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A VIEW FROM THE TOP

A CEO’S PERSPECTIVE

Our meeting, April 10, entitled, “A View From the Top, A CEO’s Perspective” will be a CEO\COO panel discussion. This is intended to help HR professionals gain a better understanding of what local CEO\COO’s predict will be the top business issues affecting their workforces in the near future, how CEO\COO’s utilize their HR departments to gain a competitive advantage, what strategies set their companies apart as they relate to recruiting and retaining talented employees and what tools their businesses are using to motivate and engage employees.

Our panelists are Bill Hannah from Nabholz Construction, Lydia Carson from Balm Innovations and Mark White from Arkansas Blue Cross and Blue Shield.

This is a great opportunity to invite your boss, company president and/or CEO/COO.

CONGRATULATIONS, CAHRA!
For earning the Superior Merit Award for 35 consecutive years

AGENDA

April 10, 2008

Union Station’s - Next Level Events Genesis III Room
1400 West Markham - Little Rock, AR 72201

LUNCHEON SCHEDULE

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<th>Time</th>
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<tr>
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<td>12:00 Program</td>
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LUNCHEON FEES

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<td>Non-members/Guests</td>
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About Our Panelists

Bill Hannah joined Nabholz Construction Company upon his graduation from the University of Louisiana at Monroe with a B.S. in Building Construction. He held several different positions within the company before becoming President of the Central Arkansas Division. After seven years as President, he was named Chief Executive Officer in 2002. He is a Nabholz Group stockholder and a member of the Board of Directors. Bill is also a member of Arkansas Children's Hospital Board, UALR Construction Management Program's Chairman Advisory Board, and the University of Arkansas School of Architecture Dean’s Circle.

Lydia Carson is President and CEO of Balm Innovations, LLC (BI), a University of Arkansas for Medical Sciences (UAMS) Arkansas BioVentures firm established to commercialize Omnibalm®, a topical cream developed by a UAMS pharmaceutical researcher.

Ms. Carson also served as Vice President for Industry of the Arkansas Science & Technology Authority and as Director of Arkansas Manufacturing Solutions (AMS) and was an AMS Field Engineer for more than four years, providing management and technical consulting services to Arkansas’ manufacturers.

She graduated from Vanderbilt University with a Bachelor of Engineering in Mechanical Engineering and earned a MBA through the University of Arkansas at Little Rock (UALR) Executive MBA program.

The U.S. Secretary of Commerce appointed Ms. Carson to serve on the Arkansas District Export Council (DEC) through 2009, and she has been nominated to the MEP National Advisory Board. In 2007 she was selected to 40 under 40, a list of forty young business and professional leaders from across Arkansas chosen by Arkansas Business as intriguing business and political leaders under forty years old who bear watching.

P. Mark White is Executive Vice President, Chief Financial Officer and Treasurer, and Chief Executive Officer-Elect for Arkansas Blue Cross and Blue Shield. White joined the company in 1970 and also serves as President and Chief Executive Officer of USAble Corporation, a wholly owned subsidiary of Arkansas Blue Cross. He serves on the boards of USAble Corporation, USAble Life, Pinnacle Business Solutions, Inc., HMO Partners, and Life and Specialty Ventures, Inc., as well. White received his bachelor’s degree from Hendrix College in Conway, Ark.
CENTRAL ARKANSAS HUMAN RESOURCES ASSOCIATION

2008 Executive Board

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2008 Calendar of Events

April 23-25 ARSHRM State Conference
Springdale, Arkansas

May 8 How to Give & Receive Feedback with Skill
C.W. Miller

May 13 CAHRA/Democrat-Gazette Job Fair
Statehouse Convention Center

May 22 Supervisor’s Seminar
Statehouse Convention Center

June 12 How to Take Your Life & Career Up a Notch
Chip Madera

June 22-25 SHRM Annual Conference & Expo
Chicago, IL

July 10 Conflictology 101
Deborah Stallings, PHR

August 14 Diversity Seminar
DoubleTree Hotel

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(877) 571-3658

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Message From the President

Spring has officially arrived! In Central Arkansas, that can mean anything from sunshine and warm breezes to chilling winds. Consequently spring in Arkansas always brings a break from the routine and, with it, an opportunity to see things in a new way. CAHRA's April program also offers a break from the routine with new perspectives by hosting its CEO Panel.

