartache to the perpetrator's victims and families. The typical motive for embezzlement is simple greed. However, theft arising out of addiction to gambling has grown along with the Minnesota gaming industry.

How does an employer prevent embezzlement? As a famous judge once observed, "Sunshine is the best disinfectant." Or, as the Americans and Soviets agreed, "Trust but verify." A business should screen new hires thoroughly. References should be checked, and criminal and credit background checks performed.

The most common embezzlement methods are:

1. Failure to record cash transactions
2. Claims for false reimbursements
3. Use of company accounts for personal transactions

4. Payroll fraud
5. Fraud through supplier accounts and other payables
6. Kickbacks

This process is not, of course, foolproof. Employers will want to lay off some of the risk by making sure that all employees who handle finances are appropriately bonded. Blank checks and deposit slips should be secured, and when payments come in, they should be restrictively endorsed immediately. When asked to sign checks, employers should require supporting documentation, and review it. If unknown vendors appear, employers should ask questions about them. Employers should also review their processes for collecting and spending money. There should be checks and balances at each stage, with especially strict procedures for cash transactions.

An employer should not expect its auditors to catch an embezzler, who may be experienced with audit procedures. Rather, the employer should break up the embezzler's routine by reviewing unopened monthly bank and credit card statements, cancelled checks, deposit slips, and receipts, looking for checks out of sequence or written to "cash." Write-offs warrant special attention, since that is how an embezzler will try to put the theft out of sight and mind.

Those unannounced, informal checks become especially important when there are warning signs of fraud. While the employee who appears to be living beyond her means bears watching, perhaps the best indicator of fraud is the employee who fights to protect job responsibilities involving

access to money. Beware the employee who guards zealously some particular portion of the process, or who self-righteously insists on doing everything. An embezzler may resist taking vacation time, for fear that any substitute might become suspicious. Similarly, the employee who fights to keep using a particular vendor, against all economic rationality, may be protecting an illegal relationship.

Sudden, unexplained changes in revenue, cash flow, or profit are other warning signs, as are increased write-offs or transfers. Supplier complaints about slow payments and double-billing may increase when embezzlement is occurring. A security breach in the company's computer system may also be a warning.

What should a business do when strong suspicions arise? A false accusation can lead to civil liability. Instead, employers should contact their attorneys and accountants for advice.

If, after investigation, it is confirmed that an employee has embezzled funds, prosecution is typically recommended. This sends a strong message to other employees that cheating will not be tolerated, and it may save another employer from the embezzler. Further, while the embezzler may have spent most of the money, a criminal court restitution order, which is not dischargeable in bankruptcy, will hang over the criminal's head for a long time.

*David Lillehaug* HR Resource Online

## **Our New Strategic Partnership with TripleTrack for EAP, Work-Life Effectiveness and Wellness Programs**

The Chapter is pleased to inform you that we have formed a strategic partnership with TripleTrack. TripleTrack offers entrepreneurs and their employees low cost solutions to workplace, family and personal problems. Services include seminars and training, counseling, dependent care, and health and wellness initiatives. TripleTrack Advantage is the company's comprehensive, interactive web-based information portal for thousands of tools to enhance work-life effectiveness. Beginning in mid-June, you as an individual member of BNHRA, can take advantage of all these services for the life of your membership. Check your mailboxes for a welcome letter coming soon!

TripleTrack, founded by Angie Kleeh, also provides human resources outsourcing and consultation and management solutions to WNY businesses. TripleTrack recognizes the value that BNHRA brings to businesses, and will provide each of its corporate clients with a 1-year BNHRA membership, thus growing the organization. TripleTrack is located in Williamsville, and employs in its corporate office a staff of 10 individuals with expertise in education and training, social work, human resources, and business management. In addition, TripleTrack works with a large network of mental health, behavioral and community-based professionals to provide EAP services, legal and financial counseling, and wellness programs.

TripleTrack's partner in wellness, The Buffalo Athletic Club, will offer you corporate wellness discounts and seminars delivered by Mary Anne Cappellino, Corporate Wellness Director.

You'll want to mark your calendars for TripleTrack's 2<sup>nd</sup> Annual Work-Life Jam Session conference being held at the Millennium Hotel on September 27<sup>th</sup>. For more information and early bird registration, visit the website [www.triple-track.com](http://www.triple-track.com).

