OLD LAW--NEW PROBLEM: THE SURGE IN FLSA LAWSUITS
John E. Lyncheski, Esq., Cohen & Grigsby P.C.

The courts are becoming cluttered with wage and hour lawsuits. Fair Labor Standards Act (FLSA) cases are emerging as number one in terms of employment lawsuits filed in the U.S. District Courts. The U.S. Department of Labor, more specifically its Wage & Hour Division, which has jurisdiction for enforcing the FLSA, for its part, is in the process of beefing up its investigatory staff by adding 250 new field agents. Except for new regulations issued a few years ago governing exemptions from overtime, this law has remained essentially unchanged for more than 50 years, but it is giving rise to a whole new battery of legal actions on behalf of employees against their employers.

The plaintiffs’ bar is acutely aware of this trend. Law firms such as Morgan & Morgan are very active in “drumming up” FLSA cases. Morgan & Morgan floods the airwaves on radio and TV with “solicitations” for overtime cases and is, in part, responsible for Florida leading the nation in FLSA cases filed. A Rochester, New York law firm has been reaching out to nurses by direct mail and, to date, has filed several large wage and hour lawsuit cases in New York, Massachusetts, Pennsylvania, Illinois AND FLORIDA. In Pennsylvania, several legal actions have been instituted claiming that “8 & 80” overtime schedules pursuant to §7(j)

(continued on page 2)
Message from the President continued…..

Regency Resort at Coconut Point. We have stayed on the forefront of the most legislative change our nation and workplaces have seen with regular and informative updates from our Chapter Legislative Chair.

We have increased our membership and will be approaching our 200th member in a very short while. We have developed a fresh new logo as well as an exciting and "member friendly" website which will allow you to renew your membership online! We have been very active in our community and local schools as well.

As we go to print we have over 20+ of our colleagues in the fall study group preparing for the upcoming PHR/SPHR study group.

I now understand why the year has gone so fast! Time really does fly when you are having fun! The pleasure has been our own.

My sincerest wishes for the best for the remainder of the year to each you!

Michelle Anderson
2010 President, HR Collier
of the FLSA are illegal in Pennsylvania because there is no such counterpart under PA’s wage and hour statute. Neither is there one in Florida. This is only the tip of the iceberg.

The most frequent violation of the FLSA is in the miscalculation of “regular rate”, but it is probably the least consequential in terms of liability. Overtime compensation must be calculated based on the employees’ regular rate of pay, which rate may differ from their base rate because of other forms of compensation which must be included in the rate and which can vary from workweek to workweek. The most expensive violations commonly involve misclassification of individuals as exempt from overtime compensation pursuant to the Section 541 Regulations dealing with “executive”, “administrative” and “professional” employees. Such individuals, to be exempt, must be paid on a salary basis in the amount of at least $455 per week, must, with very few exceptions, be paid that entire salary in any workweek in which they perform any work and must satisfy the specific duties requirements set forth in the regulations for the particular exemption sought to be advantaged.

Most of the lawsuits being filed involve, in some form, the failure to pay the employee for “overtime” work performed in excess of the FLSA limits. Section 7 of the FLSA requires that an employee not otherwise exempt must be paid time and one-half of his/her regular rate of pay for all hours worked in excess of 40 in a defined workweek. There is no daily overtime pay requirement. However, §7(j) allows healthcare employers to calculate overtime based on a 14 day period instead of one week in order to accommodate scheduling in a 24/7 hour operation. Employers taking advantage of Section 7 (j) are required to pay overtime for all hours worked in excess of 80 in the two week pay period and also, as a requirement of having this advantage, for all hours worked in excess of 8 in any one workday. The FLSA overtime provisions are most frequently violated when employees perform work during their lunch period and/or when they perform work related tasks before or after their scheduled shift or “work off-the-clock.”

