



# Monthly Newsletter

A 1991 Pinnacle Award Chapter  
A 2009 Superior Merit Award Chapter  
SHRM Foundation - Chapter Champion

## OCTOBER PROGRAM

October 2011

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# Treating 'They're Picking on Me' Blues: Conflict Management Tools for HR

According to recent academic research, managers spend roughly 20% of their time resolving disputes, clashes and other non-productive workplace disagreements. Teaching conflict management skills to managers and employees allows them to expand their abilities to work through difficulties, improving productivity. Mastering conflict is an important competency for HR professionals and managers. Whether the disagreement is centered around styles or organizational resources, having a process to follow can help us get past our initial human reactions to discord and move on to successful solutions, and in the very best cases, strengthen the underlying business relationships and mutual respect.

This session will explore sources of conflict, discuss common responses to conflict and differentiate between positions and interests. Attendees will have a chance to apply a proven conflict resolution model to workplace scenarios. Participants will have an opportunity to start their own "Script Toolkits" based on an assertive communication approach. The session will provide guidance on successful approaches to integrating conflict resolution into today's workplace.

#### Presenter:

**Diane Lustenader, SPHR, CCP, GRP**

Diane is president of Lake Associates, Inc., a human resources consulting firm she founded in January 1994. Previously Di-

**When: Wednesday, October 12**

**Where: Comfort Suites  
7 Northside Drive  
Clifton Park, New York**

#### Breakfast Program

**Breakfast Buffet: 7:30-8:00 a.m.**

**Program: 8:00-9:00 a.m.**

**Cost: \$25.00 -- Members**

**\$30.00 -- Non-Members**

**\$15.00 -- Students**

ane held the top HR position for the Americas for Yaskawa Electric America, Inc. and was an administrator at Wells College. Diane is an adjunct instructor at Columbia-Greene Community College and formerly serves as Treasurer for NYSSHHRM, president of CRHRA and Adjunct Instructor at The College of St. Rose. With John Bagyi, Esq., SPHR, Diane co-founded CRHRA's HR Executive Briefing Series and HR Leadership program. She holds a BA and MA in English.

Diane is a life-certified SPHR, master trainer and instructional designer and holds the CCP (compensation) and GRP (global remuneration) designations. She is the author of numerous HR articles and the only recipient of the Northern Illinois SHRM chapter's Professional Excellence Award. Diane's consulting practice focuses on compensation, affirmative action and training.

**Please note the October meeting will be held in Clifton Park, New York, at the Comfort Suites on Northside Dr., just minutes from Exit 9 off I-87. In November, join us back at the Holiday Inn in Albany, NY for our annual Legal Update presented by John Bagyi, Esq.**

# Social Networking Corner: Screen Scraping

By Christy Krueger, Public Relations Committee

Most will agree that identity theft is not a new concept. What may come as a surprise to some is that the actual term “identity theft” was coined back in 1964 according to Wikipedia.org. It is probably safe to say that it has been only in the last ten years or so that identity theft has really made headlines, thanks in large part to all the technological advances our society has come to enjoy. It’s so easy and, dare I say commonplace, to do many things online nowadays that we overlook how that very same “ease of use” makes it all that much easier for cyber criminals to make their move. Let me introduce you to “screen scraping.”



“Screen scraping is the act of taking all the information that a person has posted on their Web site or social networking page and then using the information to break into the user’s account or to commit some other fraud involving identity theft.” (Source: Security Tips & Talk at MSDN Blogs)

Unfortunately, many of the social networking sites we’ve come to know and love (Facebook, LinkedIn, Twitter, Google+, StumbleUpon, Tumblr, Blogster, Yelp, etc.) are huge data miners. You enter everything from your full name, birth date, spouse/partner’s name, interests, pet’s name, phone number, and even address into these sites. Many of which claim security features that encourage us to feel comfortable entering these bits of data because we can “hide” some of these personal things from certain groups or everyone altogether. However, how many of us have actually had our accounts “phished”

whereby weird posts start popping up which we personally never actually posted? A quick change of your password and these funky posts stop happening, but for a brief moment *someone* or *some automated system* had access to your page. It’s here where we can get into trouble. Those security features are only good to those on the outside looking in, but with access from inside our own social networking page any hacker could easily surmise passwords to other sites of ours which we’ve so conveniently “linked” ourselves to. They could also figure out in a matter of hours what your responses would be to security questions at other sites (i.e. your online banking account... yikes!)

