

Chamber News

www.RochesterBusinessAlliance.com

July/August 2009

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Friday Business Briefings

July 17

HIPAA Update: Health Plans and Business Associates

August 21

Controlling Blogging, Web Surfing, Cell Phones & Other Technology at Work

Time: 8-9 a.m.

Location: Rochester Business Alliance

150 State St., Rochester, NY 14614

Open to: Members only (no cost)

To register, e-mail Edna Smith at Edna.Smith@RBAAlliance.com

Rochester
BusinessAlliance
The Regional Chamber of Commerce

Managing Staffing Needs in a Recovering Economy

By Ellen Baniak
Vice President
RBA Staffing Solutions

Whether to hire additional employees is a burning question for recession plagued companies. As with many companies in Rochester, your business may be experiencing concerns about lost business and future sales growth. The lagging economy has led many companies to layoffs, shared work programs and forced furloughs.

The Rochester Business Alliance is very aware of this both from our perspective as the regional chamber of commerce as well as an operator of a full-service staffing division. Our staff monitors trends, and recognizes that a decreased use of temporary employees is usually the first step before considering reducing a company's own workforce. RBA Staffing Solutions has also observed fewer requests for temp-to-hire or direct hire candidates as companies decide not to backfill departing employees.

In our May 2009 Business Outlook and Cost Savings Survey, 63 percent of respondents said they decreased employees in the last year while 22 percent held steady. Not hiring means cutting down on salary costs, as well as overhead costs and the financial burdens of new hires.

The positive news is that 37 percent of respondents expect their employment to increase in the next year and 49 percent anticipate that current employment levels will remain constant. The signs of economic recovery are starting in our own backyard, as businesses are moving and expanding in the greater Rochester region, adding jobs and stimulating our economy. We continue to look forward and know that as conditions improve, staffing agencies will again play an active role as companies begin to climb out of a recession.

When companies start to see an upswing in

their business or production needs following financial challenges, they may be hesitant to hire new employees until they are comfortable that they will be able to sustain increasing business levels. Companies typically do not want to invest time and money into recruiting or risk exposure to unemployment and other benefit related expenses if there is a risk of layoffs should business fluctuate in the near future.

That makes it ideal for them to consider a staffing agency as a way to save time and money with a temporary or temp-hire candidate. By not directly (or initially) hiring a new full-time staff member, you can bring candidates in to perform necessary work, and hire them only if and when you are ready. This allows time to see if the candidate fits your business and to evaluate if it can sustain a full-time position.

Another option to consider is payrolling, or Employer of Record. This service is provided at a reduced rate from traditional temporary placements as your business identifies the candidate, but places them on a staffing agency's payroll. By doing so, you place overhead costs into the hands of the staffing agency, making a new hire more feasible and reasonable as we head towards a more stable economy.

Or consider very short-term temporary help. We've noticed a trend in which those left behind after department layoffs may start to become overwhelmed and need a little support as business starts to pick up again. It is important to monitor this closely and bring in support staff, even for a few days, to catch up on backlog and maintain employee morale.

Whether you are looking for support as business grows or want to bring individuals into your organization without the accompanying exposure, staffing agencies such as RBA Staffing Solutions should be a key consideration. They can save you time, as well as money, and help you be proactive in a changing environment. ★

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www.RochesterBusinessAlliance.com

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From the President and CEO...

During this last year, most of our focus – both as the regional chamber of commerce and as a not-for-profit business – has been on the recession. We've wondered when the economy would bottom out and begin to turn around, some wondering if it would ever end. In May, I wrote that although experts disagreed on when it would happen, the laws of economics predict it would happen eventually.

In the two months since that last newsletter was published, we're starting to see some signs of recovery. We're beginning to turn a corner, hopefully heading towards a more stable economy on a national level and local level.

In June online communications, the U.S. Chamber of Commerce noted that in the first quarter of 2009, there were more existing and new home sales, as well as a boost in consumer confidence. On a national level, it looks like retail sales are picking up and unemployment is slowing down. This optimism was shared by members at the Rochester Business Alliance's Coffee with Our CEO, held in June. More than 20 members gathered to discuss the current economy and its affect on area business and, more specifically, their businesses. Our guests offered similar personal insights about the housing industry, loan availability, and revenues at companies right here in Rochester.

In our May Business Outlook and Cost Saving Survey, RBA member companies reported feeling optimistic about the future, expecting both sales and employment to stabilize and even improve over the next 12 months. Asked about future business conditions in Greater Rochester, 38 percent expected conditions to be good or very good a year from now, up from 31 percent in November and 25 percent in December 2007. It looks like we're may be

heading down that path and looking forward with business expansion.

In the past month, many member companies have made headlines about increasing employment, and expanding facilities including Adecco, LiDestri Foods, Inc., Pictometry, Reliant Community Federal Credit Union, and SIGMA Marketing Group. Other local construction projects include the University of Rochester Clinical & Translational Science Institute and renovations to facilities including area schools, funded by federal stimulus dollars. These area developments are encouraging, and they will definitely stimulate our economy, boost our confidence as consumers and businessmen, and improve the employment picture.

We've witnessed that when companies anticipate better business conditions, one of the first considerations is adding staff. So be sure to read the cover story, which looks at staffing needs during the beginning of an upswing in business.

