

HRFOCUS

President's Message

As I write this, we are returning from the holidays. With all of the driving around for the most perfect gift, wrapping it, putting together the perfect holiday gathering, and trying to figure out how we can eat whatever we want and not have it show through that perfect outfit, it is a wonder we were able to get through it all. I hope you all got some black-eyed peas and cabbage (good luck and prosperity). We have made it through the holidays and we continue on... The TMHRA Board met in December to discuss several items, including TMRS. Jim Parrish with the City of Amarillo has served this past year as liaison to the TMRS Board of Trustees' Legislative Stakeholder group. With his financial background and experience with benefits, Jim has proven to be a great source of information and a huge advocate for the needs and concerns of cities during this process. His participation and education have enabled the TMHRA Board to feel comfortable enough to adopt a resolution adopting legislation proposed by TMRS to improve the pension program. Jim has agreed to serve again on the newly created TMRS Advisory Committee. The Board also discussed and agreed in principle to the creation of a Labor Relations Committee. This committee, made up of HR practitioners and labor relations professionals, "shall represent the interests of the members of both TxPELRA and TMHRA by providing leadership, guidance, advice and expertise regarding labor relations legislation at the state and federal levels."

We met in Rockwall for the long-awaited Employment Law Seminar and from the comments, I believe the information was very timely and pertinent. Sheila Gladstone spoke of recent updates to the Family Medical Leave Act (FMLA), Lowell Denton advised us on what we might do if the unions come calling, and Bettye Lynn explored recent state and federal changes. Many stated that with the variety of information and presenters, it was one of the best conferences in recent years.

2009 is here, and from what I can see thus far, it looks to be one for the books. We will be inaugurating a new president, launching another state legislative session, implementing recent changes in the Family Medical Leave Act (FMLA) and the Americans with Disabilities (ADA), and reacting to the likely passage of a federal collective bargaining initiative. So if you were too busy going and blowing this past holiday season and are now looking for the best way to take off the holiday pounds, take some time to rejuvenate... sleep late, read a good book, take your kids for a long walk, do whatever brings you happiness. I hope this year brings you peace and joy. I look forward to seeing you in February at the TxPelra and Civil Service Workshops. HAPPY NEW YEAR!!

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Director of Human Resources
City of Cleburne

TMHRA Newsletter Winter 2009

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Texas Municipal
Human Resources
ASSOCIATION

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

NPELRA Academy I: The Foundation of Labor Relations

Marriott Las Colinas, Irving

February 3, 2009

For further information, go to www.npelra.org.



TXPELRA AND 23rd ANNUAL CIVIL SERVICE WORKSHOPS

Marriott Dallas Las Colinas

223 West Las Colinas Boulevard • Irving

February 4-6, 2009

TWO TRAINING OPPORTUNITIES

A workshop on Public Employer Labor Relations will be held on February 4, 2009, prior to the 23rd Annual Civil Service Workshop on February 5-6, 2009. Both workshops will be held at the Marriott Dallas Las Colinas in Irving. The programs are sponsored by the Texas Municipal Human Resources Association (TMHRA) and the Texas Public Employer Labor Relations Association (TXPELRA).

Enrollment for both workshops is limited to human resource professionals and management representatives from Texas municipal governments (for example, the city manager's office, the city attorney's office, civil service commissioners, the human resources department, the police department, and the fire department).

TEXAS PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION (TXPELRA) ANNUAL WORKSHOP

February 4, 2009

Attend the following informative sessions:

- NPELRA Update
- Mandatory Collective Bargaining for Police and Fire: How to Prepare
- Labor Relations Update
- Federal Collective Bargaining: The Impact on the State of Texas
- The Beaumont Experience

23rd ANNUAL CIVIL SERVICE WORKSHOP

February 5-6, 2009

Below are just a few of the topics you can choose from:

- Civil Service Legal Update
- Impact of Meet and Confer on Civil Service
- Legislative Update
- Alternative Promotional Tests
- Performance Evaluations Within a Civil Service Police Department
- The Role of Civil Service Commissioners
- Legal Objections: What They Mean and How to Deal with Them
- Promotional Test Appeals: How to Hear Them
- Disciplinary Appeal Process
- Civil Service "a" and "g" Personnel Files
- The Negative Side of Civil Service
- Recruiting and Hiring the New Fire or Police Chief

For further details or to register for these outstanding programs, click on TxPelra/Civil Service.