All employers should take steps to minimize the likelihood that they will be swept up in the surge. First and foremost, supervisors must be trained in the details and requirements of the FLSA and any state specific counterpart laws. As noted above, most FLSA overtime pay violations can be traced to an act or omission of a front-line supervisor and are not attributable to someone in an executive office. Next, each employer should conduct, or have conducted, a vulnerability audit of its FLSA compliance. The audit should involve someone well versed in the FLSA and should include a review of all wage related policies, practices and procedures, time recording and timekeeping practices, payroll practices and procedures and recordkeeping history. The professional conducting the audit should review each of the classifications of employees treated as exempt from overtime pay with particular attention to their duties and “salary basis” as measured under the new §541 regulations. If the employer compensates any employees on an 8 & 80 pay plan pursuant to §7(j), the auditor should study not only whether the plan is administered correctly, but whether any such employees should not be on that system for overtime pay. Finally, practices and policies for part-time employees should be scrutinized to ensure that the employer is not exposing itself unnecessarily to potential FLSA liability for these employees.

The flood of FLSA lawsuits will not go away any time soon. Florida employers are particularly vulnerable to these. The DOL under the Obama administration is committed to more aggressive enforcement of the FLSA. Individual claims are easily turned into collective actions: meaning that a claim on behalf of a single employee or former employee can easily be turned into a claim on behalf of all employees similarly situated. However, this law is relatively straightforward and employers can, and should, take steps to make themselves less vulnerable and to minimize the chance that they will be sued or, if sued, found liable.
HR COLLIER HAS A NEW LOOK

The HR Collier Board of Directors is excited to announce that a fresh new logo has been selected to represent HR Collier. The new logo has clean simple lines and an aesthetically pleasing contrast of blue colors in a rolling wave, to create a recognizable image for the organization. The Board worked with Conric PR & Marketing of Fort Myers in selecting the new design. Our HR Mission Statement remains the same: providing ongoing education, leadership, communication and networking opportunities to the human resource professional. In keeping with this theme, we chose to incorporate blue into the logo representing leadership, as in first place and blue in the corporate world often communicates stability: two things HR Collier is proud to be associated with. In addition, the rolling wave may call up images often associated with Collier County - our beautiful beaches and the crystal clear blue water, gently lapping at our shore!

We hope you embrace the new logo and agree that it will represent the organization in the years to come.

HR COLLIER LAUNCHES NEW WEBSITE

HR Collier is pleased to announce the launch of its new website coming in December. After careful review and analysis of the user feedback submitted in recent years, the project began with two main objectives:

• To create a site that will better serve to educate members and nonmembers alike on HR Collier history, mission and importance.

Just a few of the new elements will include:

• An all new “members only” area;
• Ability to pay for memberships and monthly meetings online; and
• HR Career Center for easy job and resume posting.

We hope these enhancements will better serve our members and guests.

THANK YOU TO OUR VOLUNTEERS!

Special thanks to those who volunteered to be on the 2011 HR Collier Programs Committee and those who have continued to volunteer their time: Michelle Anderson, Corrine Brao, Margie Guhnne, Lori-Ann Martell, Sandy Mello and Steve Csotty.

WORKFORCE READINESS

The Worforce Readiness Committee is moving forward with the project for Collier County Public Schools. Members of the Committee will be speaking to the career counselors and instructors at Lorenzo Walker for scheduling purposes.

Want to volunteer to be on the WR committee? Email libby@human-resources-now.com!
UPCOMING MEETINGS AND EVENTS

November 17, 2010
Panel Presentation - Diversity
Time: 5:00 p.m. to 7:00 p.m.
Location: Quail Creek Country Club
13300 Valewood Drive, Naples

December 15, 2010
Holiday Social

Time: 5:00 p.m. to 7:00 p.m.
Location: Quail Creek Country Club
13300 Valewood Drive, Naples

WELCOME TO OUR NEW MEMBERS!