This program is one of my favorites because it pulls us away from our view of the Human Resources Profession to see it from “the top”. It is always educational to learn from some of our state’s top CEOs on how they view the value of the human resources functions for their organization. Last year, I was impressed by how heavily top management relies upon HR to give them an accurate view of the employment market now and in the future, how retention is crucial to succeeding in the marketplace, and how they can assure they will have the best people working for their companies. I encourage all of you to attend this month’s luncheon and learn how you can make your department of even greater strategic value to your company.

CAHRA will also be moving forward with events which not only advance the profession, but also assist our companies and communities. Please plan to volunteer to assist with the Job Fair on May 13th at the Statehouse Convention Center. Assisting with resume’ review is a great way to meet and help individuals trying to find new employment and improve their lives. As members of the HR Profession, we often forget that individuals who have been out of the employment market for many years may not realize they should not put their date of birth or religious affiliation on a resume. Basic to us, but new and confusing for them. Seeking employment can be a difficult process for individuals, especially those who counted on being with the same employer for a lifetime and are now starting over. I encourage you to put your professional expertise to work by helping at the booth for an hour or two – whatever your schedule allows. It is a very rewarding experience.

Also be sure to share with your employer the importance of sending its supervisors to regular training. Many companies promote managers from within and fail to provide basic training on those employment-related “red flags” and how to adequately address them. The Supervisor’s Seminar is a great way to provide managers with the knowledge necessary to excel as a manager. The Seminar is also at the Statehouse Convention Center, on May 22th.

I look forward to seeing all of you on April 10th!

- Andrea

Andrea Woods, J.D., PHR
President, CAHRA

Thank you to our meeting sponsors:
Welcome New Members
The following members were approved at the March Board meeting.

Matt Hall
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SHRM Professional

Members on the Move

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cindy.wright@windstream.com
The Interview

As in the past, CAHRA members will receive top-quality programs in 2008, as recognized by the Human Resource Certification Institute (HRCI).

Be sure that you receive the program numbers needed for your recertification account. If you are certified and attend the programs below be sure to obtain the HRCI number. This number will now be included on your receipt that you should pick up as you leave the program.

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Points</th>
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<tbody>
<tr>
<td>January 10</td>
<td>The HR Director's Role - Be Savvy, Be Strategic, Be Smart</td>
<td>1</td>
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<tr>
<td>January 10</td>
<td>Post Session: Staff Engagement - Dream Big</td>
<td>2</td>
</tr>
<tr>
<td>February 14</td>
<td>Speak Up...And Actually Be Heard!</td>
<td>1</td>
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<td>March 13</td>
<td>Advocacy Required</td>
<td>1.5</td>
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<tr>
<td>April 10</td>
<td>A View From the Top, A CEO's Perspective</td>
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TOTAL POINTS: 6.5

ALL MEMBERS:

Please be reminded of the following code of conduct for our chapter. Failure to comply can result in forfeiting membership.

CONSTITUTION AND BYLAWS of
CENTRAL ARKANSAS HUMAN RESOURCES
ASSOCIATION (CAHRA)

ARTICLE X
CONDUCT

Each member of this Association is expected to adhere to the following CAHRA Code of Conduct (adopted February 13, 1992) required for membership in this Association, which serves to assure public confidence in the integrity and service of human resources management professionals.

This Code of Conduct of the CAHRA is intended as a guide to members in their activities with the Association and with other members.

A primary mission of the Association is to promote the field of human resources management and to foster the professional development of its members. The free and open flow of communications between members must be treated with the utmost professionalism and confidentiality. Likewise, members should demonstrate the highest level of professional ethics by refraining from the use of membership for purposes of direct or personal business solicitation or promotion.

THEREFORE, MEMBERS WHO SOLICIT BUSINESS FROM OTHERS AT OUR MONTHLY MEETINGS OR BY LETTERS OR PHONE CALLS MUST STOP THIS PRACTICE IMMEDIATELY OR RISK FORFEITING THEIR MEMBERSHIP.
To make the most of our job fair In this tight labor market, employers are forced to compete for the best talent. This is a great opportunity to distribute information on your company and make a good impression on candidates.