NPELRA Academy III: The Negotiations Process

Hyatt Regency, San Antonio

April 5, 2009

For further information, go to www.npelra.org.

Nuts and Bolts of HR in the Public Sector:

Discovering the Fundamentals

Texas Municipal Center, Austin

April 3, 2009

The Nuts and Bolts Seminar, presented by the Texas Municipal Human Resources Association (TMHRA), will feature speakers from various specialty areas of human resources management. This seminar has a practical format in the interest of human resources professionals who are relatively new to the field or interested in a refresher on particular subjects. The sessions are geared toward a sharing of information by the speakers and will encourage interaction through questions from the seminar attendees.

The goal of this seminar is to provide a variety of practical information that the attendees will be able to take back to their respective organizations and use as reference tools in the implementation and maintenance of successful human resources programs.

Further details will be available in late February.

Mid-Year Conference

Riding the River to Success

Holiday Inn Riverwalk, San Antonio

June 3-5, 2009

**MARK
YOUR
CALENDARS
NOW!!!**

ARTICLES OF INTEREST AKA NEWS YOU SHOULD USE

Please visit the following links for Practical Application of the ADAAA of 2008, Information on the FMLA revisions of 2008, and Information on the Employer/Employee Cooperation Act.

WE ARE WORKING FOR YOU....

Labor Relations Legislative Committee

The TMHRA Board agreed in principle to the creation of a Labor Relations Legislative Committee. This committee will be responsible for representing the interests of the members of both TXPELRA and TMHRA by developing fair and reasonable legislation that prevents the imposition of federal collective bargaining on Texas cities and counties or prevents the passage of any negative or detrimental collective bargaining legislation. The committee will be made up of human resources practitioners and labor relations professionals. More information regarding this committee is forthcoming.

Top Ten Ways to Use In-Depth Work Style and Personality Testing

By Dana Borowka, MA, CEO of Lighthouse Consulting Services, LLC

While personality testing can be a valuable resource before you hire, perhaps the true value of any assessment comes in using the insights it provides along the entire spectrum of employment, states a new business management book. *"Cracking the Personality Code* analyzes why so many managers get it wrong and then provides the diagnostics to help businesses recruit and retain top-notch talent," says Rafael Pastor, chairman of the Board and CEO of the CEO peer organization, Vistage International.

Below are the authors' top ten ways to use personality testing in the workplace to help bring out the best in your employees at all levels in an organization:

1. Get the real picture. Of course, all candidates want to put their best foot forward during an interview. However, through a personality test, you uncover a great deal about their ability to work well with other personalities, their problem-solving abilities, their thought processes, and their ability to tolerate stress. Personality testing gives you objective information that can help you make an informed decision about whether or not this person is a good fit for the job and for the team. If you decided to hire the person, the questions you ask during the hiring process will reduce your learning curve as a manager on how best to manage this person from day one.

TMHRA SPONSORS

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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2. Help them be all that they can be. Everyone has strengths and weaknesses. Find out the real truth with an objective measure. Once you pinpoint the good and the bad, place them in the right position and coach them on where to improve.
3. Take me to your leaders. Personality testing gives the manager and employees a common language about how they like to interact. The assessments can help you train future managers on how to get the best out of the team.
4. Know how to manage difficult people. Face it, there will always be difficult people and flare-ups on the job. Use objective personality assessments to diagnose potential sources of workplace conflict. The best way to deal with a problem is to prevent it in the first place.
5. Get everybody to play nice. Sales and marketing, operations, and financial people have to interact to make the company run smoothly. Too many employees get frustrated with other coworkers and just wonder why everyone doesn't act like them. Through the use of personality profiles, managers can coach employees on how to interact better with peers.
6. Treat coworkers the way they want to be treated. In today's fast-paced world of business there is little time to get to know many of your coworkers. Using personality assessments as the basis for team-building exercises can quickly get everyone to have a healthier respect for other ways of seeing the world.
7. Make managers better leaders. The days of seat-of-the-pants leadership are over. When managers understand what makes their people tick, they can be better leaders. Knowing personality traits can help with motivating teams, communicating change, and delegating authority.
8. Pick better teams. Today, so much work is done by ad hoc teams that come together for a specific purpose. Before you assemble a team, it pays to know the strengths and weaknesses of the team members. Sometimes this can be the difference between a productive team that gets the job done and one that pulls apart at the seams.
9. Set employees up for success. Sometimes we hire the right employee and put that person in the wrong job. Understanding preferred work styles and where a person would be happiest goes a long way in improving retention and productivity.
10. Knowledge is power. *Cracking the Personality Code* explains the essentials of what managers and business owners need to know about hiring and managing employees with the help of personality testing. The authors firmly believe the personality code can be cracked. If that sounds like a bold declaration, consider this: Studies show that personality tests are a far more reliable predictor of performance than interviews and resumes.