Kelly Stewart
Vision Ace Hardware

Larysa Ruiz
Quail West Foundation

MANY THANKS TO OUR SPONSORS

HUMANA
SPONSOR OF THE OCTOBER MEETING

PHYSICIANS REGIONAL HEALTHCARE SYSTEM
GOLD SPONSOR OF THE NOVEMBER MEETING
The 2010 HR State Conference & Expo was held at the Rosen Shingle Creek Resort in Orlando Florida from August 30 to September 1. I felt privileged to join the just over 1,400 people from all over the country that attended the annual conference. Most attendees were from the state of Florida, from businesses both large and small. It was a great opportunity to network with other professionals that are facing the similar challenges in our uncertain economy. There were an array of sponsors and vendors to visit in the exhibition hall with both informational products and great prizes.

Henry Winkler, best known for his role as “The Fonz” on Happy Days, gave a rousing presentation at the opening general session on Monday morning. Besides being a Golden Globes Best Actor, he is also a producer, director and author. In 2003, he began writing a series of children’s novels with Lin Oliver, titled, Hank Zipzer: The World’s Most Amazing Under-Achiever. The books were inspired by Henry’s struggles with education while growing up. It wasn’t until he was in his early 30s that he was diagnosed with the learning disorder, Dyslexia. While an actor and children’s author may seem a strange choice for the HR conference, his motivational speech was a great way to kick off the week. He focused on working hard to overcome the difficulties thrown at you and believing in your dreams. As a child he did not get support from those around him but he kept working toward his goals. He encouraged the crowd to support each other, our colleagues, friends, family and most importantly our children.

The Tuesday general session featured China Minor Gorman, former Chief Operating Officer for the Society for Human Resource Management. For over 25 years she has held strategic leadership roles in the human capital services industry. Her message highlighted the importance of leading your organization through turnarounds, growth cycles, and downturns. The one message that resonated with me and the rest of attendees was that “HR matters enormously in good times and HR defines you in bad times.” It is important for HR to be credible and compassionate in difficult times when difficult decisions are made and disseminated to the workforce.

Tuesday night brought an evening in Morocco, complete with sample tastes of Moroccan appetizers, fortune readings and belly dancing! I found routine by the comedian/magician, Dana Daniels and his psychic parrot to be so cheesy that it was actually laugh out loud funny.

Throughout the week there were many great sessions to choose from, covering everything from the legal challenges ahead, workforce development, workplace motivation and strategic management just to list a few. The state conference is a great chance to learn and gain credits toward recertification. The week closed out with Robin Koval, the President of The Kaplan Thaler Group at the closing session and luncheon. Robin helped grow the business from a small start-up company to a company with over a billion dollars in billings. Some of their best known clients include AFLAC and Continental Airlines. She and her partner have co-authored a number of books including their latest: The Power of Small. Their agency has thrived by paying attention to the little details in every situation, meeting with clients, giving presentations and creating the right marketing campaigns. While you need to know the big picture in these tough times focusing on the small things can make the biggest difference between failure and success.

The 2010 conference was a big success and I was happy to meet up with a lot of attendees from Southwest Florida. I hope to see even more HR Collier members at the conference next year!

Terri VanRossem
I-9 WHERE TO START?

Make sure you have the newest form and instructions. (In effect, since April 2009). This can be found on the U.S. Citizenship and Immigration website, www.uscis.gov or on the SHRM website.

Note: Spanish forms can be printed and used as a reference, but the English form is to be completed by the employee. (except in Puerto Rico)

All employees hired after 11/6/86 must complete this form.

Section 1 must be completed no later than the time of hire, which is the actual beginning of employment.

What’s changed?

All documents presented must be unexpired! If a document does not contain an expiration date (social security card) it is considered unexpired.

Two new documents have been added to list A:

- A temporary I-551 printed notation on a machine-readable immigrant visa in addition to the foreign passport with a temporary I-551 stamp.
- A passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with a valid Form I-94 or form I-94A.

Three documents have been removed from list A:

- Form I-688, Temporary resident Card.
- Form I-688B, Employment Authorization Card; all 3 no longer issued.

Why the change?

The Department of Homeland Security (DHS) indicates the changes will significantly improve the security of the employment eligibility verification process. The larger list of approved documents made it more difficult for employers to verify valid and acceptable forms or to spot false documents.

Employers must complete the form within 3 days of hire.