Be sure to catch TripleTrack's monthly column in the BNHRA newsletter bringing you the latest trends in work-life and wellness practices.

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### **DYNAMIC SPEAKERS AND PRESENTERS**

**David J. Thompson, Ph.D.**, has more than 15 years of experience in implementing work-life effectiveness programs in corporate, university, and community settings, including Microsoft, Purdue University, and Montana State University. He has presented hundreds of seminars to corporate, academic and wellness audiences throughout the world. His topics and areas of expertise include work/life effectiveness, the multi-generational workforce, personal and corporate wellness, diversity, conflict and stress management, and creative play at work. He is currently the chair of the Alliance for Work-Life Progress Strategy Board and on the advisory board for the Circle of Business in Columbus, OH. He holds a Ph.D. from Purdue University.

**Mary Anne Cappellino** is Wellness Director for The Buffalo Athletic Club. With more than twenty years experience designing fitness programs, Mary Anne has done more than just "sculpt pecs and abs." As a public speaker, wellness consultant, author and exercise trainer, she has helped thousands of people change their bodies and direct their minds in new and positive ways. Mary Anne serves as spokesperson for "Be Healthy New York State," a program of The American Heart Association.



## **BNHRA Compensation Survey Results are Ready**

We are pleased to offer our 2006 Compensation Survey. The survey results represent compensation data reported by 41 organizations encompassing 8,264 incumbents in 111 positions. All compensation data is effective as of June 1, 2006.

### **Survey Methodology:**

Astron Solutions consultants and BNHRA leadership jointly designed the survey questionnaire package, focusing on the collection of compensation data. The questionnaire was distributed to all invited participants. Survey jobs were matched by the participants on the basis of job responsibilities, organizational level and scope of information provided in survey job descriptions.

Completed survey questionnaires were reviewed by Astron analysts for completeness and quality. Astron followed-up as needed with participants to verify and clarify ambiguous responses and data anomalies. Astron then conducted statistical analyses regarding participants' compensation practices, which are the foundation of this report.

The following job families are included in the report:

- Engineering
- Accounting/Finance
- Nursing/Medical
- Human Resources
- Information Technology
- Maintenance
- Quality Control
- Office Administration
- Skilled Labor/Production
- Materials Management
- Sales and Customer Service
- Retail
- Laboratory
- Food Services

### **How to Purchase the Results:**

The survey may be purchased by downloading the invoice. Please send the invoice and your check to BNHRA, PO Box 287, Orchard Park, NY 14127. Results will be sent to you via email.

BNHRA Member: \$200

Non-Member: \$300

## **Best Companies to Work for in New York**

Buffalo Niagara Human Resource Association is part of the NY State-Society for Human Resources Management. NYS-SHRM has created a new program dedicated to finding and recognizing NY's best employers. BCWFNY aims to raise the bar among our state's employers and create the kind of employee satisfaction that will attract talent for years to come.

BCWFNY is a two part company assessment. Part one of the assessment (three-quarters of each company's score) consists of a confidential employee survey (65 questions) used to evaluate the employees' workplace experience. Part two of the assessment (one-quarter of each company's score) consists of an Infrastructure and Practice Inventory the employer completes. This inventory includes information about each company's benefits, policies, practices and other general information. The two combined assessments allow the experts at ModernThink, LLC to provide an in-depth analysis of the strengths and opportunities that exist in each company to build a better workplace.

Each company that participates, whether they make the list or not, receives an Assessment Findings Report that summarizes the employee data collected. This report is each company's report card. Not only is it rich with information about how the employees are feeling, it also includes averaged benchmarking data from the companies that made the list. In addition, the report gives each company 2-3 written recommendations based on the data analysis and an opportunity to spend 30 minutes with one of ModernThink's analysts to review the results. The Assessment Findings Report will help each company understand their workforce better and equip them with the tools to make their workplace even better.

### **Benefits of Participation-**

Experience from the many "Best Companies to Work for" or "Best Places to Work" programs that are now running across the country shows that identifying and recognizing employers of choice results in significant organizational benefits for all who participate. The following benefits are why many companies will participate every year:

#### **1) Heightened Company Pride**

When a company appears on the "Best Companies to Work for in New York" list, the management, the employees and the other stakeholders swell with pride. Many will use "Best Companies to Work for in New York" logo and



name to create shirts, pins and other kinds of promotional items to be distributed internally. Employee morale receives a boost and employee retention is increased.

