

Chamber News

www.RochesterBusinessAlliance.com

November/December 2008

News to Know

In This Issue...

- Executive Message p. 2
- Unshackle Upstate 2009 Agenda p. 5
- 2008 Health Benefits Survey Highlights p. 6
- New York's New WARN Act p. 7

Visit Every Member Campaign

From Membership Director Kevin Donahue: "We're nearing the home stretch with more than 90 percent of our member visits completed.

We can't thank our members enough for graciously accepting our "drop-in" visits. For those of you we haven't seen, keep an eye out...we will see you soon."

Friday Business Briefings

Nov. 7

Keeping Baby Boomers Engaged - How to Bridge Employment

Nov. 21

Using Compensation Survey Data

Dec. 5

Coaching Your Organization's Supervisors - "Feedback: Using Our Powers for Good and Not for Evil..."

Time: 8-9 a.m.

Location: Rochester Business Alliance,
150 State St., Rochester, NY 14614
Open to: Members only (no cost)

To register, call Edna Smith at (585) 256-4641
or e-mail Edna.Smith@RBAAlliance.com

Rochester
BusinessAlliance
The Regional Chamber of Commerce

2008 Rochester Top 100 Event Honors Success of Local Businesses

In the midst of all the bad economic news of late, our community welcomed a chance to celebrate success at the 2008 Rochester Top 100 Awards Ceremony.

The 22nd annual luncheon, held Nov. 5 during the Rochester Business Alliance's annual membership meeting at the Riverside Convention Center, recognized and honored the 100 fastest growing, privately held businesses in our region. The Rochester Top 100 is a program that's sponsored by the Rochester Business Alliance and the accounting firm KPMG LLP.

For the third year in a row, and despite a challenging economy, there was intense competition to be on the list, with nearly 230 companies submitting applications. To be considered, companies must be headquartered in the nine-county Greater Rochester region, and have revenues of at least \$1 million in each of their three most recent fiscal years. Entrants are then ranked according to revenue growth, factoring in both dollars and percentage increase.

The companies on the 2008 Rochester Top 100 had combined revenues in the most recent fiscal year of \$9.5 billion, and employ nearly 77,000 people. Those jobs are in construction, financial services, manufacturing, retail, service, technology and wholesale/distribution – a real gamut of the economic spectrum.

Some of the companies on the list are names everyone recognizes, such as Wegmans Food Markets, which has been a Top 100 company

for all 22 years. And there are newcomers, such as VarData LLC, founded in 2004, which resells equipment for voice, data and storage networks.

In fact, 23 companies on the list have been in existence only since 2000, while the companies such as Gleason Corp. (founded in 1865) and

The Pike Co. (founded in 1873) have storied histories in our community. Among the Top 100, there are 17 companies that have celebrated their 50th anniversaries doing business in Greater Rochester.

On the Rochester Top 100, small companies stand side by side with big business. While Wegmans tops the list with more than 37,000 employees, only nine of the companies have 500 or more employees, and 38 have 50 or fewer employees.

We at Rochester Business Alliance think that the Top 100 is so important that we make it the theme of our annual membership meeting, and we celebrate throughout the year with a program called Meet the Top 100. That program takes members of the Rochester Business Alliance inside six of the companies on the Rochester Top 100, where they tour the facilities and hear the secrets of their success as well as the challenges they face.

In the past year, we visited Dixon-Schwabl, Finger Lakes Coffee Roasters, SWBR Architects and Engineers, P.C., DDS Cos., Sunnking, Inc. and Diamond Packaging. And our tours start again Jan. 13 with a visit to Gleason Corp., followed by a stop in Feb. 11 at Surmotech. ★



Amanda Pontarella, CEO, and Joseph Merry, vice president, of Turner Bellows, Inc., the No. 1 company on the Rochester Top 100

2009 Meet the
Top 100 Tours

Gleason Corp.: Jan. 13 7:45-9 a.m.
Surmotech: Feb. 11 7:45-9 a.m.

Log on to our website and register
www.RochesterBusinessAlliance.com

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www.RochesterBusinessAlliance.com

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intended to render legal advice.

From the President and CEO...

Each November, the Rochester Business Alliance and KPMG LLP honor the Rochester region's fastest-growing privately held companies at the Top 100 Awards Ceremony. The Rochester Top 100 is a list of the fastest growing, privately held, locally based companies in our nine-county region. Each year, KPMG – our partner in this project – reviews the nominations and determines the rankings.

This year, we received nearly 230 entries from companies ranging from manufacturers to high-tech services companies. Equally impressive was the crowd that attended the Nov. 5 event in support of the locally-based companies - nearly 2,000 guests. (Read more about the 2008 Top 100 list on the front page of our newsletter.)

The turnout each year is indicative that our community truly supports Rochester-based business and these business people are excited to celebrate our area's success, despite the recent downturn in the economy.

Upstate New York, along with the entire nation, faces economic challenges for 2009 and we are working hard with Unshackle Upstate to address those concerns and to continue to take action in 2009. In light of the fiscal crisis on Wall Street, Unshackle Upstate's focus is on budget reform. (See p. 3 to read about the struggle between Main Street and Wall Street.)

Unshackle Upstate is a growing coalition of more than 72 business organizations across the state, representing more than 45,000 companies. The Rochester Business Alliance has been a leader in the coalition, advocating for tax reform, economic development and continued regulatory reform in 2008. This year we pushed for a state property tax cap and urban site development in our area – two agenda items

targeted to reduce the high cost of doing business in New York state as well as make brownfield redevelopment a more attractive choice for investors and businesses in our area.

