

TMHRA HRFOCUS

OUTGOING PRESIDENT'S MESSAGE

I have enjoyed serving as your President during this past year and wish to thank all of you for this opportunity. It has truly been a valuable experience in my career and such a privilege to work with an incredible group of professionals. My sincere appreciation goes to the TMHRA Board for all of their hard work and dedication to continuing the success of our association:

- Lauren Safranek, Immediate Past President, who assisted me throughout the year with her guidance in several areas, her participation in the Host Reception at the IPMA-HR Southern Region Conference in Chattanooga, TN, and her willingness to chair the difficult task of developing the program for the 2007 IPMA-HR Southern Region Conference/TMHRA Mid-Year being held in Galveston.
- George Mones, Vice President, who proved me wrong that it would be fun and "politically okay" to conduct a George W. Bush trivia contest at the IPMA-HR Southern Region Conference earlier this year during our Host Reception, and for being a part of the steering committee in getting this event planned. I'm anxious to see what George has in store for us this next year as President.
- Laura Morrow, Secretary/Treasurer, for being able to keep track of our meetings, where we "sometimes" had a tendency to all speak at once or stray from the subject, for her calm demeanor and her willingness to assist in any capacity at any time.
- Scott Snider, Trustee, who chaired the TML Salary Survey Committee and coordinated a pre-conference session with the Waters Consulting Group, where members could not only learn more about the salary survey program, but also express any concerns and suggestions to make it more efficient and effective for all of us, and who willingly offered to put together a golf tournament for the 2007 TMHRA Mid-Year/IPMA-HR Southern Region Conference.
- Charmelle Garrett, Trustee, who was responsible for obtaining sponsorships and raised the highest total amount in the history of TMHRA, and for helping to get a jump start on sponsorships for the 2007 IPMA-HR Southern Region Conference/TMHRA Mid-Year.
- Don Byrne, Trustee, who also made a mark in the history of TMHRA by including a cuss word in an article in one of the informative quarterly newsletters he put together! And, to my surprise, not one person complained!! But, of course, being in HR we've heard it all before...even used a few expletives ourselves from time to time, right?! Ha! Ha!
- Barry Robinson, TML Board Representative, for his representation on the TML Board and his dedication and contributions in so many areas throughout the year, including his participation with the Host Reception at the IPMA-HR Southern Region Conference, and being a part of the steering committee for next year's conference.
- Bonita Hall, Trustee, who chaired the Programs Committee and brought us not only very informative programs throughout the year, but also fun sessions, like learning our True Colors (I can be red sometimes, right?), for initiating an effort to put together a mediation program that still needs to be explored, and for her get-it-done attitude. I never had to worry about the programs being handled in time.
- Jane Mehrens, Trustee, who chaired the Technology Committee and helped bring a new look to our newsletter and Web site.
- Ida Rivera, Trustee, who chaired our New Members Committee and was a new contributor to the Board.

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TMHRA
Newsletter December
2006

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Texas Municipal
Human Resources
Association

IPMA-HR
INTERNATIONAL PUBLIC MANAGEMENT
ASSOCIATION for HUMAN RESOURCES

Your gateway to information about
Municipal Human Resources pro-
fessional activities throughout the
State of Texas



Outgoing Presidents Message (continued from page 1)

I also extend my appreciation to the following, who were not Board members, but who served in special capacities.

- Jim Parrish, TxPELRA/Civil Service Chair, for keeping us updated with any new developments in the areas of civil service and meet and confer, and for getting us involved with PEBA (Public Employee Benefit Alliance).
- Phyllis Stadler, Legislative Liaison, for committing to another year of keeping us informed of any legislative issues, even with this past year being an off year.
- Charlie Shapard, Emeritus Member, who continues to faithfully participate and be an active part of TMHRA, for coordinating the planning of the TxPelra/Civil Service Conference and being a part of the Program Committee for the 2007 TMHRA Mid Year/IPMA-HR Southern Region Conference.

Special thanks also to Betty Bartley, TML HR Director, who participated in our events and provided assistance (always with a smile) to Lonne Parent-Smith, ensuring that our registration desk was adequately staffed and things were running smoothly.

And last, but certainly not least, Lonne, who now holds a new title as Senior Coordinator-Planning Services with TML. Lonne is a driving force behind the success of TMHRA. Her skills as an event planner and her meticulous attention to details result in a tremendous cost savings to the association. She is diligent in maintaining appropriate and accurate records and is always prepared for our meetings, our conferences, and whatever else happens to come up. Lonne helped me tremendously this past year in keeping up with my responsibilities and took on an additional burden when the Board decided to host the IPMA-HR Southern Region Conference in 2007. We are very fortunate to have someone of her caliber as our Association Liaison with TML, and I really appreciate how she has become an integral part of TMHRA.

I look forward to seeing you all in the future and being a part of the continued growth and success of TMHRA. It takes all of us working together, and I encourage you to become involved, if you are not already. Have a wonderful holiday season, and thanks again for a memorable year!

