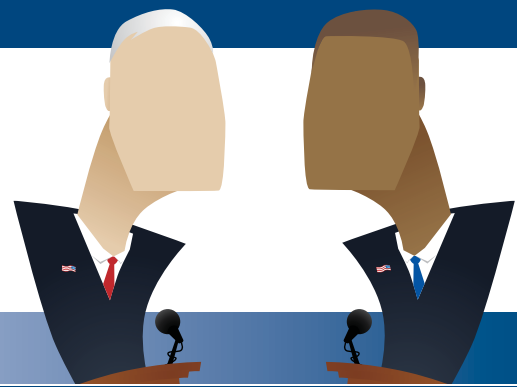


# BALANCE *view*

NEWS AND INFORMATION ON HR AND AFFIRMATIVE ACTION ISSUES

Berkshire Associates Inc. Newsletter - Qtr. 3 - 2008



## Politics from an HR Perspective

### UPCOMING EVENTS

**Virginia State SHRM  
Conference & Exposition**  
Richmond, VA  
Oct. 22-24

**SHRM Diversity  
Conference & Exposition**  
Atlanta, GA  
Oct. 27-29

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## From the Oval Office to Your Office— The Effects of a New Administration

By: Beth Ronnenburg, SPHR

America's general election is right around the corner, and the Presidential pick will be historic. Our vote will determine the country's direction and the consequences of our selection. This political season has been momentous with the possibility of either the first African-American President, Barack Obama; or the oldest President, John McCain, and first female Vice President, Sarah Palin. Regardless of who wins the election, a paradigm shift in policy and its implementation is inevitable. According to a survey of workplace issues released in October 2008 from the Association of Corporate Counsel (ACC), six out of ten corporate counsels expect this year's presidential election to have an impact on labor and employment laws at their companies.

Experts also predict this election will ignite a revival of employment regulations. It is important for HR professionals to remain up-to-date and aware of how the election could impact human resources.

The following HR-related areas are cited for review and amendment:

- Immigration
- Health Care Reform
- Civil Rights
- Labor Laws

#### **Immigration**

Border security is a critical issue for both candidates, as well as implementing an

effective process to give undocumented workers an opportunity to become citizens.

There are, however, stark differences in the approach to solving America's immigration issue. Obama is seeking to secure the borders at the federal level, while McCain is proposing that border security be the responsibility of the Border States. McCain wants border state Governors to go through a verification process and verify their borders are secure. Obama wants to implement harsher penalties for employers who hire undocumented workers and create a new employment eligibility verification system.

#### **Health Care Reform**

Health care is another hot topic for both candidates. The changes to the health care system will affect everyone, from individuals to employers. Obama and McCain have very different strategies for our nation's health care reform.

*See From the Oval Office...cont. on page 2*

### Fast Facts

By: Lauren Perry

According to a recent poll conducted by Monster.com, "...of 26,000-plus Monster users who responded, 30 percent said when it comes to talking politics with coworkers, the best policy is 'don't ask, don't tell.' Forty-six percent said the best way to deal with political discussions at work is to 'listen, but keep your opinions to yourself.'" How has your office culture handled the political season? Is there a different approach you may want to take when sharing your opinions?

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## Mission Statement

BALANCE *view* is Berkshire Associates voice to the HR Community. Our mission is to provide up-to-date information on trends and challenges facing HR professionals. BALANCE *view* is also an extension of Berkshire's mission to provide outstanding, balanced services and software solutions to organizations of all sizes, shapes, and business focus. Berkshire's balance comes from its staff of expert HR consultants as well as its innovative team of software developers that turn your ideas into reality. The entire staff of Berkshire Associates wishes to provide you with outstanding service, products and information to help BALANCE your workforce.

## From Our Editor

By: Dawn S. Hyde

This year's election is, without a doubt, a necessary time for everyone to take action and make serious decisions, not only in selecting our next President, but also in our organizations.

The role of the human resource professional during this political season is twofold:

- 1) Deciding if the political banter in the workplace is a hindrance or motivator—should it be allowed?
- 2) How the outcome of the election will likely affect your organization.

At Berkshire, one thing we focus on is the strength in our diverse views and approaches. Working together with an openness to ideas different from our own has helped us to accomplish great things over the last 25 years, which in turn helps us provide customers with products and services that best meet their needs.