## 2) Public Relations and Marketing Advantage

Being named as one of New York's best places to work can have a tremendous impact on any marketing effort that the company is conducting. Companies will use the distinction to enhance their employee recruiting efforts, increase the effectiveness of the company's general marketing and to improve their reputation in the community and state.

## 3) The Assessment Findings Report

All participating companies will receive a world-class assessment upon completing the survey process. The Assessment Findings Reports are delivered shortly after the assessment process is complete. Companies are offered a 30 minute consultation with a ModernThink expert to review their results. Additional benchmarking data is sent to the companies after the rankings are announced. The benchmarking data will enable the companies to compare themselves to the cumulative results of all the companies that made the list. Even if a company does not make the list, this data can be an important reason to participate. To conduct this kind of in-depth research via a consulting firm would normally cost between \$5,000 and \$10,000 in consulting fees. To participate in BCWFNY, no company pays more than \$1,195.

### Recognition Gala –

Those companies that make the list of Best Companies are invited to a celebratory event where they will learn the actual rankings. The gala will be held in April, 2008 in Albany, NY.

### Learn More

A pre-conference workshop at the July, 2007 NYS SHRM Annual Conference ([www.nysshrm.org](http://www.nysshrm.org)) at the Turning Stone Resort and Casino will provide more insight into the BCWFNY survey process. Also, go to [www.BestCompaniesNY.com](http://www.BestCompaniesNY.com) for more detailed information.

### How to Get Involved

It's simple. Go to [www.BestCompaniesNY.com](http://www.BestCompaniesNY.com). There you can find out more about the program including:

Eligibility (you need to have at least 25 employees working in New York State);

Assessment Process (On-line or paper submission; costs; etc.);

Assessment Findings Report;

The Timeline (registration deadline is September 21, 2007)

Registration information and form;

Frequently Asked Questions.

For more information, please contact: Best Companies Group at 1-877-455-2159 or Barry Manus, Chair, Best Companies Initiative, NYS SHRM at 1-914-289-0951

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## **Growing Number of States Passing Family Military Leave Acts**

With the continuing demands on the military Reserve and National Guard, a growing number of states have been passing Family Military Leave Acts giving soldiers' family members limited unpaid leave entitlements. In general, the acts allow the family members of active duty soldiers to take unpaid leave during periods leading up to or immediately following their family member's deployment and also during periods of leave while still on active duty. The new statutes vary, but employers should be cognizant of these new laws and prepared to adjust their leave procedures to comply. Currently, Illinois, Indiana, Maine, Minnesota, Nebraska, and New York have passed these laws.

### **Illinois**

The Illinois Family Military Leave Act requires employers with 15 to 50 employees to provide up to 15 days of unpaid family military leave to the spouse or parent of a soldier called to military service lasting longer than 30 days. Employers with more than 50 employees must provide up to 30 days of unpaid leave. During the period of leave the employee's health benefits must be maintained at the expense of the employee. Additionally, the employer cannot take any adverse actions against the employee for exercising his or her rights under this act. The employer has some rights under this act, as well. The employee must provide the employer with 14 days of notice prior to taking 5 or more days of leave. Additionally, employees are not eligible for leave under this act unless they have exhausted all paid vacation, personal, or any other leave, except for sick or medical leave, that might be granted to the employee.

### **Indiana**

The Indiana Military Family Leave Law went into effect July 1, 2007. Under this act, employers with 50 or more employees must provide 10 days of unpaid leave to the spouse, parent, grandparent, or sibling of the person who is ordered to active duty. To be eligible, the employee must have worked for the employer for the 12 months prior to the leave date, and must have worked at least 1,500 hours during those 12 months. Additionally, the employee can only take the leave during three periods: 1) the 30 days before active duty orders are in effect; 2) the 30 days following the termination of the person's active duty; or 3) while the person is still on active duty but is on leave. Additionally, the employer has the right to require verification from employees of their eligibility under this act, as well as 30 days' written notice of the requested leave, when it is possible. The employee's health benefits can continue during the leave period at the employee's expense. Finally, the employee must be restored to the

same position or one of equal status when he or she has returned from leave.