Melanie Caballero, SPHR
Director of Human Resources
City of Bryan

INCOMING PRESIDENT'S MESSAGE

It is a pleasure and honor to help lead this fine professional organization, TMHRA/IPMA-HR, for the 2006-2007 administrative year. I have great hopes of doing what others before me have done—leave the organization a little better than when we took office.

As Groucho Marx said, "I would never belong to a club that would have me as a member." Well, I'm not the self-deprecating person that Groucho describes. However, I do sometimes have feelings of insecurity when I look at the past leaders. Melanie Caballero has taken our organization to new heights. Her experience working with IPMA-HR and the Southern Region leadership has impressed people who look to her for a position on a regional or national level. She is well respected among all who have the good fortune to have worked with her.

The officers and board members who I helped orient at the TML Annual Conference in Austin have a level of commitment and ideas that are truly inspiring. I get energy just being around these people. A good leader surrounds himself/herself with people smarter than he/she. I do have the good fortune to have a board of great leaders, including newcomers Gayle Sims, City of Waxahachie; Debbie Maynor, City of Killeen; and Richard Hodapp, City of Ft. Worth.

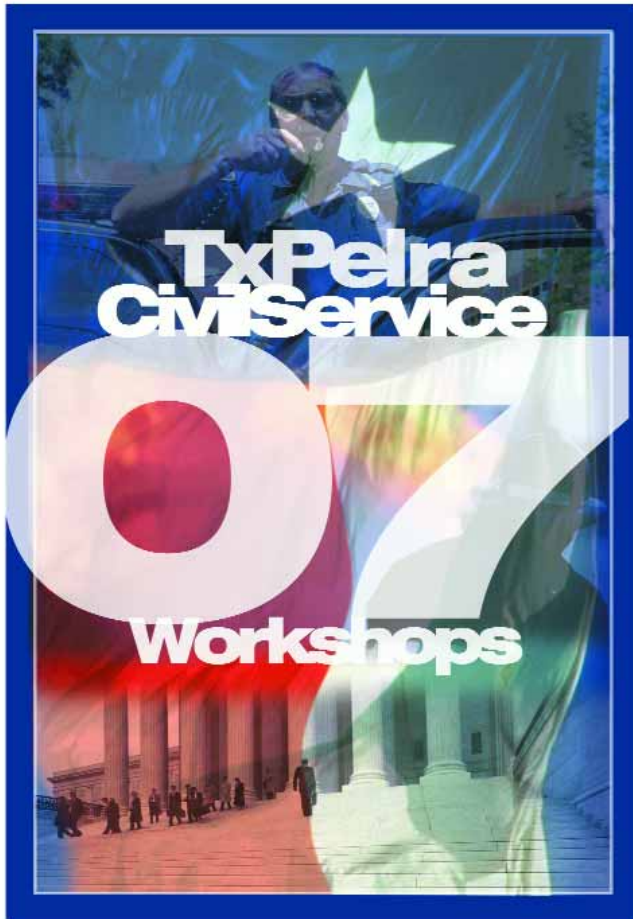
GOALS FOR 2006-2007

1. A successful IPMA-HR Southern Region Conference/TMHRA Mid-Year. We must show our visitors from other southern states a super program and a "Damn Good Time."
2. Conduct a Membership Survey. We want to be a membership-driven organization. We must continue to listen and be responsive to the membership.
3. Membership Growth. We know we are providing great service when others want to join our organization. We must give them that which they cannot get elsewhere.
4. Programs that are relevant and forward thinking. Great programs have taken TMHRA to where it is today.
5. Legislative Action. In a legislative year, we must work with TML to take rapid action to address fast moving legislation.
6. Leadership Development. Call up a committee chair and ask to become a member. We do much committee work over the phone and via e-mail. All our leaders once served on a committee.

I'm proud to play a key role in the future of TMHRA and look forward to another outstanding year of service and benefits to our membership!

George Mones, SPHR, IPMA-CP
TMHRA President
Director of Human Resources/Civil Service
City of Mesquite

UPCOMING EVENTS



TEXAS PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION (TxPelra) ANNUAL WORKSHOP

February 7, 2007

El Tropicano Hotel – San Antonio

National Public Employer Labor Relations (NPELRA) President Michael Suppan, Director of Human Resources, City of Joliet, Illinois, will welcome participants to the annual TXPELRA meeting and will discuss the activities of the national association in the NPELRA Update. Mr. Suppan will also discuss Pitfalls to Avoid in Meet and Confer/Bargaining: The Illinois Experience at the workshop luncheon. Representatives from four Texas municipalities will bring a report on Meet and Confer: Experiences from the Frontlines. Fred Sandoval, City Manager and Civil Service Director, City of Pharr; Bill Sullivan, City Attorney, City of Wichita Falls; Miguel Ozuna, Human Resources Director, City of Cedar Park; and Gary Johnson, Civil Service, City of Waco, will share what's happening in their cities since receiving petitions from labor organizations in their communities. Commissioner Michael McMillion of the San Antonio office of the Federal Mediation and Conciliation Service (FMCS) will discuss the services of his organization and the use of mediation in the meet and confer process.