The I-9 must be available for inspection by authorized U.S. Government officials such as Department of Homeland Security, Department of Labor, and the Office of Special Counsel.

Questions:

If employees presented expired passports before 4/3/2009, do you need to ask for new documents? NO

If an employee presents an unexpired document at time of hire now and the document expires during employment do you need to ask for the new copies of unexpired documents? As long as there is no break in employment, employers do not need to re-verify any List B document, Permanent Resident Card, or U.S. Passport. However, employers must re-verify an Employment Authorization Card, VISA or document that establishes employment eligibility and has an expiration date.

Mistakes:

Two types of errors--

Technical/Procedural: Can be corrected. Forget to record the document title? If the supporting document has been kept, you can fix it without contacting the employee. (Fines for these errors are discretionary.)

Do not make things worse by using Black marker or whiteout. Instead initial and date all corrections.

Substantive: Can not be corrected. If audited, will likely face a fine. Example: not signing Section 2.

Photocopied documents for verification: No. “Only original documents (not necessarily the first document of its kind ever issued to the employee, but an actual document issued by the issuing authority) are satisfactory, with the single exception of a certified photocopy of a birth certificate. Second is whether the employer may or must attach photocopies of documentation submitted to satisfy Form I-9 requirements to the employee’s Form I-9. The answer is that this is permissible, but not required. Where this practice is undertaken by an employer, it must be consistently applied to every employee, without regard to citizenship or national origin.”

Retention:

- Maintain separate from personnel records.
- Develop an administrative section. (policies, procedures, instructions, M-274)
- File active employee I-9s alphabetically.
- Develop terminated employee section.
- Assess retention requirements.
- Organize terminated employee I-9s chronologically by retention date.

Shred terminated I-9s past retention date (forms should be kept one year past the termination date or three years after the hire date – whichever is longer).

(Information Contributed by Terri VanRossem as part of July Program -Round Table Discussions Addressing I-9 Compliance)
Social Media

Are You Following Me?

Many businesses are now promoting: “Follow Us on Twitter” and your HR Collier Chapter is no different. Twitter is a micro blog that enables you to send a message to your identified followers or about a topic of interest using a hashtag (#).

As we hope that you are aware, HR Collier’s Technology Committee has a Social Media subcommittee. The Social Media Committee is responsible for your online social media activities such as the “tweets” using the handle of: @HRCollierFL. The team of Lori Burke and Carrie Brancheau tweet about local and state chapter events, SHRM information and anything HR related!

We recently were following the official “twitterers” for and the conversation around the #HRFL10 conference earlier this month. We retweeted (RT) a couple dozen very informative tweets concerning session topics. We hope that some of you were able to follow along and live vicariously through this information and felt as though you were actually there. The account currently has 124 followers, is following 183, and is on 8 lists.

The Social Media Committee stands at the ready to “tweet” and announce HR Collier events, member announcements (certification, promotion, job seekers, etc.). Just send information our way to Lori at: lburke@ingagenetworks.com or post it to the HR Collier Group discussion site on Linkedin (another social media tool that we are using).

So, if you’re not following @HRCollierFL, @loriburke or @Arrieb, you may be missing out on some great information. And don’t forget, this type of following is legal and strongly encouraged!

Happy Tweeting!

Legislative Update

The nondiscrimination rules under Section 105(h) of the Internal Revenue Code have applied to self-insured health plans for over 30 years. However, the recently enacted Patient Protection and Affordable Care Act 2010, as amended by the Health Care and Education Reconciliation Act of 2010 (the “Health Care Reform Legislation”), now imposes nondiscrimination rules on fully-insured, non-grandfathered plans for plan years beginning on or after September 23, 2010 (January 1, 2011 for calendar year plans). Generally under the new nondiscrimination rules, a fully-insured health plan is not permitted to discriminate in favor of highly compensated individuals with respect to either eligibility or benefits provided under the plan.

