

BALANCEview

NEWS AND INFORMATION ON HR AND AFFIRMATIVE ACTION ISSUES

Berkshire Associates Inc. Newsletter ~ Qtr. 3 ~ 2009



Applicant Management | Compensation Management | Affirmative Action | Workforce Planning | Diversity | Professional Training

UPCOMING EVENTS

**Fundamentals of
Affirmative Action
Planning Training
Columbia, MD**

**August 11-12
October 13-14**

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BERKSHIRE WILL SEND YOU A \$20 SUPERCERTIFICATE FROM GIFTCERTIFICATES.COM FOR EVERY VALID REFERRAL YOU SEND US.



BALANCEaap Web— THE IDEAL CHOICE FOR HR PROFESSIONALS

By: Manoj Tiwari

Over a year ago, Berkshire began its BALANCEaap Web development project with one mandate—the end product will not compromise on ease of use, performance, or security. With that in mind, the Berkshire team worked tirelessly to create a product beyond comparison to any other affirmative action planning (AAP) solution available.

BALANCEaap Web is unique because it is a web-based application that gives you the freedom, flexibility, and power to create, manage, and monitor your AAPs—that is why we call it the next generation in affirmative action planning. It's not just a software application, it's a service. When you think of software, you may picture the hassles of installations, upgrades, data backups, etc. With BALANCEaap Web all you have to focus on are your plans, not software management.

With the growth of Internet based applications and technology in the last few years, users are feeling more secure and comfortable using web-based applications. Most businesses and individuals are using Internet based applications for banking, shopping, and even filing taxes.

Besides security, ease of use was paramount in designing BALANCEaap Web. The program was methodically planned, with all functions organized in the order of the activities you would

normally perform when creating a plan. Default settings are the most commonly used, and best of all, you can get help everywhere. If textual help is not enough, the Guide Me option is available for more complex functions, walking you through the process step-by-step. Berkshire is currently producing video tutorial help that can be accessed anywhere in BALANCEaap Web. Also, our Product Support team is available to provide technical help if needed, and is included with the BALANCEaap Web subscription.

See BALANCEaap Web...cont. on page 5

Fast Facts

By: Lauren Perry

Web-based solutions that take advantage of the benefits of the Internet are becoming an increasingly popular trend among HR professionals. In a recent HR.com article, author Robert Meltzer states, "For HR departments seeking to accelerate productivity and ROI in today's arduous economic climate, web-based applications can generate impressive returns compared to both traditional software packages and web-enabled solutions. They deliver secure yet virtually unlimited accessibility and are hassle-free and far less expensive to set up and manage... There's ample evidence that web-based applications are not simply an investment in technology—they are an investment in decisively enhancing performance and strengthening that crucial competitive edge."

Find out how Berkshire's latest web-based solution can take your company to the next level. Visit www.balanceaapweb.com.

MISSION STATEMENT

BALANCEview is Berkshire Associates voice to the HR Community. Our mission is to provide up-to-date information on trends and challenges facing HR professionals. BALANCEview is also an extension of Berkshire's mission to provide outstanding 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 exceptional service, products, and information to help BALANCE your workforce.

BALANCEview

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From Our Editor

By: Dawn S. Hyde, SPHR

Berkshire Associates opened its doors over 25 years ago with one driving mission—to give HR professionals resources and services to make their jobs easier. When we began servicing the industry, our primary focus was affirmative action. In order to make this task easier for fellow colleagues, it meant taking risks, and introducing solutions to the industry that were one-step ahead.

To really understand the growth affirmative action planning has experienced over the years, you have to start at the beginning. On September 24, 1965, President Johnson issued Executive Order 11246 which enforced affirmative action among federal contractors for the first time. Since then, affirmative action has grown into the standard of compliance and equality within the workplace. Because of this, Berkshire began developing services and software for preparing affirmative action plans (AAPs). With each generation, or era, of affirmative action planning, Berkshire has provided HR professionals the best in solutions, based on their evolving needs.