One thing I encourage in the workplace is the sharing of viewpoints, but with respect and openness. As an HR professional I find it natural to observe conversation in the hallways, the kitchen, and at team gatherings before meetings. The past months have showcased one main topic of choice—the election. There are both positives and negatives to being open to political discussions in the office. In the article, "Discussing Politics in the Office—How Will You Cast Your Vote?" by Lauren Perry, the pros and cons of the topic are outlined. From a business owner's perspective, if you can use the political discussions as a way to bring employees closer together while strengthening the act of open-mindedness, it can actually strengthen your organization.

Once November 4<sup>th</sup> passes, the political chatter in the office may subside, but it's important as HR professionals we look beyond the selection of our new President, and focus on some of the changes we may see, which will likely affect our organizations.

I strongly suggest taking a proactive approach at understanding how the decisions of our nation will likely affect the decisions companies make regarding their HR. Our feature story by Beth Ronnenburg, SPHR, titled, "From the Oval Office to Your Office," reviews the most pressing issues that have the potential to impact your organization.

As I head to the polls to vote, I will choose based on the issues which are most important to me, my personal opinion, and beliefs. Regardless of which set of candidates I select, I will continue to be open to the views of individuals at my company, and think ahead on how to adjust to potential impacts of each party.

Berkshire has already been preparing for the effects either administration will have on our clients, products, and services. As you read through this newsletter, I hope you too can gain more insight on the possible outcomes of this history-making election.

*From the Oval Office...cont. from page 1*

Obama wants to create a new national health plan that would be available to all Americans. Under this plan, employers who do not offer or make a 'meaningful' contribution to health care would pay a percentage of their payroll towards the national health plan. Also, employers would be reimbursed for a portion of the catastrophic illness costs they incur above a threshold; employers would have to use those reimbursements to reduce the cost of workers' premiums. His plan does not specifically address how employers' costs could be reduced.

McCain believes the key to reform is to restore control to patients. He feels Americans need portable insurance that moves with them from job to job. McCain's plan includes putting families in charge of what they pay for by expanding the benefits of Health Savings Accounts for families. He is also in favor of reforming the tax code to offer more choices beyond employer-based health insurance coverage.



### **Civil Rights**

McCain and Obama's voting history and future agenda on Civil Rights are well-aligned with their party's ideology. McCain opposes the proposed federal constitutional amendment to ban same-sex marriage. He is in favor of giving the power to the states to decide. Obama also opposes a federal ban on same-sex marriage but supports laws that give same-sex partners similar rights under current marriage laws.

McCain wants to keep the "Don't Ask Don't Tell" military policy. "...The policy is working. And I am convinced that's the way we can maintain this great military. Let's not tamper with them," says McCain. Obama is advocating for inclusion of sexual orientation in employment discrimination law. Obama's position arguably offers greater protection against discrimination than "Don't Ask Don't Tell."

Obama supports the Paycheck Fairness Act (PFA) by expanding damages under the Equal Pay Act (EPA) to uncapped compensatory and punitive damages. He also wants to remove caps on compensatory and punitive damages under Title VII of the Civil Rights Act. Obama is also in favor of lengthening the permissible period to file a charge with the Equal Employment Opportunity Commission (EEOC). McCain does not support equal pay for equal work legislation. He believes it's training and education that are needed.

### **Labor Law**

As with Civil Rights, the candidates' positions are predictable. Obama is pro-employee, while McCain is pro-employer. Obama wants to raise the minimum wage and index it to inflation, and expand FMLA to companies with 25 or more employees. McCain is seeking to reduce the federal corporate tax rate from 35% to 25% to stay competitive with major trading partners. He will also establish a permanent corporate tax credit equal to 10% of wages spent on research and development.

Obama will encourage states to adopt paid-leave systems, and require employers to provide seven paid sick days per year. He also supports the Employee Free Choice Act, amending the National Labor Relations Act to establish stronger penalties for violation of employee rights when workers seek to form a union and during first-contract negotiations. Obama endorses requiring employers to extend the lay-off notification period from 60 to 90 days and reduces the employer size from 100 to 50.

### **The Election Itself**

Now that we have a better understanding of the HR issues, and how the candidates feel about them, what about the election itself?