The 2009 Unshackle Upstate agenda focuses on developing an energy agenda, advocating for the governor's property tax cap legislation, and budget reform. These are all issues that add up to lost dollars for all our companies doing business in Upstate New York. As a leader in the coalition, Rochester Business Alliance is working hard with its coalition partners to spark reform in the way we do business in our region. For a detailed article on the Unshackle Upstate 2009 agenda, see page 5.

On a separate note, budget reform was the key consideration for this year's endorsements by the Committee for a Strong Economy, our political action committee. The committee endorsed candidates in 14 New York State Legislature races, 13 of whom were re-elected into office Nov. 4.

We invite you to get involved in Unshackle Upstate as well as in the many activities, programs and services that the Rochester Business Alliance provides – all aimed toward helping the business of our region succeed, grow and prosper. By working together, we can ensure our Top 100 companies and other businesses in the region continue to prosper.

Here's to a healthy and prosperous 2009. ★




Sandra Parker

Upcoming Events

Dec. 3	Breakfast with Our CEO	8-9 a.m.
Dec. 9	Business After Hours: Holiday Jam	5-7 p.m.
Jan. 8	JOBSapalooza	4-7 p.m.
Jan. 13	Meet the Top 100: Gleason Corp.	7:45-9 a.m.
Jan. 22	ATHENA Award	Noon-1:30 p.m.

For more information or to register, visit our calendar online at
www.RochesterBusinessAlliance.com.

JOBSapalooza '09

Employers are invited to join in the region's first job fair of 2009, JOBSapalooza, sponsored by the Rochester Business Alliance and Rochester area colleges. The goal of JOBSapalooza is to attract and retain the area's young talent.

Strategically scheduled during college winter break, the job fair always attracted soon-to-be graduates of Rochester area colleges and those students home on break. In 2008, more than 50 employers had the opportunity to present their openings to about 400 job seekers.

JOBSapalooza, set for 4 - 7 p.m. Thursday, Jan. 8 at the DoubleTree Inn, 1111 Jefferson Road, Henrietta, offers employers a great opportunity to recruit interns and new full- or part-time employees from a pool of students, upcoming graduates of area colleges and alumni who want to stay in the area. Employers are encouraged to register now; space is limited and past years have sold out.

Visit our website's calendar to register your company for the job fair (www.RochesterBusinessAlliance.com).

Visit China '09

In response to the overwhelming interest in our October 2008 China trip, we've decided to do it again!

The Rochester Business Alliance will be hosting a trip to China in March 2009 with three departure dates: March 15, 16, and 17. The deadline to register is Dec. 19.

The nine-day trip visits Beijing, Suzhou, Hangzhou and Shanghai. See first-hand how China has preserved its ancient history while building through modern-day reform. For the first time, we'll be offering an optional side-trip to Xi'an including a tour to the Terra-Cotta Warriors.

For information about the March trip, visit our web site (www.RochesterBusinessAlliance.com).

EMBA Scholarship Applications Open

Rochester Business Alliance has partnered with the University of Rochester's William E. Simon Graduate School of Business Administration to offer scholarships to 10 managers at small- to mid-size local companies and nonprofit organizations who want to pursue an executive MBA degree.

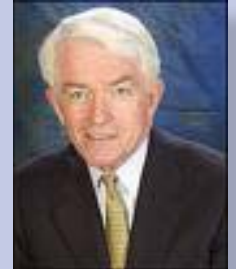
The Rochester Business Alliance Scholarships, available to applicants for the Simon School's Executive MBA program starting in fall 2009, will cover 50 percent of the cost for people who live and work in the Rochester area.

The early application deadline is April 17, 2009.

For more information, go to www.simon.rochester.edu/emba or contact Carin Conlon, Simon School executive director of E.M.B.A. programs, at (585) 275-3439 or e-mail emba@simon.rochester.edu. ★

From the US Chamber

Main Street and Wall Street: We're in this Together



By Thomas J. Donohue, President and CEO

The defeat of the financial rescue plan in the House of Representatives dealt a needless blow to an already faltering economy.

Major opposition to the bill stems from the mistaken belief that this is a rescue of Wall Street, not Main Street. What escapes many people is how dependent one is on the other.

Pitting Wall Street vs. Main Street is wrongheaded and unproductive. They are inextricably connected. The funds that flow through Wall Street drive the activity on Main Street that creates jobs and generates income. Businesses rely on the financial markets for their daily operations and an inability to borrow money means businesses can't expand production and create new jobs.

A collapse of the financial markets would prevent individuals and businesses from getting the funds they need to consume and invest - the two things that drive economic growth. Without them, our standard of living declines and our economic future is imperiled.

One of the basic benefits of an integrated financial system is its ability to make credit available to both large and small entities. However, one the drawbacks is its interconnectedness. When a fundamental piece of that integrated system undergoes a complete meltdown, it is a problem for everyone. That's why it's essential we do everything we can to save and strengthen a financial system that has benefitted all of us.

Americans have every right to be mad. But now is the time to put our anger aside, look at the big picture, and avert an economic apocalypse that could devastate all of us. ★

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**Rochester Business Alliance
Business After Hours
Holiday Jam 2008**




**5-7 p.m., Dec. 9, 2008
Rochester Riverside Convention Center**

The Business After Hours Holiday Jam brings together Rochester Business Alliance members and future members for an evening of networking, hors d'oeuvres and drinks, and raffles for great prizes.