Consider the following to in order to attract the best candidates:

- Make sure that you have enough representatives attending the job fair. Most sponsors will suggest at least two to four representatives attend, depending on the size of your company.

- Pick representatives who are knowledgeable, active, respectful and energetic. The more interactive the representatives, the more interest the attendees will show in your company.

- Encourage your representatives to bring contact information such as business cards. Most individuals who attend a job fair want to know that they can follow up with a specific person(s).

- Bring handouts including company history, benefits information, job descriptions and applications.

- Arrive early to set up your table. It makes a better impression if you are ready to speak with attendees when they stop at your booth.

- Plan to stay until the end of the job fair. Sometimes qualified applicants are unable to get time off to attend the beginning of career fairs. By staying until the end, you will achieve maximum exposure to all candidates.

- Advertise open positions. Attendees become frustrated when companies are not actually recruiting for open positions at the job fair.

- Be willing to accept resumes onsite, as long as such a procedure fits into your company’s process. Candidates might become discouraged when sent directly to an online application.
## 2008 Supervisor’s Seminar

### The Gateway to Supervisory Success

**May 22, 2008**

**Registration Begins at 7:30 a.m.**

### General Session - Generation Speak: Do You Know the Language?

Mary Cornetta-Brown

<table>
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<tr>
<th>Time</th>
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<th>Track 1 The Pope Room</th>
<th>Track 2 The Conway Room</th>
<th>Track 3 The Fulton Room</th>
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<td>8:00 - 9:15</td>
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<td>The Legal Landscape</td>
<td>Supervising Employees</td>
<td>Personal Potential</td>
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<tr>
<td>9:30 - 10:30</td>
<td>ADA, FMLA &amp; Progressive Discipline - What Supervisors Need to Know</td>
<td>Phil Campbell, J.D.</td>
<td>Tom Moore</td>
<td></td>
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<tr>
<td>10:30 - 11:30</td>
<td>Effective and Legal Discipline and Termination</td>
<td>Rick Roderick, J.D.</td>
<td>Mary Cornetta Brown</td>
<td>C.W. Miller</td>
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<td>11:30 - 1:00</td>
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<td>1:00 - 2:00</td>
<td>MySpace in the Workplace High Tech Privacy and Legal Issues</td>
<td>Dan Herrington, J.D.</td>
<td>Denise Hoggard, J.D.</td>
<td>Rebecca Miller</td>
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<td>2:00 - 3:00</td>
<td>Workplace Violence and Negligent Hiring - YOUR Legal Liability</td>
<td>Carolyn Witherspoon, J.D.</td>
<td>Joe Purvis, J.D.</td>
<td>Phebe Duff, SPHR</td>
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<td>3:00 - 3:15</td>
<td>BREAK</td>
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<td>3:15 - 4:15</td>
<td>Mr. Union Man, We Hear You Knockin' But You Can't Come In</td>
<td>Garry Rowe, SPHR</td>
<td>Melanie Kennon, Ed.D</td>
<td>Curtis Young, PHR</td>
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</table>

You may attend classes from any of the tracks and do not have to remain in the same track for the entire seminar. Please check the box beside the session that you plan to attend in each time period.

**IF YOU WOULD LIKE TO PAY BY CREDIT CARD, PLEASE COMPLETE INFO MATION ON THE BACK OF THIS FORM.**

Visit our website: [www.cahra.info](http://www.cahra.info)
WHO SHOULD ATTEND: All levels of managers and supervisors from the newly promoted to the senior executive.

