

HRFOCUS

PRESIDENT'S MESSAGE



Melanie Caballero, Past President (2005 - 2006), was recognized by TMHRA for Outstanding Contribution and Achievement at the IPMA-HR Southern Region/TMHRA Mid-Year Conference at Moody Gardens in Galveston. She was presented with the award, a gold bracelet, by George Mones, President.

I was extremely proud to represent TMHRA at Moody Gardens in Galveston last month. The IPMA-HR Southern Region Conference/TMHRA Mid-Year Conference was a huge success. We had well over 200 participants in attendance. In addition to Texas, we had good representation from the Southern Region, including Alabama, Arkansas, Florida, Kentucky, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia.

I want everyone to recall that the planning for this conference started in 2005 under Melanie Caballero's leadership. The size and scope of this conference required the involvement of

more committees and membership participation than the usual Mid-Year Conference. The TMHRA board and all members of the committees involved worked hard to make this event a huge success. It was gratifying to hear all the positive comments from attendees praising the City of Galveston, Moody Gardens, the hotel, outstanding speakers, great food, and the record number of exhibitors (sponsors).

Speaking of sponsors, please remember to thank our sponsors when you have the opportunity. They contributed more than \$40,000 for the conference at Moody Gardens. Such sponsorship support enables us to offer our membership a three-day conference, including all meals, for only \$190 for TMHRA members. Such a deal!!!

If you did not attend the 2007 Mid-Year Conference...you missed out...big time. However, now is the time to put the 2008 Mid-Year Conference into your budget. It will be held at South Padre Island. This year's conference was taken to a "whole other level," which will set a new standard for future Mid-Year Conferences.

Please take time to review the pros and cons of TMHRA's affiliation with IPMA-HR, as this will be up for a vote of the entire membership later this month.

I hope to see you at our Employment Law Conference in Dallas, September 13-14.

George Mones, SPHR, IPMA-CP
TMHRA President

TMHRA Newsletter Spring 2007

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Texas Municipal
Human Resources
Association

IPMA-HR
INTERNATIONAL PUBLIC MANAGEMENT
ASSOCIATION for HUMAN RESOURCES

Your gateway to information about the Texas municipal human resources professional activities throughout the State of Texas. This Newsletter is brought to you by TMHRA.

UPCOMING EVENTS

MARK YOUR CALENDAR

**TMHRA Employment
Law Seminar**
September 13-14, 2007
Dallas



**TML Annual
Conference**
November 6-9, 2007
Dallas

CONFERENCE HIGHLIGHTS

(Editor's Comment: The following e-mail was received from the IPMA-HR President, addressed to our TMHRA President and the President of the IPMA-HR Southern Region.)

"George and Gary, congratulations on an outstanding '2007 IPMA-HR Southern Region and TMHRA Mid-Year Conference'!

The IPMA-HR Southern Region Governing Board, IPMA-HR Texas Chapter Board of Directors/Texas Municipal Human Resources Association, and the 2007 Conference Planning Committee, have every right to be very proud of the outstanding professional development and networking opportunity provided Southern Region public HR professionals last week. The City of Galveston, the Moody Gardens Hotel, the "Workforce 2020" conference sessions, sponsors/vendors, and social activities were exceptional!

And, last but not least, the 2007 Conference Team members were warm and gracious hosts!

On behalf of IPMA-HR Executive Director Neil Reichenberg, Director of Government Affairs and Research, Tina Ott Chiappetta, and myself, please accept our sincere appreciation for the opportunity to participate and support the Conference. And, thanks again for allowing me to speak during Thursday's Luncheon/Business Meeting, and present the "Southern Region Premier" of the "IPMA-HR" DVD. We



will provide the Southern Region Governing Board, and all Southern Region Chapter Presidents with complimentary copies of the DVD in the next few weeks for future IPMA-HR orientations for your colleagues.

Gary and George, congratulations on your successful terms as Presidents! I hope you enjoy reading "Leadership Secrets of HR Officials" as much as my NASPE /IPMA-HR colleagues and I enjoyed writing the articles. I am pleased to acknowledge that eleven of the sixteen articles were written by IPMA-HR members.

I hope you and our Southern Region colleagues will be able to join us September 29-October 3, 2007 for the "2007 IPMA-HR International Training Conference" at the Downtown Marriott Hotel on the "Magnificent Mile" in Chicago, Illinois. I believe you will be impressed with the quality and comprehensiveness of the conference offerings when you receive the conference program brochure in the next few weeks.

George, please share my congratulations and best wishes with the members of the 2007 Southern Region and TMHRA Mid-Year Conference Committee.

And, Gary and Richard, please share my e-mail with Southern Region Chapter Presidents."

*Oscar B. Jackson, Jr., IPMA-CP
President, International Public Management Association for
Human Resources (IPMA-HR)*

IPMA-HR Southern Region/TMHRA Mid-Year Conference, May 14-18, 2007 Moody Gardens, Galveston By the TMHRA Board of Directors

After many months—actually years—of planning and hard work by the TMHRA Board, with the tremendous help of a multitude of faithful volunteers, the IPMA-HR Southern Region Conference/TMHRA Mid-Year Conference became a reality! With more than 200 attendees from eleven states, TMHRA hosted an event that will be talked about for a long time to come.

Opening ceremonies on Wednesday, May 16, began with presentation of the colors by the City of Galveston Fire Department and singing of the National Anthem by Carolyn Cox, Director of Human Resources, City of Galveston. The Presidents of IPMA-HR, the IPMA-HR Southern Region, and TMHRA gave greetings.

The Conference Keynote Address, *Forces Shaping the Future*, was presented by Dr. James A. Crupi, President, Strategic Leadership Solutions, Inc., Plano, Texas. He aptly discussed how the world is reshaping itself at warp speed. The underlying forces of the ongoing change include demographics, resource scarcity, technology, information proliferation, conflict, and economic integration. His presentation was thought provoking and kept the entire audience's attention throughout. He demonstrated his points with audience participation, teamwork, and empowerment. He pointed out that the best way to anticipate the future is to create it and that the environment is not "out there," separate from us—we can create it. His concluding remarks were that "making a living is tactics; making a life is strategy," and "a manager thinks about the next project; a strategic leader thinks about the structure needed for the future."

Concurrent sessions for the afternoon that followed a lunch at which Southern Region Chapter Presidents and Past Presidents were recognized and the Virginia Chapter gave a sneak preview of next year's regional conference, included the following:

Social Security of the Future, presented by Andrew Hardwick, Metropolitan Public Affairs Specialist, Social Security Administration, Houston.