In addition to networking, the Holiday Jam features a Business After Hours Mini Trade Show which gives members an opportunity to showcase their business in front of numerous potential customers. The cost for a trade show display table is \$100.

Admission : \$10 for members
\$50 for future members

To register or to purchase a display table, log on to our web site (www.RochesterBusinessAlliance.com) and click on the Events Calendar link at the top of the page.

In each issue of Chamber News, we'll feature information on one of our six affiliated groups. This issue, our spotlight is on the Rochester Black Business Association.



Rochester Black Business Association

By Timothy McCauley
RBBA President

The Rochester Black Business Association recently celebrated its 29th anniversary. Much has changed over the years since a small group of Black business owners decided to organize a group dedicated to supporting each other and business owners such as themselves to thrive and grow in a challenging but promising economic environment. The fledgling group committed to "nurturing the development of a vibrant and successful Black Business community."

The group is committed to advocating for equal access to contract opportunity, promoting service standards that exceed client needs and expectations, providing opportunities for member networking, training and resource and information sharing. The RBBA continues to welcome all who share its desire for excellence and opportunity. Large, corporate members are important and long-standing allies to the RBBA as well. They appreciate the need to engage all segments of the business community in order to ensure the long term success and vitality of the community. RBBA provides our corporate members an excellent means of diversifying their vendor and contractor pool and strengthening relationships. The RBBA provides membership and sponsorship opportunities to all businesses that support the mission of the RBBA.

It is indeed true that the more things change, the more they remain the same. The Rochester Black Business Association recently re-established its relationship with the Rochester Business Alliance and continues to energetically pursue the goals established 29 years ago.

For more information about RBBA call (585) 313-8447 or visit the RBBA website at www.rochesterblackbusiness.com. ★

Upcoming Affiliate Events

Greater Rochester Quality Council

- Annual Showcase - Nov. 19
- Quality in Outsourcing Seminar - Nov. 20
- The Innovation Process and Quality Tools - Dec. 11

Small Business Council

- Thanksgiving Appeal (Annual food basket drive) - Nov. 10-20
- Holiday Networking Event - Dec. 4

Women's Council

- Annual Holiday Celebration - Dec. 11
- ATHENA Award - Jan. 29

For more information, visit the Affiliated Groups page on our website - www.RochesterBusinessAlliance.com

SAVE THE DATE

SBC Signature Networking Event of the Holiday Season

SMALL BUSINESS COUNCIL OF ROCHESTER
an affiliate of the Rochester Business Alliance

Music Provided by JAZZNIK

When: Thursday, December 4, 2008
Time: 5:30 pm—8:30 pm
Where: Rochester Museum and Science Center
657 East Ave, Rochester NY 14607

COMPLIMENTARY TO SMALL BUSINESS COUNCIL MEMBERS
Includes a grazing menu with beer, wine & soda

Non-Members—\$25 per person

JOIN THE SBC BY JUNE 30, 2008 AND RECEIVE TWO ADDITIONAL GUEST
PASSES TO THE SBC SIGNATURE NETWORKING EVENT OF THE HOLIDAY
SEASON.

For more information about the SBC or for Membership please contact Cindy DeVoldre at
(585) 256-4619 or cindy.devoldre@RBAlliance.com

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Business Planning: The Next Generation

Business planning is an ongoing necessity because the environment in which your small business operates continually changes. Here are some planning tips to help keep your small business on track for long-term growth:

Revisit your business plan. Refer to it every quarter or six months to match estimates with current realities. Update your plan as needed with new or modified contingencies, and adjusted time frames for key milestones such as expansions or new product/service lines.

Watch those numbers. Financial statements provide a window into the health of your business. Project cash flow several months into the future based on reasonable expectations for sales and income, customer demand, regular payments, and other factors. By comparing actual cash flow to projections, you can spot opportunities to improve performance.

Watch your industry. In today's interconnected global economy, any change anywhere can have a ripple effect on any small business. Stay current with world and community events; study your sales records;

and communicate with customers, suppliers, and colleagues. You'll be less susceptible to surprises, and better prepared to anticipate and capitalize on these changes.

Develop relationships. Although growth usually implies investing in additional resources, there may be more cost-effective options better suited to your immediate and long-term needs. Building partnerships with other businesses in your field and specialty consultants can help stretch your capabilities.

Invest in your staff. Because a growing business will demand more of your time, identify employees who can take on routine and management responsibilities. They'll relish the opportunity to grow personally and professionally, and you'll be free to focus on more important issues.

Contact SCORE Rochester. An experienced, outside perspective can help you grow your business. Volunteer business counselors stand ready to provide free, confidential business counseling to small business owners. Call (585) 263-6473 or visit www.scorerochester.org. ★

Unshackle Upstate Update - '09 Agenda

By Chris Wiest
Vice President of Public Policy and Advocacy



Unshackle Upstate leaders are finalizing the coalition's 2009 legislative and policy agenda and with the state facing a budget deficit of more than \$25 billion over the next three years, the need to reduce state spending tops the list of priorities.

Unshackle is advocating that Albany look at cost savings in both Medicaid and education, two areas that account for over half of the state's \$121 billion budget. Options such as freezing budgets at current spending levels or temporarily rolling back to levels of a year ago could lead to hundreds of millions in savings.

We also believe that more work can be done in consolidating state authorities and agencies and that public employee health care, and pension benefits should be examined in comparison with private sector benefits to determine affordability. Rochester Business Alliance is currently working with the Center for Governmental Research to analyze cost saving opportunities in each of these areas.