REGISTRATION - PLEASE SEND IN BOTH SIDES OF THIS FORM

Name: ___________________________________________ Title: ______________________________

Organization: ____________________________________________________________________________

Address: _________________________________________________________________________________

City: ___________________________ State _______ Zip Code: ________________________________

Phone: ___________________________ FAX: ________________________________

E-mail: ________________________________

FEES:

1 to 4 from the same company $75.00 per person
5 employees or more from the same company $70.00 per person

REGISTRATION FEE INCLUDES LUNCH

METHOD OF PAYMENT:

Make Checks payable to CAHRA

mail to: CAHRA
        P. O. Box 251824
        Little Rock, AR 72225
        Total amount of purchase $ __________

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Name on Credit Card: ________________________________________________________________

Credit Card Number: ________________________________________________________________

Circle Type: VISA MC

Signature ___________________________ Expiration Date: __________

Thank You to our Sponsors

DELTA DENTAL

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CANCELLATION POLICY

All requests for refunds must be submitted in writing. There will be a $25 processing fee for refund requests received after April 20.

APPROVAL PENDING for 6.25 recertification credit hours toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI).
Your Foundation at Work:

The SHRM Foundation Regional Scholarship Program will award a total of $100,000 to working SHRM members this year. We would like to acknowledge the generous support of the J. J. Keller Foundation in underwriting this program for 2008.

The awards program is designed to assist HR professionals in meeting their career goals. Individuals may apply for either a $1375 education scholarship or a $750 certification scholarship. A total of 100 scholarships will be awarded.

Application Deadline: July 15, 2008

Eligibility: National SHRM professional, general and associate members pursuing a college degree or working towards PHR, SPHR, GPHR or California certification are eligible to apply. SHRM student members and local-only members are not eligible for these awards. Chapters and state councils may also apply for scholarship funds to support certification training programs.

Awards: 60 certification scholarships of $750 each and 40 academic scholarships of $1375 each will be awarded. Applications will be judged in the following five groups:

- Northeast Region
- Southeast Region (includes former Caribbean Atlantic Region)
- North Central Region
- Southwest Central Region
- Pacific West Region (includes former Asia Pacific Region)

Each region has a total of $20,000 to distribute which guarantees that there will be 20 scholarship winners (12 certification awards and 8 academic awards) in each group.

How to Apply: Visit Regional Scholarship Program:

to print out an application or learn more about the scholarships.

The SHRM Foundation: 40 Years of Advancing the HR Profession
Ensuring Ethical Behavior by Services Providers and Other Third Parties

By Stephen Miller

Employers are growing more dependent on relationships with third parties to provide HR services such as benefit program administration, recruitment and staffing management, and as partners in joint ventures.

But while suppliers of HR services, temporary employees, contractors and business partners can help reduce costs, improve efficiencies and remove business barriers, companies are increasingly recognizing that such arrangements can expose them to legal and reputation risk, according to a new report by The Conference Board, Finding the Right Balance: The Essentials of Third Party Ethics Programs.

"Companies struggle with competing tensions that arise from developing business relationships with partners that aren't always mindful or responsive to a broad range of their own stakeholders' concerns, such as environmental compliance, health and safety, and human rights," comments report co-author Rebecca Walker, an attorney specializing in corporate compliance and business ethics.

To enable companies to benchmark their policies and procedures against those of other organizations, The Conference Board and the Ethics and Compliance Officer Association (ECOA) surveyed 169 companies about their practices to ensure ethical behavior by third parties. Among the key findings:

- **Written policies applicable to specific third parties are not common.** The most typical way of handling third-party ethics and compliance issues is to adopt a code of practice that governs the manner in which the company's own employees deal with third parties.

- **Companies show little interest in the third party's own ethics programs.** Slightly more than one-quarter of the participating companies ask third parties whether or not they have them, but only 14 percent of respondents ask for documentation.

*Performing Due Diligence*

Background or due diligence checks are preferred to insisting that the third party adopt the company's ethics and compliance programs, the survey found. When it comes to due diligence:

- **77 percent of respondents perform checks on certain third parties prior to entering into a business relationship.**

- **About half subject all categories of third parties to due diligence.**

- **Regarding the focus of due diligence searches, disabling financial or legal conditions are more likely than reputational impairments to be the objective of scrutiny.**

*Common Initiatives*

The most common ethics/compliance initiatives that companies extend to their business partners include:

- **Offering employees of third parties an opportunity to report ethics- or compliance-related concerns.** Virtually all of these systems (98 percent) rely on the same means used for a company's own employees to report suspected misconduct, rather than a separate system for third parties. The most popular mechanisms are providing e-mail addresses (65 percent) and telephone help lines (61 percent). Establishing a way for third-party employees to report concerns or misconduct was ranked as the easiest means of ensuring appropriate third-party compliance, while monitoring third-party behavior for compliance was rated by far the most difficult. "With the exception of help lines or whistle-blowing systems, the direct inclusion of third parties in companies' ethics and compliance programs is the exception, not the rule," says report co-author Ronald E. Berenbeim, a principal researcher at The Conference Board.
• **Addressing third-party risks in their company's risk assessment.** Approximately 60 percent of survey participants do so, with agents, suppliers of services and contractors the most frequent subjects of these exercises; suppliers of goods are somewhat less often subject to scrutiny. Companies are evenly divided as to whether the risk assessment is part of a broader enterprise risk process or limited to ethics and compliance risks.

• **Extending their ethics and compliance training programs to third parties.** Slightly more than one-third (38 percent) of survey participants offer but don't insist on some kind of training program for third parties. Most of these programs devote some discussion to the company's own code. In almost every case, those parties that are asked to adopt or certify adherence to the company's internal code of conduct are offered some form of training.

**Infrequent Compliance Audits**

Company audits of third-party compliance with ethics policies and practices are infrequent, and a majority of the companies that audit don't do so routinely, the survey found. Slightly more than 35 percent of the survey participants perform audits or otherwise verify that third parties conduct themselves as required by the company's own compliance and ethics policies. Of this group, slightly less than half conduct audits on a routine basis, while the remainder focuses their audits on specific concerns.

**Room for Improvement**

"The survey suggests that companies are satisfied with current methods of seeking to extend ethics and compliance standards or requirements to third parties but are willing to search for new approaches," says Berenbeim. "Companies rated all ethics and compliance efforts within a narrow and not especially positive range—they deemed them somewhat effective."

*Stephen Miller is manager of SHRM Online’s Compensation & Benefits Focus Area*
Bye, Bye Group Coverage?
Subsidizing Individual Health Policies

By Joanne Sammer

As health care costs continue to skyrocket, there are growing rumbles among employers that enough is enough. But how many of them are willing to take the drastic step of eliminating group health benefits in favor of providing a subsidy to employees to purchase individual health insurance coverage on their own?

So far, relatively few companies have taken that step. Among all employers, about 3 percent said they were "somewhat likely" or "very likely" to drop health insurance coverage, according to the 1,997 employers surveyed in the 2007 Employer Health Benefits Survey conducted by the Kaiser Family Foundation and the Health Research and Educational Trust. However, just over 1 percent of employers with 200 or more employees said they are "somewhat likely" or "very likely" to drop employee health insurance coverage.

"We see a pretty clear separation by size of employer with respect to those considering individual insurance as a replacement for group coverage," says Kirk Johnson, a partner with insurance broker McQueary Henry Bowles Troy LLP in Dallas. "We have not had any employers with more than 50 employees consider this, but about 15 percent of employers with fewer than 50 employees have strongly considered this or taken some form of action."

Few of those employers have taken the step of eliminating group health insurance coverage, though. Instead, Johnson finds, most are extending waiting periods, carving out spouses from coverage and trimming plan coverage levels.

However, data from the Employee Benefit Research Institute show a slow but steady erosion in the proportion of employers with fewer than 200 employees that offer group health benefits. Those numbers have declined from 68 percent in 2000 to 59 percent in 2007.

A New Approach

One small employer that is taking steps away from employer-provided group coverage and toward subsidies for employee-purchased individual coverage is Joe's Sports Bar, a 90-employee sports and entertainment complex in Chicago. "Our health insurance costs were increasing at triple the rate of our business growth," says co-owner Ed Warm. That is why the firm is planning to make the change within the next few months.

Although the firm is still working out the details of the new approach, Warm says employees will receive a subsidy to help pay for individual health insurance coverage, with the size of the subsidy to be based on the employee’s level in the company and length of service. He argues that this will help more of the firm's employees. Under the group health plan, only about a dozen employees received coverage, while the subsidy approach will help many more.