Many of us have heard the disturbing rumor that there will be no Social Security benefits for us when we're ready to retire. On Wednesday, Andrew Hardwick, from the Social Security Administration offices in Houston, provided a captivated audience with the facts about "Social Security of the Future." We heard first that it's not just a rumor; the inevitable retirement of the 'baby boomers' will create challenges for Social Security. In 1960, there were 5 workers contributing to the plan for each beneficiary; however, by the year 2030 there will only be 2 workers for each beneficiary! Mr. Hardwick encouraged listeners to have other sources of income for retirement, such as pensions, investments, and savings to supplement our Social Security retirement income.

The presentation was filled with facts about Social Security for the retired or disabled worker, benefits for survivors, the new Medicare Part D program, and Supplemental Security Income (SSI). Apply for benefits, estimate your benefits, and get more information at www.socialsecurity.gov.

Demographic Change: Future Workforce Composition in the United States, presented by Richard Lewis, Ph. D., and Joanne Ford-Robertson, M.S., both of Round Top Consulting Associates, San Antonio.

The focus of this session was on the United States in cultural and population transition and on demographic changes taking place that influence, both positively and negatively, the economic and service sectors. Generational issues were linked to key workforce issues involving race, ethnicity, gender, and socioeconomic status.

Leveraging Technology in Managing Organization Talent, presented by Steve Beard, HCM Industry Specialist, Oracle, Arvada, Colorado.

This was an excellent session for those of us who want to use technology to our benefit. The speaker was well-versed and able to show how processes can be linked with technology to improve use of employee time, increase accuracy, and add value to strategic business plans. An important point noted was that there are many approaches to including technology in our work processes. Limited budgets and expertise do not have to be barriers to using technology. There are many different products that can be made to fit our needs. However, we do have to understand our needs and goals before we begin the search for the right package. Steve shared many technological possibilities with the audience. I hope each person left this session thinking that the next time we are challenged to "do more with less," we should consider how technology can help.

The last session of the day was a general session, *Meeting the Changing Demands of Your Community with Competitive Services...Human Resource's Vital Role*, presented by Tina Curlin, Business Manager, Human Resources Key Business, City of Charlotte, North Carolina; and Tom Guilfooy, Director of Managed Competition, Strategic Planning and Organizational Development, City of Carrollton.

Ms. Curlin spoke about the City of Charlotte's strategy. Part of a successful city's strategy is managed competition. Her city's strategy begins with the city's vision statement from an Annual Council Strategy Retreat. The council communicates priorities and focus areas to the leadership. The leadership response becomes the strategic objectives, which is implemented by the organization's Key Business Units. Implementation is facilitated by employees' performance plans. In order to optimize savings, the city has a Privatization and Competition Advisory Committee, which annually approves a five-year competition plan. Dollar-saving options include Competition—private sector and city staff bid to prove most cost effective service; Optimization—city extends lessons learned in competition to similar operating units; and Privatization—service contracted to private sector; employees do not compete. The results are more productive, more economical services to the citizens.



CONFERENCE HIGHLIGHTS

Mr. Guilfooy spoke about human resource's vital role in providing competitive city services to the City of Carrollton. The city's managed competition process is focused on one business unit at a time. Pre-competition assessments and benchmarking against "best-in-class" providers are conducted. The city manager decides if the service is non-competitive, partially competitive, or substantially competitive. From that point, a winning game plan is developed, and all employees in the business unit sign a service agreement. Human resource's role in the process transitions from enforcement to strategic partner; from rigid rules to flexible and adaptive policies; from reactive and protective to proactive, anticipatory, and visionary; from process-focused to value-added solutions and decision options; and from autonomous to alignment with the executive team.

The evening was filled with several receptions—Virginia, the 2008 Host Chapter, had a reception with Virginia fare, including authentic Virginia ham; and Holmes Murphy sponsored a hospitality suite throughout the conference.

Thursday began with a general session by Al Lucia, ADL Associates, Lewisville, entitled *Workforce 2020—Applying Principles to the People Side of Your Organization*. As usual, Mr. Lucia's presentation was upbeat and interactive with the audience. He discussed how the workforce of the future will affect human resource professionals' roles in their organizations. Using the Workforce 2020 study, he discussed how the future workforce will be influenced by rapid technological changes, demographic changes—including generations in the workplace, increased emphasis on competition, and the shift from goods production to service production.

Concurrent sessions included the following:

Leveraging Partnerships Between the Public and Private Sectors. Waters Consulting Group (WCG) has been successful in "*Leveraging Partnerships Between the Public and Private Sector.*" In two sessions on Thursday, Ted Benavides, former city manager of the City of Dallas and CEO of Consulting Services; and Dal Anderson, Sr. Consultant for Consulting Services, provided insight on the challenges faced when creating these partnerships. Using their personal experiences in developing partnerships between private and public sector entities, Mr. Benavides and Mr. Anderson discussed the inevitable glitches that will occur and provided insight on how to successfully manage and overcome these challenges.

In these interactive sessions, attendees had an opportunity to share their experiences and dilemmas. Drawing from the real life examples of successful partnerships between WCG and public sector entities, Mr. Benavides and Mr. Anderson shared tactics and methods they had employed to ensure successful partnerships. Attendees left this session invigorated, envisioning the possibilities of successful private and public sector partnerships.

Collaboration for Transformation, presented by Tim Barbee, Director of Research and Information Services, North Central Texas Council of Governments (NCTCOG) Director of Administration, Arlington; and Kathryn Usrey, Monster Governmental Specialist and former Director of HR for the City of Carrollton.

This presentation discussed how innovatively the NCTCOG has worked with local governments and the private sector to provide opportunities to reduce the cost of services. The collaboration between NCTCOG and the private sector has resulted in cost savings time and again by local governments working together to identify needs for services and working with the private sector to obtain volume-based pricing. The NCTCOG brokers services for its member governments for a variety of services, such as enterprise resource planning software for financials and human resources, GIS aerial photography, actuarial services for GASB 43/45, and online recruiting through Monster.com.

Succession Planning, presented by Patrick Ibarra, Consultant, Mejorando Group, Phoenix, Arizona.

Mr. Ibarra explained that the future is now in succession planning. Because 46.5% of local government workers are 45 or older; state governments could lose more than 30% of their workforce; by 2008, 53% of federal government employees will be eligible to retire; and until 2008, more job openings are expected to result from replacement needs than from job growth. He defined succession planning thus... "ensures the continued effective performance of your organization by establishing a process to develop and replace key staff over time." He offered the following approach to succession planning and management: Identify Future Service Needs; Identify at-Risk Positions; Identify Competencies; Select High Potential Candidates; Select Training and Development Activities; Implement Development Strategies and Tactics; and Monitor and Evaluate.

