

Chamber News

www.RochesterBusinessAlliance.com

March/April 2009

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Friday Business Briefings

March 6

Affordable Health Insurance Programs for Employees and Family Members

March 20

Globalization: Implications for Business and Human Resources

March 13

New COBRA Rules under the Obama Stimulus Package

April 3

Successfully Communicating an HSA Plan

April 17

Eldercare :The Growing Work/Life Issue:

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

Finding Value in Your Membership

The Rochester Business Alliance understands its members' concerns over the cost of doing business in Rochester, particularly in the current economy. We recognize the economy puts pressure on businesses to evaluate each and every expense. That's the major reason why we opted not to increase the cost of belonging to the Rochester Business Alliance in 2009.

And that's why we work tirelessly to deliver on our mission statement: To create value for our members by delivering important business services and by advocating for an environment essential for their success.

We appreciate your willingness to invest in the Rochester Business Alliance through membership. And we want you to know that the dollars you spend also benefit the entire community through the products and services we provide as well as through our public advocacy. We offer a variety of ways to help our member companies and their employees get and stay connected to the community, the issues, the information and the people that can help them succeed.

We're advocating at the local, state and federal levels for changes that will bring down the cost of doing business in New York state and create a more business friendly climate. Even if you don't actively participate in our advocacy efforts, our ability to count you as a member strengthens the voice of business in our community.

Rochester's economy is largely comprised of small businesses, which also makes up 76 percent of our membership. Many members (as well as those we like to call "future members") may not realize that we offer services tailored to small businesses including an in-house Small Business Assistance Center and the new Small Business Development Series.

On information, we recognize that keeping up with technology and trends can be time consuming as well as expensive – especially for smaller companies. Our training services – which include coaching, custom training,

computer courses and seminars – are priced to fit your budget. Members always receive a 25-percent discount on training, but during March there is an added incentive – seminars at half-price. Call 244-1800 for details.

Our human resource support services are also a great value. Our team compiles benchmarking information through member surveys covering wage, salary, benefits and HR practices. And they share the latest information through the HR Helpline, forums and publications, as well as the Friday Business Briefings.

Our staff also keeps members up to date with business news, trends and events through communications such as the Business Intelligence Report email, a bi-weekly e-mail newsletter, Chamber News and website postings. And we're continuing to work on making our web site – www.RochesterBusinessAlliance.com – more user friendly and informative, through development of specific content that will be available only to members.

And to keep our members connected to the community, we host a series of networking events such as Business After Hours and Meet the Top 100, as well as opportunities to interact with our six affiliate groups. We encourage our members (and future members) to attend these events as they provide an atmosphere to meet potential business partners. Sign up for our Speed Networking event on March 18 where you can make dozens of contacts in less than two hours. Details are on our website.

If you don't have the time to attend events, stay in touch with other business professionals through social networking within RBA's LinkedIn group and on our Facebook page where you can learn about upcoming events, view photos from past events, and chat in forums.

We feel the Rochester Business Alliance has a lot to offer its members, particularly during difficult economic times. We invite you to learn more about how to make your membership investment pay dividends for your company. ★

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For a complete staff list, visit our website at www.RochesterBusinessAlliance.com

This newsletter is the official newsletter of Rochester Business Alliance, published at 150 State St., Suite 400, Rochester, NY 14614. Articles printed are for information only and are not intended to render legal advice.

From the President and CEO...

This recession has everyone watching the bottom line, at work and at home. Unsure of what the future holds, we're keeping a tight rein on the purse strings, spending only for what we've deemed essential.

For me, and I hope for many of you, that "essential" category includes your annual gift to the United Way. The economic challenges we all are facing are even more daunting for the people who depend on programs funded by the United Way. Need is rising, while donations are falling, making this a critical time for those in need in our community.

And that's my central message: This is our community. So in keeping with the theme of this year's campaign – Live United – I'm asking everyone, for the sake of our community, to dig deep and give what they can to support the United Way.

According to the United Way, more than 70 percent of Rochester-area non-profits have seen flat or decreased revenues over the past six months. This is largely due to reductions in state and local funding, as well as declines in corporate and personal giving. In response, 80 percent of agencies have already cut back services, while also working to lower operating expenses.

Meanwhile, emergency agencies, those that provide critical services including food, shelter and clothing, are seeing dramatic increase in need. To help fill that gap, the United Way has transferred \$500,000 from its reserve fund into emergency services funding. The organization hopes to maintain its \$2.8 million support from its community fund - fueled by its annual fundraising campaign – so that people in need have access to clothing, shelter and food.

In past years, I've designated my United Way gift to a certain charity. But this year, with community need so great, I'm making my contribution to the Community Fund, where every dollar donated goes directly to programs that help people in the Greater Rochester area.



Sandra Parker

It's easy to make a donation. Many local companies host campaigns for their workers. Or you can log on to www.uwrochester.org to make an individual donation. New this year: Small businesses can enroll in an online registry, designed for companies that don't have the resources for a campaign manager. It takes about five minutes to set up an account. Log onto the United Way site and go to "Campaign Resources" and then "Business Resources." There you can upload employee email addresses and send out a customized e-mail.

Business people love a challenge, and Citizens Bank is offering a good one – pledging to match every new corporate or individual gift made during the 2009 United Way Campaign, up to \$50,000. It's a terrific opportunity to double your donation, at no added cost to you.

