

REGION 4

- Alabama
- Florida
- Georgia
- Mississippi
- Puerto Rico
- South Carolina
- Tennessee

INSIDE THIS ISSUE:

Important Dates	1
Regional Consultant Info	1
Preventative Medicine	2 & 4
Upcoming Regional Events	3
Advocacy Committee Report	5
Conference Info	6
New Members	7

ASHHRA REGION 4 NEWS

VOLUME 2, ISSUE 1

MARCH 2012

Mark Your Calendars:

ASHHRA Awards-applications and nominations deadline is May 4, 2012

- CHAPTER MANAGEMENT AWARD-This program provides the opportunity for the chapter to be nationally recognized at the ASHHRA Annual Conference. The participation level ranges from Honorable Mention to 4-Star recognition. Award-winning chapters also receive a monetary award as well as one or more free annual ASHHRA memberships. Now is your chance to show off your chapter to ASHHRA members throughout the country!
- OUTSTANDING CHAPTER OFFICER AWARD-Recognizes a 2011 chapter officer who has made a significant contribution to an ASHHRA chapter through excellence in chapter management and/or distinguished leadership.
- OUTSTANDING CHAPTER ACHIEVEMENT AWARD-Recognizes an HR professional from each affiliated chapter whose significant contributions advance the health care human resources profession.

Mentoring Program Opens for Mentors and Mentees-

ASHHRA invites mentors and mentees to participate in the 2012 mentoring program. The program is designed to create a mentorship community for healthcare HR professionals to enhance and grow knowledge, skills, and abilities to excel in their career.



We had our first Region 4 conference call for 2012 on March 7th, which was attended by Curnis Upkins of Mississippi. The dates of our upcoming 2012 calls are June 6th, September 5th and December 5th. I will forward the dial in information to the chapter presidents and will send a reminder prior to the dates.

Region 4 Consultant

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Please feel free to call or email me if you have any questions, ideas, comments, or suggestions.

PREVENTATIVE MEDICINE :

Court Decision on NLRB Posting Requirement Isn't Much of a "Win" for Employers.

By: W. Jonathan Martin II and David P. Phippen

For more information on FLSA trends in health care, contact Jonathan Martin at jmartin@constangy.com or 478-621-2407, or any other Constangy attorney at www.constangy.com.

This month's by a federal judge on the "posting rule" <http://r20.rs6.net/tn.jsp?et=1109457347012&s=0&e=001jBVJeSmqktU_AhjMj5Wc3wh5tWnegdsVWWS-_Qca-pKUI9am-rQuqwQUM4w2ds2w1-7cyiNUYTnYnM0Jb_ZdaFkj1qNhN9Fq6E8JWYnPPKgXHL98A8PYmjTKCnCffXsgDuz_BOGAJk=>> of the National Labor Relations Board was not a total loss for employers, but it was hardly a resounding victory.

In *National Association of Manufacturers v. NLRB* <http://r20.rs6.net/tn.jsp?et=1109457347012&s=0&e=001jBVJeSmqktU_AhjMj5Wc3wh5tWnegdsVWWS-_Qca-pKUI9am-rQuqwQUM4w2ds2w1-7cyiNUYTnYnM0Jb_ZdZZyz9-u_uXya9SQFtD2Kb0m6WY5jJXVg0p5tZl0lvm9Mzse9oYqcvY=>>, Judge Amy Berman Jackson of the U.S. District Court in Washington, D.C., upheld the notice-posting requirement but found that the Board had exceeded its authority (1) by creating a new unfair labor practice based on failure to post the notice, and (2) by pre-determining by rule that a failure to post the notice would toll the six-month limitations period for filing unfair labor practice charges that is found in Section 10(b) of the NLRA. Unfortunately, these latter parts of Judge Jackson's ruling may provide little comfort to employers because, as the judge indicated in her decision, the Board may pursue these results on a case-by-case basis — just not by way of general rulemaking.

The Case and Analysis:

The plaintiffs in the case, which included the National Right to Work Legal Defense and Education Foundation as well as the NAM, brought the court challenge to the Board rulemaking implemented in August 2011. They contended that the Board had no authority under the NLRA to make such a rule and that the rule interfered with employers' right to refrain from speech, thus violating the First Amendment to the U.S. Constitution. They also contended that the Board could not add a new unfair labor practice to those explicitly set forth in the NLRA and that the Board could not adopt a rule automatically imposing tolling of the Section 10(b) limitations period simply because of a failure to post the notice.

Judge Jackson found that the Board had broad authority to adopt rules it deemed necessary to promote the purposes of the NLRA and that the posting requirement was within that scope. The rulemaking was a reasonable and not an arbitrary and capricious interpretation of the NLRA, she said, even though the statute says nothing about posters. In rejecting the First Amendment challenge, Judge Jackson found that the notice did not compel the employer to speak. Instead, she concluded, the notice was government speech and the Board could mandate the posting to get out its message.