To get a free copy of the Personics Matrix form, which can help in working with your team and for new hire selections, please visit our Web site, <http://www.crackingthepersonalitycode.com>.

INTRODUCING... New Members to TMHRA

By Janie Mehrens



TMHRA will provide you with opportunities to participate in planning educational sessions and all the other activities sponsored by our organization. As a member, you will also have access to TMHRA E-Solutions – a great way to get advice or feedback from your colleagues.

The following human resource professionals have chosen to join our great organization, and the Board has unanimously approved their applications. Our newest members (September-October) are:

Juan Gonzalez, Director of Human Resources, City of McAllen
Jacqueline Lee, Director of Human Resources, City of Glenn Heights
Bonnie Newman, HR Technician, City of Longview
Henrietta Roberts, Human Resources Director, City of Forest Hill
Sherry L. Roberts, Office Manager/Accountant, City of White Oak
Cat Schlueter, Human Resources Manager, City of Azle
Rick Tisch, Consultant, Hilb, Rogel, & Hubbs
Phyllis Turner, Sr. HR Analyst, City of Longview
Toni Vanderburg, Administration Manager, City of Horseshoe Bay
Neil Welch, Vice President, Hilb, Rogel, & Hubbs
Lynette Willms, Human Resources Administrator, City of Horseshoe Bay
Ida Cortinas, Utility Clerk, City of Goliad
Amy S. Miller, Human Resources Director, City of Elgin
Jennifer Otey, Personnel Technician, City of Duncanville
Debbie Phillips, HR Coordinator, City of Canton
Guadalupe Ruiz, HR Manager, City of Corinth
Ruth Smith, Director of Finance, City of Madisonville
Joseph Wallace, HR Associate, City of Schertz
Jennifer Askenazi Human Resources Supervisor, City of McKinney
Lori Gillespie, Staff Attorney, TML Intergovernmental Risk Pool
Paula Jeans, Accounting/HR Manager, Texarkana Water Utilities
John Medina, HR Director, City of Big Spring
Leigh Tollison, HR/Finance Clerk, City of Universal City

We appreciate your interest in helping TMHRA remain a tremendous professional resource throughout the State of Texas.

Welcome to the TMHRA team!

TMHRA E-Solutions

TMHRA E-Solutions is a list serve for members to use when you have questions or issues on which you would like to receive advice or feedback from your colleagues. TMHRS E-Solutions is a wonderful way to exchange information and learn what others are doing. If you are interested in joining E-Solutions, please contact Lonnie Parent-Smith at 512-231-7452 or lparent@tml.org, Petrena Barnes at pbarnes@tml.org, or call 512-231-7400.

Remember that posts to the E-Solutions list are the opinions of the individuals making the post, not TMHRA.

Conference Highlights

TMHRA Employment Law, Rockwall

December 4-5, 2008

Last year's Employment Law Seminar was held in Rockwall's beautiful South Shore Harbour on December 4-5, 2008. The seminar focused on current employment issues facing municipal governments, including reduction in force preparation, how to create effective separation agreements, and reviews of recent updates to FMLA and ADA.

Below you will find brief overviews of some of the sessions that were presented.

What to Do Before and If the Union Comes Knocking

Lowell F. Denton, partner in the San Antonio law firm of Denton, Navarro, Rocha & Bernal, P.C., provided an insightful review of the upcoming Freedom of Choice Act that is predicted to receive Congressional support. It will allow union organizing to pervade employers, who were once less likely to be targets—even in civil service entities. Denton's initial words of wisdom set the tone for the rest of his presentation: "To be effective, learn how to communicate and build relationships." He goes on to state that public sector collective bargaining is different from private, due to the local politics of the community.