Following the luncheon presentation, Fort Worth Attorney and TXPELRA charter member Betty Lynn will give an update of labor relations activities in Texas. Austin Assistant City Manager Michael McDonald and Assistant City Attorney Anita Stevenson will close the conference by sharing the Austin experience in a session entitled Meet and Confer in Austin: An Update. They will give an update of labor activity in the Capital City.

CIVIL SERVICE WORKSHOP

February 8-9, 2007

El Tropicano Hotel – San Antonio

Betty Lynn, Fort Worth labor attorney and perennial workshop presenter, will again keynote this year's workshop with Civil Service Legal Update, providing a review of current civil service cases and the lessons learned. Hiring, Selection, and Placement of Police Officers and Firefighters: What Happens After the Eligibility List Is Established will be the subject of a session led by Assistant Fire Chief Bob Acker of the Plano Fire Department and Sergeant Jason Christensen of the Plano Police Department's Professional Standards Division. They will discuss the procedures and processes that have been successful for their nationally recognized public safety organizations.

Legislative Update 2007 will give participants the opportunity to hear from TML Executive Director Frank Sturzl, who will discuss legislative activity in the 2007 Legislative Session, which may affect Texas municipalities in the areas of labor relations, civil service, and public safety human resources.

Following the luncheon, participants will have the opportunity to hear speakers on a variety of civil service topics. Three program tracks have been established: (1) Civil Service Commissioners, (2) Civil Service Basics, and (3) Civil Service Advanced. Prior to a legislative correction in 2005, the attorney general issued an opinion that civil service commissioners are prohibited from serving back-to-back three-year terms. As a result, there has been a significant turnover of commissioners among the Chapter 143 cities' civil service commissions. Cities are encouraged to bring their civil service commissioners to this year's workshop. Two sessions for civil service commissioners and new directors have been planned for this year's conference. Roland Johnson, a former Chair of the Fort Worth Civil Service Commission and a highly respected attorney with the firm of Harris, Finley & Bogle, will discuss the Role and Responsibilities of Civil Service Commissioners. His presentation includes the orientation developed for new members of the Fort Worth Civil Service Commission. The second session in the Civil Service Commissioners track will include a panel discussion, Land Mines to Avoid as a Civil Service Commissioner or Director. The panel will include experienced civil service directors Jan Stricklin of Wichita Falls, Melanie Caballero of Bryan, and Missy Davidson of Conroe.

The Civil Service Basics track will include a session on Health Issues and Civil Service: Workers' Compensation and Heart Lung Presumption. The session will be led by TML Intergovernmental Risk Pool General Counsel David Reagan, who will give an update on workers' compensation and will discuss what has happened since the heart-lung legislation was approved in the 2005 Legislature. The second session in the Civil Service Basics track will be a panel discussing public safety compensation. Tadd Phillips, Human Resources Director, City of San Angelo, and Sydney Covey, Compensation Manager, City of Plano, will discuss Compensation Strategies for Civil Service Employees. Phillips recently conducted a survey of pay practices for civil service employees. Covey is an experienced and highly knowledgeable compensation professional with experience in both the public and private sectors.

Two topics of special concern are featured in the Civil Service Advanced track. Strategies and Successes in Recruiting will include presentations from representatives of four jurisdictions, who will discuss their recruiting programs: Scott Mitchell, HR Manager for Recruiting, Fort Worth; Miguel Ozuna, Director of Human Resources, Cedar Park; Scott Snider, Assistant City Manager, Lubbock; and Lieutenant Tammie Hale, Dallas Police Department Personnel Division. Dallas, a non-Chapter 143 city, was included on this year's program because of their aggressive and innovative recruiting for police officers.

Developing Physical Readiness Standards for Public Safety Employees is the subject of the Friday keynote presentation by Jay Smith, President of Integrated Fitness Systems/FitForce in Salem, Massachusetts, and Tom Collingwood, President of Fitness Intervention Technology in Richardson. Both presenters are nationally recognized fitness experts. The final session of this year's workshop is the traditional Questions and Answers on Chapter 143. Three experienced human resources professionals—Carolyn Liner, Human Resources Director, San Marcos; Richard Hodapp, Assistant Human Resources Director, Fort Worth; and Jan Stricklin, retired Director of Administrative Services and Civil Service Director, Wichita Falls will serve on the panel that will be moderated by attorney Bettye Lynn. Participants are encouraged to e-mail their questions in advance to Lonnie Parent-Smith, Senior Coordinator-Program Services, tmhra@tml.org.

The members of the 2007 Program Planning Committee for these two workshops included Miguel Ozuna (Cedar Park), Alison Froehlich-Smith (Baytown), Dick Hodapp (Fort Worth), Bettye Lynn (Fort Worth), Jim Parrish (Amarillo), Barry Robinson (Greenville), and Charlie Shapard (retired). ■

MARK YOUR CALENDARS NOW!