A concurrent session repeated from Wednesday was ***Demographic Change: Future Workforce Composition in the United States.***

The final general session of the day was "***In My Generation We Didn't...at Work!***" presented by Patrick Ibarra, Consultant Mejorando Group, Phoenix, Arizona.

This was an entertaining presentation about how the different generations worked together in the past, how they work together in the present, and how they might work together in the future. He discussed how organizations might need to fine-tune what they do to attract, retain, and manage the different generations better today and in the future to maximize production.

The day ended with a very nice dinner buffet at the Moody Gardens' Garden Restaurant, with tours of the IMAX and the Rainforest.

The general session on Friday was *Legal and Legislative Update*, presented by Tina Ott Chiappetta, IPMA-HR Director of Government Affairs, Alexandria, Virginia; and our very own Bettye Lynn, Partner, Lynn, Pham and Ross, LLP, Fort Worth.

Ms. Chiappetta spoke about legislative issues including the major changes in Congress from last year's elections and issues, such as an appropriation bill, immigration reform, minimum wage, and employment non-discrimination. In *Legislative Outlook*, she listed several topics of interest to human resource professionals. The "Healthy Families Act of 2007" would require employers to provide up to 7 days of paid sick leave, which she believes is a first step to paid family leave. The Public Safety Employer—Employee Cooperation Act would require all jurisdictions to engage in collective bargaining with public safety employees over wages, hours, and terms and conditions of employment. This bill is introduced in every session of Congress. As yet, there has been no Senate companion bill.

As in her annual presentations to TMHRA's Mid-Year Conference, Bettye Lynn gave a legal update—as only Bettye Lynn can do! She reviewed cases before the U.S. Supreme Court during this term, as well as many bills at the Texas Legislature. She noted that EEOC charges were up in 2006, with 75,678 being filed. Of interest was that 15.4% of sexual harassment charges were filed by men. In addition, a record 4,901 pregnancy discrimination cases were charged. The most frequent charge of discrimination was race, sex, and retaliation; disability charges were up; age claims were down.

The conference ended with the president's closing remarks and the drawing of numerous door prizes.

The overwhelming success of this year's conference was due to the support and participation of our sponsors. Some 31 sponsors and exhibitors occupied an entire ballroom at Moody Gardens Hotel.

The TMHRA Board of Directors wishes to give special thanks to the following Sponsors and Exhibitors:

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Texas Municipal Retirement System (TMRS)
The Mercer Group, Inc.
The Waters Consulting Group, Inc.

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TMHRA is grateful for the continued support of our sponsors. The sponsorships allow us to keep all events reasonably priced and affordable for all members. Thank you to the following sponsors for their support and contributions throughout the year:

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Nationwide Retirement Solutions
Scott & White Health Plan
Taylor Olson Adkins Sralla & Elam, L.L.P.
Texas Municipal Retirement System (TMRS)
The Mercer Group, Inc.
The Waters Consulting Group, Inc.

INTRODUCING... New Members to TMHRA

By LaShon Ross, Director of Human Resources
City of Plano

We hope everyone had a terrific visit to Galveston for the TMHRA/IPMA-HR Conference! The weather was great, and there was so much to learn and share—so much networking to do. The TMHRA Board began with a meeting to discuss all items necessary to ensure that TMHRA continues to be the great organization you have helped it to become. We appreciate your continued support, and we ask you to join us in welcoming the new members whose applications were approved in Galveston:

Lisa Adames, HR/Civil Service Director – City of Sweetwater
Hailey Aubuchon, Govt. Account Manager – Monster.com
Craig Barnes, HR Program Supervisor – City of Garland
Joyce Bice, Administrative Assistant – City of Seabrook
Cheree Bontrager, Interim HR Manager – City of Sachse
Julie Bowermon, Asst. to City Mgr/Acting CS Director – City of Lockhart
Pat Brown, Administrative Assistant – City of Rockport
Vicki Faulkner, City Secretary – City of Celina
Kurt Hall, Assistant Fire Chief – City of Allen
Wanda Heard, Employee Relations Administrator – Bexar County
Juanita Jimenez, HR Analyst – City of Fort Worth
Susan Keese, Assistant Personnel Manager – City of Brenham
Monika Kretschmer, HR Manager – City of Allen
Roxana Lewis, HR Assistant – City of Webster
Kimberly Meismer, Director of HR – City of Kerrville
James Russell, Director HR and Civil Service – City of Georgetown
Suzanne Schendel, HR Officer – City of Leon Valley
Matthew Scott – Bell, Nunnally & Martin
Colleen Smith, Govt. Account Manager – Monster.com
Eric Smith, Principal Owner – Smith & Associates Consulting
Michelle Thomason, Sr. HR Analyst – City of Garland
Kris Troncoso, Area Sales Manager – Houston/Concentra
Kathryn Usrey, Government Specialist – Monster.com
Susie Williamson, City Secretary – City of Shallowater

We are very pleased that these professionals have chosen to join with us to make our organization even better. We look forward to working with you in whatever areas you choose. It takes a lot of work (and many people) to present the programming that TMHRA offers annually. So, please share your talents on committees, subcommittees, and the Board. There is always room for fresh ideas and new faces, and we appreciate your interest in helping TMHRA remain a tremendous professional resource throughout the State of Texas and with our colleagues through IPMA.

Welcome aboard!

CONCERNING CONTINUING IPMA-HR AFFILIATION PROS AND CONS OF IPMA-HR AFFILIATION

(Editor's Note: The TMHRA Board decided to let our membership decide whether or not to continue our affiliation with IPMA-HR and subject our association or individual members to their annual dues. Soon, you will be asked to vote. Please take the opportunity to make your voice heard.)

PROS:

IPMA-HR is the premier national professional organization that represents human resource professionals in the public sector.

TMHRA has benefited by being an affiliate of a national professional organization. As the Texas State Chapter of IPMA-HR, certification as an IPMA-CP has become easier, and TMHRA conferences can be used for recertification credit. Affiliation also gives opportunity for our association to be a member of the Southern Region and participate in regional activities.

The exposure to members from other states, as seen by last month's conference, only broadens and enhances networking for TMHRA members within the Southern Region.

Let the TMHRA membership enjoy the benefits of affiliation with IPMA-HR for the next couple of years. Thereafter, let the membership vote on whether to continue national affiliation with IPMA-HR. Only after experiencing the benefits can members truly decide if the expense is worthwhile.

The additional annual cost to TMHRA for all members to be IPMA-HR Affiliate Members in 2007-08 is \$2,712.50. For 2008-09 the cost to TMHRA would increase to \$5,425. The present TMHRA financial condition can easily absorb these expenses without passing it along to members in an increase of dues for the foreseeable future.

If TMHRA drops affiliation with IPMA-HR, we would join a group of only five other states not to have this affiliation.