Whether your company is anticipating more business in the coming year, or struggling to find resources and a voice in a challenging Upstate New York economy, we urge you to get involved with the Rochester Business Alliance. As your regional chamber of commerce, we stand ready to provide you with the tools to stay competitive – the latest information, important connections and alliances, staffing resources and cost-saving programs. ★




Sandy Parker

Upcoming Events

- | | | |
|----------|---|----------|
| July 15 | Business After Hours: Networking at Pier 45 | 5-7 p.m. |
| August 6 | Business After Hours: Networking Plus | 5-7 p.m. |

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

Be a Part of the 2009 Rochester Top 100 Event

The nomination deadline for the 2009 Rochester Top 100 is July 10. Nomination applications can be filled out online or downloaded at www.RochesterBusinessAlliance.com. To be eligible, companies must be privately held, headquartered in the Rochester region, and must have at least \$1 million in annual revenues for each of the last three fiscal years.

Companies not competing for a place on this year's list are invited to sponsor the annual Rochester Top 100 event, set this year for Nov. 5 at the Rochester Riverside Convention Center. Sponsorships are available at the following levels:

- Supporting Sponsor - \$2,500
- Corporate Sponsor - \$5,000
- Premier Sponsor - \$10,000
- Exclusive Private Reception Sponsor - \$10,000

For more information about the sponsorship

levels, contact Susan George at (585) 256-4612. Companies competing for the 2009 Rochester Top 100 are NOT eligible to be sponsors.

Tickets for the event are available for purchase at \$85 per person and \$600 for a table of 10.

Last year's event drew 2,000 and we are planning an even bigger and better event this year, so reserve your tickets today.

The Rochester Top 100, now in its 23rd year, is a program of the Rochester Business Alliance and the local office of KPMG LLP. For more information, or to see the list of the 2008 Rochester Top 100, click on the Top 100 logo on our homepage. ★



August Business After Hours at the Airport Marriott: General Networking with Optional Contest - Aug. 6

Join us for general networking from 5-7 p.m. and enjoy hors d'oeuvres and a complimentary drink.

For those who would like a challenge, 20 guests can sign up to compete in what we call the Elevator Speech Contest (5:30-6:30 p.m.), which will run simultaneously in an adjacent room. Participation in the contest is reserved for RBA members only.

- Each contestant will have a 30-second time allotment to make their best business pitch to our panel of three judges including experts from Roberts Communications, the Rochester Business Journal and Sharon Tczap Consulting.

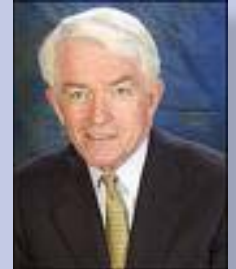
- Visual/audio aides and equipment are prohibited.
- Judges will provide feedback for each contest participant.
- Winner will be announced at 7 p.m. and must be present to win.
- Prize: Winner will be featured in RBA communications.
- The winner is also invited to be Sandy Parker's guest at an RBA Board of Trustees meeting with the opportunity to present the winning pitch.

To register, click on the Events Calendar on our website (www.RochesterBusinessAlliance.com) or contact Edna Smith at (585) 256-4641 or Edna.Smith@RBAAlliance.com. ★

From the US Chamber

Card Check on the Ropes

By Thomas J. Donohue, President and CEO



The U.S. Chamber's grassroots lobbying campaign against the Employee Free Choice Act, also known as card check, appears to be swaying minds on Capitol Hill—though the battle is far from over.

Just two weeks after a group of 70 small business owners from Pennsylvania visited his office as part of a Chamber-organized fly-in opposing card check, Sen. Arlen Specter (D-PA) announced publicly that he could not support the bill. Sen. Blanche Lincoln (D-AR) came out against the legislation just days later. Without Specter's and Lincoln's support, card check advocates will find it difficult to muster the 60 votes necessary to break a possible Senate filibuster.

However, labor unions have not given up on card check and are pumping millions of dollars into a campaign to pass the bill. In addition, there has been talk of compromise proposals that might produce card check "lite."

The Chamber has pulled out all the stops in opposing the bill, including holding two Workforce Freedom Airlifts. The Chamber also launched a \$1 million television ad campaign in five pivotal states to educate the public on card check's harmful binding arbitration provision. Moreover, through the Chamber's Virtual March on Washington, more than 14,000 supporters have enlisted in the fight against card check, and the Chamber has generated more than 53,000 letters and hundreds of calls to members of Congress.

The Chamber will continue to make the case to the American people and their elected representatives that card check is a bad idea in a good economy and an even worse idea in an economic downturn. Fight against card check at secretballot.voteforbusiness.net/join/php. ★

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Reserve Your Spot For Tuscany or China



Travel to the Tuscany region with the Rochester Business Alliance October 2009.



Travel to China with the Genesee County Chamber of Commerce October 2009.

For more details, call 256-4614 or visit our website www.RochesterBusinessAlliance.com

In each issue of Chamber News, we'll feature information on one of our six affiliates. This issue, our spotlight is on Greater Rochester Quality Council.



By Carol Wilke
Council Chairman

Rochester has had a legacy of quality for over 100 years. In fact, the trademark of the city circa 1900 was "Rochester Made Means Quality."