"The tone of the bargaining process is important," says Denton, "Your goal is to have an end result that you can be satisfied with." Denton recommends utilizing interest-based bargaining (IBB) as a tool to achieve the end goals and to resolve labor disputes. Learn more about IBB at www.fmcs.gov/internet/ItemDetail.asp?categoryID=131&itemID=15804. Interest-based bargaining is not to be confused with interest arbitration, which could possibly come with collective bargaining. This is where an outside person, not accountable to the tax payers, makes a decision that is binding. Denton warns that during the process of negotiations, it is difficult to educate the public about the pay differentials between police and fire compared to general government. However, using graphics and pictures to illustrate

points is a great way to get your message out. In closing, Denton suggests professionals charged with a role in the negotiating process begin training now to best prepare themselves for what lies ahead.

State/Federal Employment Law Update

We had the honor and privilege of receiving an update on state and federal legal developments from Bettye Lynn of Lynn Pham and Ross, LLP. Her humor and unsurpassed knowledge kept us focused on the challenges related to the upcoming legislative changes.

Bettye started out by reminding us of potential liabilities regarding lack of taxation on personal use of cell phones and take-home vehicles. Specifically, she stated that a county was recently fined \$100,000 for not taxing employees for personal calls on county issued cell phones. The minutes for personal use should be included as income.

One of the most significant changes discussed was the ADAAM (ADA Amendments Act) of 2008, which Bettye also referred to as the "AD-Triple A." HR departments should have their policies updated and training scheduled as soon as possible, in order to communicate the amendments that went into effect on January 1, 2009. Bettye stated that performance and attendance issues should be documented now more than ever.

A few practical steps employers can take to prepare are:

- Review and update handbooks and policies to incorporate ADAAM.
- Ensure job descriptions are in place for all employees.
- Expect more accommodation requests.
- Train HR staff and managers.
- Create protocols for dealing with accommodation requests.
- Inject flexibility into policies and practices.

Bettye briefly discussed the Family and Medical Leave Expansion Act, which was covered extensively by Sheila Gladstone earlier in the session. Among other topics of interest was the approval of a landmark Sexual Orientation Discrimination Bill by the House of Representatives, which would prohibit employment discrimination on the basis of sexual orientation.

The Genetic Information Nondiscrimination Act (GINA) was also discussed. GINA, which was signed by the President with an effective date of November 21, 2009, prohibits employers and health insurance providers from discriminating against individuals based on genetic information. Bettye also brought to our attention a proposal for an FLSA amendment designed to deter improper use of independent contractor status, known as the Employee Misclassification Prevention Act. This act would require employers to notify all independent contractors of their classification and give them Department of Labor contact information.



As always, Bettye's presentation of state and federal legal developments was extremely informational and entertaining. Her expertise is sought by and valued by many HR professionals.

Special thanks to the following members for their review of the Employment Law Conference:

Cheree Bontrager, Human Resources Director, City of Sachse
 Dori Lee, Human Resources Director, City of Lancaster
 Keri Johnson, Human Resources Supervisor, City of Rockwall



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.

2007-2008 Newsletter Committee Chair

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TMRS UPDATE

By Jim Parrish, Director of Human Resources, City of Amarillo

The TMRS Board met on December 5, 2008, in Austin. Focus continues to be on the passage of HB360, which contains the changes recommended by the Board and the Legislative Stakeholder Group:

1. Guarantee an annual interest credit of at least 5% to member accounts and set the annuity purchase rate for retirees at a minimum of 5%.
2. Allow the crediting of unrealized income.
3. Allow city accounts to receive annual interest at a rate different from the member rate, including negative interest.

TMRS diversification into equities is occurring while the market is down (good time to buy) while remaining 90% in fixed income. The plan is to continue diversification next year if HB360 passes.

Even with losses due to market conditions, the TMRS portfolio is one of the highest performing pension funds in the country.

The Board adopted its consulting actuaries GRS recommendations to change some actuarial assumptions. The result is some cities will see additional rate increases. Most affected will be cities with 2 to 1 match and annually repeating COLAs. Board members discussed concerns of adopting additional assumption changes after already making substantial changes earlier in the year. The Board voted 4 to 1 to adopt the changes.

Officials from a Metroplex city asked the Board to consider a longer amortization period for cities that want to start a separate retirement plan. All current employees would remain in TMRS, but new employees would go into a new retirement plan. The actuaries indicated that a shorter amortization period would be required if a city closed TMRS to new employees. The result in closing TMRS to new employees and starting a new plan would result in a significant increase in city TMRS rates. The Board agreed to continue a dialogue on the matter with the city and actuaries.

After attending TMRS meetings throughout 2008, I see TMRS staff and Board members working diligently toward more transparency and providing more communication to members and retirees.



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