When I think back to the early years when I was completing AAPs by hand, I remember the painstaking time, and effort the process took, and how badly I wished there was an easier way. I call this the “Wing and a Prayer” era where many HR professionals didn't have any real resources, and companies attempted this enormous task in-house, or in some cases, skipped it all together. This era is what drove me to launch Berkshire and offer AAP consulting and software services.

The next era, “Only-Pros-Could-Do-It” dealt with the growing legal pressure of AAPs, and companies beginning to take the planning process seriously. However, many lacked the skills or resources to get the task done right, so plan preparation outsourcing and consulting services began to grow. Berkshire was a leader of this era,



and began providing professionals with the latest in AAP consulting and outsourcing services.

In the next era, “Even-With-Software-It's-Near-Impossible,” the increasingly daunting, and ever-evolving, task of AAP preparation became automated with some early software solutions—led by Berkshire. Our first plan preparation software, Great AAP, allowed users to interpret the data in their plans using an automated system.

So what was next? The “Robust, Do-It-Yourself” era where software solutions stabilized and began serving a greater purpose took over the market. Do-It-Yourselfers could save money and choose from a collection of affirmative action plan preparation software solutions, such as Berkshire's leading BALANCEaap.

This leads us to our current era, and as technology evolves, and AAP demands increase, Berkshire is proud to introduce the, “Finally, -It-Really-Is-Easy” era with the next generation in AAP preparation solutions, BALANCEaap Web. It's the most reliable, always up-to-date web-based affirmative action compliance solution that does everything from required and optional statistics, to populating the reports you need to create a 100% OFCCP compliant plan. BALANCEaap Web is not just a plan



preparation software, it's a decision making tool.

I am so excited to introduce **BALANCEaap Web** to my fellow HR professionals. Looking back to the start of AAP preparation, before we had any real resources, to now where you can securely log onto the Internet and access your data, have multiple users, and submit reports through the Reports Distribution System (RDS), I am truly proud and excited to be a part of this next generation. I encourage you to take part in the "Finally, -It-Really-Is-Easy" era and see how **BALANCEaap Web** really can change your processes for the better. Visit www.balanceaapweb.com for more information.

Interested in having a Berkshire expert speak at your next event?



Contact Lauren Perry at: lauren@berkshire-associates.com or 800.882.8904 ext. 1307.

Training Schedule

FUNDAMENTALS OF AFFIRMATIVE ACTION:

August 11-12 • October 13-14

BALANCEaap SOFTWARE TRAINING:

August 13 • September 17 • October 15

AFFIRMATIVE ACTION PLAN WORKSHOP:

(software purchase and training are required)

August 14 • September 18 • October 16

AAP BOOT CAMP:

(register for four days in a row for the above three classes and save \$170)

August 11-14 • October 13-16

For more information, or to register online, visit: www.berkshireassociates.com/training or call 800.882.8904.

Berkshire Webinar, 'The Impact on HR: 2009 OFCCP Initiatives and Legislative Updates' is Now Available!

The Impact on HR: 2009 OFCCP Initiatives & Legislative Updates webinar offers you a chance to find out what the OFCCP has in store for the rest of 2009. This 65-minute webinar will give you a better understanding of the potential impact the OFCCP initiatives and legislative changes have on companies.

Topics Covered

- Mission of the OFCCP
- 2009 OFCCP Initiatives
- Focus on Systematic Discrimination Compensation
 - Lilly Ledbetter Fair Pay Act
- Applicant Tracking Regulations
- Focus on Employment of Individuals with Disabilities
 - ADA
- Focus on Employment of Veterans
 - G-FIVE Initiative
- Immigration and Establishing a Legal Workforce
 - New I-9 Regulations
 - E-Verify
- On the Horizon
 - Employee Free Choice Act
 - RESPECT Act
 - Paycheck Fairness Act
 - Independent Contractor Proper Classification

To purchase this webinar for only \$29, visit <http://www.berkshireassociates.com/shop/myitems.aspx?id=60000100>.