### **Maine**

The current Family Military Leave Law requires employers with 50 or more employees to provide up to 15 days of unpaid leave to the spouse, domestic partner, or parent of the person ordered to active duty for a period of 180 days or longer. The employee must have been working for the same employer for 12 months or longer and for a minimum of 1,250 hours during the previous 12 months. Employees currently are eligible to take leave under this act only during the 15 days immediately prior to deployment or during the 15 days immediately following deployment. An employee who requests leave for 5 days or longer must notify the employer in writing at least 14 days prior to the leave. Additionally, the employer has the right to require certification that the employee is in fact eligible for leave under this act. As of September 20, 2007, an amended Family Military Leave Law will become effective. The new law will make the Family Military Leave Law applicable to employers with 15 or more employees. Additionally, employees will be able to take leave not only during the 15 days prior to and following deployment, but also during periods when the person is on leave during active duty.

### **Minnesota**

Employers must grant the parent, child, sibling, or spouse of a person killed or injured while on active duty in the military up to 10 days of unpaid leave. The employer has the right to require the employee to use any paid leave, except for sick or medical leave, prior to taking any unpaid leave under this act. The employee is required to give the employer only as much notice as is possible prior to taking the leave. Additionally, employers are required to provide up to 1 day unpaid leave for the parent, child, sibling, or spouse of the person ordered to or returning from active duty to attend the send-off ceremony or homecoming.

### **Nebraska**

Employers in Nebraska with 15 to 50 employees are required to provide up to 15 days of unpaid family military leave to the parent or spouse of a person being called to active duty for longer than 179 days. Employers with more than 50 employees must provide up to 30 days of unpaid family military leave. To be eligible under this law, the employee must have worked for the employer for at least 12 months prior to the requested leave and must have worked for at least 1,250 hours during that time period. An employee who requests leave for longer than 5 days is required to give the employer at least 14 days' notice prior to the time the leave is going to begin. Additionally, employers are required to restore the employees to their original or equivalent positions when they return from their leave. While on leave, employees can continue to receive their health benefits at their own expense.

## **New York**

When the New York Family Military Leave Law became effective in August of 2006, it was the first state to have a family military leave law requiring employers to provide unpaid time off to family members of those on active duty in the military. The law requires employers with 20 or more employees to provide the spouse of a person on active duty in a combat theater or zone of operations up to 10 days of unpaid leave. Under the New York law, time off may only be taken while the person in the military is on leave from active duty. To be eligible for leave under this law, the employee must work for the employer from which leave is sought for at least 20 hours per week. This law does not require any minimum length of service for eligibility. Additionally, the employee is not required to give the employer notice prior to taking leave. Also, employers are not permitted to retaliate against employees taking this leave.

*Conrad Kee Hr Resource Online*

## **Key Elements of Effective Compensation**

Compensation is an emotional subject for a host of reasons. Because it is emotional and factual “getting it right” in the eyes of employees can be challenging in the best of situations. Handled poorly compensation can prompt lowered morale, increased turnover, increased costs and decreased productivity. Not exactly a recipe for success. Is “getting it right” simply a matter of paying an individual what he or she says he or she desires? The answer is “No.” There are at least five key elements involved in effective compensation within an organization (regardless of the type of organization); specific goals and objectives, accurate information, clear integration, effective communication and regular reevaluation, which we will briefly discuss.

### **Specific Goals and Objectives**

Organizations that achieve success, especially long-term success, rarely do so via simple good fortune. Instead, successful organizations operate based upon a plan, which has been derived from specific short and long-term goals and objectives. The desire to achieve specified goals and objectives is the source from which effective organizations get specific sets of responsibilities for employees at all levels. Further, goals and objectives are used by members of the organization to determine which activities (work) will be carried out on a daily (and longer) basis. Specified goals and objectives provide a mechanism for determining how resources will be allocated, including employees.

One of the sets of goals and objectives an organization should have is its goals regarding people, which some refer

to as its human capital goals. Does it intend for its employees to lead its industry or association? Does the organization intend to be an organization that attracts its industry’s most talented individuals? Does the organization seek to foster innovation and entrepreneurial thinking and acting or is it looking to maintain its present state? Does it intend to share responsibility with its employees regularly and push them to grow or is it looking to have its power concentrated in the responsibilities of a few individuals who may need less skilled subordinates?