Unlike the nondiscrimination rules for self-insured plans, a violation of the nondiscrimination rules for fully-insured plans will potentially have financial implications for the plan and plan sponsor, but not the highly paid individuals. Under the new provisions in the Health Care Reform Legislation, a violation of the nondiscrimination rules for fully-insured plans will result in an excise tax on the plan. The maximum excise tax will be determined in the same manner that the excise tax is determined for a violation of the current HIPAA requirements (generally equal to $100 per day per non-highly paid participant).

Since the nondiscrimination rules have not historically applied to fully-insured plans, many employers may have existing discriminatory arrangements (i.e., executives pay significantly lower premiums than other employees, executives are permitted to either enter the health plan earlier than other employees or to be covered in the health plan for a significant period of time after they terminate employment). No additional guidance has been issued yet with respect to how these nondiscrimination rules will apply to fully-insured plans; however, the provisions in the Health Care Reform Legislation state that rules similar to the nondiscrimination rules that apply to self-insured plans will apply.

At this time, employers with non-grandfathered fully-insured arrangements should review their plans and employment agreements to determine whether any potential discriminatory practices exist and consult with the appropriate advisors to determine whether changes should be made at this time.

By Otto Immel
Foundation Spotlight News - 

Your Financial Support Makes A Difference!

Are you aware of all the benefits that the Foundation provides to SHRM Members? The SHRM Foundation is a 501(c)(3) nonprofit organization. Your tax-deductible donation helps to fund Foundation advancements for the HR Profession. Below you will find just a few examples of the many activities the SHRM Foundation undertakes to support the future of the HR profession, which is made possible by your generous support.

As you reflect on the many causes and organizations worthy of your charitable support, please consider giving back to your profession through a tax-deductible gift to the SHRM Foundation.

With your financial support, the SHRM Foundation strengthens and advances the HR profession by assisting individuals in their pursuit of greater academic credentials, by supporting researchers who bring us greater understanding of the complexities of HR, and by creating materials that explain how practitioners can capitalize on the new knowledge that research provides.

All HR Collier Board members will be making a personal donation to the Foundation as part of our annual Leadership Campaign.

A $25 donation will entitle you to have your name listed under the Professional’s Circle of donors on the SHRM Foundation Annual Honor Roll list of contributors, but a donation of any amount would be very much appreciated.

You can make your contribution online at: http://www.shrm.org/about/foundation/contributions/Pages/default.aspx. Please include HR Collier’s Chapter Number 476.

Here are some of the ways you can benefit as a SHRM Member:

Key Findings from SHRM Foundation-Funded Studies. The SHRM Foundation supports researchers who bring us greater understanding of the complexities of HR. During the past three years, the Foundation has funded more than $1.6 million in research grants for studies that advance the knowledge base of the profession.

The “HR Research Results” brochure presents the results of recent SHRM Foundation-funded projects in an actionable way, so HR professionals can apply this knowledge in their organizations. The topic areas are: The Impact of HR Practices on Organizational Social Performance; Telework Programs; and The Link Between Performance Appraisals and Culture. Contact the SHRM Foundation at 703-535-6020 to request a printed copy, or download a pdf free from the SHRM Foundation website.

Educational DVDs. The SHRM Foundation has created a series of educational DVDs that feature real-world case studies of successful companies that align HR strategy with corporate business objectives. The DVDs are distributed free of charge to SHRM chapters, educators, and businesses. The SHRM Foundation also offers a discussion guide and power point presentation for use in SHRM chapter programming, staff trainings, or executive education sessions. The HR Certification Institute has approved many of the DVDs for one hour of credit, when used with the companion materials as part of a 1-hour educational session (see the Foundation website for details).

For more information about the DVDs, visit the “SHRM Foundation Products” section of the SHRM Foundation’s website at www.shrm.org/foundation. The DVD series is made possible by your tax-deductible contributions to the SHRM Foundation.

Effective Practice Guidelines. If you are like most HR professionals, you probably lack the time to keep up with the latest research findings in human resource management. Yet knowing which HR practices have been shown by research to be effective can help you in your role as an HR professional. The SHRM Foundation’s Effective Practice Guidelines are a series of reports that distill the latest research findings and expert opinion into specific advice on how to conduct effective HR practice. They are written in a concise, easy-to-read style to provide practical information to help you do your job better.