IPMA-HR represents the interests of public sector human resources in the legislative arena in Washington, D.C. If we only support our Texas chapter, we choose to let others determine the issues that affect us in the nation's capital.

As human resource professionals, we must be committed to support our professional organizations on both the state and national levels.

CONS:

The decision by the IPMA-HR Executive Council to require all TMHRA members to be in one of its membership categories changes the basic conditions of the agreement between IPMA-HR and TMHRA in 2003.

Increasing dues would be a burden on most of our membership, since most are from small municipalities. Even if the association pays for the increase initially, there are no assurances that at some point in the future the increase—and any future mandated increase from IPMA-HR—would not be passed on to individual TMHRA members.

Of the 274 TMHRA members, only 57 are IPMA-HR members. The membership mandate, therefore, would require the remaining 217 to become IPMA-HR members without them voluntarily choosing to do so.

Other national human resources associations (e.g., SHRM, NPELRA, etc.) do not require that the entire membership of local/state associations have national membership status.

There is no flexibility by the IPMA-HR Executive Council to reconsider their unilateral decision, according to the IPMA-HR Executive Director and President.

LETTER TO THE EDITOR CONCERNING TMHRA AFFILIATION WITH IPMA-HR

I have been asked by several TMHRA past presidents and current board members to address the upcoming membership vote on continued IPMA affiliation.

As a member of the TMHRA Board of Trustees when the decision was made to affiliate with IPMA, I feel it is necessary to communicate with TMHRA members some tenets used as a basis for the decision to affiliate.

In an effort to facilitate the affiliation with IPMA, the TMHRA Board agreed to the IPMA requirement that all TMHRA officers be IPMA members. At that time, we were told by IPMA that all TMHRA members would not be required to be members of IPMA and would not be required to pay IPMA dues.

ARTICLES OF INTEREST, AKA NEWS YOU SHOULD USE

The IPMA Executive Council recently notified TMHRA members that:

In March 2004, the IPMA Executive Council voted to establish a united membership structure that would require chapter and section members to become national members.

By June 30, 2007, IPMA-HR affiliated chapter leaders will submit a listing of all chapter members, along with the annual chapter reporting form. The chapter rosters will be compared against the IPMA-HR membership database, and chapters will be billed \$12.50 for each person not a member of IPMA-HR for the membership year beginning July 1, 2007. The chapters will have the option of paying the \$12.50 per person fee in two installments.

Beginning July 1, 2008, and thereafter, the chapters will be billed \$25 per chapter-affiliated member who is neither an IPMA-HR individual member nor an agency covered staff member.

This decision by the IPMA Executive Council to require all TMHRA members to pay IPMA dues of \$12.50 for 2007 and \$25 for 2008 changes the basic conditions of the agreement made by the TMHRA Board Trustees in 2003 and is justification in itself to cease affiliation.

Fortunately, the current TMHRA Board of Trustees is doing their due diligence and is allowing TMHRA members to decide the continued affiliation issue by membership vote.

POINTS OF CONCERN:

Most TMHRA members are from small cities and depend on TMHRA for human resource guidance and resources. Many cities and towns are concerned about the cost of association membership dues and the cost of attending conferences and seminars. It may be more prudent to look at reducing membership dues and conference registrations, rather than increasing dues.

The purpose of TMHRA is to promote excellence in personnel and human resource administration in Texas municipalities. The TMHRA Code of Ethics states: "TMHRA is organized to promote, encourage, and advance the development of personnel and human resource administration in Texas municipalities." Over the years, the TMHRA Board of Trustees has remained autonomous and focused on providing training, networking, and resources to Texas cities and towns.

The affiliation with IPMA is taking resources from Texas towns and cities and expending them for IPMA members in other states and is allowing what were once local decisions to be made by IPMA Executive Council members. We do not want to see our rights as a state organization eroded or members' costs increased due to ultimatums by an organiza-

tion not representative of TMHRA members.

TMHRA has a good working relationship with NPELRA/TXPELRA. NPELRA does not require any TMHRA member to be a member of NPELRA. Membership is voluntary and has worked well for TMHRA members interested in labor relation issues.

If TMHRA members vote to disassociate with IPMA, TMHRA members may still voluntarily be full members with IPMA and continue to become certified or retain their certification as an IPMA-CP.

At the Mid-Year Conference business meeting in Galveston, I, along with several colleagues and TMHRA board members, had the privilege of discussing our concerns with the IPMA President Oscar Jackson and IPMA Executive Director Neil Reichenberg. We asked if it would be possible for the IPMA Executive Council to change or modify their decision to require all TMHRA members to pay dues to IPMA. In summary, the answer was no and the decision was final.

We believe the future sovereignty of TMHRA is at stake. We also believe it is not in the best interest of TMHRA members to be required to pay extra dues to become an affiliate member of IPMA.

We ask that you vote no on the continued affiliation with IPMA.

Jim Parrish

Past TMHRA President

TML LEGISLATIVE UPDATE—JUNE 7, 2007

The Eightieth Texas Legislature concluded in a session characterized by havoc and pandemonium; a complete breakdown was narrowly averted.

It is often said that during a regular session, the Texas Legislature must pass only one bill: the state's appropriations bill, which lays out the budget for the upcoming biennium. The Eightieth Legislature accomplished that—but just barely. On the 139th day of the 140-day session, with minutes to go before the deadline for action, both chambers finally approved the appropriations bill.

One observer called the 2007 session a “tow truck” session, because so many bills had to be pulled out of a ditch before they were lost forever. It could just as well have been called a “bulldozer” session, because of the many bills that were buried in the legislative landfill. The 2007 session featured two battles over the House Speaker's chair, numerous “personal privilege” speeches, a late-night walkout by enough House members to break a quorum, and a near meltdown in the Senate over a contested roll call vote. But on the final day, lawmakers regrouped long enough to address unfinished business and wrap up the most contentious session in recent memory.

Year	Total Bills Introduced*	Total Bills Passed	City-Related Bills Introduced	City-Related Bills Passed
1987	4,343	1,204	420+	175+
1989	5,256	1,339	625+	180+
1991	4,684	970	840+	180+
1993	4,560	1,089	800+	140+
1995	5,147	1,101	800+	140+
1997	5,741	1,502	1,100+	130+
1999	5,908	1,638	1,230+	130+
2001	5,712	1,621	1,200+	150+
2003	5,754	1,403	1,200+	110+
2005	5,369	1,397	1,200+	105+
2007	6,374	1,495	1,200+	120+

*Includes bills and proposed Constitutional amendments; regular session only.

PERSONNEL BILLS PASSED

H.B. 638 – Retired Peace Officers: requires a law enforcement agency that was the last entity to employ an honorably retired peace officer to issue a detailed identification card to the retired officer.