FUTURE DATES:

TMHRA Nuts and Bolts—

April 2007—Texas Municipal Center, Austin

IPMA Southern Region/TMHRA Mid-Year

May 15-18, 2007—Moody Gardens, Galveston

TMHRA Employment Law

September 2007—Austin

TML Annual Conference

November 7-10, 2007—Dallas

CONFERENCE HIGHLIGHTS

Employment Law Seminar

By **Don Byrne**, Director of Human Resources
City of Odessa

A record number (over 230) attended this year's Employment Law Seminar held at South Shore Harbour in League City on September 14-15. The theme of the seminar was "Knowledge Is Your Edge," which focused on current employment issues facing municipal governments, including hostile work environment harassment; FMLA, ADA, and how they intertwine with Workers' Compensation; and GASB 45.

Day one began with Elizabeth Provencio, Associate Attorney with Denton, Navarro, Rocha and Bernal, P.C. of San Antonio, presenting "Hostile Work Environment Harassment: What It Is and How to Defend Against It." Her presentation included discussions of violation of law and violations of policy, EEOC guidelines, and affirmative defenses. Next, "Conducting Internal Investigations: A Step-By-Step Guide" was presented by George Hyde, Associate Attorney with Denton, Navarro, Rocha and Bernal, P.C. of San Antonio. Using very effective visual aids, he walked the attendees through six steps in conducting an internal investigation.

Afternoon sessions included an "FMLA and ADA Case Law Update" by Julie Ross, Partner, Lynn, Pham and Ross, LLP of Fort Worth, and an "EEOC Update" by William M. McKamie, Partner, William M. McKamie, P.C. of San Antonio.

Day two consisted of a very informative discussion of GASB 43/45 by Bob Scott, Assistant City Manager and Chief Financial Officer of the City of Carrollton. He managed to make a very complex subject a bit more understandable.

Rounding out the seminar was Bettye Lynn, Partner, Lynn, Pham and Ross, LLP of Fort Worth, presenting our annual "Employment Law Update" covering developments in the Supreme Court, in Texas law, workers' compensation retaliation, under FLSA, and in discrimination laws.

The U.S. Equal Employment Opportunity Commission's Final Revisions of the Employer Information Report (EEO-1)

Background and Basic Requirements

1. Q: What is the EEO-1 Report?

A: The EEO-1 Report – formally known as the "Employer Information Report" – is a government form requiring many employers to provide a count of their employees by job category and then by ethnicity, race, and gender. The EEO-1 report is submitted to both the EEOC and the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).

2. Q: Who must file the EEO-1 report?

A: The EEO-1 report must be filed by:

- Employers with federal government contracts of \$50,000 or more and 50 or more employees; and
- Employers who do not have a federal government contract but have 100 or more employees.

3. Q: When must the EEO-1 report be filed?

A: The EEO-1 report must be filed annually with the EEOC by September 30. It must use employment numbers from any pay period in July through September of that year.

4. Q: When must employers begin using the revised EEO-1 report?

A: The revised EEO-1 report must be used beginning with the survey due by September 30, 2007. For the surveys due by September 2006, employers should continue to use the EEO-1 report format from previous years. This report is still available on the EEOC's Web site at <https://apps.eeoc.gov/eeo1/eeo1.jsp>.

5. Q: How do employers file EEO-1 reports?

A: We strongly recommend that EEO-1 reports be submitted through the EEO-1 Online Filing System or as an electronically transmitted data file. Paper EEO-1 forms will be generated on request only, and only in extreme cases where Internet access is not available to the employer. Instructions on how to file are available on the EEOC's Web site at <http://www.eeoc.gov/eeo1survey/howtofile.html>.

6. Q: Is EEO-1 data confidential?

A: Yes. The Commission is required by law to keep individual employer EEO-1 reports strictly confidential. 42 U.S.C. 2000e-8(e).

7. Q: Where can employers find more information about the EEO-1?

A: General information about the EEO-1 can be found at the EEOC's Web site at <http://www.eeoc.gov/eeo1survey/index.html>.

Description of the Changes to the New EEO-1 Report

8. Q: What changes are being made to the ethnic and racial categories on the EEO-1 report?

A: A number of changes are being made to the race and ethnic cate-

gories. The revised EEO-1 report:

- adds a new category titled "Two or more races"
- divides "Asian or Pacific Islander" into two separate categories: "Asian" and "Native Hawaiian or other Pacific Islander"
- renames "Black" as "Black or African American"
- renames "Hispanic" as "Hispanic or Latino"
- strongly endorses self-identification of race and ethnic categories, as opposed to visual identification by employers.

9. Q: What changes are being made to the job categories on the EEO-1 report?

A: First, the current category of "Officials and Managers" will be divided into two levels based on responsibility and influence within the organization.

These two levels will be:

1. Executive/Senior Level Officials and Managers (plan, direct and formulate policy, set strategy, and provide overall direction; in larger organizations, within two reporting levels of CEO); and
2. First/Mid-Level Officials and Managers (direct implementation or operations within specific parameters set by Executive/Senior Level Officials and Managers; oversee day-to-day operations)

The revised EEO-1 also will move business and financial occupations from the Officials and Managers category to the Professionals category (to improve data for analyzing trends in mobility of minorities and women within Officials and Managers).