The Greater Rochester Quality Council's mission is to build a community of excellence. GRQC's members are differentiating Rochester and surrounding counties by creating value and process improvements that not only stimulate higher performance in individual organizations but which also demonstrate how a quality approach strengthens the entire community.

GRQC believes that foundation of quality belongs in and benefits five sectors: business, education, healthcare, government, and not-for-profits.

Our goal is to instill the quality mindset into all five sectors. This is a unique model in collaboration and we consider ourselves the strongest community quality organization in the state. We do community projects and best practice sharing, enabling each sector to work with and learn from the other four. Last year we began highly successful quality workshops to educate organizations to improve their performance.

Become a GRQC member and participate in the efforts that will make our community more successful. GRQC's members join at the organization level so that all of their employees can participate in our events. Our vision is to build on the already solid foundation of quality excellence in the area and to make Rochester the "Quality Capital of the United States." ★

Visit www.grqc.com or contact Susan George at (585) 256-4612 or e-mail Susan.George@RBAAlliance.com to learn more about the Greater Rochester Quality Council and its programs.

Upcoming Affiliate Events and News

Rochester Black Business Association

- Christmas in July Picnic - July 24

Small Business Council

- Boot Camp #4 (Session 1 of 2): Three Deadly Sins of Interpersonal Communications - July 8
- Boot Camp #4 (Session 2 of 2): Quit Wasting Time in Meetings - August 5

Through our affiliate groups, you can meet business people who share your interests and challenges.

For more information, click on the [Affiliated Groups](#) page on our website (www.RochesterBusinessAlliance.com)



Don't miss
Networking at Pier 45
5-7 p.m. Wednesday, July 15

For more information, click on the [Events Calendar](#) on our website www.RochesterBusinessAlliance.com

Ask SCORE[®]

Counselors to America's Small Business

Use Mindful Management to Control Routine Costs

You're meticulous when it comes to providing quality service or products to your customers. So why not treat your routine administrative expenses the same way? Every extra dime or dollar you spend on supplies, photocopies, postage, etc. adds up.

Stiff competition and thin profit margins have made running lean a necessity for most small businesses, so it's important to establish smart buying habits from the outset. Here are five ways to save your small business money on the simple things:

1. Avoid buying name-brand items in small quantities. Stores like Office Depot, Staples and Office Max offer "store brands" at reduced prices.
2. Don't copy high-volume items that you can print for less. The biggest cost items are forms, flyers and form letters that you think you use in small quantities. But if you photocopy a few dozen per week, that can amount to thousands per year.

3. Think of your inventory as company cash sitting idle on a shelf or in a warehouse. Costs include storage, insurance and taxes. Keep good records and regularly root out dead items.
4. Consider two- or three-day service when shipping.
5. Review vendor relationships at least annually for day to day expenses. Prices change and you may be overpaying.

Spending wisely on your routine expenses also helps you be more alert for ideas that will make other aspects of your operations more cost-effective. It all adds up to better value for your customers, and a healthier bottom line for your business.

For more money saving ideas for your small business, contact SCORE Rochester. Seasoned, volunteer business counselors stand ready to provide free, confidential business counseling to small business owners. Call (585) 263-6473 or visit www.scorerochester.org. ★

The Rochester Business Alliance Health Care Initiative

By Chris Wiest
Vice President of Public
Policy and Advocacy



Rising health care costs consistently lead the list of issues that members say hamper their business success. Since 2001, health insurance costs have risen more than 60 percent for Rochester-area employers. With the state imposing more than \$850 million in new taxes and assessments on insurers, we could likely be looking at double-digit premium increases ahead.

Numerous factors contribute to rising health insurance costs, including costly medications and technology, inefficient administration and delivery of care, mandated benefits, taxes and fees, and too little focus on preventative measures. The question is what can be done.

Several years ago, the Rochester Business Alliance convened a group of its board members to discuss how business could play a larger role in health care, specifically in improving quality and access, while reducing cost. From this meeting, a Health Care Planning Committee was formed, with representatives from Wegmans, Xerox, Paychex, Rochester Institute of Technology, Kodak, Bausch & Lomb, and RBA.

Under the direction of Sandy Parker, RBA president and CEO, board members and Planning Committee chairman Paul Speranza from Wegmans, this group has been hard at

work and is pleased to be able to report some initial results:

Generics: Employers, providers and insurers collaborated on an effort to increase the use of generic drugs where appropriate. Between the first and third quarters of 2008, the community realized \$57 million in savings.

Lean Six Sigma: Principles and practices were applied within Rochester's three major hospital systems for initial reported financial benefits of approximately \$1.2 million.

Physician Compensation: To help with recruitment and retention, Excellus and the hospital systems agreed to share with employers the cost of a physician reimbursement increase. Work is continuing, but initial "offset" savings have been reported.

Rochester RHIO: The Rochester Regional Health Information Organization, a community-wide health information technology effort, was recently cited as the leading RHIO in New York by the state Commissioner of Health. RBA raised nearly \$700,000 in corporate donations to help launch this effort.

"eat well live well": The RBA partnered with Wegmans to offer the "eat well live well" challenge to local employers with the goal of improving the health of employees. Over the past three years, more than 300 organizations and 44,000 employees have participated in at least one challenge.