The SHRM Foundation publishes new reports each year. One recent report is called Employment Downsizing and Its Alternatives: Strategies for Long-Term Success. This report recognizes that employment downsizing is a fact of working life as companies struggle to cut costs and adapt to changing market demands. Based on the latest research, the
The report helps managers consider the variety of short- and long-term costs of layoffs and effective alternatives to downsizing.

There are many other titles in the series. All of the titles are available as free .pdf downloads under "SHRM Foundation Products" on the Foundation website (www.shrm.org/foundation).

Scholarships for HR Professionals. Are you a SHRM member pursuing a college degree (HR, business, psychology, etc.) or professional certification? With generous underwriting from the J. J. Keller Foundation, Inc., the SHRM Foundation will award $100,000 in scholarships to SHRM professional members in 2010.

Foundation Scholarship Awards come back locally. Congratulations to HR Collier member Lori Burke who was awarded with two scholarships from the SHRM Foundation last year:

Barbara Sanchez Academic Scholarships ($1,500) and
SOUTHEAST REGION Academic Scholarships ($1,375)

Research on Human Capital Challenges. The SHRM Foundation recently released a study that concluded that “finding and retaining the best talent” is the most critical challenge facing America’s chief executives and their organizations. The results of this study are being used by the SHRM Foundation to design tools and resources to help organizations address many of the future challenges that research participants identified. The research revealed that the five most significant future challenges facing companies (regardless of size, location, or industry) were: 1) succession planning; 2) recruiting and selecting talented employees; 3) engaging and retaining talented employees; 4) providing leaders with skills to be successful; and 5) rising health care costs. Visit the SHRM Foundation website to read the full report (www.shrm.org/foundation/07chro.pdf).

The Masters Series at the SHRM Annual Conference. Sponsored by the SHRM Foundation for the 16th year, the Master Series during the SHRM Annual Conference is a series of senior-level programs (open to all conference attendees) that offer insight into the HR profession from thought-leaders and top academicians. These in-depth learning sessions feature internationally known experts in the field of management science, with a focus on timely and provocative issues that affect your career and industry.

Student Scholarships. The SHRM Foundation supports the development of future HR leaders through several programs that support students and their educators.

Each year, the SHRM Foundation awards $50,000 in scholarships for SHRM student members. Only national SHRM student members are eligible to apply for these scholarships and the application deadline was October 15, 2010.

In addition, the SHRM Foundation recognizes the important work of SHRM student chapter advisors by supporting the annual Advisor of the Year Award. The SHRM Foundation also partners with the HR Division of the Academy of Management to present four $5,000 awards to support the dissertation research of promising doctoral candidates. For more information on these and other Foundation-sponsored awards and scholarships, visit the SHRM Foundation website (www.shrm.org/foundation/educationgrants.asp).

Graduate Programs Directory. If you are thinking about getting your master’s degree, or if your company is looking for opportunities for recruitment, the SHRM Foundation’s Graduate Programs Directory can help.

The SHRM Foundation offers an online, comprehensive directory of close to 200 master’s degree programs in human resource management, HRD, I/O psychology, and more. The directory provides information on programs of study, location, curriculum, tuition, student demographics, and more. Full-time, part-time, online and distance learning programs are included.

Access to the online directory is free to SHRM members; visit the SHRM Foundation website (www.shrm.org/foundation).
Generating Research-Based Knowledge. The SHRM Foundation is the leading funder of HR research grants—providing funding for high-impact, original HR research that advances the knowledge base of the profession. In the past 12 years, the SHRM Foundation has funded more than $2.3 million in research grants for over 100 research projects.

To learn more and to review the results of recently completed SHRM Foundation research, visit the foundation website (www.shrm.org/foundation/findings.asp).

Evaluating Human Resources Programs. The SHRM Foundation co-published a groundbreaking book offering readers a systematic method for enhancing the value and impact of HR and supporting its emerging role as a strategic organizational leader. Evaluating Human Resources Programs: A 6-Phase Approach for Optimizing Performance provides a practical framework for adjusting and realigning strategies across all types of HR programs. To order a copy of Evaluating Human Resources Programs, visit the SHRM Store online (www.shrmstore.shrm.org).