In addition, Unshackle supports the need for tax relief, and will continue to advocate for passage of the governor's property tax cap legislation. At the same time, we believe it is crucially important that the state not introduce any new taxes, surcharges or fees as an offset to passage of a property tax cap, since substituting a tax increase for a tax cut will not lead to a net benefit to taxpayers.

Finally, we will develop an energy agenda focused on increasing the state's generating capacity, meeting its infrastructure needs and lowering costs. We will also continue to play an active role in defending employer interests on key pieces of legislation such as paid family medical leave.

In the coming weeks, we will share more information about the 2009 agenda and how you can help. For more information, go to www.unshackleupstate.com. ★

Public Policy - Government Consolidation Plays a Key Role in Taxpayer Relief

Recently, the Rochester Business Alliance was asked to present welcome remarks at a workshop on shared services and local government efficiency grants conducted by the New York Department of State. We were pleased to endorse this program to the 120 local government representatives in attendance since government consolidation, and the resulting taxpayer savings, has been a long-standing goal on our advocacy agenda.

Why does this program deserve so much attention? Because as financial resources to fund public programs are becoming scarce, it makes sense that local governments look at all options to improve efficiency and reduce cost of delivering services to taxpayers. This summer, the New York State Commission on Local Government Efficiency and Competitiveness, the "Lundine Commission," issued a report outlining areas of opportunity for government consolidation across the state that estimated potential savings at more than \$1 billion.

The local government efficiency grant program offers funding to help communities plan for consolidation of services. Last year, DOS received 241 applications requesting a total of almost \$52 million. Last year's budget included \$13.7 million for the program, and 67 grants were awarded. This year, the budget was increased to \$23 million to fund more initiatives. Individual grants range from \$25,000 to \$1 million.

Of the 67 grants awarded last year, 14 went to our region, including 17 Monroe County towns involved in the purchase and sharing of specialized highway equipment. Another underway involves the county, City of Rochester and City School District in a study to determine potential cost savings of

purchasing health insurance as a single group. Such initiatives have the potential to save taxpayers hundreds of thousands of dollars.

Both the county and city have an active interest in improving efficiency and streamlining expense in delivering government services and should be applauded. Success has been realized in the combined purchase of office supplies and the sharing of some administrative functions. Further opportunities are still available in challenging areas such as the city and county public water systems.

Rochester Business Alliance will continue to encourage our local and state leaders to push for consolidation and improved efficiency, and encourages you to do the same. To learn more, go to www.dos.state.ny.us/lgss. For more on the findings and recommendations of the New York State Commission on Local Government Efficiency and Competitiveness, go to www.nyslocalgov.org/. ★

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2008 Health Benefits Survey Highlights

The Rochester Business Alliance has released the results of its 10th annual Health Benefits Survey. Data was gathered from 243 member organizations, representing 112,500 full-time employees. Highlights of this year's survey include:

- The five health plans most offered by employers include, in rank order: Preferred Care Basix, Blue Choice Value, Preferred Care TriVantage, Blue Choice 25, and Blue Healthy Choices.

- Fixed dollar health plan contributions continue to be the most popular employer premium payment strategy (37 percent of respondents) compared to the fixed percent contribution strategy utilized by 35 percent.

- Average monthly employer contributions by health insurance plan type: Single \$242 (up 13 percent from 2007); Two-Person \$486 (up 10 percent) and Family \$566 (up 11 percent).

- Sixty-six percent of respondents offer health benefits to part-time employees, down from 72 percent in 2007.

- Out of 195 respondents, the average anticipated premium increase for 2009 is 11.8 percent.

- In response to anticipated increases in

2009, 30 percent of respondents plan to offer a wellness program and 16 percent plan to reduce benefits or offer lower cost plans. The percentage of respondents planning to split the premium increases 50/50 with their employees is 18 percent, while 20 percent of employers plan to absorb a majority of the increases.

- Comparing Rochester health insurance costs to other parts of the country, 20 percent of respondents reported that costs in Rochester were higher (13 percent in 2007), 42 percent reported lower (46 percent in 2007), and 38 percent the same (40 percent in 2007).

- Thirty-one percent of respondents provide cash incentives ranging from \$100 to \$4,000 (avg. \$1,099) to employees who opt-out of the employer's health insurance program.

- Of the 97 percent of respondents offering dental plans, 31 percent are in Excellus Smile Saver.

- Average monthly employer contributions by dental plan type: Single (\$13), Two-Person (\$28) and Family (\$33).

- Twenty percent of respondents offer health benefit coverage to all retirees, up from 19 percent in 2007. Seven percent of respondents offer coverage to grandfathered retirees only, and the remaining 73 percent do not offer coverage.

Note: While survey sample size and participation may vary from year to year, trending data is reported throughout the report to provide general benchmark data for comparative purposes. ★

Register Now for 2009 HR Forums

The Rochester Business Alliance is currently accepting registrations for its 2009 Benefits and HR Professional Forums. If you missed your opportunity to join either of these forums this past year, here is your chance.

Benefits Forum: Provides senior level benefits professionals with the opportunity to benchmark and network with one another on benefit trends and issues including benefits practices and strategic planning. Meetings begin in February.

HR Professional Forum: Presents human resource professionals the opportunity to benchmark and network with one another while sharing HR knowledge through roundtable discussions and presentations from guest speakers. Meetings begin in January.

The deadline for registration in the HR Professional Forum is Friday, Dec. 12. The Benefits Forum registration deadline in Jan. 14, 2009. Space is limited and will be offered on a first-come, first served basis. If you have any questions, please contact Jennifer Suppé at (585) 256-4608 or Jennifer.Suppe@RBAAlliance.com.