For more details on these initiatives, click here

(<http://tinyurl.com/lou8f4>).

The planning committee seeks to broaden community involvement and is developing a chronic disease management initiative that focuses on high blood pressure, which has been linked to heart disease, diabetes, obesity and other chronic health conditions. Effective treatment in the earliest stages can significantly improve an individual's quality of life and dramatically reduce health system costs. We are working with physicians, community health organizations, government, insurers and others to build a collaborative approach to tackling this prevalent, costly medical condition.

A fundamental goal of creating the Rochester Business Alliance Health Care Initiative was to help business regain its voice in health care matters important to employers and the community.

We continue to actively lobby on health care issues at the state and federal levels. In June, Sandy Parker testified before an Assembly committee in Albany about a series of steps the state should take to make health care more affordable. In upcoming articles, we will share additional information on Rochester Business Alliance health care efforts at the community, state and federal levels. We also are creating a health care resource section ([click here](#)) among the Public Policy pages of our website with more information.

Stay tuned for more information. In the meantime, if you have any questions, please contact me at (585) 256-4626. ★

Update on State, Local and Federal Initiatives

Unshackle Upstate - Gridlock

The recent leadership tug-of-war in Albany has left many to ask who is in charge and which party they should support. Unshackle has refused to choose sides in this debate, focusing instead on the issues that matter most to employers and taxpayers - reducing state spending and eliminating regulations and mandates that hurt job creation and hamper economic growth. For more information on Unshackle initiatives and priorities, go to www.UnshackleUpstate.com.

Rochester Community Coalition

The results are in from the efforts of the coalition

this year. The coalition successfully secured \$490,000 for the Hillside Work-Scholarship Connection and nearly \$8 million for a Child Care Initiative vital to low-income, working families. To see a complete summary of the initiatives and the outcomes, [click here](http://tinyurl.com/nwuef4) (<http://tinyurl.com/nwuef4>). Over the next several months, the RBA will meet with community leaders to begin work on developing priorities for the 2010 Agenda.

Federal Health Care Reform

Proposals are beginning to take shape and debate will continue to heat up over the

summer. President Obama has asked Congress to deliver a bill to him by this fall.

Options under consideration to reform the system and raise funds to pay for the changes include: a single-payer plan run by the government, health care exchanges and cooperatives, employer "pay-or-play" mandates, eliminating the tax exclusion for employers, an employee benefit tax, and a national value added tax.

For updated information on the federal health care debate, [click here](#). ★

Must Employers Pay Their Interns?

While it may be tempting in these tough economic times to utilize interns because some consider them as “free help,” employers must first determine whether or not their interns need to be paid to avoid violating federal and state labor laws.

Whether or not an employer must pay an intern depends on whether the student is considered an employee subject to the requirements of the Fair Labor Standards Act (FLSA). The FLSA requires employers to pay all employees at the rate of not less than current minimum wage for hours worked. Currently, the New York state minimum wage is \$7.15 per hour, which is higher than the federal minimum wage of \$6.85 per hour. However, keep in mind the federal minimum wage will increase to \$7.25 effective July 24, and the state minimum wage typically increases to match the federal.

To help ensure compliance and assist employers in making a proper determination under the FLSA regulations, the U.S. Department of Labor (US DOL) developed six criteria that must be met in order for a student to not be considered an employee within the meaning of the FLSA.

- The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.
- The training is for the benefit of the trainee.
- The trainees do not displace regular employees and work under close observation.
- The employer that provides the training derives no immediate advantage from the

activities of the trainees, and on occasion, the employer’s operations may actually be impeded.

- The trainees are not necessarily entitled to a job at the completion of the training period.
- The employer and the trainee understand that the trainee is not entitled to wages for the time spent in training.

A US DOL opinion letter on the FLSA status of student interns states, “...where certain work activities are performed by students that are simply an extension of their academic programs, we often would not assert that an employer-employee relationship exists for purposes of the FLSA. Thus, provided the six criteria are met, where educational or training programs are designed to provide students with professional experience in the furtherance of their education, and the training is academically oriented for the benefit of the students, it is our position that the students will not be considered employees of the firm to which they are assigned. To view the full text of the opinion letter, go to <http://tinyurl.com/ncsx7c>.

Employers who are seeking additional guidance on whether their interns must be paid should contact the US DOL at (716) 842-2950 (Buffalo office). It is also wise to consult legal counsel when designing and implementing an internship program.

RBA members with questions about internship programs should contact the HR Helpline staff: Kathy Novak at Kathy.Novak@RBAAlliance.com or Jennifer Suppe at Jennifer.Suppe@RBAAlliance.com. ★

Need Assistance? Call the HR Helpline

There are many benefits to being a member of the Rochester Business Alliance. One popular benefit is the HR Helpline, an information resource available as part of the Corporate, Partner and Business Builder memberships. Employers are doing more with less staff and are finding it increasingly difficult to keep up with the constant changes in labor laws, so to save time, they contact the HR Helpline with questions on employee relations, workers’ compensation, unemployment, and also various regulations such as FMLA, FLSA, NYS labor laws.