Currently in the Senate there are 49 Republicans, 49 Democrats, and two Independents who caucus with Democrats. Thirty-five of the 100 Senate seats

are being contested (23 Republican and 12 Democrat). Pundits agree that most Democratic states are safe but many believe some Republicans will move to Democrats. Either party needs 60 Senators to defeat a filibuster.

In the House of Representatives, the current makeup is 199 Republicans, 235 Democrats, and one vacancy. All seats are being contested, and Democrats are expected to maintain control. What does this mean?

### **If Obama wins and Democrats keep control of the Senate and House:**

- Initiatives will need to be prioritized and acted upon—in most cases Democrats are viewed as pro-employee and not pro-employer
- Taxes will need to be raised, or curb spending to pay for them

### **If Obama wins and Republicans gain control of the Senate and House:**

- Compromises will need to be reached

### **If McCain wins and Democrats keep control of the Senate and House:**

- Don't expect many changes to current HR related laws and regulations
- Democrats will unlikely have enough gains to overturn vetoes

### **If McCain wins and Republicans gain control of the Senate and House:**

- Pro-employer legislation expected; status quo as it relates to employee rights

This election has many HR professionals anticipating the next chapter in policy. Before we turn the page, here are some things we can do to prepare:

- Stay informed on pending legislation and candidates position
- Write your elected officials
- Visit [www.shrm.org/government/](http://www.shrm.org/government/)

### **Sources:**

- [www.barackobama.com](http://www.barackobama.com)
- [www.johnmccain.com](http://www.johnmccain.com)

# Discussing Politics in the Office—How Will You Cast Your Vote?

By: Berkshire Associates Inc.

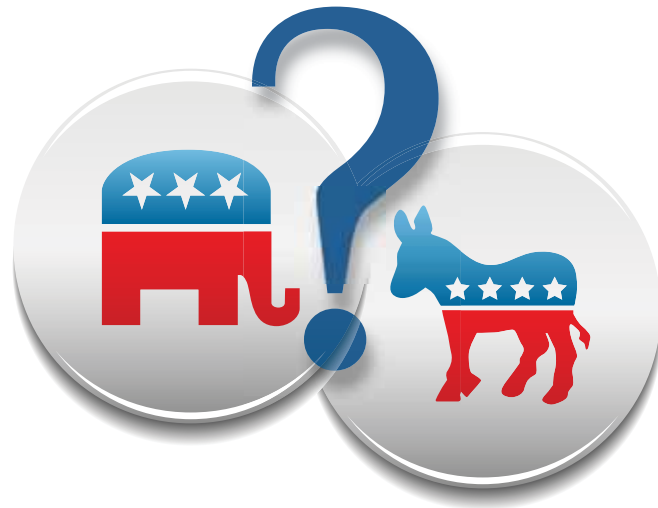
It's election time, and in the spirit of the Presidential matchup, which has been one for the record books, many people can't help but voice their opinions. Will this cause a problem when these opinions inevitably spill into the work environment?

Work is a place to do business, but it's also a place where individuals spend a lot of time, so it's not uncommon to overhear a discussion on Iraq or healthcare by the coffeemaker. Most people can respect the differences in opinions of their colleagues, or even create stronger bonds over common thoughts, but not everyone is comfortable with open discussions of such an important nature.

This political chatter in the office can put HR in a tough position—do they allow employees to say whatever is on their minds or do they ban political discussions in the workplace? According to an HR Executive Online article, Peter Susser, partner and chair of the international employment labor practice group at Littler Mendleson in Washington says, "There is no legal requirement to ban discussions from the workplace, however, most companies conclude it's in their best interest to try and keep such conversations to a minimum, so employees focus on the work at hand, rather than on the latest polls."

Some of the possible negative impacts of discussing politics at work are:

- Lack of productivity
- Possible arguments and relationship hindering
- Uncomfortable environment for co-workers who are not involved



Some positives include:

- Sense of freedom and self-expression
- Pathway to connect with co-workers
- Resource for refreshing the mind

Every company wants their employees to be happy, which in turn leads to more efficiency and a higher level of task completion. As HR professionals, our priority is to make sure employees can reach this level. Therefore, being on the fence about whether political chatter is a good or bad thing for your company is normal.

Some things HR professionals can do to keep employees engaged and on track during this election season is to remind everyone it is all right to communicate among one another, but it should always be respectful and nonjudgmental. If you start to receive complaints or notice some employees becoming uncomfortable, you may have to reassess the situation and set guidelines limiting some of the chatter to private conversations, or none at all. Each company is unique, so it is important to pay attention to how people are handling the chatter—as a hindrance, or a motivator.