Out and About

By: Lauren Perry

Berkshire's second quarter was busier than ever as we worked to keep our clients compliant and up-to-date with the latest industry regulations and trends, and arm them with the resources and tools to protect their companies. One way we accomplish this is speaking with colleagues at industry events and meetings.

On April 28, Michele Whitehead, PHR, our Manager of HR Services, traveled to Las Vegas, NV for the SHRM Staffing Conference & Exposition. She shared her expertise on the latest applicant management in a session titled, "Justifying Applicant Tracking Systems: Finding the Solution that's Right for You."

Berkshire then made its way to the WorldatWork Total Rewards Conference & Exposition from May 31 to June 3, in Seattle, WA. There our compensation specialists met with fellow professionals to discuss the impact of the Lilly Ledbetter Fair Pay Act, and other pay related changes in the industry. To find out how you can ensure your company is meeting the latest regulation changes impacting compensation, please call Berkshire at 800.882.8904 or email ba@berkshireassociates.com.

Our next stop was the SHRM Annual Conference & Exposition in New Orleans, LA from June 28-July 1, where Berkshire had two presentations. Our Diversity Specialist, Sybil Randolph, SPHR, presented on the "The Marriage of Diversity and Affirmative Action," and our Manager of HR Services, Michele Whitehead, PHR, gave a presentation entitled, "Contractor

See **OUT AND ABOUT...cont.** on page 7

KEEPING YOU INFORMED— THE LATEST AA/EEOC UPDATES

By: Loretta Metzger

The affirmative action/EEO landscape continues to remain volatile and seems to be clearly focused on the rights of employees in the workplace. To keep you informed, here is a recap of some recent developments.

ADA UPDATE: On June 17, 2009, the U.S. Equal Employment Opportunity Commission (EEOC) voted to revise its regulations to conform to changes made by the ADA Amendments Act (ADAAA) of 2008, which would make it easier for an individual seeking protection under the ADA to establish he or she has a disability. According to these changes, the definition of disability should generally be interpreted in favor of broad coverage of individuals to the maximum extent allowed by the terms of the ADA.

These changes represent an initial stage in the regulatory process and must next go to the Office of Management and Budget for review. The intent of these changes is to prevent courts from further narrowing the definition of disability. Protecting rights of the disabled in the workplace is particularly important to returning wounded Veterans who may otherwise be especially susceptible to discrimination in the workplace.

OFCCP BUDGET INCREASES ANNOUNCED FOR 2010: The Department of Labor has announced their 2010 budget and the OFCCP has been identified to receive an increase of more than \$25 million dollars to enhance their already aggressive enforcement strategies. Included in the budget is the addition of more than 200 full time employees and a new case management system.



I-9 AUDIT INITIATIVE: A new audit initiative has been launched by U.S. Immigration and Customs Enforcement (ICE), notifying 652 employers across the country that the agency will be investigating their hiring records.

Business owners have been alerted that ICE will be inspecting their hiring records to determine whether they are complying with employment eligibility verification laws and regulations. The agency says the new initiative illustrates its increased focus on holding employers accountable for their hiring practices and efforts to ensure a legal workforce.

E-VERIFY UPDATE: The effective date of the final rule requiring certain federal contractors and subcontractors to use E-Verify has been delayed once again—this time until September 8, 2009. Read more about the E-Verify Rule Effective Date Extended, featured in this issue on page 5.

For further information on any of these updates and how they may impact your company, please contact Berkshire Associates at 800.882.8904 or email bai@berkshireassociates.com.

Did You Know?

E-Verify Rule Effective Date Extended to September 8, 2009

By: Lauren Perry

The effective date of the E-Verify mandate for federal contractors and subcontractors has been extended for a fourth time from June 20, 2009, to September 8, 2009.