Members also contact the Helpline to request sample policies, forms and job descriptions, as well as useful benchmarking data on wages, pay raises, holiday closings, turnover, and a variety of benefits topics. Sometimes members just use the Helpline as a sounding board to assist in decision-making.

Members can contact the HR Helpline staff for assistance: Kathy Novak at (585) 256-4618 or Jennifer Suppe at (585) 256-4608. ★

Summer Surveys Starting Soon

Recently, we invited Corporate and Partner members to participate in benchmarking surveys that will be conducted this summer.

The two surveys that members can sign up for are the 2009 Pay Trends Survey, which starts mid-July and collects data on actual and projected wage increases, and the 2010 Holiday Closing Survey, which starts mid-August and collects data on paid holidays for 2010. In addition, all Corporate and Partner members will automatically receive an e-mail invitation in the coming weeks for the 2009 Health Benefits Survey.

These surveys are conducted as a benefit of membership and participants receive a complimentary copy of the results. Members can sign up by visiting <http://tinyurl.com/lkknab>.

To confirm whether your company has signed up, contact Jennifer Suppe at (585) 256-4608. ★

Survey Spotlight

Survey	Questionnaires Sent (week of)	Deadline Date (week of)	Release Date (week of)
Health Benefits Survey	July 13	August 3	October 5
Rochester Area Pay Trends Survey	July 20	August 10	September 7
Holiday Closing Report	August 10	August 24	September 28

To sign up for upcoming surveys, please contact Jennifer Suppe at (585) 256-4608 or Jennifer.Suppe@RBAAlliance.com

Managing Age Discrimination Issues in a Tough Economy

By Peter A. Jones
Bond, Schoeneck & King PLLC



The federal Age Discrimination in Employment Act (ADEA) appears straightforward: it protects individuals, 40 and older, from employment discrimination based on age. But the law can affect just about anything employers do, from inquiries made in the pre-hire process, to assigning job duties, to the hiring and firing. The following article provides a brief refresher and discusses some key areas to focus upon in this challenging economy.

How the ADEA Works

The ADEA was enacted in 1967 to ensure employment of older people on the basis of their abilities, rather than age. The law applies to employers with 20 or more employees. New York employers with four or more employees are covered by the age discrimination prohibitions of the New York Human Rights Law. Thus, as a practical matter, any New York employer with four or more employees is covered by age discrimination legislation.

The ADEA makes it illegal to discriminate against individuals age 40 and older, both applicants and employees. This prohibition applies to all employment practices, including hiring, separations, pay decisions and practices, promotions and benefits. It is also illegal to retaliate against employees who complain about or oppose an employment practice that is alleged to discriminate based on age.

The federal Equal Employment Opportunity Commission (EEOC) has enforcement authority for the ADEA. Individuals have a right of private action in federal court, provided they satisfy certain administrative filing requirements and obtain a “right to sue” letter from the EEOC in conjunction with those administrative proceedings. For more information, see www.eeoc.gov/types/age.html. In addition, individuals have the right to pursue a claim under the Human Rights Law, either before the New York State Division of Human Rights or in state court. State and federal claims are often brought together or

consolidated in a single action in federal court.

Potential Pitfalls

Employers need to be aware that they could encounter age discrimination problems in these areas:

Job Advertisements. Employers may not specify a certain age for a position. Certain phrases in job search vehicles can imply age-based criteria, and therefore be problematic. Avoid phrases such as “recent college grad” or “young aggressive types.” Phrases such as “one to three years of experience” can also raise age issues. Careful phrasing – for example, specifying “one to three years of minimum experience preferred,” which does not preclude more experienced individuals from applying - is more defensible.

Job Interviews. Direct questions regarding an applicant’s age or birth date are generally impermissible. Indirect questions should be avoided. If knowledge of an applicant’s age is obtained, it will be more difficult to prove that age was not a hiring factor. Interviewers should stick to performance-based questions centered on how well the candidate can perform the job.

Asking certain potentially age-related questions, such as when a candidate graduated from college, can create issues. Whether the applicant graduated is job-related, but when generally is not. One exception might be to assess gaps in employment history.

The fact that an applicant brings up the topic of age does not give hiring managers the green light to pursue that path further. It is best to avoid discussion of age and move away from those topics as quickly as possible.

Job assignments. It is unlawful to condition the award of certain types of jobs to younger people because older ones do not have the energy or “image” for a specific job. It is best to judge applicants and employees on their abilities, not on the perceived abilities of the age group.

Harassment. Although sexual harassment claims are by far the most prevalent harassment claims, managers need to realize that other types of illegal harassment exist, including age-

based harassment. The standards for establishing an age-based hostile environment claim are the same as those for sexual harassment – age-based jokes, innuendoes, comments that are sufficiently severe and pervasive to alter the working environment of a reasonable person are legally actionable under the ADEA. Jokes and oral abuse aimed at older employees could provide grounds for a harassment claim.



Benefits and Training. The ADEA specifically prohibits lesser benefits for older employees. This entails more than just traditional benefits such as health and life insurance. For example, managers must ensure older employees receive equal training opportunities. There is one significant exception. Under current EEOC interpretations, it is permissible to coordinate (and reduce) retiree health benefits for Medicare eligible retirees.