The answers to the question above, “What does our organization intend to accomplish through people?” And its corollary, “What do we intend to have our people be?” are key questions, which leading organizations take very seriously and spend much time thinking deeply about. They know how damaging the absence of clear goals and objectives can be. They also know while they may have had a measure of success in the past, sometimes luck and skill looks very similar. Rather than succeeding but being unable to reproduce success, well led organizations have a compensation philosophy, which is a by-product of clear organizational goals and objectives.

### **Accurate Information**

How an organization arrives at what and how it should pay individuals is important to the achievement of its specific goals and objectives. Different types of responsibilities require different types of individuals, both in terms of skill and disposition. As a result, effective organizations do not depend, or make substantive compensation decisions based upon information arrived at via discussion boards, cocktail parties, or even industry conferences. While each of these sources may have merit (depending upon the specifics of the specific event), organizations striving to succeed at high levels understand the critical significance of accurate information regarding compensation system design (whether simple or complex) and compensation levels them (the amount an individual will be able to earn or potentially earn). Therefore, the information used to make system design and compensation amount decisions is secured thoughtfully and carefully from credible sources. While recent litigation regarding the common process referred to as salary surveys has perhaps made securing such information organization-to-organization a bit more dicey, outside consulting firms and trade associations still produce credible salary survey reports and other types of information, which provide firms with a more reliable source of effective, fair compensation for a position than grapevine conversation over cocktails, or employee threats in the midst of a big project. Moreover, typically numbers gathered by a disinterested third party are less biased in specific directions of concern than those gathered in-house. Regardless, accurate information is pivotal to compensation, which produces results, especially long-term results.

cated throughout the organization. There are several substantive issues, which may impede effective communication of compensation systems in organizations. Those issues include, though certainly are not limited to: too little early involvement, outside the executive group, in the formulation of goals, objectives and compensation strategies; too much one-way communication (remember, “Sell in’ ain’t tellin”), including little use of questions rather than statements to determine whether understanding and buy-in are occurring; too much use of technology to communicate regarding these critical issues (use technology to follow-up on these presentations rather than using technology as the key delivery system); and too little follow-up shortly after the initial presentation to determine how the information was processed and what new questions have arisen once some time has passed (and the grapevine has been able to process an interpretation).

Effective communication requires far more work than most organizations exert. Organizations, like individuals, tend to operate as if effective communication is linear – We made sound, or gave information, you received it (or it looked like you did) therefore we communicated. Seldom is communication linear. Language is relative. People’s experiences, personally and professionally, different. As a result, organizations and individuals who want their message received accept responsibility for the effectiveness of the communication rather than spending their time blaming hearers, resolving largely unnecessary understandings, or both. Successful communicators understand an idea we call, “Total Time”. An accurate understanding of Total Time is present in the question, “How can we send this message so that the accurate, results-producing receipt takes the least amount “Total Time”? This is a very different idea than “How quickly can we get this over with,” or “What is the quickest way to get this to every member of the staff?” In an individual’s hands and accurately in an individual’s head so he or she can produce the desired results are two VERY different things!

Organizations, who desire high levels of motivation, productivity, as well as the ability to succeed in today’s dynamic environment, go to great lengths to communicate – not simply trade information with employees. One of the key communication topics is the manner in which the compensation system (and accompanying levels) allows both the organization and individual employees to accomplish their respective goals.

#### Regular Reevaluation

In a dynamic world, it can be difficult to meet the new challenges presented each day much less find time to go back and revisit issues “settled” at some point in the past. We even have a saying for our reluctance to look anew at processes in place – “If it isn’t broken, why fix it?” However, most organizations and individuals learn at some point regularly executed reevaluation and maintenance is less costly than unexpected repair or replacement. Reevaluation and maintenance, though not always convenient, allow appropriate control to be retained. Conversely, unexpected repair and replacement, in most instances present themselves at the absolutely least convenient times, often require greater than expected levels of resources than desired and allow much lower levels of control.