Let’s do as well or better than 2009:

- HR Collier received a Foundation Chapter Champion award.
- Of the top 10 Chapters overall, HR Collier ranked 7th in contributions at $4,032.
- For the All Star Chapter Contributions by Size – HR Collier ranked 5th in the top 10 for the highest per person donation (Chapter’s donation / # of Chapter members at $24.74)

Thank you in advance for your support!

Kathy Phelps, SPHR
HR Collier Foundation Director

DIVERSITY

Guess who's not celebrating Christmas this year? Millions of people in the United States. That's right. Tens of millions of Americans don't celebrate Christmas religiously, either as followers of non-Christian religions (Buddhists, Muslims, Hindus, Jews) or as individuals with no religious affiliation. Because many stores tap into the cash value of Christmas with their plethora of Santas, ornaments, and Christmas fanfare at your nearby mall, we can easily overlook the depth of the diversity present in America during this season. In reality, many different events, both spiritual, religious, and tradition based, are being celebrated in many different ways during these times.

It used to be that being inclusive meant sending out politically correct “Happy Holidays” greeting cards and changing Christmas office parties to “holiday parties.” Today, celebrating inclusiveness and diversity is about more than just changing labels and titles. Celebrating diversity and inclusiveness is about using the holiday celebration time to be with friends and family to build understanding and awareness about others.

Three Ways to Build Your Awareness of Diversity and Create an Inclusive Holiday Environment:

1. Learn about other religious or holiday celebrations.
   Carve out some time from online shopping or a holiday TV show to learn about another culture’s celebrations during this time. Watch a TV special about other celebrations, do a Google search on a holiday, or check out books at your local bookstore while gift shopping. Share your learning with others, and use it as a chance to expand the conversation at parties and at the dinner table.

2. Make no expectations about other religious or holiday celebrations.
   Realize that people celebrate a variety of holidays during this time of year, and some people choose to celebrate none. Be respectful of these differences by taking interest in other people's traditions and making them feel welcome. Don't be afraid to ask people what holidays they celebrate. Find out what they do during this time of the year that is special. Let it be an opportunity to learn about different cultures and religions and the traditions that accompany them.

   (continued on page 12)
3. **Mark your calendar and your address book with other scheduled religious or holiday celebrations.** If the calendar or PDA you use does not list holidays like Kwanzaa, Hanukkah, Ramadan, and Diwali, find out the dates and record them as reminders. Many programs like Microsoft Outlook allow users to add calendar dates for celebrations from different parts of the world automatically, making this task quick and effortless. Take a few minutes to mark your address book with the holidays that people celebrate. When writing holiday cards, recognize their holiday, and include a little hand-written note acknowledging their celebration.

   **A Note for Employers about Religious or Holiday Celebrations.**

Here are a few extra things employers can do to make their workplaces more inclusive during the holidays.

- Make sure your holiday party isn't a Christmas party in disguise. Decorations and food should be general, and not specific to any religion.
- Consider having a New Year's party instead of a holiday party. This type of party can get everyone on board with the company's mission and vision for the New Year.
- Post holiday greetings on your webpage and Intranet for many religious holidays.
- Be respectful of these special dates, and plan events and meetings around various holidays.
- Display a multi-cultural calendar to help all employees stay aware of important cultural events for the rest of the year.

- Be flexible with the needs of different employees about religious or holiday celebrations.
- Encourage employees to share their celebrations through stories, decorations, and foods that they can bring to their workplace.

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Simma Lieberman helps organizations create environments where people can do their best work and be successful. She specializes in Diversity and Inclusion, Diversity Dialogues, and Eliminating Fear and Self-doubt. Simma is the co-author with Kate Berardo and George Simons of the book, *Putting Diversity to Work*. She can be reached at Simma Lieberman Associates.