Layoffs/Downsizing. When planning layoffs, employers must ensure that the process is free from age bias. The following steps should be used to minimize age claims (and maximize defensibility):

- Exhaust less drastic cost reduction options before effecting layoffs.
- Develop the business case, including the cost reduction goals for each affected area.
- Develop non-discriminatory criteria to be used in the selection process (past performance, seniority, skill assessment set against future needs, etc. or some combination).
- Apply the criteria to generate a tentative layoff list.
- Assess disparate treatment and disparate impact discrimination issues.

All of these steps should be coordinated with labor counsel. Statistical analysis (and possibly statistical experts) should help analyze disparate impact issues.

Awareness of the ADEA and its prohibitions, at all stages of the employment relationship, will help ensure compliance and minimize discrimination issues. ★

Wellness in the Workplace

Ding! You Have a Health Reminder

By Patti Singer



On average, office workers spend two hours each workday reading or writing 160 of the billions of e-mails that zip through cyberspace. At last, someone found a way to make that behavior healthier.

Kaiser Permanente and NutritionQuest Inc. delivered e-mails to 787 Kaiser employees who completed an electronic diet and physical activity assessment. Each person received feedback on how they were doing compared to national norms, and was asked to pick an area to work on – being more active, eating more fruits and vegetables or eating less fat and sugar. Researchers in the ALIVE! (A Lifestyle Intervention Via E-Mail) program randomly selected 351 respondents to receive weekly e-mails and mid-week reminders of little things they could do to meet their goals.

The study, in the June issue of the *American Journal of Preventive Medicine* and reported by *HealthDay*, started because messages about ways to improve health aren't getting through. Two-thirds of Americans are obese or overweight, and fewer than 25 percent eat five or more fruits and veggies a day.

Rather than wag an electronic finger, the research used behavior theory. After 16 weeks, participants in each area showed significant improvement.

According to the lead researcher, ALIVE! worked because it was easy and convenient. It also gently encouraged behavior that participants wanted to change. For example, someone striving for five might receive a reminder to put vegetables on their pizza.

It also seemed to say that adults can't be nagged into behaving in healthier ways. It seems that spam, whether it's on a plate or in the inbox, isn't very good.

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

Health, Safety and Environment

The Times - They Are A-Changing

By Chip Dawson

For the past sixteen years—through the Clinton and Bush Two administrations—we've seen a “kinder, gentler” OSHA. There have been few new regulations, alliances with stakeholders have numbered in the hundreds and cooperation has been the watchword.

No more! We're headed back to the Reagan and Bush One years with a tough enforcement focus. The Administration, it seems, has read the report from the DOL Inspector General that criticized OSHA's Enhanced Enforcement Program (EEP), heard about a new GAO study on the value of voluntary programs, and looked at multiple studies that suggest as few as one third of the workplace injuries actually make it onto an OSHA 300 log.

Labor Secretary Hilda Solis is quoted as saying “there's a new sheriff in town.” Acting Assistant Secretary for OSHA Jordan Barab says that while the Voluntary Protection Programs (VPP) will continue, there will be no program growth goals, with resources to be shifted into enforcement. The Inspector General suggests that OSHA's resources should be focused on employers who are indifferent to their obligations under OSHA.

Here's what the future holds. The Agency expects to hire 160 new compliance officers and have a budget increase of 10 percent in 2010. Inspections will rise modestly to 40,000 per year. A safety and health program management standard is in the works, but not expected to pass until after 2012. Look for more citations, more penalties and more referrals to DOJ for criminal prosecution.

The EEP will become the Severe Violations Inspection Program (SVIP) and will be more comprehensive, more effective and focus more on larger employers. It will look at the employer's history as well as present practices, have mandatory follow-up inspections and inspections across all company units.

As severe as the new initiatives look, the vast majority of you reading this will not be impacted as long as you pay close attention to workplace safety and health. Consider these points to help

you reach excellence:

- Have a strategic plan and a process for managing safety.
- Know the regulatory requirements for your business and be diligent about meeting them.
- Be familiar with the OSHA web site (www.osha.gov) and its wealth of resources.
- Involve all your people in the process—and listen to their advice.
- Put all recordable injuries and illnesses on your OSHA 300 log—and address their root causes.



Understand that, especially in smaller businesses, incidence rates are rarely statistically significant and that just a few random incidents could place you at the OSHA action level. So, to be safe, strive for zero incidents.

While OSHA may be growing sharper teeth, keep in mind that the Rochester Business Alliance is prepared to help you with all your safety and health management issues. For training and consultation on-site, there is a fee but we handle basic questions and concerns by phone or e-mail at no cost to you. If you'd like an advanced look at what the proposed OSHA safety and health program management requirements will look like, send me an e-mail requesting “Safety for the Leader/Manager.”

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. ★



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

Meet the Top 100: Fibertech May 6



The drafting department displayed municipal maps used for routing fiber optic cables.

Business After Hours: Mega Mixer May 14



Nearly 300 guests from 11 chambers attended this popular first-ever event.

Rochester Hispanic Business Association Cinco de Mayo May 1



HBA member Sergio Esteban greets more than 35 attendees at the Cinco de Mayo celebration.