Consider this basic example as an illustration of the statements above. An organization chooses not to regularly review its goals and objectives, compensation system and performance management processes on a regular basis. Business has, and continues to be good. In the midst of a major initiative, two key individuals, an executive and a key non-exempt employee decide they are underpaid. Both demand additional pay or they will depart for a competitor. Could it happen? It happens regularly. And, unfortunately, organizations that have chosen to operate with one or more of the elements discussed here, including regular reevaluation, give in to the demands of the individuals to prevent initiative for becoming side tracked. However, shortly word gets out the two individuals have received increases and other individuals become disgruntled with their own levels of pay and make a similar demand, conflict between employees increases over the issue, employees become disgruntled and produce less effectively as they think about the increases, employees leave the organization believing it to be haphazardly managed or potentially some of each. While reevaluation might not have prevented the situation entirely, in our experience it would have greatly reduced the likelihood of the threats above.

#### Conclusion

How and what individuals are paid is important to them and to the success of the organization. Balancing the demands of each requires both art and science. The likelihood that compensation will produce its intended results are greatly increased if five key elements are viewed as a system, each impacting the other; specific goals and objectives, accurate information, clear integration, effective communication and regular reevaluation.



## NY Technical Assistance Program Seminar

Oct 05, 2007  
Rochester , NY

Come to the Source for solutions to your EEO challenges. Join us for this top-notch EEOC seminar and obtain information on the latest developments in EEO law, workplace best practices and Commission policies.

### Seminar Location

The Lodge at Woodcliff  
199 Woodcliff Drive  
Rochester , NY 11450  
585.381.4000

Hotel Accommodations and Directions  
For directions, please visit the Lodge at Woodcliff website at [www.woodcliffodge.com](http://www.woodcliffodge.com) or the below agenda. Attendees are responsible for making their own hotel arrangements.

### Agenda

8:00-8:30 Registration and Continental Breakfast

8:30-9:00 Welcoming Address, Status of the Agency and the EEOC Initiatives  
Spencer H. Lewis Jr., District Director , EEOC NY District Office

9:00-9:50 E-RACE– The EEOC Race and Color Initiative: A Interactive Presentation and Discussion on Discrimination in Employment and Matching Pair Employment Testing.

Presenters: Elizabeth Cadle, Director, EEOC Buffalo Local Office  
Glenn E. Martin, Co-Director, Legal Action Center 's Nat'l H.I.R.E. Network

9:50-10:40 am Panel Discussion: Best Practices on Diversity  
Moderator: Elizabeth Cadle, Director, EEOC Buffalo Local Office

10:40-10:50 am Break

10:50-12:00 Morning Workshops– Choose One:  
Workshop A Perspective on Workplace Harassment in the Federal Sector: A proactive discussion on preventing workplace harassment.  
Presenter: Kenneth Chu, Supervisory Administrative Judge, EEOC , NY District Office

Workshop B Retaliation—Don't Do It (Tips for Employers)  
Presenter: Robert Rose, Supervisory Trial Attorney, EEOC NY District Office & Scott Piper, Piper, Schultz LLP

12:00-1:30 pm Lunch and Keynote Speaker:  
Fernan R. Cepero, PHR, Vice President Human Resources, The YMCA of Greater Rochester and President of the Genesee Valley Chapter, SHRM  
Topic: Managing an Intergenerational Workforce.

1:30-2:20 pm Afternoon Workshops I– Choose One:  
Workshop C Hear it from Us! The Inter

Interplay of ADA , FMLA & Title VII:  
“Making Sense Of IT All”

Presenter: Elizabeth Cadle, EEOC, Buffalo  
Local Office Director

Workshop D Journey Through Federal  
EEO Procedures

Presenter: Kenneth Chu, Supervisory Ad-  
ministrative Judge, EEOC , NY District  
Office

2:20-2:30 pm Break

2.30-3:20 pm Afternoon Workshops II—  
Choose One

Workshop E Leading Practices for Suc-  
cessful Mediation

Presenter: Michael Bertty, ADR Coordina-  
tor, EEOC , NY District Office

Workshop F Ethics and Legal Updates for  
Lawyers: Best Practices and recent court  
decisions and their impact on employers  
Presenters: Lisa Sirkin, Supervisory Trial  
Attorney, EEOC , NY District Office & J.  
Nelson Thomas, Dolin, Thomas and  
Solomon

3:20-3:45 Reconvene in General Session  
Caregiver Guidance: Enforcement guidance  
recently issued on discrimination against  
caregivers.