To learn more about these forums or to register, please visit our website at www.RochesterBusinessAlliance.com and click on Services, Business Information, Human Resource Forums. Then click on the desired forum to download the registration form. ★

Survey Spotlight

Below is a schedule of when 1st quarter 2009 survey questionnaires will be sent out to those who sign up.

Survey

Week of Jan. 5

National Executive Compensation Survey

Week of Jan. 12

Professional/Managerial Wage & Salary Survey

Nonexempt Wage & Salary Survey

Manufacturing Wage & Salary Survey

Health Care Wage & Salary Survey

Week of Jan. 19

Turnover/Absenteeism Survey

Starting Soon: Rochester-Area Wage Surveys

Participation in Rochester Business Alliance's 2009 Annual Wage and Salary Surveys begins in January. These local wage surveys provide members with valuable benchmarking data for the Rochester area. Questionnaires will be sent out via e-mail the week of Jan. 12 to Corporate and Partner member companies that requested them.

Participation in the National Executive Compensation Survey also begins in January. This comprehensive survey covers compensation and benefits for 34 key executive positions. Questionnaires will be sent out the week of Jan.

5, to members that requested to participate.

Sign-up for these surveys will begin Dec. 1 via an e-mail invitation which will be sent to HR contacts at Corporate and Partner member companies. However, if you would like to sign up early for one or more of these surveys, just go to the online signup page at: <http://vovici.com/wsb.dll/s/dccg37f84>.

If you have any questions, please contact Kathy Novak at (585) 256-4618 or e-mail Kathy.Novak@RBAAlliance.com, or contact Jennifer Suppé at (585) 256-4608. ★

New York's New WARN Act

By Sharon P. Stiller, Esq.
Boylan Brown Code Vigdor
& Wilson LLP



If you are buying or selling a business or considering a mass layoff be fore-WARNED! Although since 1989 federal law has required that businesses closing a unit or laying off a large number of workers warn those workers, New York has just enacted its own requirements. New York's law goes into effect on Feb. 1, 2009. Businesses need to beware of both laws, because unlike the federal law, New York's law applies to smaller employers, requires longer notice, and covers less substantial employment losses.

The reason for both laws is to temper the impact on workers and the economy by a sudden change in employment status.

Because New York's law is patterned after the federal law, understanding New York's law begins with an analysis of the federal law.

Federal WARN ACT

The Worker Adjustment and Retraining Notification Act (WARN) requires a minimum of 60 days advance notice of certain plant closings and mass layoffs. The federal law

applies only to employers who have: 1) 100 or more employees excluding part-time employees or 2) 100 or more employees including part time employees, who in the aggregate work at least 4,000 hours per week, exclusive of overtime. Notice is required of a plant closing at a single site of employment or where there is a mass layoff. A plant closing includes a permanent or temporary shutdown at a single site of employment or one or more facilities or operating units which results in an employment loss during any 30 day period at the site of employment for 50 or more employees, excluding part time employees. A mass layoff is a reduction in force which does not result from a plant closing, and results in an employment loss at a single site of employment during any 30 day period for at least 33 percent of active employees excluding part time employees and at least 50 employees, excluding part time workers or 500 or more employees.

If WARN is implicated, notice must be given to affected employees or their representatives at least 60 days before the planned plant closing or mass layoff, and to the State dislocated worker unit and the chief elected official of a unit of local government.

New York's WARN ACT

New York's law borrows many concepts contained in the federal law, but there are significant differences.

New York's law applies to employers with as few as 50 employees and requires 90 days notice meeting the requirements of the federal WARN Act when as few as 25 employees suffer an employment loss at a single site of employment. NY Lab. Law §§860 et seq.

The law applies to any employer with 50 or more employees, excluding part-time workers or 50 or more employees who work in the aggregate at least 2,000 hours per week. Federal or state governments or their subdivisions are excluded. With some exceptions, employment loss includes a mass layoff (resulting

in an employment loss at a single site during any 30 day period for at least: a) 33 percent of the employees [excluding part time] and 25 or more employees or b) at least 250 employees) exceeding six months, a more than 50 percent reduction in hours of work during each month in any consecutive six month period; or termination of employment other than a discharge for cause, voluntary departure or retirement.

Where there is a sale of all or part of a business, the seller is responsible for providing notice of any plant closing or mass layoff taking place up to and including the effective date of the sale; the buyer is responsible for providing notice of any plant closing or mass layoff taking place after the effective date of the sale.

The New York State Labor Department has interpreted the legislation in a letter dated Aug. 25, 2008, providing that employers will not be required to provide a WARN notice until Feb. 1, 2009.

Remedies for a violation of New York's WARN ACT include back pay, benefits, attorneys' fees and a civil penalty of not more than \$500 per day of violation. Payments resulting from a violation of New York's WARN act or the Federal WARN act are not regarded as remuneration and therefore do not effect a worker's right to receive unemployment insurance compensation.

Class actions appear to be permissible, so paying attention to New York's new WARN Act is essential to avoid receiving a WARNing issued by plaintiff's counsel such as Dolin, Thomas & Solomon, LLP.

Sharon P. Stiller is a partner in the law firm of Boylan Brown Code Vigdor & Wilson, LLP. She chairs its employment group, and is a fellow of the American Bar Association's College of Labor and Employment Lawyers. She is the author of "Employment Law in New York" (West 2001) and co-authored the newly released national treatise "Expert Witnesses: Employment Cases." ★



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Wellness in the Workplace

A Cup of Alphabet Soup

By Patti Singer



To the alphabet soup of HMO, PPO and POS, add CDHP and HSA. Consumer directed health plans and their hallmark, the health savings account, help companies save money.