In the end, remember politics often stir up emotions. If people can handle these emotional discussions, then perhaps they can also transfer that skill to other aspects of their work. So before you cast your ballot on this debate, stand back and see if this political banter is actually a stepping-stone for an even happier workplace culture.

INTERESTED IN HAVING A  
BERKSHIRE EXPERT SPEAK  
AT YOUR NEXT EVENT?



CONTACT  
LAUREN PERRY AT

[LAURENP@BERKSHIREASSOCIATES.COM](mailto:LAURENP@BERKSHIREASSOCIATES.COM) OR  
800.882.8904 EXT. 1307

# Announcement: Berkshire Training Expands to Online Options

By: Berkshire Associates Inc.

Berkshire Associates offers comprehensive human resources training for HR professionals throughout the country, and is committed to giving them the tools they need to achieve the best results possible. That's why we have expanded our signature training classes to include a collection of online learning options. You now have access to the same great content and expertise, just with more choices designed to suit your needs. Choose from four delivery options to learn on your time, at your pace, and wherever you choose.

Both online and public training programs are developed by experienced human resource professionals and subject matter experts maintaining the highest quality standards. Our expert consultants provide progressive training on the most important aspects of the industry, including regulation changes and trends. We are HR professionals, so we understand what our fellow HR professionals need to thrive in their workplace. Below you will find detailed descriptions of Berkshire's training delivery options. If you need further information, please contact Berkshire at 800.882.8904 or [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).



## Self-Paced Online Training

Take advantage of our Self-Paced Online training which can be taken 24 hours a day, 7 days a week, from the convenience of any computer. This option is perfect for individuals who want on-demand control of when and where they take their training. As an added benefit, you have 12 months to access training from date of purchase. Purchase one seat, or enough for your entire organization. Register for Self-Paced Online training classes at: [http://www.berkshireassociates.com/training/selfpaced\\_ot.aspx](http://www.berkshireassociates.com/training/selfpaced_ot.aspx).

# Training Schedule

## Fundamentals of Affirmative Action:

November 18-19  
January 6-7

## BALANCE<sup>aap</sup> Software Training:

November 20 • December 11  
January 8 • January 29

## Affirmative Action Plan Workshop:

(software purchase and training are required)  
November 21 • December 12  
January 9 • January 30

## AAP Boot Camp:

(register for four days in a row for the  
above three classes and save \$170)  
November 18-21  
January 6-9

## Breakfast Series:

*Pay for Performance*  
November 12  
*The Marriage of Diversity &  
Affirmative Action*  
December 17

Our classes are available at our facility or a location of your choice. Additional customized HR training options are also available.

For more information, or to register online, visit:  
[www.berkshireassociates.com/training](http://www.berkshireassociates.com/training)  
or call 800.882.8904 ext. 2001.



## Instructor-Led Online Training

Instructor-Led Online training is a convenient way to get the information you need, right from your desk. This option offers the benefit of being guided by an expert trainer without having to leave your office. Your trainer will guide you through the training session, and you'll finish with the practical knowledge you need to get the job done. All our Instructor-Led Online training classes are live and individually scheduled. Software training is also available in this format. To register for an Instructor-Led Online training session, call Berkshire Associates at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).



## Public Training

Public training classes allow you to get away from your office and join fellow HR professionals in a classroom style environment. Public training is led by subject matter experts and offered at our Columbia, MD facility, as well as

select regional locations throughout the year. Some of our interactive public training classes include: Fundamentals of Affirmative Action, BALANCE<sup>aap</sup> software, Affirmative Action Workshop, and our HR Breakfast Seminar Series. You can register for public training classes at: <http://www.berkshireassociates.com/training>.



## Private Training

Private training gives you the opportunity to work directly with our expert consultants at the location of your choice. Any one of Berkshire's training classes can be delivered as a private session, and can be customized to meet your unique organizational needs. Call Berkshire at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com) to discuss private training options.

Please see [PAGE 8](#) for ADA online training regulation update.

## Did You Know?

### OFCCP—Next Round of Scheduling Announcement Letters Sent

By: Berkshire Associates Inc.