The original effective date of January 15, 2009, was postponed because various businesses, including the Chamber of Commerce and the Society for Human Resource Management (SHRM), challenged the law.

E-Verify is the electronic employment verification system operated by the U.S. Citizenship and Immigration Services. It allows employers to electronically verify the employment eligibility of their newly hired employees after completion of an I-9 Form. The E-Verify requirements would apply to federal contracts acquired after the rules take effect. According to the regulation, businesses contracting with the federal government would be required to enroll in E-Verify within 30 days of the contract award date.

For more information on the new regulations, or to find out if your company should be transitioning to meet the E-Verify system regulations, please contact Berkshire Associates at 800.882.8904 or email bai@berkshireassociates.com.

BALANCE_{aap} Web...cont. from page 1

One hurdle in managing and implementing AAPs using traditional software is the distribution of reports to the appropriate people. Even after creating your plans, you have to distribute them to first-line managers and top management to execute the plan. BALANCE_{aap} Web has solved that problem with reports and graphs that are easy to understand. You can become eco-friendly by not printing tons of reports, and saving money, while securely publishing your reports on the web using our built-in Reports Distribution System (RDS). Users and Managers can log in and see only what you have permitted them to view.

Here are a few more benefits of BALANCE_{aap} Web –

- Unlimited users can access the system without additional fees
- Collaborate with anyone within your organization, from any location
- Access from anywhere, anytime, with a web browser
- Create multiple plans with a single data set
- Automated data import and mapping wizard makes data management extremely easy

- Securely publish reports to view on the web
- Extensive error-checking scrubs your data and red flags potential errors
- The File Consistency feature examines your data and identifies inconsistencies
- Customizable narrative templates are built-in, so you can edit and publish your narratives within the application
- Build custom, unlimited numbers of recruitment areas using the most recent census data
- Census coding for jobs is made easy by the built-in automated census coding feature
- Start Point Analysis can create history data when there is no prior year's plan, or reliable data is unavailable, for easy Adverse Impact and Goal Attainment reports
- Always current with latest OFCCP regulations

This is just a short list of features that make BALANCE_{aap} Web unique. For more information visit www.balanceapweb.com, or call at 800.882.8904.



REMOVING THE HR CLUTTER WITH WEB-BASED SOFTWARE

By: Kathy Healy

Clutter, it not only builds up in your home, and your car, but it also finds its way into your work! As an HR professional, with responsibilities that may range from recruiting to affirmative action, you need your processes to be streamlined—eliminating that clutter. One of the best ways to do this is investing in a web-based HR platform that can increase your efficiency and productivity, while saving you money and reducing the clutter.

A growing trend in the HR industry right now is integrating and investing in web-based human resources software, and for good reason. Technology and HR are quickly becoming intertwined, and busy professionals are reaping the benefits. Instead of manually tracking applicants, or trying to interpret the latest affirmative action regulation into an in-house plan, professionals are using web-based software to keep them up-to-date and easily compliant.

Another plus to integrating web-based HR software is being able to access it 24 hours a day, seven days a week. This gives you freedom and flexibility to complete your projects from anywhere, at anytime. At Berkshire, we offer web-based software to meet both your applicant tracking and affirmative action needs. One of the biggest benefits to our web-based software is the high quality service that goes along with it. Our users not only have access to expert consultants should they need support, but our software is the most up-to-date—constantly updated to meet the latest regulation changes so our clients are confidently meeting compliance requirements.

According to Alfred Walker, author of Web-Based Human Resource Technology, “Improved service and support—combined with reducing costs—are the major drivers of the current move to web-based human



resources. Powerful tools for providing easy to access information as well as building more productive workforces, the web is changing the way human resources departments around the world are organized and managed.”