Upcoming Regional Events:

- Florida Society for Healthcare Human Resources Administration** will be hosting their annual conference at the Hammock Beach Resort in Palm Coast, Florida March 28-30, 2012. This resort is located near St. Augustine and boasts a lazy river, signature golf courses designed by Jack Nicklaus and Tom Watson, spa and a host of other recreational amenities.
- South Carolina Healthcare Human Resources Association** will be hosting their annual conference at the Westin Resort and Spa in Hilton Head Island, SC April 18-20, 2012. Attendees may also register to attend the Golf Tournament at Palmetto Dunes, George Fazio Course on Wednesday, 4/18.

APPLY NOW: THE 2012 GARY WILLIS LEADERSHIP AWARD

Recognizing mid-level human resources managers and directors who have made outstanding leadership and operations contributions to their organization, this award is for managers who are looking to advance their career through continuous educational opportunities promoting operational excellence.

Criteria: 1.) A minimum of 5 years of health care HR experience, 2.) ASHHRA member for at least 1 year, and 3.) Hold a position from mid-level manager to director.

Award winners will receive one of two \$2,500 scholarships for health care HR education.

Applications can be submitted online beginning January 13th at www.aha-solutions.org or www.ashhra.org. Applications must be received by May 1st and winners will be announced at the ASHHRA 48th Annual Conference & Exhibition in September of 2012.

2012 Staff Compensation Survey Now Open For Participation!

If you participated in the 2011 National Healthcare Staff Compensation Survey, your questionnaire will be pre-populated with the data you submitted last year. Also, if you are responsible for reporting data for more than one organization or subsidiary, you will be able to report data for ALL of these organizations in one instrument. There are over 250 benchmarked positions, 20 of them added in response to participant feedback.

- **Participation opens:** January 20, 2012.
- **Deadline:** April 6, 2012
- **Publication:** June 29, 2012

To take the survey, visit:

http://www.ashhra.org/publications/compensation_survey.shtml

PREVENTATIVE MEDICINE: (CONT'D FROM PAGE 2)

On a more positive note, Judge Jackson found that the NLRA prohibited interference with employee rights but that the Board could not, by rulemaking, expand the unfair labor practices under the NLRA to require employers to "facilitate" employee rights. Likewise, she found that the Board could not use rulemaking to negate the statutory limitations period of Section 10(b).

What's Left

This ruling is not the end of the story. Press reports indicate that the Right to Work organization has vowed to appeal Judge Jackson's decision, and the outcome of an appeal is difficult to predict.

To complicate matters even more, another case raising the same issue is pending in federal court in South Carolina. The court in South Carolina can reach its own conclusion, and there is no guarantee that it will follow Judge Jackson's decision.

Meanwhile, companies and employees continue to slouch toward April 30, the date on which the notices must be posted.

About Constangy, Brooks & Smith, LLP

Constangy, Brooks & Smith, LLP has counseled employers on labor and employment law matters, exclusively, since 1946. A "Go To" Law Firm in Corporate Counsel and Fortune Magazine, it represents Fortune 500 corporations and small companies across the country. Its attorneys are consistently rated as top lawyers in their practice areas by sources such as Chambers USA, Martindale-Hubbell, and Top One Hundred Labor Attorneys in the United States, and the firm is top-ranked by the U.S. News & World Report/Best Lawyers Best Law Firms survey. More than 140 lawyers partner with clients to provide cost-effective legal services and sound preventive advice to enhance the employer-employee relationship. Offices are located in Alabama, California, Florida, Georgia, Illinois, Massachusetts, Missouri, New Jersey, North Carolina, South Carolina, Tennessee, Texas, Virginia and Wisconsin. For more

**Reminder:
Be sure to use the ASHHRA website
for all your HR resource needs:
www.ashhra.org**

ASHHRA ADVOCACY COMMITTEE REPORT—2012 Quarter 1

The American Society for Healthcare Human Resources Administration (ASHHRA), a personal membership group of the American Hospital Association (AHA), recently announced the 2012 Advocacy Agenda and Hill Visit May 7-8, 2012.

Each year the Advocacy Committee visits Representatives and Senators in Washington, D.C., to present the ASHHRA position on key issues that pertain to the health care workforce at-large. In 2011, we had over 40 meetings, in which we offered practical expertise to our Washington D.C. leaders regarding issues that impact our Hospitals and our workforces. Each committee member works to develop a relationship with legislators while we offer our unique view of healthcare as human resources practitioners.

In 2012 ASHHRA will pair our Hill Visit with the full AHA contingent at the AHA Annual Meeting. The Annual gathering will be comprised of comprises of learning, collaboration, and Hill Visits addressing issues that impact the health care industry. The focus of ASHHRA is just a piece of the health care legislative and regulatory puzzle.