H.B. 1244 – Texas Municipal Retirement System (TMRS): will: (1) authorize the TMRS Board by rule to limit increases in a member's average updated service compensation from year to year; (2) authorize the TMRS Board by rule to set open or closed amortization periods not to exceed 25 years; and (3) allow the TMRS Board by rule to authorize a participating city to make a lump sum or periodic employer contribution to the city's accumulation fund.

H.B. 1473 – Sovereign Immunity: provides that certain firefighters and police officers may sue a city for back pay, that in such suits a city's governmental immunity is waived, and that such employees are required to exhaust all grievance or appeal procedures before filing suit.

H.B. 1562 – Overtime for Firefighters: provides that in a city with a population of more than 10,000: (1) a firefighter or a member of a fire department who provides emergency medical services, other than a fire chief, assistant fire chief, or an individual in an equivalent classification, is entitled to overtime pay; (2) a member of a fire department who does not fight fires or provide emergency medical services, other than a fire chief, assistant chief, or an individual in an equivalent classification, and is required or permitted to work overtime is entitled to overtime pay; and (3) a firefighter or member of a fire department, other than a fire chief, assistant chief, or an individual in an equivalent classification, who is required or permitted to work overtime is entitled to overtime pay for the excess hours worked without regard to the number of hours worked in any one week of the work cycle.

H.B. 1919 – Health Benefit Mandate: generally requires health benefit plans to cover: (1) certain therapies required for and related to treatment of an acquired brain injury; and (2) treatment for an enrollee who is older than two years of age and younger than six years of age who is diagnosed with autism spectrum disorder.

H.B. 2015 – Health Claims Information: provides that within 30 days of receiving a request from a governmental entity, a health insurance issuer must provide a detailed report of the governmental entity's claims information.

H.B. 2445 – Law Enforcement Personnel: provides the following: (1) expands the circumstances under which a law enforcement agency is required to file a termination report with the Texas Commission on

ARTICLES OF INTEREST, AKA NEWS YOU SHOULD USE

Law Enforcement Officer Standards and Education (TCLEOSE); (2) formalizes language to be used in the report; (3) requires the agency to submit the report to TCLEOSE not later than the seventh business day after the date the peace officer separates from the agency or exhausts all administrative appeals; (4) requires the agency to provide the peace officer or the officer's next of kin a copy of the report not later than the seventh business day after the officer separates from the agency or exhausts all administrative appeals; and (5) allows TCLEOSE to suspend the license of a peace officer upon the receipt of notification of certain termination situations.

H.B. 2667 – Volunteer Police Force: requires a city to insure or otherwise cover each volunteer police force member against any injury suffered in the course and scope of the volunteer's duties performed at the request of the city, and provides that the coverage can be insurance or self-insurance obtained under an interlocal agreement.

H.B. 3352 – Fire/Police Civil Service: would amend Chapter 143 of the Local Government Code (fire/police civil service) to provide that, relative to appeals, the term "arbitrator" is replaced with the term "independent third party hearing examiner."

H.B. 3613 – Peace Officer Identification Cards: requires each law enforcement agency to issue detailed identification cards to its peace officers (full-time or part-time) and reserve officers. The bill also *allows* the law enforcement agency to issue identification cards to its honorably retired officers. (But see **H.B. 638**, above.)

S.B. 1562 – Animal Control and Shelters: provides that: (1) a person may not perform the duties of an animal control officer unless the person: (a) completes a basic animal control course of at least twelve hours not later than the first anniversary of the date the person assumes animal control duties; or (b) completes an animal shelter personnel training course on or before June 30, 2008; and (c) completes 30 hours of continuing education during each successive three-year period; (2) the Department of State Health Services (Department) shall prescribe the standards and curriculum for basic and continuing education animal control courses; (3) the Department shall offer at least two basic animal control courses and twelve hours of continuing education every calendar year in each of the Department's regions; (4) the Department and any authorized animal control course sponsor may charge reasonable fees to cover the cost of arranging and conducting an animal control course and of issuing a certificate for completion; (5) the Department shall maintain the training records and issue a certificate for each person satisfactorily completing courses for the purpose of documenting and ensuring that the person is in compliance with the requirements of the bill; (6) a

city may require that an individual pay a fee for a course or certificate; (7) an animal shelter shall comply with the animal control officer training adopted under the bill; (8) an animal shelter shall employ a veterinarian at least once a year to inspect the shelter; (9) a person may sue for injunctive relief to prevent or restrain a substantial violation of the bill; and (10) a person commits a felony of the second degree if the person kills a police dog or engages in conduct likely to kill the animal, injures a police dog in a manner that permanently and materially affects the ability of the dog to perform as a police dog, or engages in conduct likely to injure a police dog in a manner that permanently and materially affects the ability of the dog to perform as a police dog.

(Editor Comment: A special "Thanks!" to Phyllis Stadler, IPMA-CP, Director of Human Resources, City of Richardson, for the timely H.R.-Related Bill Tracking Reports throughout the Eightieth Texas Legislature session.)





Welcome to Legal Briefs for Human Resources! This update on issues that matter to employers is provided to human resource professionals, in-house counsel, business owners, and others who can benefit from receiving monthly updates on new laws, recent court cases, helpful Web sites, and pending legislation. Anyone is welcome to join the group of more than 3,400 subscribers to this free newsletter. Just e-mail me to be added to the group (or removed), and you can find previous editions posted on the Munck Butrus P.C. firm Web site at www.munckbutrus.com under "E-Newsletter."

A warm welcome to new subscribers I had the pleasure of speaking to during presentations for the SHRM Texas State Council Legislative Impact Day, 49th Annual County Auditors' Institute, Texas A&M/Prairie View A&M Leadership Extension meeting and the Self Opportunity "Meeting of the Minds."