Nationally, about 19 percent of companies will offer a CDHP as part of their menu in 2009, and about 10 million people are expected to enroll, according to Forbes.com. In Rochester, enrollment in Excellus BlueCross BlueShield's Health Savings Accounts has more than doubled each of the last three years and more than 1,500 groups in upstate New York offer a Blues HSA. Preferred Care has also had significant enrollments into HSAs.

CDHPs, which debuted in 2004, offer a lower premium in exchange for the policy holder paying a deductible before the plan picks up its share of the tab. Preventive screenings usually are covered in full. To defray expenses for other care, the employee has a savings account that the company may help fund. The account carries over from year to year.

Because CDHPs are radically different from co-pay plans, companies need to develop a multiyear strategy to ease the transition, said John Cogan, a partner in the Lawley Benefits Group, a regional consulting firm. Employers should explain how the plan works, how claims are paid and how an employee's lifestyle changes make the plan cost-effective.

Brokers can provide tools that help employees see their share of costs and link to wellness services, says Sharon Brognia of Providium benefit services.

As CDHP benchmarks become easier to compare, communicating the need for and advantages of the plan will make everyone involved more savvy health care consumers. ★

Patti Singer, M.S. Ed., is with the Worksite Health Alliance of Greater Rochester (www.whagr.org).

Health, Safety and Environment

Safety as an Economic Recovery Strategy

By Chip Dawson

We've just finished the season of silly politics and wild claims. Here is mine, but with one difference. This works, and I can prove it. I've got the silver bullet for you—the secret formula to business success.

Study after study points to a successful safety effort as one secret to higher earnings, improved productivity and outstanding employee relations. Consider these findings:

- Gross profit margin in a mid-sized company rises from 16 percent to 31 percent in a year (and injuries drop to zero).
- A broad study finds a 47 percent improvement in shareholder value.
- Another comprehensive study finds a \$4 to \$6 ROI for every dollar spent on safety.
- Health and wellness efforts return \$3.25, on average, for each dollar spent.
- A University of Texas ergonomic study finds productivity within the 200-person study group increasing 17.8 percent over a year.
- Locally, a 4,000-employee organization has realized a \$2,000,000 improvement in costs with an out-of-pocket investment of \$20,000.

Some organizations routinely enjoy a significantly improved economic and operating position along with very low injuries and business interruptions. They have done it by building a supportive culture.

From our experience with hundreds of organizations, it's likely that in those that struggle with daily problems, safety is viewed as a rules and regulations issue. In reality, getting work done effectively and safely without experiencing a host of daily "brush fires" has little to do with rules. The best organizations are based on trust and involvement and teamwork—they have developed a culture that brings out the best in people.

Locally, a number of organizations have found that by embarking on a modest safety

improvement effort, they have been able to grow that effort into a positive culture change that yields results such as those above. It can work for you. Here's what you do:

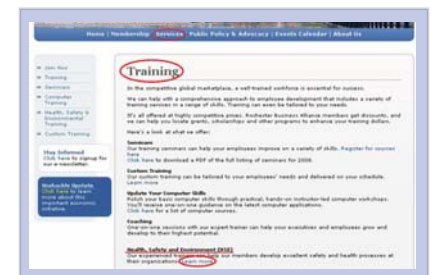


1. Call us to discuss a program assessment and employee survey.
2. Conduct in-house training that teaches management and line employees the tools and skills necessary to put an effective safety process in place.
3. Make the RBA-published Safety and Health Procedures Manual available to everyone in your organization to facilitate the improvement process and provide comprehensive outlines for on-site training. American Packaging Corporation credits the manual as an essential component in their certification as an OSHA Voluntary Protection Program (VPP) site. VPP is the OSHA safety excellence program.

While you don't have to qualify for OSHA VPP, the current economy probably leaves you little choice but to try the safety silver bullet. Business as usual just can't compete. Installing a comprehensive safety process will make a huge difference.

If you have HSE questions or column suggestions, or would like to be added to the e-mail HSE Update list, contact Chip Dawson at (585) 425-1639 or chipdawson@aol.com. ★

For more HSE updates, visit our website at www.RochesterBusinessAlliance.com. Click on the Services tab, then Training.



The Rochester Business Alliance offers a variety of networking events each month. Below are some of the highlights from September and October. For more photos, visit our Networking page on our web site (www.RochesterBusinessAlliance.com).

Breakfast with Our CEO Sept. 25



President and CEO Sandy Parker opened up another breakfast meeting to a full room

Rochester Hispanic Business Association Gala Sept. 25



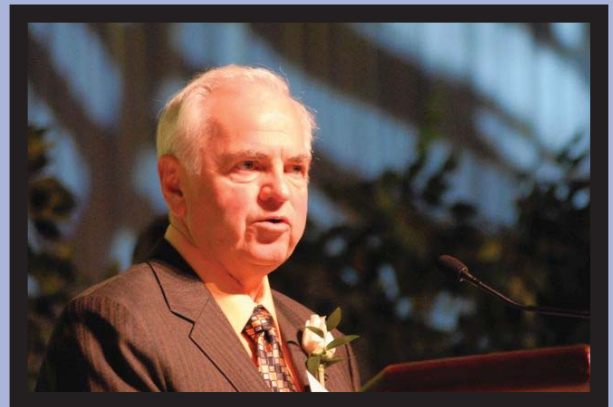
Hiram Hernandez Sr. was honored as the 2008 Rochester Hispanic Business Person of the Year

Meet the Top 100 - Diamond Packaging Oct. 2



Keith Robinson, CFO of Diamond Packaging (far l), gathers a group around cut paper ready for foil stamping and printing

SBC Business Person of the Year Gala Oct. 15



Kenton Fiske, president and CEO of SenDEC, was named the Small Business Council Business Person of the Year

The Ins and Outs of RBA Staffing Solutions

By Ellen Baniak
Vice President of RBA
Staffing Solutions



Those of us involved in the RBA Staffing Solutions division always strive to find a balance between educating our members on what is available to them while not inundating in our promotion of our group. Yet it still happens that a member will contact us and be surprised by the size and scope of our services.