This year the ASHHRA Advocacy Committee will be addressing the following topics:

<p>Stephanie Drake, Executive Director ASHHRA</p> <p>Michael Paruta, Advocacy Chair, Director of Workforce Development, Providence, RI Care New England Health System</p> <p>Carla Luggiero, Senior Associate Director of Federal Relations AHA</p>	<p>LEGISLATION:</p> <ul style="list-style-type: none"> • Payment cuts as it relates to jobs and the impact on hiring qualified workers • Extension of the TRICARE exemption for OFCCP oversight and enforcement to include providers participating in health care plans for federal workers and other managed care reimbursement arrangements (Medicare C and D) • NLRB rules on union organizing, including changes to rule on appropriate bargaining units • OSHA and safe patient handling • Staffing ratios <p>REGULATIONS:</p> <ul style="list-style-type: none"> • EEOC / Background Checks – recruitment and hiring procedures reviewed • NLRB - Access to employers property and equipment (i.e. email) • “Persuader” reporting requirements from Office of Labor Management Standards (OLMS), a part of the Department of Labor (DOL) • Understand the DOL agenda and see where we can impact it
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To also support the ASHHRA Advocacy agenda, ASHHRA will continue to offer quarterly webinars, the *Health Care Labor* and the *Semi-Annual Labor Activity* reports in conjunction with AHA and IRI Consultants.

If you are interested in learning more about the ASHHRA Advocacy efforts, feel free to email ashhra@aha.org or call 312-422-3720.

ASHHRA 48th Annual Conference & Exposition
Leading PEOPLE
Through CHANGE
 Sept. 22-25, 2012 DENVER, COLO.

Early Bird Special
 Click to REGISTER before March 31
 to SAVE up to **\$50**




SAVE THE DATE:

**September 22 - 25,
2012**

**ASHHRA Annual
Conference to be held
In Denver, Colorado**

2012 HR Metrics Tool

Participate in the 2012 HR Metrics Tool and benefit from reliable expertise in HR analytics to obtain relevant benchmarks for workforce and HR metrics. Each participant receives a personalized report that confidentially compares your organization's results to those of other participants.

To participate, go to:

<http://www.ashhra.org/products/metrics.shtml>

Report availability: Mid-May 2012

For questions, call Sharon Allen at (312) 422-3722

Why You Should Attend the Conference:

- Valuable networking opportunities
- Informative learning sessions
- Recertification credits
- Denver, Colorado and all it has to offer
- Fun social events
- Valuable solutions from exhibitors
- Inspiring keynote speakers, including Tom Flick and Carson Kressley
- **Hotel:** Hyatt Regency Denver at the Colorado Convention Center
- **Location:** Colorado Convention Center in Denver, Colorado
- **Early Bird Special:** Register before March 31st to SAVE up to \$50

***Don't forget, registration includes one (1) year of membership for non-members!**

Please visit the following website for more information:

<http://www.ashhra.org/conference/2012/registration.shtml>



Tom Flick (left) is a former NFL quarterback, success coach and Change Management Specialist.



Carson Kressley (right) is a renowned stylist and television star.

Welcome, Region 4 New Members!

Name	Title	Organization	Address	Zip	Email Address
David Bromfield			2001 Mallory Lane, Ste 201, Franklin, TN	37067-8235	davidb2@resultsphysiotherapy.com
Stephen Dale			PO Box 1727, Valdosta, GA	31603-1727	Stephen.dale@sgmc.org
Jessica Ericson			5665 Peachtree, Atlanta, GA	30342-1701	jericsen@sjha.org
Mary Salamanca			10451 Golden Warbler Rd, Brooksville, FL	34613-3852	Mary.Salamanca@healthsouth.com
Angelique Swann			3020 N Military Trl, Ste 200, Boca Raton, FL	33431-1805	Angelique@flsmile.com
Tabitha Abraham			551 S Apollo Blvd, Ste 201, Melbourne, FL	32901-1274	tabraham@brevardemergency.com
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Joy Hutson			102 Cotton Wood Ct, Madison, MS	39110-4105	Joy.hutson@hma.com
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Christine Nguyen			24201 Walden Center Dr, Ste 101, Bonita Springs, FL	34134-4964	cnguyen@globalhrresearch.com
Laura O'Korn		Lutheran Haven, Inc.	2041 W State Road 426, Oviedo, FL	32765-8548	lokorn@lutheranhaven.org
Diane White	Director of Human Resources	Jerome Golden Center for Behavioral Health, Inc.	1041 45th Street, West Palm Beach, FL	33407-2494	dwhite@jeromegoldcenter.org
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Leigh Cason			1818 Henderson St. Columbia, SC	29201-2619	lcason@ucimedinc.com
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Cynthia Howze			1502 Trolley Rd. Prattville, AL	36066-1923	Cme_howze@yahoo.com
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