Here's the latest:

- 1. What's Cookin' in Austin** – Six bills that would have prevented employers from banning guns in their workplace parking lots have been shot down. The bills were sent to the House Calendars Committee, but only one (SB 534) was set for a vote on the final day it was eligible for consideration by the full House. Due to the bill's placement on the calendar, the deadline for a vote passed before it got a second reading. Gov. Perry signed HB 991 into law, sealing the formerly public records that identify individuals who are licensed to carry a concealed weapon. The law took effect immediately, on May 23, so only law enforcement agencies will have access to that information. The proposed statewide smoking ban was snuffed out last week, too, so Texas employers must look to local ordinances to determine their obligations, if any, related to smoking in workplaces. For a list of Texas local ordinances on smoking, go to <http://txshsord.coe.uh.edu/createReports.aspx>.
- 2. What's Cookin' in D.C.** –
 - 1. New Minimum Wage** – A three-step increase in the federal minimum wage was signed by President Bush on May 25. The first increase, to \$5.85/hour, takes effect July 24 (60 days after signing); the rate jumps to \$6.55/hour next summer and to \$7.25 during the summer of 2009.
 - 2. Gene Pool** – The House passed the Genetic Information Non-Discrimination Act (H.R. 493) by a vote of 420-3, and the action moves to the Senate. If passed, the measure will amend Title VII and ERISA to prohibit employers from discriminating against employees on the basis of genetic information . . . which, by the way, is not limited to DNA test results and can include individual and family medical history.
- 3. Gender Matters** – A bill prohibiting employment discrimination based on sexual orientation and gender identity was introduced on April 4. The Employment Non-Discrimination Act (H.R. 2015) does not require employers to provide domestic partner benefits and has exclusions for religious organizations and the U.S. military. For info on similar protection currently in place under state and local law, go to www.hrc.org.
- 4. FMLA for Soldiers' Families** – A Department of Defense authorization bill (H.R. 1585) passed in the House on May 17 and includes an amendment of the FMLA, to allow the family of a citizen soldier who is called up or home on leave to use FMLA job-protected leave to be with that soldier. Some states (for example, IL and MN) already provide such leave for the family of military members.
- 3. Houston, We Have a Problem** – Per a U.S. DOL press release, Mudlogging Company USA in Houston paid more than \$1.1 million in backpay to 233 employees, representing unpaid overtime between August 2004 and August 2006. The mistake? Paying a day rate to mudloggers, trainees, and non-exempt unit managers without additional overtime for workweeks in which more than 40 hours were worked.
- 4. The Importance of Being Essential** – A recent case points out the importance of identifying essential vs. marginal functions of jobs, in writing, **before** a dispute arises. *Rehrs v. Iams Co.* (8th Cir. 5-15-07) A warehouse technician worked in a facility that had rotating shifts. Following a heart attack and bypass surgery, he was temporarily accommodated with a fixed shift based on his doctor's recommendation. When the employee asked for the accommodation to be made permanent, the employer declined, citing shift rotation as an essential function. The employee was advised of other fixed shift job openings, which he was either unqualified to perform or did not want to do. While on disability, he sued under the ADA. The court found for the employer and noted:
 - 1. Shift rotation was a non-discriminatory essential function, used at all company facilities as a way to cross-train and enhance productivity;**
 - 2. Plaintiff's inability to perform the essential function rendered him unqualified under both the ADA and analogous state law;**
 - 3. Offering fixed shift work for 60 days as a temporary accommodation did not convert shift rotation to a nonessential (aka, marginal) function; and**
 - 4. Transforming the short-term accommodation into an**

entitlement would discourage employers from attempting to accommodate disabled workers by punishing them for doing more than the ADA requires.

5. **Bad Math** – A doctor claimed he was lured to a new job based, in part, on a recruiting manager's representation that the doc would be eligible for full retirement benefits of \$3100/month at age 62. He moved to a new state to accept the job and soon learned that the actual pension amount would be \$816/month. The unhappy doc sued and lost in the district court (which said his state law fraud claim was preempted by ERISA), but the appeals court disagreed. At the time of the misreps, he was neither an employee nor a plan participant, so he could not sue for breach of fiduciary duty under ERISA. Further, his plea for reliance damages (i.e., what he lost by walking away from a higher salary and stock options with his former employer) were not related to the pension plan. Had he sued for expectation damages (i.e., the difference between the puffed and actual monthly retirement benefit), then ERISA would've come into play. *Thurman v. Pfizer Inc.* (6th Cir. 5-8-07).

6. More Fun With FMLA

1. **Employers Not Required to Be Clairvoyant** – FMLA claim denied, where an employee was fired for excessive absences after taking time off to be with her son. While the child had chronic asthma, mama told her employer she was staying home to keep an eye on her son because he had fallen into "muddy nasty water." She did not provide enough info verbally for the employer to inquire further, and she declined her supervisor's suggestion that she document the condition for purposes of the FMLA. *Greenwell v. State Farm Auto Ins. Co.* (5th Cir. 5-10-07)

2. **More Math** – FMLA claim denied, where a weekend nurse had been paid for more than 1250 hours in the 12 months prior to leave, but some of those hours were not worked. The hospital paid weekend nurses for more hours than they actually worked, but the FMLA eligibility formula is based on hours worked. *Mutcher v. Dunlap Memorial Hosp.* (6th Cir. 5-2-07)

7. **Tech Toys** – A wage claim is moving forward, in part, because of electronic time-keeping technology that allows employees to opt for "clock in as scheduled" as opposed to having the system register the actual time he or she is clocking in. The court observed that [1] tying the restaurant's computer system access to being clocked in infers that "off the clock work" will be performed; and [2] the FLSA's *de minimis* exception to compensability, which applies to brief periods of time that are difficult to calculate, is not available here since the electronic system allows for calculation of time to the minute. *Fast v. Applebee's* (W.D. Mo. 5-3-07) Watch out for the gap between what tech toys can do and

what you should do!

8. **A Taxing Decision** – The Vermont Supreme Court found that home-based workers who knit and sew clothing on their own machines are "employees" who are eligible for unemployment compensation benefits, and their employer owed back taxes. The issue arose when a former worker filed for unemployment insurance benefits ("UI") after leaving a subsequent employer listing the clothing company among her prior employers. *Fleece on Earth v. Dep't of Employment and Training* (Vt. 5-4-07) States are increasingly questioning employee vs. contractor status, especially where state, UI, and/or disability taxes are not being paid on certain workers.

9. **Throwing Money Away** – Last month, it was reported in Legal Briefs for Human Resources that the Texas Attorney General had taken enforcement action against four businesses in as many weeks, due to their improper disposal of records containing personal identifiers, like name, address, Social Security numbers, and debit/credit numbers. Add two more to the list . . . Austin-based EZCorp was sued on May 8 for disposing of customers' loan and pawn service applications in readily accessible trash bins, and CNG Financial Corporation (and its subsidiaries, Check 'n Go of Texas, Inc., and Southwestern & Pacific Specialty Finance, Inc.) was sued on May 24 for the same offense, under the Deceptive Trade Practices Act (penalties up to \$20,000 per violation), the Identity Theft Enforcement and Protection Act (up to \$50,000 per violation), and sec. 35.48 of the Business and Commerce Code (up to \$500 for each record). A message is being sent to those who improperly dispose of customers' and employees' personal information . . . are you listening?