Young Women of Distinction Awards June 8



(l to r) Carly Britton, YWOD Honorable Mention; Jordana Gilman, YWOD Scholar; Olivia Lee, YWOD Scholar; Jingwen Hu, YWOD Athena Scholar; and Maia Fitzstevens, YWOD Honorable Mention.

Interested in an analysis of our plans? Fax this form back to Nina Shelton at 263-3663

Name: _____

Title: _____

Company: _____

Phone: _____

Email: _____

Total Number of Employees: _____

Current Insurance: _____

Visit the health insurance section of our website for more details
www.RochesterBusinessAlliance.com

Did you know the Rochester Business Alliance is a licensed health care broker providing plans with Excellus BlueCross BlueShield, MVP Health Care and Guardian?

The Rochester Business Alliance is a specialist in the health insurance needs of businesses employing from one to 50 employees. We currently serve as health insurance administrator for more than 950 employer groups in the Rochester area.

The Rochester Business Alliance is committed to servicing the market at an unparalleled level of efficiency, providing a dramatic advantage for the insurance company, the employer and the employee. We will help you analyze the costs and benefits available to select a suitable plan for your company's needs. Beyond that, we will handle open enrollment, resolve billing and claim issues, and help communicate with your employees. This allows you to do what you do best, operate your business while we deal with your employees' health insurance needs.



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.

News

Rethinking the first-mover advantage

According to research findings, in a hostile learning environment, entrepreneurs gain relatively little benefit by watching others. In less hostile learning environments, companies benefit from waiting and learning lessons from earlier players.

New COBRA rule hits small businesses

One lesser-known provision in the federal stimulus bill has small businesses griping: the COBRA extension. The sticking point for former employers is that they have to pay 65 percent of the premium, for up to nine months.

Tips

When looking for publicity, look local first

Local television stations, radio stations and newspapers are excellent options to ensure good PR as well as free publicity. One way to attract their interest is to check national news for items of interest and compile your own story but as it applies to the local community.

Build a steady stream of referred leads

During your lead conversion process, mention that "We know you'll be so thrilled with our business that in 60 days we'll check back, then ask you to suggest three others who you know would love this result."

Entre Computer Services - Small Company, Big Service

By Kevin Donahue
 Director of
 Membership and
 Business Development



About Entre Computer Services, Inc.

Entre Computer Services (Entre) opened in August 1984 with a staff of fewer than 10. Today, it has grown to nearly 100 experienced and skilled individuals. Led by President and CEO Andre Godfrey, Entre's staff includes networking and application engineers, technicians, managers, graphic designers, data architects, programmers, developers, and business consultants. Entre provides business solutions utilizing core services, which include IT Managed Services, web and application development, information systems consulting, network and server engineering, supplemental IT staffing, hardware and software sales as well as installation services.

Entre is the largest area provider of IT Managed Services and supports IT functions in varying ways for hundreds of local companies, some that employ more than 10,000, others that have

fewer than 50 employees.

What may surprise some is the breadth and depth of Entre's services considering its relatively small staff size. It has developed major proprietary applications for hospitals as well as large manufacturers, and supported systems across the globe from Helsinki to Singapore.

Challenges

Entre Computer Services has the same challenges it's always had, specifically the fluidity and continuous changes within the computing industry, as well as fluctuations within the economy. "We're fortunate in that our mantra remains the same; that in 'good times' technology is a great tool to maximize productivity and profits and during 'down times', technology is a great way to take advantage of the assets you have and minimize overhead," said Godfrey.

What's New

Entre is enjoying significant interest in its newly rolled out application, Escreenz™, which helps companies communicate with personnel through idle computers, using built-in screensaver controls. The new application was

unveiled in May and is already receiving high praise and international inquiries.

Rochester Business Alliance Member

Entre has been a part of the Rochester Business Alliance and its predecessors since its inception. "Our RBA representative was in recently to speak with us and it looks like we'll be taking advantage of even more of your offerings. We've always relied on the RBA to be our voice in Albany, but now you're providing us with elements of employment services and other membership benefits," said Godfrey. ★

Contact Info

Entre Computer Services, Inc.
 2000 Winton Road South
 Rochester NY 14618
 (585) 760-1010
www.entrecs.com



(L-R) Mark Lucas, Sr. Vice-President and Andre Godfrey, President & CEO

The Rochester Business Alliance welcomes its new members

C.O.P. Security, Inc.
 (585) 750-5608
www.copsecurity.com

Career Start, LLC
 (585) 753-5702
www.careerstartny.com

Direct2Market Sales Solutions, LLC
 (585) 200-5300
www.d2mss.com

Landers Management LLC
 (585) 738-1171
www.pklapthomes.com

Netsmartz, LLC
 (585) 340-1166
www.netsmartz.net

Rochester Plaza Hotel and Conference Center
 (585) 546-3450
www.rochesterplaza.com

Sleep Insights Management Services, LLC
 (585) 385-6070
www.sleepinsights.com

Steve Boerner Typography & Design
 (585) 349-1002
www.steveboerner.com

Tri-Mar Consulting
 (585) 388-9301
www.trimar.net

Upstate Vegas Events
 (585) 889-2121
www.upstatevegasevents.com

Not a member?