10. Q: What process did the EEOC follow in adopting these revisions to the EEO-1 report?

A: On June 11, 2003, the EEOC published in the Federal Register a notice of proposed revisions to the EEO-1 and asked for comments in 60 days.

1. Thirty-two interested parties, including employers, civil rights organizations, human resources and information technology professionals, and other individuals, submitted written comments.
2. The EEOC held a public hearing at which nine witnesses testified. The record was completed by several written comments submitted subsequent to the hearing.
3. The EEOC reviewed the comments and made revisions to the EEO-1 report, in coordination with OFCCP.
4. On November 16, 2005, the Commission voted to approve the revisions to the EEO-1 Report. A final Notice of Submission for Office of Management Budget (OMB) review was published in the Federal Register on November 28, 2005. This notice is available on the Commission's Web site at <http://www.eeoc.gov/eeo1/index.html>.
5. After a 30-day public comment period during which OMB considered all comments submitted, the revised EEO-1 was given final approval.
6. The final revised EEO-1 report was posted on the Commission's Web site on January 27, 2006, at <http://www.eeoc.gov/eeo1/index.html>.

11. Q: Where is more information about the revisions to the EEO-1?

A: More information about the revised EEO-1, including the final Notice of Submission for OMB Review which explains the revisions in detail and the Instruction Booklet - is available on the Commission's Web site at <http://www.eeoc.gov/eeo1/index.html>. A copy of the final notice can also be found in the November 28, 2005, issue of the Federal Register (70 FR 71294) at <http://edocket.access.gpo.gov/2005/05-23359.htm>.

Uses of EEO-1 Data

12. Q: What do the EEOC and OFCCP do with the EEO-1 survey data?

A: Both the EEOC and OFCCP have used the EEO-1 since 1966. The EEOC uses the data to support civil rights enforcement. The EEOC also uses the data to analyze employment patterns, such as the representation of female and minority workers within companies, industries, or regions.

OFCCP uses EEO-1 data to determine which employer facilities to select for compliance evaluations. OFCCP's system uses statistical assessment of EEO-1 data to select facilities where the likelihood of systematic discrimination is the greatest.

Next Steps

13. Q: What happens now that OMB has approved the revised EEO-1 report?

A: The final EEO-1 report has been posted on the Commission's Web site, with the valid OMB number, at <http://www.eeoc.gov/eeo1/index.html>, along with the Instruction Booklet. Employers must begin to use the newly approved EEO-1 report beginning with the survey due September 30, 2007. (For the survey due September 30, 2006, employers should continue to use the EEO-1 report from previous years, still available on the Commission's Web site at <https://apps.eeoc.gov/eeo1/eeo1.jsp>.)

Do Years of Experience Really Matter?

The debate comes up in sports all the time: do you pick the wily, old veteran who may have the experience but may not be as skilled anymore? Or do you select the raw, young rookie who may have the skills, but not the experience or nerves of the veteran?

"Teams tend to lean toward the old guys, the veteran guys who can manage the game and not make mistakes, especially mental mistakes," former Seattle Seahawks general manager Bob Ferguson said in USA Today in 2004. "The game has become as important mentally as it is physically, because of the premium on possessions, and you just can't afford to make mental errors at that position — and that only comes with experience. Most personnel guys would love to play our rookie quarterbacks right away, but we understand how many mistakes they make. Athletic ability doesn't always get it done."

In 2004, of the 32 projected starting quarterbacks for the regular-

season openers, 23 had a minimum of five years NFL experience, and the average age was 31. We see that head coaches look for experience when trying to select their quarterback. Though, big football fans will quickly retort that before this season was done, rookies Eli Manning and Ben Roethlisberger were starters, and the draft class from the year before featured Carson Palmer, Byron Leftwich, Kyle Boller, Rex Grossman, and Chris Simms — all starters this past year with less than three full years of experience.

While age is certainly important for many sports, for it's usually the veteran teams who get deep in the playoffs, the recent success of several Major League Baseball World Series teams winning the fall classic, all with rookies, has shown that youth can help reenergize a team. The Anaheim Angels soared to victory in 2002 with John Lackey and Francisco Rodriguez, the Florida Marlins in 2003 with Miguel Cabrera and Dontrelle Willis, and the Chicago White Sox last year with Bobby Jenks as their closer.

So what does all this sports stuff have to do with a Human Resource department?

Well, everything. There has been a pretty lengthy debate in Human Resource departments whether they should value experience and, if so, how much to do so.

Let's start with one side of the spectrum: you're young and you've just come out of college. You've had a couple of internships but are applying for your first job.

This was the case of Austin who wrote to the St. Louis Post-Dispatch for guidance: "I'm a recent college grad who's having a hard time finding a job. Most openings require three to five years' experience, whereas I have only one year as an unpaid intern in publishing."