The usual tips still apply: don’t post anything that you wouldn’t want public. But I’d even go as far as to suggest not posting anything that anyone could possibly, even in the slightest way, manipulate to their advantage. To stay one step ahead of a thief, you would have to think like one. In the meanwhile, it may not hurt to read up on some of the FTC’s tips for social networking security at [www.onguardonline.gov](http://www.onguardonline.gov).

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available Human Resource  
positions in the region.  
[http://www.crhra.org/  
jobbank.cfm](http://www.crhra.org/jobbank.cfm)

## Legal Q&A...

*Question: I know I'm relatively new to the human resources profession, but there is something I do not understand. I have been informed about an employee that is performing very poorly, but my company is reluctant to take action against him because "they don't have enough documentation in their files." Isn't New York an employment at will state?*

Answer: Yes, it is. But your supervisors aren't being needlessly repetitive when they tell you, "document, document, document." They are trying to protect the company against the risk, however small, of an employee terminated for legitimate reasons filing a complaint with the New York State Division of Human Rights (DHR), the U.S. Equal Employment Opportunity Commission (EEOC), or a state or federal court.



Michael D. Billok

Even though New York is an employment-at-will state, anyone alleging that the company violated state or federal law can file such a complaint. Thus, the employee could allege that—in violation of state and/or federal law—he was discriminated against on the bases of race, color, religion, sex, age, national origin, disability, military or veteran status, or marital status. Indeed, there have recently been additions to the categories of "protected classes," to the effect that in New York it is illegal to base an employment decision on predisposing genetic characteristics, non-job-related felony conviction record, and domestic violence victim status.

But wait, there's more! (Fans of Ron Popeil, take a bow.) There are also a number of state and federal laws that prohibit taking an employment action against an employee in response to the employee engaging in an act protected by law. For example, it is a violation of New York's Workers' Compensation Law to terminate an employee for filing a workers compensation claim, it is a violation of the Occupational Safety and Health Act to terminate an employee for raising a safety concern, and it is a violation of the Sarbanes-Oxley Act to terminate an employee for reporting accounting fraud.

So to return to the issue of your employee, what happens if the employee brings a claim before a federal or state court or agency? If the employee is claiming discrimination, all he has to show is that he was qualified for the job, that he was a member of a protected

Michael D. Billok, Esq.

class (for example, that he was disabled), that he received the adverse employment action, and some other facts that raise an inference of discrimination, such as somebody not in the protected class being treated differently. If the employee is claiming whistleblower protection, he will allege that he engaged in a protected activity prior to his termination.

The focus, then, shifts to your company, which now has the burden to show that the adverse employment decision was taken for a legitimate, non-discriminatory, non-retaliatory reason. And at that point, imagine the eyes of the jury, or the DHR, or the EEOC turning to you, but all you can say is—"I terminated the employee because it's an employment at will state." As you can imagine, that will not be enough. You want to be able to show, beyond any doubt, that the employment decision was made for purely performance-based reasons. And the more documentary proof you have, the better.

So, while "document, document, document" isn't exactly a new piece of advice, at least now you know why it is so crucial to follow.

*The information contained in this column is not intended to be a substitute for professional counseling or advice.*

*Michael D. Billok counsels and represents employers in a variety of labor and employment related contexts and is associated with Bond, Schoeneck & King's Albany office. If you have a question you would like to submit, you are encouraged to do so by email ([mbillok@bsk.com](mailto:mbillok@bsk.com)), phone (518-533-3236), or fax (518-533-3284).*

## Upcoming Events

***Do More, Be More, Expect More!***

***Experiential Education = Future Success***

The New York State Cooperative & Experiential Education Association (NYSCEEA) 2011 Annual Conference

October 16 – 18, 2011

Albany Crowne Plaza Hotel

<http://www.nysceea.org/conference/>

***Managing FMLA at Columbia Greene Community College***

Presented by Diane Lustenader

Wednesday, October 12, 2011, 5:30 – 9:00 pm

Course PR 68488, 1A, Main Building, Classroom 136

## Your Officers & Board of Directors 2011-12

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## From the President...