RBA Staffing Solutions is separated into two basic departments: the Staffing Group and the Background and Reference Checking Group. Many of our members use services from both groups.

Staffing Group:

Whether you're a growing company looking for employees to support that growth or a company maintaining the status quo that may need an employee for a special project or as a replacement, finding the right person can be challenging.

Anyone who has placed an ad on an internet job board can attest to the cost of the posting as well as the volume of unqualified resumes received. Time and money are important in

today's businesses environment.

Our staffing services include options for temporary, temporary-to-hire, direct hire and professional placement. We have also worked with members on custom staffing solutions.

Recruitment—We work with you to learn about your organization, its goals and its culture to make the proper match between employee and employer. We recruit for a wide range of positions that include office, industrial, accounting/finance, skilled trades, customer service, and human resources.

Payroll Service—Our payroll service provides a transparent and customized service geared to your temporary, project-based employees or part-time employees, as well as retirees, summer hires or new hires through their initial probationary period. A complete list of payroll functions can be found on our web site.

Professional Placement—We combine an extensive knowledge of our community and Rochester business with strong local connections, internet technologies and multi-level human resource experience to find the most talented executives and professionals suitable to your positions. Our recruiters search the spectrum of positions which include, but are not limited to: management,

manufacturing, engineering (BSEE, BSME, BSCE), human resources, quality assurance, information technology, finance, purchasing, sales and marketing.

Custom Staffing Solutions—We have worked with members on human resource needs that go beyond the traditional staffing agencies capabilities, including internship management programs, on-site management of hiring initiatives and customized testing programs.

Background and Reference Checking Group: We offer a comprehensive web-based ordering system designed to help employers meet their pre-employment screening needs. Our Fair Credit Reporting Act (FCRA) compliant service offers easy-to-use data entry screens to create an interactive ordering system, flexible reporting options and process monitoring. Our support service allows users to gain valuable information to help make better decisions and employ more efficient hiring practices.

Members can choose from criminal record checks, employment references, academic verifications, driving records, credit history, social security number checks, sex offender registries and department of corrections data.

For more information, contact me at (585) 256-4630 or Ellen.Baniak@RBAlliance.com. ★

**BUSINESS
INTELLIGENCE
REPORT**

Information you may have missed

The Business Intelligence Report, e-mailed to members each month as a complimentary membership benefit is a digest of the latest business news compiled from more than 150 sources. Watch your inbox each month for a new issue.

Trends

Local media websites bring results

According to a new report by the Online Publishers Association, local media websites hold a distinct advantage when it comes to delivering results for advertisers. Consumers trust advertising on local newspaper, magazine and television websites.

New postal tracking system helps small biz

The U.S. Postal Service is going digital on bulk mail service. Unique scannable bar codes will start to show up in May 2009 on business and first-class mail and packages, speeding up processing and allowing businesses to track each piece.

Tips

Maximize your trade show investment

Start by sending a pre-show mailing. Give a short description of your products, where to find your booth, and entice them with the promise of something great once they get there.

Be careful checking candidates on social sites

If you reject them based on what you see, you could be subject to charges of discrimination. A recent survey found that 44 percent of employers use social networking sites to examine the profiles of candidates.

Top 100 Companies Get Exposure to Rochester Business Alliance

By Kevin Donahue
 Director of
 Membership and
 Business Development



The annual Rochester Top 100 event is a great source of pride for the Rochester business community, as well it should be. These are 100 success stories right in our back yard. These are 100 rebuttals to the sometimes stubborn pessimism that persists in our community.

As the region's chamber of commerce, we want to be associated with these companies as much as possible. Beginning with the 2005 Top 100 companies the Rochester Business Alliance began offering a one year complimentary membership to any non-RBA member.

Throughout the year these companies have the same access to all the wonderful benefits included with Rochester Business Alliance membership: networking, member discounts, training, business and human resource information, staffing services, newsletters, etc. We make sure to meet with each member personally to welcome and introduce them to the Rochester Business Alliance. Each month

these companies receive a letter from one of our vice presidents detailing a specific area of our organization and how it can benefit their company and their employees. In other words, we want these companies to come to the end of their complimentary year fully aware of the value of chamber membership and a desire to continue that association into the following year and beyond.