On September 10, 2008, the Office of Federal Contract Compliance Programs (OFCCP) held its latest webinar, educating professionals on its directives for the remainder of the year, along with information regarding the next corporate scheduling announcement letters. The following directive may have implications to online applicant management systems and related processes. According to the OFCCP, as of July 10, 2008, all compliance evaluations will include a review of online application systems to ensure a contractor is providing equal opportunity to qualified individuals with disabilities and disabled Veterans. Some examples of processes which may not provide equal opportunity include:

- 1) kiosks that may impose a difficulty for someone in a wheelchair or scooter; and
- 2) someone with a visual disability may not be able to see or interpret

graphics on a website; thus the website must be able to work with adaptive technology (e.g., speech activated software).

The OFCCP will not refer this type of investigation out to another federal agency. Visit <http://www.jan.wvu.edu/> for assistance.

Learn more about all OFCCP directives at: <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dirindex>.

Corporate Scheduling Announcement Letters were issued the first week of October. There are 2,500 organizations on the list to be audited; the actual audit letters will be mailed the second week of October. In March 2009, another 5,000 organizations will receive an audit letter. Also, the OFCCP had previously announced one in 25 organizations would be randomly selected for an on-site component to a desk audit. During the webinar, they announced, moving forward, there would be one in 50 organizations randomly selected for an on-site review.

For more information, call the OFCCP Help Line at 800.397.6251 or email [ofccp-public@dol.gov](mailto:ofccp-public@dol.gov). To find out how Berkshire can best assist you with your affirmative action, pay equity, applicant management, or recruitment needs, please contact us at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

## Out and About

By: Lauren Perry

The second half of Berkshire's year started off busier than ever as we worked diligently to keep clients compliant and up-to-date on the latest regulations and trends, while traveling the country to educate fellow professionals on the topics that concern them the most.

Our first stop of the quarter was the local Baltimore Industry Liaison Group (BILG) meeting on July 8<sup>th</sup>, where we mingled with fellow professionals and gained more information on prevalent industry topics. We then headed west for the National Industry Liaison Group Annual Conference & Exhibition (NILG) on July 29<sup>th</sup>, in Orange County, CA, meeting professionals from across the country and identifying critical needs based on regulation changes and evolving trends.

Following the NILG conference, our VP of Client and Administrative Services, Beth Ronnenburg, SPHR, headed to the 24<sup>th</sup> Annual NCHRA HR West Conference. There she spoke to attendees about the potential effects of the upcoming election on HR, in a presentation titled, "From the Oval Office to Your Office." We finished our travels for the quarter on September 17<sup>th</sup>, as our Senior HR and Diversity Specialist, Sybil Randolph, PHR, presented at the Association of Legal Administrators Annual Meeting on the "The Marriage Between Diversity & Affirmative Action." For more information on the above presentations, or to book a Berkshire speaker at your next meeting or event, please contact Lauren Perry at 800.882.8904 ext. 1307 or email [lauren@berkshireassociates.com](mailto:lauren@berkshireassociates.com).

Amidst our travels, one of our biggest highlights of the quarter was launching our online training options, which feature the same great classes, in an online version. Online training allows users to learn at their own pace, and their own time. To find out more about



our online training visit: [http://www.berkshireassociates.com/training/selfpaced\\_ot.aspx](http://www.berkshireassociates.com/training/selfpaced_ot.aspx).

Along with the online training launch, we continued to conduct numerous on-site training sessions and seminars. We took our Fundamentals of Affirmative Action Planning seminar to Atlanta, GA on Oct. 7-8, meeting with HR professionals from around the country to train them on the latest affirmative action plan preparation techniques and regulation updates. Amidst all our training, we have also been diligently working on audit plans, ensuring OFCCP compliance for all our clients.

To make things even easier for clients this quarter, Berkshire finalized strategic partnerships to enhance its BALANCEtrak applicant management software. BALANCEtrak has integrated with two online solutions, allowing users to take advantage of the latest job posting technology provided by Arbita™, and background screening provided by Global Investigative Services. These two solutions give HR professionals the tools they need to accomplish their biggest recruitment goals.

Berkshire finished the quarter by publishing its newest white paper written by our Training Manager, Nicole Yeldell, titled, "New Trends in Training Delivery." To view this informative white paper and learn about the latest trends in training delivery, please visit: [http://www.berkshireassociates.com/infocenter/whitepapers/trends\\_in\\_training\\_delivery.pdf](http://www.berkshireassociates.com/infocenter/whitepapers/trends_in_training_delivery.pdf).