We Can Help You:

- ★ Grow Your Business
- ★ Save Money
- ★ Build a Better Workforce
- ★ Have a Voice

Call Kevin Donahue, membership director, for more information and rates at (585) 256-4651 or Kevin.Donahue@RBAAlliance.com

Seminars

July

9	Negotiations	8:30 a.m. – 4:30 p.m.
15	Conflict Management	8:30 a.m. – 4:30 p.m.
21	Human Resource Management Series - Advanced	8 a.m. – 12 p.m.
21	Staffing and Recruiting	8 a.m. – 12 p.m.
23	Intercultural Communication	8 a.m. – 12 p.m.
28	Finance for Non-Financial Professionals	8:30 a.m. – 4:30 p.m.
28	Human Resource Development	8 a.m. – 12 p.m.
28	Communicating with Impact: Communication Skills for Women	8:30 – 11:30 a.m.
28 & 30	Thinking for Innovation – A Team Event	8 a.m. – 4 p.m.

August

4	Employee and Labor/Management Relations	8 a.m. – 12 p.m.
4	Business Writing and E-Mails (4 Sessions)	8:30 a.m. – 12:30 p.m.
11	Benefits Administration	8 a.m. – 12 p.m.
11	Pre-emptive Six Sigma Tools	8:30 – 11:30 a.m.
13	Presentations	8:30 a.m. – 4:30 p.m.
15	Compensation Plan Designs	8 a.m. – 12 p.m.
19	Customer Service and Relations	8:30 a.m. – 4:30 p.m.
21	Communication Power	8:30 a.m. – 12:30 p.m.
21	Communication Suite	8:30 a.m. – 12:30 p.m.
28	Labor Law Updates	8 a.m. – 12 p.m.
28	Dynamic Listening	8:30 a.m. – 12:30 p.m.
28	Understanding Messages from Others	8:30 a.m. – 12:30 p.m.

Computer Training

July

6	InDesign: Getting Started	8:30 a.m. – 12 p.m.
6	Photoshop: Getting Started	1 – 4 p.m.
8	Excel 2003: Mastering Pivot Tables	8:30 a.m. – 12 p.m.
8	Microsoft Office 2007: What's Up with the Ribbon?	1 – 4 p.m.
9 & 10	Microsoft Excel 2003 Introduction	8:15 – 11:15 a.m.
9 & 10	Microsoft Access 2007 Introduction	8:15 – 11:15 a.m.
9 & 10	Microsoft PowerPoint 2007 Introduction	1 – 4 p.m.
9 & 10	Microsoft Word 2003 Introduction	1 – 4 p.m.
13 & 14	Microsoft Access 2003 Introduction	8:15 – 11:15 a.m.
13 & 15	Microsoft PowerPoint 2003 Introduction	1 – 4 p.m.
13 & 15	Microsoft Publisher	8:15 – 11:15 a.m.
14 & 16	Microsoft Excel 2007 Introduction	1 – 4 p.m.
14 & 16	Microsoft Word 2003 Advanced	1 – 4 p.m.
15 & 17	Microsoft PowerPoint 2007 Advanced	1 – 4 p.m.
16 & 17	Microsoft Access 2007 Advanced – Part 1	8:15 – 11:15 a.m.
20 & 22	Microsoft Excel 2003 Advanced - Part 1	8:15 – 11:15 a.m.
20 & 22	Microsoft Access 2003 Advanced - Part 1	1 – 4 p.m.
20 & 22	Microsoft Windows XP Introduction	1 – 4 p.m.
21 & 23	Microsoft Excel 2007 Advanced - Part 1	1 – 4 p.m.
23 & 24	Microsoft Access 2007 Advanced – Part 2	8:15 – 11:15 a.m.
27 & 29	Microsoft Excel 2003 Advanced - Part 2	8:15 – 11:15 a.m.
27 & 29	Microsoft Access 2003 Advanced - Part 2	1 – 4 p.m.
28 & 30	Microsoft Word 2007 Introduction	8:15 – 11:15 a.m.
28 & 30	Microsoft Excel 2007 Advanced - Part 2	1 – 4 p.m.

August

3 & 5	Microsoft Windows "How do I"	8:15 – 11:15 a.m.
4 & 6	Microsoft Windows Vista	1 – 4 p.m.
4 & 6	Microsoft Word 2007 Advanced	8:15 – 11:15 a.m.
4 & 6	Microsoft PowerPoint 2003 Advanced	1 – 4 p.m.
20 & 21	Microsoft Access 2007 Introduction	8:15 – 11:15 a.m.
20 & 21	Microsoft Excel 2003 Introduction	8:15 – 11:15 a.m.
20 & 21	Microsoft Word 2003 Introduction	1 – 4 p.m.
24 & 25	Microsoft Access 2003 Introduction	8:15 – 11:15 a.m.
24 & 25	Microsoft PowerPoint 2003 Introduction	1 – 4 p.m.
24 & 25	Microsoft Windows XP Introduction	1 – 4 p.m.
27 & 28	Microsoft Excel 2003 Advanced - Part 1	8:15 – 11:15 a.m.
27 & 28	Microsoft Access 2007 Advanced – Part 1	8:15 – 11:15 a.m.
31 & 9/2	Microsoft Word 2007 Introduction	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 off site.
 Please check location when registering.