HSAs Can Help

Companies that have gone the subsidy route typically give employees $50 to $200 or so a month to help them buy policies. Alternatively, some employers set up and provide full or partial funding for employee health savings accounts (HSAs) to help workers who purchase high-deductible health plans pay for pre-deductible expenses while growing their health care dollars in a tax-free environment.

"Health savings accounts can help workers who buy high-deductible plans pay for pre-deductible expenses."
Health savings accounts can help workers who buy high-deductible plans pay for pre-deductible expenses.

Dedicated Vendors Emerge

Although helping employees purchase private policies is a relatively new wrinkle in the insurance market, vendors specializing in such services are emerging. One is Norvax Inc., a Chicago-based health insurance technology company that developed a web site, GoHealthinsurance.com, to provide side-by-side comparisons of individual health insurance plans and access to an insurance agent to help individuals choose an insurance plan that suits their needs.

Norvax will develop a customized micro-site for employers for a flat setup fee, but most of the company’s revenue comes from the insurance agents who gain access to these customers, according to Fred Karutz, Norvax’s senior vice president of business development.

Treading Carefully

Like any major change involving insurance and employee benefits, the shift from group coverage to health insurance subsidies requires some preparation and consideration. “This change is more complicated than it seems,” says Sharon Alt, president of Alt Benefits Consultants in Fort Worth, Texas. “There is a lot more to this than just giving employees a few dollars and letting them buy individual health insurance.”

- **Beware of potential legal and regulatory issues.** Throughout this process, employers should consult with legal counsel and employee benefits experts to make sure their approach does not run afoul of any of the myriad federal, state and local laws and regulations governing health insurance and employee benefits.

  **Example:** If a company offers individual health insurance as a voluntary benefit within a section 125 cafeteria plan, that approach can introduce potential legal and regulatory issues for the employer, says Mark Kinney, a partner with the law firm Dorsey & Whitney LLP in Minneapolis.

- **Understand the problems employees may face in getting individual coverage.** Unlike group health insurance, individual health insurance coverage is subject to underwriting. Therefore, older employees or employees with a pre-existing medical condition are likely to pay more for coverage or, in some cases, find it difficult if not impossible to find affordable coverage.

  **Example:** An employee who is pregnant and shopping for individual coverage might not be able to obtain a policy that will cover pregnancy-related costs because the pregnancy was a pre-existing condition. If this occurs, an employer could find itself facing backlash because of its decision to change the health benefits program.

- **Think through employee attraction and retention issues.** A key reason why employers offer health benefits is to attract and retain talented employees. If an employer moves from group health benefits to subsidized individual health insurance, it is important to understand how that might affect the company’s recruitment and retention efforts.

  **Example:** “Many employers may find they are not at the point that they are willing to lessen their chances of hiring the best person for a job because of the benefits package,” says Kinney.

- **Consider alternatives.** A move to subsidize individual health insurance represents a dramatic shift for many employers. In some cases, employers may be able to control their costs in other ways and avoid or postpone the need for this change.

  **Example:** Introducing a waiting period for group health insurance coverage can help firms avoid covering employees who do not have a long-term commitment to their employer.

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What is diversity and what does it mean to us as human resources professionals. Diversity is a commitment to recognizing and appreciating the variety of characteristics that make individuals unique in an atmosphere that promotes and celebrates individual and collective achievement (The University of Tennessee Libraries Diversity Committee, 2001, 2003; Esty, et al., 1995). Traditionally, policies, programs, and legal mandat"
Are there challenges and barriers? Yes, but diversity in the workplace can be realized through effective communications by fully addressing issues such as resistance to change from employees by including them in the planning and implementation process. There will always be the “nay-sayers” that say “we’ve always done it this way” and refuse to be a part of diversity initiative. Diversity training alone is not sufficient. A strategy must be created and implemented for creating a culture of diversity that permeates every department and function of the organization.

Development of diversity in the workplace plan must be comprehensive, attainable and measurable and commitment from the organizations’ leaders (executive and managerial teams) must be transparent. Attitudes toward diversity originate at the top and filter downward and employees must see that management is actively cooperating and participating. Negative attitudes and behaviors can be barriers to organizational diversity because they can harm working relationships and damage morale and work productivity (Esty, et al., 1995). Otherwise, the diversity plan is just another instituted program without merit or substance.