Kate Wendleton, the founder of The Five O'Clock Club, a national career-counseling network, gave the advice that: "The good news is that you have a year of experience. Right away, that makes you stand out." Dale Dauten, the founder of The Innovators' Lab, related what Hugh Hanson, an executive recruiter in Huntsville, Alabama, told him: "The only new grads that I have a prayer of placing with a nice company in manufacturing are the ones with job-related internships. Companies are much more apt to snatch up kids with some hands-on experience walking out of school."

So how do college students penetrate one of the hardest entry level markets in the past 20 years AND also what Collegegrad.com calls the "experience wall"?

According to Brad Krueger, author of College Grad Job Hunter, "work is work and experience is experience. If you have 37 months as an intern, you have 3 years (and 1 month) of experience in the field. You should list your work experience as just that — work experience. Do not discount it in any way, but treat it as the cornerstone of your resume. Your degree is important, but your experience is equally important. Does that mean that you will compare equally with someone who has 3 years experience

ARTICLES OF INTEREST, AKA NEWS YOU SHOULD USE

beyond his or her degree? No. But you will meet the basic requirements of the position. At that point, it will be up to you to sell yourself to the potential employer."

But Marvin Walberg writes in the Sacramento Bee that recent college graduates should follow up on those opportunities that ask for two to five years of experience. "Consider that [their] completed degree work gave [them] experience, and if [they] completed any internships, summer work or volunteer work relevant to [their] degree, isn't that also 'experience'? Semantics, you say? Perhaps, but if it helps get [them] interviews so [they] can sell [their] skills, passions, energy and accomplishments, and help get [their] career started, it works for me."

In many industries, that experience is huge. "Five years after the dot-com bubble burst, job growth has returned to Silicon Valley," wrote Pui-Wing Tam of the Wall Street Journal. "But it's a different kind of growth than in past recoveries, favoring higher-skilled workers."

PR Week wrote earlier this year that after enduring the slump of a few years ago, "it's the Golden Age of PR," Korn/Ferry Senior Vice President Don Spetner declares. And what's good for the industry overall is good for the PR job market. This is especially true for candidates in the five- to-10-year experience range."

Some people feel that the emphasis has totally leaned toward the experience and that the degree you earned in college loses value over time. Especially if one changes career, that degree seems to mean nothing to some people, as expressed by William McBee on a blog on the Graphic Design Forum: "Does it really even matter that I have a degree when I have the ability and almost 10 years of professional experience combined with about 6 years of experimentation."

Extra years don't help a candidate either. If the job calls for 3-5 years experience and the candidate has 10 years, they may not be considered for that job because of being too old, too costly, or too set in their ways. Some employers really love young, energetic college graduates who can be molded to fit the company's way of doing things, are willing to work long hours, and, most importantly, will work for less.

But Human Resources needs to make sure to be careful with this practice because it could be confused with age discrimination. Yet, according to CBS Market Watch, cases of age discrimination in hiring are not usually pursued by shunned applicants: "It's probably one of the lowest number of charges filed with the EEOC, not because it's not prevalent but because they don't have the proof," said Laurie McCann, a senior attorney with AARP. "They might have a gut feeling that they didn't get hired because of their age, but they're on the outside looking in and they don't know in most cases who got hired instead of them, what that person's age is and how their qualifications compare to that person's."

So how do you decide how to choose how much experience to look for in a position? That really depends on experiences your organization has had with the people in that position. If you feel that a position could be done by a college graduate or someone with experience, picking the college graduate could save your company quite a bit of money. On the other hand, if the position needs experience,

hiring someone with that experience saves you the time and money that would have to be spent to train the college graduate to do the job.

"When hiring for any position, an organization must hire the best suited person for the position, which is not necessarily the same as the most qualified person," explains Jennifer Loftus, National Director for Astron Solutions. "What someone brings to the table is more than their degrees or years of experience. One year of solid, contributing work experience may be more valuable than 5 years' experience maintaining the status quo." In order to ensure hiring the best suited candidates, organizations should annually review their job descriptions to ensure that minimum education and experience requirements are appropriate, and that inadvertent discrimination hasn't crept in. It's easy to assume that someone with lots of experience or education will do a better job than someone more junior. But external appearances can be deceiving. Be sure to understand the full background of each of your candidates, as well as your organization's true hiring requirements, and you'll be well on your way to a well-staffed organization.

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Public Pensions Throughout U.S. Now Facing Cuts

More than 15 million people are covered by government pensions, and while those workers' pensions are protected by guarantees, those guarantees are now being challenged, albeit quietly, by a number of state and local governments.

Mary Williams Walsh discusses this in her November 6th New York Times article, "Once Safe, Public Pensions Are Now Facing Cuts."

"Financially troubled San Diego is the highest-profile example, but a handful of states, cities and smaller government bodies have also found ways to scale back existing promises and even shrink some current payments," Walsh wrote.

And while there are only a handful of such cases now, experts say that these examples may be the shape of things to come.

"Some places, including Oregon, Rhode Island, Milwaukee County and several cities and towns in Texas, have already cut public workers' pensions on the basic argument that their pension funds had gone disastrously out of balance," Walsh continued. "Whether because of investment losses, faulty calculations or other factors, these places have declared that they can no longer sustain a level of benefits that had looked affordable just a few years ago."