10. **You're the Best** – Congratulations to the many LB4HR subscribers who are listed in the *Dallas Business Journal's* "Best Places to Work in Dallas-Fort Worth" special edition (May 4-10)! The white Stetson for the best in each category went to: Frontline Source Group, Inc. (small business); esoftsolutions Inc./LiquidAgents Healthcare (mid-sized business); Medical Center at Plano (large business); and The Ritz-Carlton (business HQ'd outside of DFW). If you didn't read it, get your hands on a copy . . . the energy exuded by these organizations through their employees practically leaps off the page!

11. **North Texas SHRM Annual Conference** – Go to www.northtexasshrm.org to register for a two-day conference to be held in Denton that has been approved for 14.5 HRCI certification credits and includes featured speaker Libby Sartain of Yahoo Inc.

12. **Immigration Seminar** – The Texas Association of Business (TAB) has tapped into immigration reform as its monthly meeting topic for June. Brent Huddleston will discuss H-1B visas, Form I-9 work authorization, and Social Security Administration "no match" letters during a lunch meeting on June 21 at the Crowne Plaza on Midway Road. To register, contact Monna Miller at mmiller@txbiz.org.

13. **Employment Relations Symposium** – TAB and SHRM have joined forces to offer another great two-day learning opportunity with a combination of attorney and human resource professional speakers, including yours truly, to provide a legal and practical perspective on current workplace issues. Visit www.txbiz.org (see Quick Links) for a complete agenda, hotel, and registration info. The Symposium will be held July 12 and 13 (with an optional meet-n-greet the evening of the 11th) at The Westin La Cantera Resort in San Antonio!



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Human Resource Legal Update is provided to alert recipients to new developments in the law and with the understanding that it is guidance and not a legal or professional opinion on specific facts or matters. For answers to your specific questions, please consult with counsel.

White Paper — Compensation News: Minimum Wage and Stale Wage Discrimination Action

While we were enjoying our Memorial Day holidays and least expecting it, several significant human resource events occurred. Legislation increasing the minimum wage was passed, and a major Supreme Court decision regarding pay discrimination came down.

Minimum Wage

After much wrangling, the first minimum wage increase in 10 years was signed into law on May 25. Congressional Democrats pushed the increase through by tying it to a military spending bill. Earlier attempts this year to pass it had failed, as the House and Senate tried to attach different business tax breaks to proposed bills. The federal minimum wage, currently at \$5.15/hour, will rise in 3 phases to \$5.85 on July 24, 2007; \$6.55 on July 24, 2008; and \$7.25 on July 24, 2009. Obviously, these increases impact employers with minimum wage employees who will have to raise pay levels. The raises may also have a ripple effect, because as companies

adjust salary ranges, there could be wage compression problems. Pressure may be placed on entire salary structures. Other employees may be expecting raises as well.

There could be other ramifications. Wage and hour lawsuits have exploded over the last few years. Employees have become increasingly sensitized to wage issues and regulations. Minimum wage raises will only heighten those discussions. Now is a good time to review your pay practices, including your overtime policies, to ensure that you are in compliance.

Don't forget your state law, either. Many states provide even greater wage and hour protections than what federal law requires, including higher minimum wage requirements.

Stale Pay Discrimination Claims

The U.S. Supreme Court's May 29th decision in *Ledbetter v. Goodyear* also made the news. The narrow 5-4 decision basically says that the general deadlines under Title VII of the Civil Rights Act for filing discrimination cases apply to pay discrimination cases. Title VII provides a short (180-day) deadline for bringing claims after an act of discrimination occurs (or if the EEOC has a work agreement with a state EEO agency, 300 days).

Ledbetter was a supervisor at a Goodyear plant, a position generally held by men. She claimed that while initially she was paid comparably to similarly situated men, over time, because of discriminatory performance evaluations and pay practices, her pay got further and further behind the males. She contended that her claim was still "fresh," as each paycheck was a new discriminatory act and so the Title VII 180-day clock had not expired. A jury found in her favor.

The U.S. Supreme Court disagreed, finding that forcing companies to defend decisions made years ago would put an unfair burden on business. In essence, there might be no statute of limitations for pay discrimination cases. According to the Court, Ledbetter should have filed a claim after each allegedly discriminatory wage action. The decision will certainly limit the number of pay discrimination cases, as in many instances an employee may not even be aware of a problem until years have passed. Employers typically don't disclose salary information, so an employee may not realize what a coworker makes.

Additionally, a disparity in salary may be fairly small initially, but can greatly increase over time. While this case involved sex discrimination, it will apply as well to other Title VII pay cases (that is, those based on race, national origin, etc.). Since the American with Disabilities Act (ADA) and Age Discrimination In Employment Act of 1967 (ADEA) are similarly structured, it will likely apply to age and

disability as well. However, plaintiffs may use the Equal Pay Act to a greater degree to pursue pay claims. That Act prohibits unequal wage payment for equal work on the basis of sex and has different requirements than Title VII.

While the Court decision is good news for employers, organizations must still ensure that wage decisions are based on nondiscriminatory, business related factors. Pay discrimination claims are prevented by implementing strong human resource practices, including implementing a solid base pay structure, an objective performance appraisal system, and training your managers well.

Reprinted courtesy of HRN Management Group,
www.hrnonline.com.

Ten Business Conversation Tips

by Ben Stein

- 1. Begin by knowing that people you're talking to mostly want to talk about themselves.** They want to talk about their lives, tastes, views. To the extent that you let them do that, you facilitate conversation and good feeling.
- 2. Establish common ground.** If your conversation partner is from Idaho, talk about Idaho and how beautiful it is there. If you've never been to Idaho, talk about how you've heard it's beautiful there and how much you've always wanted to visit. This helps to establish the next rule:
- 3. Say kind, generous things to your conversation partner.** People like to be complimented. If they don't like to be complimented, they're not well in the head and you ought to leave them well enough alone. If they react negatively to compliments, move on to the next topic or the next person.
- 4. Keep your comments brief.** Talk about how you are that day in a short, punchy way. Answer in detail only if your partner asks in detail. You know how you don't like to be bored by long answers? Everyone else on the planet feels the same way. Brevity is a good way to make friends. You never want to be so brief as to be rude, but again, brief is good.
- 5. Get back on common ground again as soon as you can.** Ask what your colleague does for a living. If he or she does anything at all, say how interesting that is. Ask for an explanation of what it is if you don't understand. People

want to talk about their lives, and you oblige them, make them like you, and learn from them by allowing them to talk. This is especially true in job interviews. You want to allow your interviewer to do a big chunk of the talking. In so doing, you learn where to make your points, where to keep quiet, and how to explain yourself so you fit into the interviewer's world.