Nancy P. Boyd, Deputy District Director,  
EEOC , NY District Office

3:45-4:00 Questions, Wrap Up, Evaluation  
and Distribution of CD-ROM

The program hours are from 8:30 AM to  
4:00 PM. Check-in begins 8:00 AM. If you  
have any questions about the seminar

program, please contact Bryan White at  
212.336.3670 (TTY# 212.336.3621). You  
may also email [bryan.white@eeoc.gov](mailto:bryan.white@eeoc.gov) or  
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This seminar provides Human Resource  
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## Know Who Is An Employee

The creation of an employer-employee relationship imposes many obligations on the employer verifying authorization to work on the I-9 form, providing workers' compensation insurance, paying payroll taxes, and on and on. Many businesses try to avoid those obligations by classifying some workers as independent contractors, or 1099 workers. Too frequently, such classifications are made without sufficient attention to the applicable legal standards, leading to possible liability for unpaid taxes, overtime and other obligations. The government agencies with an interest in the obligations that flow from the employer-employee relationship are always looking for violators from whom they can extract money owed and penalties.

The label that the user of services and the provider of services place on their relationship does not determine whether a person should go on the payroll or not. The key factor is the amount of control that the recipient of the services exercises over the manner and means by which the provider performs the services. Here are two examples to illustrate the difference between an independent contractor and an employee.

1. If you hire a woodworker to build cabinets in your home, you would give her a general idea of what you are looking for, and she would give you a plan and an estimate for the work. After your approval, the woodworker would proceed to purchase materials, select appropriate tools and put in the necessary hours to get the job done, drawing upon her training and experience to determine how to build the cabinets. You would not be concerned with how she gets the job done, but with what the finished product looks like. The woodworker is an independent contractor.

2. If you hire a college student during the summer to take care of general office tasks like copying, answering the telephone, and making deliveries, you would tell him how you want those tasks done. You would tell the student what hours to work. You would provide any tools or materials necessary for the student to do the tasks. You would completely control the manner and means by which the student does his job. The college student is an employee.

To help you find the sometimes fine line that separates an independent contractor from an employee, take advantage of IRS Form SS-8, a questionnaire that elicits information about the relevant factors. Although the form is designed for requesting a formal ruling, you do not have to send it to the IRS. Just use it to make your own analysis. It is available at:

<http://www.irs.gov/pub/irs-pdf/fss8.pdf>

You will find an explanation of the standards that the IRS uses to make the determination at:

<http://www.irs.gov/publications/p15a/ar02.html>

If you wrongly classify someone who works for you as an independent contractor, you will be in violation of the immigration laws for failure to verify authorization to work, you will be in debt to the IRS and your state tax agency for unpaid payroll taxes and failure to withhold, and you will have to pay all the medical bills and disability payments if the worker suffers a work-related injury. Do not get it wrong. Know who is an employee.

*Calvin House*

HR Resource Online

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BNHRA has a variety of sponsorship and advertising opportunities available that will certainly provide your company with the ability to reach a target audience of over 600 human resource professionals in the Western New York area. These sponsorships allow BNHRA to deliver quality and effective programs, therefore meeting the needs of our membership. We consider this a win-win situation, as our sponsors get the recognition and exposure they are looking for, BNHRA members enjoy the services and benefits your sponsorship provides. We provide the following opportunities for you to maximize your business potential:

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## About Our Newsletter

BNHRA publishes 10 issues of Network a year. The Newsletter team is led by Newsletter Chair, Susan Matikosh, 578-9141, [scmatikosh@yahoo.com](mailto:scmatikosh@yahoo.com)

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Articles may be submitted to the Newsletter Chair via email.

## About Our Chapter

BNHRA is an affiliate chapter of SHRM. We have over 600 members and provide a variety of services to Human Resource professionals in the Western New York area. For information on membership, please visit our website. We strive to be the pre-eminent Human Resource Association in the Western New York area.

Our mailing address:

BNHRA, P.O. Box 287, Orchard Park, NY 14127

(716) 662-0867 (phone & fax) [www.bnhra.org](http://www.bnhra.org)