ARTICLES OF INTEREST, AKA NEWS YOU SHOULD USE

In the private sector, companies are barred from reducing pensions that employees have already earned due to a uniform federal pension law.

"Since pensions are built up over time, this means that if a company freezes or reduces the growth of benefits at some point, workers will earn smaller benefits going forward, but they cannot be stripped of anything they earned before the change," Walsh wrote. "The only way around that rule today requires a bankruptcy judge to approve a default."

Protections of pensions in the public sector oftentimes go even further. According to Robert D. Klausner, a lawyer in Plantation, Fla. who represents state and municipal pension plans in more than 20 states, about 25 states have constitutional or statutory guarantees. "The day you're hired, your benefits are locked in at a minimum level," he said. Governments that want to cut pensions cannot apply the cuts to people already in the workforce as a corporation can, but only to new hires, he said.

The guarantees on retiree health benefits also are being studied by governments because of a new accounting rule that is now requiring them to calculate, for the first time, the total value of the health benefits they have promised to retirees.

"Little, if any, money has been set aside to fulfill these obligations," Walsh wrote.

IPMA-HR Bulletin, November 10, 2006

The Department of Labor Needs Your Assistance

The Occupational Information Network (O*NET), a program sponsored by the U.S. Department of Labor, is a free resource for millions of employers, workers, educators, students, and children across the country.

What O*NET & Related Links have to offer:

Employers and individuals can find updated occupational information, a job description writer, wage information, in demand occupations, updated regulation, employee placement and testing downloads, etc.

Teachers and students will have access to new skill sets, career path information, wage information for each occupation, PowerPoint teacher presentations, homework and educational assistance. Parents and children from preschool age and up will be delighted with the homework assistance, learning tools, and games.

O*NET is updating occupations currently in the workforce. Some of those occupations are specialized or expert occupations. As a result, the assistance of those experts in the workforce, and specifically those working in occupations related to human resources management is being sought. Help is needed to understand the responsibilities

and tasks it takes to succeed in this occupation.

If you have five or more years of experience and would like to participate, please send your name, mailing address, and a daytime telephone number to Andrea Smith at the O*NET Operations Center. Should you have any questions, Andrea may be reached by phone at (877) 233-7348 ext. 130. Participating volunteers will receive \$40 and a framed certificate of appreciation from the U.S. Department of Labor. Responses and private information will be kept strictly confidential and will be combined with others to describe the tasks, knowledge and activities of these occupations.

IPMA-HR is partnering with the DOL and O*NET to make sure the update of this resource is made known accurately to the general public. As members of IPMA-HR, we encourage you to participate in this worthwhile endeavor.

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NEWSLETTER INPUT NEEDED

This is YOUR newsletter, and we want to ensure it provides you with a valuable source of information from TMHRA. If you have any ideas, articles, or information you would like to see included in future newsletters, please submit them to the Newsletter Committee.

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Candid Camera – An employer trying to discover the identity of an after-hours viewer of porn on company computers found itself on the losing end of an invasion of privacy claim. With knowledge that someone was accessing porn via the Internet at night, the employer hid motion-activated video cams on the premises each night (and removed them in the morning), including in an enclosed office used by two women. The office had a door that locked, blinds on the windows, and the women occasionally changed clothes in the room during the day. When one camera was inadvertently not removed in the a.m. and the women found it in their office, they sued. The trial court held for the employer since the women were never actually recorded by the camera (all the action was at night, remember?). The appeals court, however, reversed summary judgment, noting that there was a reasonable expectation of privacy within the enclosed office and the camera installation itself was an intrusion on that privacy. *Hernandez v. Hillside, Inc.* (Cal. Ct. App. 9-14-06). Lesson learned? Investigations should be jointly planned and executed with input from HR, Legal, and Security. Just because whiz-bang tech toys let you do something, does not mean that you should do it.

Paper or Plastic? – U.S. House reps from CA and TX (including Democrat Silvestre Reyes, a former border patrol agent) are pushing for new Social Security cards that would be made of hard plastic (instead of paper) and contain electronic ID strips unique to each person. Their hope is to have the measure enacted before the end of 2006 and to establish the new card as the sole means to satisfy I-9 identity and work authorization requirements. Stay tuned!

Growing Minimums – CA's new minimum wage is \$7.50/hour effective 1-1-07, with a second increase to \$8/hour on 1-1-08. Not to be outdone, OR's minimum wage will rise to \$7.80/hour effective 1-1-07.

Big Boxing Match – Mayor Richard Daley of Chicago vetoed the ordinance that would subject "big box" retailers in Chi-Town to their own minimum wage (in this case, \$10/hour). The two-thirds majority on the Council needed to override the veto seems unlikely, given that three alderman who gave the measure a "thumbs up" the first time around say they will now switch their votes.