*Tracy Smith, PHR*

Serving the profession and advancing the profession is the motto of CRHRA. When the CRHRA board members took the oath to fulfill this mission, they made a commitment to bring this association to the next level. On behalf of the board, we are looking forward to working with the membership.



*Tracy Smith*

Many of our goals revolve around membership activity, including promotion and awareness of the benefits of being an active member.

An active member is not only someone who volunteers but also someone who attends meetings and conferences, reads our newsletters, participates in surveys and collaborates with other HR professionals to enhance the HR field. One of our main goals this year is to increase overall participation of members. Currently we have over 1,000 members but only 10% of members attend our monthly meetings. Our goal is to increase participation in not only our monthly meeting attendance but the amount of active members we touch.

At last month's meeting we announced several opportunities for members to volunteer. We need additional subject matter experts, volunteers for several committees, and participants at the local job fairs. We've heard back from several members of the 130 attendees, however, we are looking for more members to come forward. Volunteering does not mean you are committing to another part-time job. You can volunteer as little or as much as you would like. There is a perfect opportunity for everyone. To discuss volunteer opportunities, please email me at [president@crhra.org](mailto:president@crhra.org).

In order for change to be successful, it needs to start with those change agents. Are you one of those people willing to make this your association? I cannot wait to see what we can do together. Stay tuned for next month's article which will include highlights from the CRHRA board of director's strategic session.

I hope to see you at the October 12<sup>th</sup> breakfast meeting in Clifton Park.

## 'A Great Fiscal Year' Says McKenna

According to our Treasurer, Tom McKenna, the following are the final numbers for the fiscal year ending June 30, 2011:

Income for that fiscal year totaled \$129,075.49 and expenses totaled \$116,686.30 for a net income of \$12,389.19. "That was a great fiscal year" says McKenna. He complimented our President, Tracy Smith on taking a tight rein and constantly monitoring each of

the committees. The real credit, he says, goes to the Board Members who looked at their respective committees and monitored their own income and expenses. They viewed them as profit centers and made the year fiscally positive.

Information for this current fiscal year will be coming in a forthcoming issue. Questions regarding the budget should be directed to Tom McKenna at 518-867-3500 x 11.

# The Ever-Expanding Diversity Yardstick

By Mat Petrin, Diversity Committee

The word “diversity” causes many professionals to think only in terms of their affirmative action goals. Others may hear diversity and find themselves reaching for their promotion metrics hoping for improvement over last year. While compliance results are still a pivotal piece for success, the changing term of diversity has forced us to look at old tools in new ways.



Diversity has grown from numbers and quotas to the broader concept of inclusivity in the work environment. Organizations that recognized this shift responded quickly by modifying their metrics to incorporate these new ideas into their scorecards. That is not to say that they completely dispensed of traditional metrics, which are necessary, but it has also shown that asking for more robust measures gives a clearer picture.

Savvy professionals know that the percent of diverse candidates to majority candidates or number of minority promotions, for example, are just the tip of the iceberg when it comes to measuring diversity success. Read on and you too can be a diversity mathematician.

Begin by tying your existing diversity data (i.e. population statistics, recruiting pools) to the

business objectives you hope to make an impact on. If you do not have the right data for the goal that you are aiming toward, note that and save it for our next section. If you do not have the right objectives for the data you possess, think of new goals you may want to achieve. By putting thought into where you want to be, you can begin to identify a means to the end.

Next, look at the accuracy of the data you have. Standardize your collection methods and go straight to the source if you see any holes. Ask your employees directly to verify and self-select, ensuring you have the most up-to-date and complete records. These efforts will confirm you have the right information to begin your analysis.

Take your results and objectives and analyze them as they relate to other commonly used HR metrics (i.e. turnover rates, engagement studies, and compensation results). Compare these metrics with your diversity metrics and you should begin to see how your business may or may not be creating an inclusive environment. Expanding your thought processes beyond the norm will help you see different ways that your initiatives may be making an impact.