We are now nearing the end of our third year for this program. We have provided 75 complimentary memberships with close to 50 percent of those deciding to continue their membership beyond the complimentary year. We are looking forward to introducing ourselves to the newest complimentary members for 2009. To that group, we offer our sincere congratulations and will see you soon.★

Networking Just Got Easier... Join the Rochester Business Alliance social networking groups on



AND



*For more information, go to our news section on our web site at
www.RochesterBusinessAlliance.com*

The Rochester Business Alliance welcomes its new members

Adecco
www.adeccousa.com

AIA Rochester
www.aiaroch.org

Arnprior Rapid Manufacturing Solutions, Inc.
www.arnprior-rmsi.com

Baber African Methodist Episcopal Church
www.RBAMember.com/BaberAfricanMethodist

Best Western Victor Inn & Suites
www.RBAMember.com/BestWesternVictor

Bond, Schoeneck, & King, PLLC
www.bsk.com

Brockport Auxiliary Service Corporation
www.basc1.com

Chapin International, Inc.
www.chapinmfg.com

Creative Ambiguity LLC
www.creativeambiguity.com

EGW Personnel Staffing
www.egwpersonnel.com

EPI Printing & Finishing
www.epiprinting.com

Farash Corporation
www.farash.com

Finger Lakes Stores Inc.
www.RBAMember.com/FingerLakesStores

Huther-Doyle
www.hutherdoyle.com

K & H Precision Products Inc.
www.kandhprecision.com

Lincoln Moving of Rochester, Inc.
www.lincolnmoving.com

Maurices
www.maurices.com

Metal Supermarkets
www.metalsupermarkets.com

Microsoft Corporation
www.microsoft.com

Pathfinder Engineers, LLP
www.pathfinderengineers.com

Principal Financial Group
www.principalupstateny.com

Sam's Club
www.samsclub.com

VWeis Construction Solutions, LLC
www.vweisconstruction.com

Whitbourne Consulting LLC
www.whitbourneconsulting.com




Rochester Business Alliance
 The Regional Chamber of Commerce
 Rochester Business Alliance
 150 State St.
 Rochester, NY 14614-1308

Seminars

Date	Seminar	Time
November		
4	Presentations	8:30 a.m. – 4:30 p.m.
7	Employment Law – Basic	8 a.m. – 12 p.m.
7	Employment Law - Advanced	12:30 – 4:30 p.m.
7	Leadership for Managers (5 sessions)	8:30 a.m. – 12:30 p.m.
13	Managing Meetings	8:30 a.m. – 4 p.m.
17	Leading the Safety Process (2 sessions)	8:30 a.m. – 12 p.m.
18	OSHA Recordkeeping	8:30 a.m. – 12:30 p.m.
18	Personal Effectiveness	8:30 a.m. – 4:30 p.m.
18	Safety Committee Operations	12:30 – 4:30 p.m.
19	Managing the Emergency	8:30 a.m. – 4 p.m.
20	Accident Investigation Fundamentals	8:30 a.m. – 12:30 p.m.
20	Dealing with Difficult Personalities	8:30 a.m. – 4:30 p.m.
24	Conflict Management	8:30 a.m. – 4:30 p.m.
December		
3	Project Management (2 sessions)	8:30 a.m. – 4:30 p.m.
4	Supervision (8 sessions)	1 – 5 p.m.
5	Thinking Strategically	8:30 a.m. – 12:30 p.m.
8	Communication Power	8:30 a.m. – 12:30 p.m.
10	Dynamic Listening	8:30 a.m. – 12:30 p.m.
11	Presentations	8:30 a.m. – 4:30 p.m.
12	Customer Service and Relations	8:30 a.m. – 4:30 p.m.
12	Managing Time & Priorities	8:30 a.m. – 4:30 p.m.
12	Understanding Messages from Others	8:30 a.m. – 12:30 p.m.
22	Critical Thinking	8:30 a.m. – 4:30 p.m.

Computer Training

Date	Seminar	Time
November		
3 & 5	MS Windows Vista	1 – 4 p.m.
3 & 5	MS Word Introduction	8:15 – 11:15 a.m.
10 & 14	MS Excel Introduction	8:15 – 11:15 a.m.
13 & 14	MS Access Introduction	1 – 4 p.m.
17 & 18	MS Word Advanced	8:15 – 11:15 a.m.
17 & 19	MS Excel 2007	1 – 4 p.m.
20 & 21	MS Access 2007	8:15 – 11:15 a.m.
20 & 21	MS Excel Advanced – Part 1	1 – 4 p.m.
24 & 25	MS PowerPoint Introduction	8:15 – 11:15 a.m.
December		
1 & 5	MS Word 2007	8:15 – 11:15 a.m.
2 & 4	MS Excel Advanced – Part 2	8:15 – 11:15 a.m.
4 & 5	MS Access Report/Form Design	1 – 4 p.m.
8 & 10	MS Word Introduction	8:15 – 11:15 a.m.
8 & 10	MS Excel Introduction	1 – 4 p.m.
8 & 9	MS PowerPoint 2007	8:15 – 11:15 a.m.
11 & 12	MS Windows Introduction	8:15 – 11:15 a.m.
11 & 12	What's New in Office 2007	1 – 4 p.m.
11 & 12	MS Access Advanced Part 1	8:15 – 11:15 a.m.
15 & 17	MS Windows "How do I...?"	8:15 – 11:15 a.m.
15 & 17	MS Excel Advanced – Part 1	1 – 4 p.m.
16 & 18	MS Word Advanced	8:15 – 11:15 a.m.
16 & 18	MS Windows Vista	1 – 4 p.m.
16 & 18	MS PowerPoint Advanced	1 – 4 p.m.
18 & 19	MS Access Advanced – Part 2	8:15 – 11:15 a.m.

For more information or to register, visit our calendar online at www.RochesterBusinessAlliance.com.

Seminars are held at the Rochester Business Alliance, 150 State St.
 Computer courses are held at Accent Training Center, Gateway Plaza, 2352 Lyell Ave.