Devil's in the Details – A pair of decisions point out the need to be very careful in what you waive and how you waive, when using severance agreements containing a release. The first decision points out that the DOL regulations do not allow waivers of FMLA rights. *Dougherty v. Teva Pharmaceuticals USA* (E.D. Pa. 8-30-06). The second decision explains that an ADEA waiver is invalid if not "knowing and voluntary" which means, in part, that it should be written in plain language "calculated to be understood" by the average employee. It also means that use of a release and a covenant not to sue are "particularly murky when both are included in a single document." *Syverson v. IBM* (9th Cir. 8-31-06). In some cases, there are also state law variations on what must be included when seeking a release, so be sure to get effective counsel when using such agreements.

Déjà vu – An employer's motion for summary judgment was denied, notwithstanding earlier successful attempts to address

sexual harassment, because the offender repeated and the employer had no systems to detect and address the pattern of harassment. The court faulted the employer for [1] lack of documentation of the original complaint (so that future allegations would be recognized as repeats); and [2] the supervisor who addressed the initial complaint did not involve the HR department. These failings can be particularly troubling in an environment where supervisors change frequently, either due to project-type work or personnel attrition and turn-over. *EEOC v. Walsh Construction Co.* (N.D. Ill. 8-30-06).

I Spy – A labor union violated a federal privacy law by accessing employees' motor vehicle records and using license plate numbers to obtain home addresses, which were used as part of an organizing campaign. *Pichler v. UNITE HERE* (E.D. Pa. 8-30-06) The union argued that it was availing itself of exceptions to the law which allow access for use in connection with lawsuits or on behalf of a government agency. The judge wasn't buying it.

Disability? Not! – A 405-pound dockworker had no protection under the ADA since the EEOC did not show that his morbid obesity stemmed from a physiological cause (or that morbid obesity always stems from a physiological cause). *EEOC v. Watkins Motor Lines* (6th Cir. 9-12-06). Depression which does not significantly restrict or substantially impair a major life activity, including work, is not a protected disability under the ADA. *McWilliams v. Jefferson Cty.* (10th Cir. 9-6-06).

Computer Professional? Not! – Possessing a degree in computer information systems and being referred to as an "engineer" is not enough to satisfy the FLSA computer professional exemption. Although his job description used words like "consulting, analysis and testing" and his technical proficiency meant he did not need to consult manuals to do the work, the plaintiff's duties were that of a customer service rep who spent most of his time answering questions about technical difficulties. *Hunter v. Sprint Corp.* (D.D.C. 9-22-06).

Woo Hoo! We're #10! – An article in the 9-17-06 issue of *Parade* magazine, listing the countries which lose the most workdays due to workers on strike, lists the U.S. at #10 with an average of 40 days lost per 1000 workers, per year. So who's "ahead" of us? Iceland, at 581 days/year; Spain, at 200 days/year; Canada, at 193 days/year; Denmark, at 172 days/year; Italy, at 100 days/year; Finland, at 85 days/year; Norway, at 83 days/year; Ireland & Australia, at 68 days/year; and Austria, at 41 days/year.



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KATHRYN USREY Retires From City of Carrollton

Kathryn Usrey is retiring from the City of Carrollton at the end of November, after working in human resources for over twenty-five years. She has served as the Director of Human Resources and Civil Service Director for the City of Carrollton since 1985. Prior to working in Carrollton, Kathryn was the Personnel Director for the City of Denton, where she also spent time as Personnel Administrator and Personnel Analyst. Prior to serving in Denton, Kathryn worked in several capacities with the Texas Youth Commission, including community liaison specialist, staff trainer, and teacher. Kathryn holds a bachelor's degree from Howard Payne University and received her master's degree from Abilene Christian University at Dallas in management and human relations. She is also a trained mediator.

Kathryn was the first Human Resources Director for the city of Carrollton. During the past 21 years, she has been responsible for developing and redeveloping the human resources function for the City. One component of that development included the implementation of the Positive Discipline Program. Other development areas include human resources and payroll software installations, and multiple compensation systems. Kathryn's department was a great training ground as well. HR Directors Laura Morrow, City of Allen; Lisa Norris, City of Grand Prairie; and Lauren Safranek, City of Frisco, all worked in the City of Carrollton HR Department. Trainer Lisa Kealer-Carver also worked for Kathryn, as did Ron Patterson, City Manager for Forney, Texas.

Over the past couple of years, Kathryn has been very active in promoting shared services among cities and other state and local government agencies. She helped with the initial creation of the Public Employee Benefit Alliance, where entities can join together for the purpose of bidding benefits. In addition, she represented Carrollton on the implementation team of the first local government joint purchase and implementation of hr/finance software hosted through the North Central Texas Council of Governments. Finally, she helped organize and implement a shared service arrangement through the Council of Governments with Monster.com to provide online advertising and resume search capabilities at a reduced rate for local governments.

Kathryn is a past president of the Texas Municipal Human Resources Association, a former TML Board Member, and a current member of the International Personnel Management Association-HR and the Society for Human Resource Management. She also is a past Board member for the TML Intergovernmental Employee Benefits Pool and currently serves on the Texas Municipal Retirement System Board.

Although we will miss Kathryn, she is not straying far. She will be working for Monster.com as their new Government Consultant, which will allow her to stay involved with TMHRA. I know we all wish her the best!



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