To find out what Berkshire has in store next, make sure you check out the special 4<sup>th</sup> quarter issue of BALANCEview.

## Meetings & Seminars

Our computer room is equipped with 13 high resolution computers. Each computer has high speed Internet access, CD-Rom drive, & 15" LCD Flat-Panel monitors.

In addition, the room includes:

- Two printers
- Ceiling mounted LCD projector
- White board
- Instructor podium

*Specifications for workstations can be configured to meet your needs. One hour of technical support is included.*

### Meeting Room Space

The standard meeting room accommodates 30 people & includes:

- Tables that can be configured in various ways
- Ceiling mounted LCD projectors
- White board & flip chart
- Instructor podium with laptop
- Speakers & clip on microphone

### Services & Amenities

Berkshire offers the options of:

- Catered Continental breakfast
- Catered lunch

**For your convenience & use, Berkshire provides:**

- Full kitchen with refrigerator
- Unlimited beverages
- Afternoon snack
- Private client room with phones, computers, & Internet access

### Contact Information:

To book a training room, or for additional information please call 800.882.8904 ext. 1220.

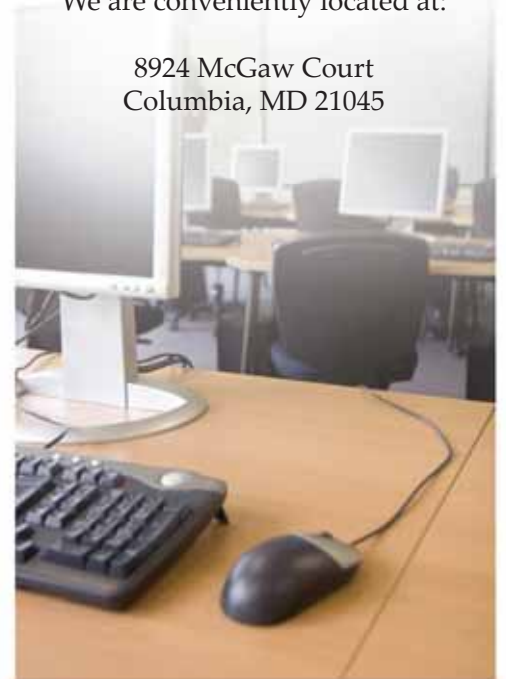
## Meeting and Training Room Rental Space

### AVAILABLE!

Worried about where to book a room for your next training class or meeting? Need computers? RELAX!

Berkshire Associates removes the stress of locating a facility that offers meeting & training room rental space. We are conveniently located at:

8924 McGaw Court  
Columbia, MD 21045



**BERKSHIRE ASSOCIATES INC.**  
*Your Partner in Human Resources and Affirmative Action*

[www.berkshireassociates.com](http://www.berkshireassociates.com)

**REGULATION UPDATE ALERT:*****ADA Amendments Act of 2008****Signed into law, September 25, 2008*

*According to US House of Representatives' website, the ADA Amendments Act of 2008 overturned the Supreme Court decision to narrow the definition of disability—restoring the original Congressional intent of the Americans with Disabilities Act (ADA). The law rejects strict interpretation of the definition of disability, and makes it clear the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability.*

## Committed to Keeping You Informed of Regulation Changes

Berkshire's Self-Paced Online Training, *Disability Compliance & Returning Veterans: Understanding Your Legal Obligations*, has been updated to include the ADA Amendments Act of 2008. This Act, now signed into law, offers a broader definition of disability than the previous mandate. This online training class contains information on how this law impacts your company.

**Register** for *Disability Compliance & Returning Veterans: Understanding Your Legal Obligations* by visiting [http://www.berkshireassociates.com/training/selfpaced\\_ot.aspx](http://www.berkshireassociates.com/training/selfpaced_ot.aspx).

## Berkshire Expands Training to Include Online Options.

*Learn at your pace, on your own time.*

Berkshire's HR training keeps you one-step ahead of regulation changes and industry best practices. Register for online training topics including: applicant tracking, sexual harassment, disability, and affirmative action.

You can even take an online workshop to get your affirmative action plan off your plate! For more information on our online training opportunities, call Berkshire at 800.882.8904 or email us at [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).



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