Now is the time to reduce your clutter and stress by investing in web-based software that can take your company to the next level. Find out

if Berkshire’s web-based software solutions, **BALANCE_{aap} Web**, and **BALANCE_{trak}** are right for you. Visit www.berkshireassociates.com or call 800.882.8904 for more information.

Compliance 101: An Introduction to Federal Contractor Compliance." If you would like to book a Berkshire expert to speak at your next meeting or event, please contact Lauren Perry at 800.882.8904, ext. 1307 or email laurenp@berkshireassociates.com.

In the midst of our speaking engagements we stayed busy educating fellow HR professionals through various public and private trainings. On May 12-13, we made our way to Chicago where our Manager of Training, Nicole Yeldell, SPHR, helped professionals brush up their affirmative action skills with our Fundamentals of Affirmative Action Planning training. To find out more about our Fundamentals of Affirmative Action Planning training opportunities, visit: <http://www.berkshireassociates.com/training/aatrain.aspx>.

We ended our quarter with a bang, and not because of the fireworks. Berkshire launched its latest affirmative action solution, **BALANCE^{aap} Web**, a secure, web-based application that gives users more than traditional software. It allows professionals to create, monitor, and manage a complete OFCCP compliant plan—right from the web. **BALANCE^{aap} Web** is the only web-based AAP solution that streamlines HR professional's processes giving them the next generation in automation, compliance, usability, and security. To find out more about **BALANCE^{aap} Web**, visit www.balanceaapweb.com or call 800.882.8904.

Amidst training, traveling, and product launches, we have been diligently working on audit plans, ensuring OFCCP compliance for all of our clients.

To find out what Berkshire has in store next, make sure you check out the fourth quarter issue of **BALANCE^{view}**.

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 or 410.995.1195 ext. 1220.

Meeting & Training Room Rental Space

AVAILABLE!

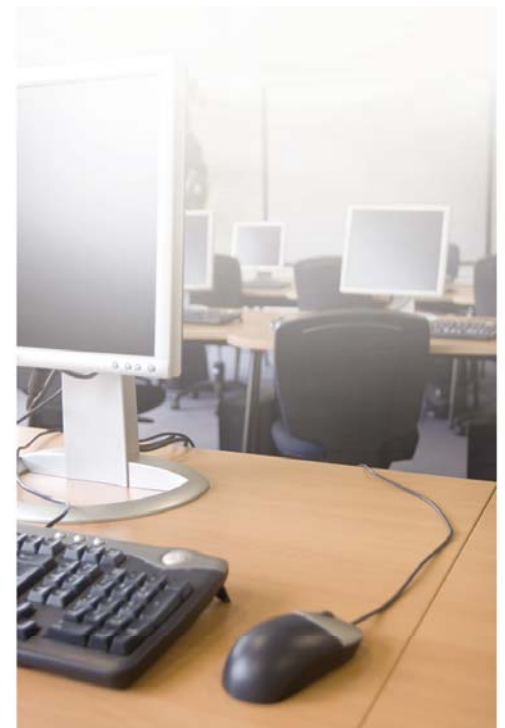
Worried about where to book a room for your next training class or meeting? Need computers?

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



WELCOME TO THE NEXT GENERATION IN AFFIRMATIVE ACTION PLANNING

Berkshire Associates introduces **BALANCE^{aap} Web**, a secure, web-based application that gives you more than traditional software. It allows you to create, monitor, and manage a complete 100% OFCCP compliant plan—right from the web.

BALANCE^{aap} Web is the only web-based AAP solution that streamlines your process and gives you the next generation in compliance, automation, usability, and security.



Web-based

BALANCE^{aap} Web provides the freedom and flexibility of the web—freedom from complicated installations, and flexibility to access your plans from anywhere, at anytime with unlimited access.

Click here for the full
BALANCE^{aap} Web
Brochure



Compliant



Automated



Easy



Secure

Call **Berkshire Associates Inc.** at **800.882.8904** to learn more about the next generation in affirmative action planning or visit balanceaapweb.com