By not looking at your data in different ways, you will be limited in the new connections you could make. Expand your thinking and you too can make the case from the numbers to the results.

## AGENDA

### Wednesday, October 12 Breakfast Meeting

Comfort Suites, 7 Northside Drive,  
Clifton Park

Breakfast ..... 7:30-8:00 a.m.  
Program ..... 8:00-9:00 a.m.

#### Breakfast:

- Buffet

#### Cost:

- \$25.00 - Members
- \$30.00 - Non-Members
- \$15.00 - Students

(12 credits or more)

Please make your reservation online ([www.crhra.org](http://www.crhra.org)) or by mail (CRHRA, 1450 Western Avenue, Suite 101, Albany, New York 12203), or fax (518-463-8656). You may pay with an online credit card payment, by mail or at the door. Also, please be sure to check-in when you arrive.

**RESERVATIONS** and cancellations are required by noon on **FRIDAY** prior to the meeting. Reservations made and not kept will be billed to you. Please call CRHRA at (518) 463-8687.

We regret that we are unable to honor walk-ins on the day of the meeting. Casual attire is acceptable.

## October Meeting Sponsor

# Champlain Wealth Management

Champlain Wealth Management Ltd, based in Saratoga Springs, is a full-service, boutique financial services firm specializing in three (3) areas; employee benefits (corporate sponsored retirement plans, group & voluntary benefits), comprehensive financial planning, and private wealth management. We are proud to be the exclusive brokers in New York for the College Tuition Benefit® program, a new employee benefit



which allows employers to offer free scholarship tuition dollars for schools such as RPI, Clarkson University, St. Lawrence, RIT and over 285 private colleges nationwide to all of their employees.

Our partners, Steven Hipsley CFP®, and Nicholas Nachbur CRPC® have a combined 44 years experience in helping businesses and their employees find solutions to their benefit needs and problems both as advisors as well as business owners themselves. We are honored to participate and help the Capital Region SHRM chapter as well as the Connecticut state SHRM chapter.

## HR Leadership Class of 2011: Lessons Learned

*By Kelley McCart, SPHR  
Director of Human Resources  
at Environment One Corporation*

On Friday, September 16, the new HR Leadership class of 2011, comprised of nine HR professionals, gathered at Skidmore College for our first session together. Our group is privileged to learn under the highly engaging and highly regarded HR Consultant Diane Lustenader, SPHR and Labor Law Attorney, John Bagyi, Esq., SPHR. What's more, our group gets a candid "look behind the HR curtain" from senior HR leaders in our area. Friday we had the opportunity to hear from and interact with three senior HR professionals in higher education representing experiences at Skidmore, RPI and the SUNY Research Foundation.

One highlight of the day included an interactive session where we reviewed the DiSC personality inventory results of our group individually and collectively. The most salient take-away from that session was the fact that many HR professionals can tend to be soft and supportive and/or transactionally accurate by nature whereas executives tend to be blunt and highly results-oriented. Those of us in HR who are wired differently than the executives we work for *must* take it upon ourselves to bridge the communication dynamics gap if we want our input to be heard and respected.

Another highpoint of the day was our frank discussion with Skidmore Associate Vice President of Finance and Administration and Director of Human Resources, Barbara Beck about high-level ethical issues that surface in HR. She challenged us to be the standard-bearer and draw a professional line of ethics for which we are will-



*HR Leadership Class of 2011: Front row - Kelley McCart, SPHR, Environment One; Alisa Hobb, PHR, Rensselaer ARC; Rachel Shapiro, PHR, Research Foundation of SUNY; Back row - Samantha Derrick, Seton Health; Marybeth Goldstein, PHR, CDPHP; Donna Rabito, SPHR, Albany Medical Center; Jacqueline Rochler, Garelick Farms; Ona Smith, NYS Office of General Services; Christopher Quinn, SPHR, The Vascular Group, PLLC*

ing to "fall on the sword."

This was an empowering, inspiring day that I believe we are already reaping value from. Our group is looking forward to our October session where we will hear from HR leaders in the high-tech manufacturing sector.