Remember, diversity is not mandated law. It is a concept that fosters cultural perspectives and attitudes and the organization should encourage employees to express their ideas and opinions openly and honestly. Therefore, organizations need to develop, implement, and maintain ongoing training because a one-day session of training will not change people's behaviors (Koonce, 2001). Ideally, every person should be treated equally when it comes to hiring and once hired treated fairly and equitable--fairness is not necessarily equality. Unfortunately, this is the not the case because there is still a great deal of racial divide in the hiring, firing and promotions practices of many organizations. In an era when flexibility and creativity are keys to competitiveness, diversity is critical for an organization’s success.

Unfortunately, there is no single recipe for successfully implementing a diversity plan or program. But a diversity recipe can be created that reflects the culture and values of the people that work there. Recipes are not etched in stone—they are meant to be modified or changed to meet to the palate (taste) of the one creating it. The same can be said about diversity programs and practices.

It is a concept that fosters cultural perspectives and attitudes and the organization should encourage employees to express their ideas and opinions openly and honestly.

References


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Federal Legislative Update

House Passes Mental Health Parity

Mental health parity legislation moved another step closer to becoming law this month when the U.S. House of Representatives passed H.R. 1424, "The Paul Wellstone Mental Health and Addiction Equity Act." The bill was approved on March 5, 2008, by a vote of 268 - 148.

SHRM opposed H.R. 1424 because the bill:
1. imposes a broad benefit mandate that preempts lesser state coverage mandates;
2. lacks adequate protection for the medical management of benefits;
3. allows states to enact more extensive laws including an alternative remedy structure for mental health or substance abuse benefits; and mandates out-of-network coverage if other benefits are offered on an out-of-network basis.

Recognizing that enactment of this bill could limit employer flexibility and raise health plan costs for both employers and employees, SHRM members sent more than 2,500 letters to House members in opposition to H.R. 1424 in the two days leading up to the vote. The Senate has already passed a SHRM-endorsed, bipartisan mental health parity bill (S. 558) sponsored by Senators Ted Kennedy (D-MA), Pete Domenici (R-NM) and Mike Enzi (R-WY). Now a "conference committee" made up of House and Senate leaders will work to craft a compromise between the two bills.

SHRM Seeks Alternative to "ADA Restoration Act"

In recent days, SHRM has come under attack from some non-profit organizations, such as the Epilepsy Foundation, for opposing a bill that would greatly expand and confuse ADA coverage. SHRM is concerned that the proposed legislation could adversely affect many individuals whom the ADA was intended to help.

SHRM staunchly supports the ADA's important protections, and believes that it is appropriate and necessary for Congress to re-examine the ADA to determine what changes may be needed to restore the full intent of the law.

However, "The ADA Restoration Act" (H.R. 3195 and S. 1881), as currently drafted, would create more confusion and inequities. Specifically, SHRM has two major concerns about this specific legislation:

1. By changing the current definition of "disability" from "a physical or mental impairment that substantially limits one or more major life activities" to "a mental or physical impairment," the bill would expand ADA protections to individuals who have minor, even brief impairments. Workplace accommodations would need to be provided for employees who have temporary impairments, such as headaches, skin irritations or a sprained ankle. Not only was this never the intent of the ADA, but it will have the very real, practical effect of diluting the resources available to those employees with disabilities, who truly need and deserve accommodations.

2. The proposed bill would shift the burden of proof in ADA discrimination cases from the employee to the employer. This is an unprecedented change to U.S. employment law. Under the ADA, an employee must demonstrate that he or she is qualified to perform the essential functions of a job with or without a reasonable accommodation. Instead, the bill would force employers to prove that a disability discrimination plaintiff is not qualified for a particular position. SHRM believes this could hinder rather than help current efforts to employ more persons with disabilities and to provide needed accommodations.

SHRM remains committed to exploring ways to correct inequities in the ADA. We are continuing to seek a solution that will be faithful to the Act's original intent and fair to employees and employers alike.
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