**Suggested Reading:**

- *Diversity - Just Like Me: Search for Similarities*
- *Diversity: Women and Work: Then, Now, and Future Diversity Issues*
- *Winter holiday activities for middle and high school classes*
- *Holiday Celebration for Motivation and Team Building*
- *Stress Less for the Holidays Create a Very, Merry Holiday Season: Tips for Less Stress*

**Related Articles**

- *Religion, Ritual, and Holidays: Structuring Life by the Calendar*
- *Merry Christmas vs. Happy Holidays: Not Saying Merry Christmas is like Deny...*
- *Atheists & Christmas: What do Atheists do During Christmas Holidays?*
- *Atheism, Holidays and Rituals: Finding Meaning*

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**WHAT INFORMATION WOULD YOU LIKE TO SEE IN YOUR NEWSLETTER?**

Let us know by emailing John Lyncheski at Jlyncheski@cohenlaw.com
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| **Human Resources Specialist**  
Naples, FL  
HarborChase of Naples, an HRA community, is seeking candidates for the full time position of Human Resources Coordinator. In this position the successful candidate will be responsible for administering the Worker’s Compensation process; maintaining OSHA logs, labor law regulations, along with state and federal regulation postings; community associate files, recruitment, on-boarding and training of newly hired associates; company benefits; COBRA administration; and other employee relations duties.  
Two to five years experience is required. Must have a Bachelor’s Degree. Prior Human Resources experience is a must. Supervisory experience and strong computer and communication skills are required. Must be proficient in MS Office, Word, and Excel; fluent in English (spoken and written); able to interact on a professional level with clients, business associates, and co-workers.  
For more information, please contact HarborChase of Naples at 239-566-8077.  
**Human Resources Coordinator**  
Ava Maria, FL  
Ave Maria University is seeking a part time Human Resources Coordinator to provide administrative support to the Human Resources Department (Ava Maria University) by processing bi-weekly payroll, scanning and special projects as assigned.  
Qualifications/Requirements: Solid understanding of payroll processing (actual processing experience preferred); proficiency in Word and Excel; possess clear written and verbal communication skills; excellent attention to detail; work well in a team environment and able to maintain confidential information.  
Interested applicants should send a resume describing previous professional experience and three references to:  
Ms. Christie Murphy  
Human Resources  
5050 Ave Maria Boulevard  
Ave Maria, FL 34142-9505.  
Christie.murphy@avemaria.edu.  
NO PHONE CALLS PLEASE. |
| **Human Resources Representative**  
Naples, FL  
Parker Hannifan Corporation, a provider of systematic, precision-engineered solutions for a wide variety of commercial, mobile, industrial and aerospace markers with more than 52,000 people employed in 48 countries around the world is seeking a temporary Human Resources Representative for its Naples, Florida location responsible for generalist and/or specialized functions and assigned projects in various human resources areas. This candidate would provide human resources expertise and services and participate in continuous improvement of human resources procedures.  
Two to five years experience required. Must possess a Bachelor’s Degree in Human Resources, Business or related field, or an equivalent combination of education and experience which has provided both theoretical and practical knowledge in the field. |
| **Human Resources Manager**  
Ft. Myers, FL  
Dermatology Practice seeks a full time Human Resources Manager responsible for all aspects of HR including recruiting and interviewing applicants; orientation of new staff and termination/exit procedures; coordinating and administration of staff benefits including health insurance, disability and supplemental insurance, 401(k) and COBRA. The successful candidate would be responsible for handling all HR functions for a multi-site practice.  
College degree in HR with at least two years experience in employment recruiting and Human Resource Management a must. Applicants without an HR degree but minimal 5-10 years HR experience will be considered. Prior medical office experience a plus. Knowledge of and experience with Microsoft Word, Outlook, Platinum Pay and Webclock (or other HR/payroll software) a plus. Must be able to multi-task and possess great organization and communication skills.  
Fax resume to: 239-236-1709  
See [www.monster.com](http://www.monster.com) and [www.careerbuilders.com](http://www.careerbuilders.com) for more information on the positions noted above and for other job openings |