The HR Leadership Class offering occurs only every other year. The class includes a personality profile and professional guidance on its use; group interactive sessions with local senior HR leaders; and written, video and interview format experiential offerings. As a colleague in the HR profession, I strongly encourage those desiring a future HR leadership role not to miss this unique opportunity — start thinking now about applying in May.

*SHRM Foundation News*

# Your Financial Support Makes A Difference!

By Michele Wilkes-Hawkins

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.

The SHRM Foundation provides comprehensive, research-based answers to your HR challenges through its support of research grants, scholarships, educational programs and practitioner resources.

With your financial support, the SHRM Foundation invests in the future and supports lifelong learning through its scholarship and awards programs. It supports researchers who bring us greater understanding of the complexities of HR, and creates materials to help practitioners understand and apply the new knowledge that research provides.

Help the SHRM Foundation provide a substantial and sustained investment in the future of HR. Donate to-



Michele  
Wilkes-Hawkins

day. Send your contribution to: SHRM Foundation, P.O. Box 79116, Baltimore, MD 21279-0116 or donate online ([www.shrm.org/foundation](http://www.shrm.org/foundation)). Thank you in advance for your support!

## Welcome New Members!

*Welcome to the new CRHRA members who have joined our organization as of September 2011!*

Marsha Basloe

Shatoya Graves ..... Pioneer Bank

Joan Hebert..... Hebert Performance Training

Lindsay Kearsing .. Time Warner Cable

Melissa Lash ..... Suny Albany, Business School

Kathleen Malone.... Anthem Health Services

Lisa Newcomer ..... Berkshire Farm Center & Services  
For Youth

Jo Newkirk..... GE Global Research

Darlene Sears ..... Berkshire Farm Center & Services  
for Youth

Kathleen Wooley.... Empire Education Corporation

Kristy Wright

# 15 = thank you + thank you + thank you



As we mark our 15th anniversary, we extend a heartfelt thank you to all of the wonderful clients and their employees we have had the opportunity to serve. We look forward to many more years of providing customized employee benefit programs to businesses, institutions, municipalities and organizations throughout the Capital Region and the Northeast.

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# Resume Reviews Available

By Allyson L. Cimino, PHR  
Workforce Readiness Committee Chair

The Workforce Readiness Committee is committed to working with individuals who are entering or re-entering the workforce. We work with individuals who are either new to the workforce or who are re-entering the workforce for a variety of reasons. The committee, along with volunteers from the HR community and other CRHRA committees, provide free resume critiques at local job fairs. This is an opportunity for CRHRA members to volunteer some of their time by helping those who are seeking work.

We will be providing these services at two job fairs in October. October 5<sup>th</sup> at the Saratoga City Center from 10-4 and October 10<sup>th</sup> at the Albany Marriott from 10-1 and 2-5. If you or someone you know is looking for work and wants an HR professional to review his/her resume, please stop by one of the job fairs.

If you are an active member of CRHRA and interested in volunteering some of your time to a resume critique session, email [workforce@crhra.org](mailto:workforce@crhra.org).

We look forward to seeing you at the meetings this year!

## Chapter Chatter

Christine Pirri of the Research Foundation of SUNY, along with her husband and daughter, welcomed a son, Dylan Edward on September 13. Congratulations Christine!

### *Thank You to Skidmore*

The CRHRA Board of Directors and the HR Leadership Class of 2011 sincerely thank Skidmore College for generously hosting the September program kick-off meeting.

**BOND** SCHOENECK  
& KING

## Labor and Employment Law ACADEMY

### Fall 2011 Calendar

What You Need To Know  
To Avoid Employment Law Issues  
In Your Workplace

#### October 26

Successfully Managing  
Employee Leaves of Absence /  
Update on Social Media  
in the Workplace

#### November 29

How to Conduct Lawful and  
Effective Workplace  
Investigations

**The Troy Hilton Garden Inn**  
8:00 a.m. - 11:30 a.m.

**Register online at [www.bsk.com](http://www.bsk.com)**

Bond Clients: \$45 (per program)  
General Public: \$50 (per program)

Additional information at [www.bsk.com](http://www.bsk.com)  
Questions? Contact Ms. Toko Moyo at Bond  
at [tmoyo@bsk.com](mailto:tmoyo@bsk.com) or 1-800-339-8897

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