- 6. Don't brag unless you do it in a funny way.** No one likes a braggart. Be modest about your achievements: even if the person you're talking to brags.
- 7. Unless you're specifically asked about it, don't talk about religion at all.** Most people have different views from yours, and you can alienate people by trying to press your religious views on them.
- 8. The same goes for politics.** You can hardly hope to meet someone whose political views exactly match yours, so you can easily offend by pressing your views on someone else. Just smile and listen quietly and go on to the next thing. Unless you meet someone who says, "I know you and I totally agree with you," don't get into politics at all.
- 9. If you talk about current issues, do so in a genial, friendly way.** Don't start fights about Hillary Clinton or George Bush or anyone else. Just smile and laugh about it, and if the person you're talking to insists on saying provocative things, change the subject. If the person persists, say you have work to do and, with a smile, go on to something else.
- 10. Make whatever points you need to make in a hurry, and then leave.** Don't feel your time and your conversation partner's time have no value. Time is everything in life, and you oblige people by saving their time. In a job interview, for example, make whatever points—always complimentary—you care to make, answer questions, and then leave. But leave with a smile and a firm handshake.

You'd be amazed at how many people don't know any of these rules. If you do, you're way ahead of the game.

Reprinted from *APT NEWS*, June 4, 2007, specializing in Accounting and Finance placement. For more information, they can be contacted at APTNEWS@placementteam.com.

Free Advertising!

Do you need to recruit for jobs but have a tight budget? Want to place your jobs where a wider group can see them? How about having a link to your Web site's employment page? Well, have no fear...TML and TMHRA are here!

TML (www.tml.org) has a classifieds section where you can advertise for all types of positions. You just go to the home page and click on "Classifieds." From there, the top link is to the form you can use to submit your ads. Looking for a job? Check out the human resources postings! Cities from across the state advertise here!

TMHRA has a "City Jobs" section, where cities can post links to their employment page. You can also access the TML classifieds and view human resource jobs on TML's site from this page. Just go to www.tmhra.org and click on "City Jobs." There is a place to click in order to submit your city's employment page link.

The best part of these two sites is that they are absolutely **FREE!** So check them out today!

TMHRA E-Solutions

Do you have questions or issues on which you would like to receive advice or feedback from your colleagues? Are you looking for solutions? Do you want to stay connected? TMHRA has recently created a new list serve for its members. This service is available to all TMHRA members. The purposes of this service are to:

1. Provide quality service to our membership.
2. Provide a forum by which TMHRA members can discuss daily human resources issues.
3. Promote professional development.
4. Promote high ethical standards.
5. Encourage colleague support.

An invitation to join the list serve has been sent to TMHRA members' e-mail accounts. If you have not received an invitation, or if you have technical questions, please contact Lonnie at 512-231-7452 or lparent@tml.org. This service is only available to current TMHRA members.

Countering the Financial Burden Shift

This article appears courtesy of Phineas A. Turner. Phineas is a Registered Representative offering securities through MetLife affiliated broker/dealers, including Metropolitan Life Insurance Company (member NASD) or MetLife Securities, Inc. (member NASD/SIPC). Insurance and annuities offered through Metropolitan Life Insurance Company. He focuses on meeting the individual insurance and financial services needs of people in the Dallas/Fort Worth area. You can reach Phineas at the office at 6500 West Freeway, Suite 950, Fort Worth, TX 76116, 817-377-5311.

Imagine: You're within pennies of affording that dream vacation, only to have your car conk out on you. And then, when you've nearly saved enough for a new car, you're met with an unexpected medical expense that sets you back even further.

If you're like most Americans, you've probably, at one time or another, had an unexpected expense change your short-term financial well-being. Indeed, Americans are facing a bigger financial burden these days. Consumers are realizing that they may not be able to count on traditional social safety nets to ensure their financial well-being over the course of their lifetimes.

The government, once a vital part of the social safety net, is facing a looming Social Security crisis as baby boomers approach retirement with less populous generations to support them. In 1950, there were 16 workers supporting every Social Security beneficiary. Soon, there will be less than two, according to a radio address by the President.

A few years ago, investors also learned a hard lesson about trusting their fiscal security to volatile financial markets.

As if this weren't enough, people believe that they can no longer rely on their employers. Over the last few years, trust and confidence in corporate America has eroded due to corporate scandals. And, according to new data from Watson Wyatt, of the 627 Fortune 1000 companies that offer pension plans, 113 have either frozen at least one plan or have announced intentions to do so. Finally, competitive pressures are making it challenging for employers to continue to pay for the full cost of medical and other employee benefits as they once did.

Consumers are shouldering more of the financial burden than ever before. Still, many don't know the importance of protection products. Consider the following statistics:

- One in three workers over the age of 30 will become disabled for at least three months during their careers, according to America's Health Insurance Plans (AHIP) and the Society for Actuaries.
- According to the Life Insurance Marketing and Research Association, in 2004, one-third of adults did not have life insurance.
- The risk is high for Americans to outlive their retirement as the life expectancy continues to increase significantly.

In the era of personal responsibility, where can people turn to make sure that they remain financially secure both now and in the uncertain future? The key to financial security is building a personal safety net to adequately and efficiently insure risks faced throughout life. With an increasingly risk averse populace, the importance of guarantees is at the forefront.

Unfortunately, investments, though a powerful tool for helping consumers grow wealth, cannot themselves adequately fund and finance the cost of caring for a long-term illness or that of a loved one. Nor can they adequately ensure that an individual won't run out of money if they live a long and prosperous life. Since consumers can't invest away their financial risks, they must insure for them.

There's no silver bullet that will prepare consumers for future financial burdens, but there are some simple steps to help mitigate the risk:

- **Understand your options.** This includes learning about the types of products that can help you achieve your goals—products for protection now and products to help prepare for the future. It's not enough to know

which product can fulfill which need. The key is knowing which option is right for you now depending on your individual circumstances. Recent college graduates, baby boomers, and retirees, for example, all have drastically different risk tolerances and needs.

- **Work with your insurer.** An insurer can help you build a solid financial foundation. Many consumers don't understand which insurance coverage they need to protect themselves and their family or how much coverage is enough. Insurance providers can help consumers match the right products with the right life stage or life situation.
- **Work with your financial professional.** An experienced financial professional can help you understand how insurance and related income products can fit into your overall portfolio to protect and grow wealth over time.

The future is uncertain, but being proactive about creating your own personal safety net can pay big dividends down the road.

Guarantees apply to certain insurance and annuity products (not securities, variable or investment advisory products) and are subject to product terms, exclusions and limitations, and the insurer's claims-paying ability and financial strength. Metropolitan Life Insurance Company, New York, NY 10166. MetLife Investors USA Insurance Company, Irvine, CA 92614. First MetLife Investors Insurance Company, New York, NY 10166 (NY Only)] MetLife, Inc. L0608EQVF(exp1207)ENT-LD

Newsletter Input Needed

This is YOUR newsletter, and we want to ensure that 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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