As I said at the beginning, I know this is a year of financial challenges. But if we "Live United," we can make it through together, and our whole community will be stronger in the end. ★

Upcoming Events

- | | | |
|----------|--|-------------|
| March 11 | Meet the Top 100: 5LINX | 7:45-9 a.m. |
| March 18 | Business After Hours: Speed Networking | 5-7 p.m. |
| April 9 | Coffee with Our CEO | 8-9 a.m. |

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

Small Business Development Series 2009

Business Succession Planning

During this session, experts will present an exit strategy for transferring the business from the older generation to the younger generation. It will focus on the transfer tax consequence of transferring a business during lifetime and at death. It will also cover the non-tax aspect of dealing with inactive children as the business passes to those children involved in the business.

Date: March 12

Time: 8-10 a.m.

Location: Rochester Business Alliance, Room 313, 150 State St., Rochester, NY 14614

Presented by: Jack Battaglia, Esq. and Tim Pellittiere, Esq., Woods Oviatt Gilman LLP

Using Intellectual Property to Maintain a Competitive Edge

This presentation will cover how to use intellectual property to create and maintain a competitive position in today's marketplace. The presenter will discuss how to develop and align a patent strategy with your business plan and how to conduct effective, ongoing competitive surveillance.

Date: April 16

Time: 8-10 a.m.

Location: Rochester Business Alliance, Room 313, 150 State St., Rochester, NY 14614

Presented by: Katherine H. McGuire, Esq. - Woods Oviatt Gilman LLP

Credit Issues and Customer Bankruptcies

It is more important than ever to do thorough credit research before taking on a customer, to monitor the customer's credit throughout the term of the relationship, and to know what to do when signs of trouble first appear. This program will provide a legal overview of these issues, including a review of the types of bankruptcy proceedings and what creditors can do to protect themselves. Extra time will be reserved for questions and discussion.

Date: May 14

Time: 8-10 a.m.

Location: Rochester Business Alliance, Room 313, 150 State St., Rochester, NY 14614

Presented by: Paul S. Groschadl, Esq. and Robert S. Attardo, Esq., Woods Oviatt Gilman LLP

To register, click on the events calendar at www.RochesterBusinessAlliance.com.

2009 ATHENA Award Recipient: Holly Hillberg

The Women's Council of the Rochester Business Alliance presented its 2009 ATHENA Award to Holly Hillberg.

Hillberg, the chief technology officer and vice president of Carestream Health, Inc., received the award at the 23rd annual ATHENA Awards luncheon Jan. 22. She was chosen for the award from a field of 19 finalists nominated by the community.

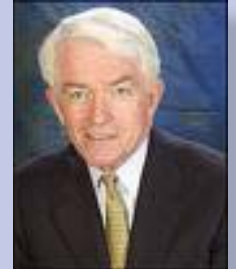
"I am so humbled to have been selected for this award," Hillberg said in her acceptance speech.



From the US Chamber

Capital Markets Reform Can't Wait

By Thomas J. Donohue, President and CEO



In the midst of the worst financial crisis since the Great Depression, nothing is more essential than modernizing and strengthening the outmoded regulatory systems that govern our financial markets. Without access to capital - for families, small businesses, and large corporations - the economy will never get out of the ditch.

We need modern, efficient, transparent, and smartly regulated markets to deliver capital where and when it is needed. The most important step is making sure that the markets are adequately protected from systemic risks. Establishing capital and liquidity requirements for all significant financial institutions is a necessary step. Eliminating "dead zones" where regulatory authority is unclear or nonexistent is also essential.

In addition, we must orient the rules governing the financial markets toward the 21st century. Current regulations, which were written at a time closer to the Civil War than to today, are duplicative, overlapping, and contradictory.

Regulators and investors alike would benefit from increased transparency. Markets always work better when participants have the most complete information possible. We must also ensure the viability and quality of independent auditing, which provides critical information to investors. Likewise, we must seek strong consumer protections while ensuring that they deliver real value, not merely regulation for its own sake.

Every rule must provide real benefits for consumers and investors. They must not, however, curb the legitimate risk taking that helps make our country great. ★

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Announcing New Travel Destinations



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

Call 244-1800 for details



Travel to the Tuscany region with the Rochester Business Alliance October 2009. Visit our website for more details.

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 the Small Business Council.

By Philip Pecora
Council President



For 2009, the Small Business Council is building on the momentum of celebrating our 25th year in 2008. As an affiliate of the Rochester Business Alliance, the SBC's mission is to provide services, support, and B2B opportunities to growth-oriented small businesses in the Rochester area. Both membership and attendance at SBC events has grown over the past few years, and continues to be a priority for 2009. With a broader base of members, SBC events and networking opportunities will be that much stronger.

A full calendar of exciting and relevant events is planned for 2009, including the ever-popular Headliner event, and the Businessperson of the Year Gala. Speakers for both have yet to be finalized, but past ones have included CBS football analyst Steve Tasker and PAETEC CEO Arunas Chesonis, so you can be assured of a high-caliber presentation. SBC members will be able to socialize and network on the golf course during the Golf Scramble in September, and at the annual holiday party. Finally, the SBC has a full slate of educational programs for both up-and-coming businesses and seasoned managers. Focusing on business basics, the Boot Camp series teaches best practices over a range of topics. The executive Development Roundtable is a series targeted at mid-level and senior managers. The SBC is truly a resource for all types of small businesses, at all stages of growth. Check out our website for details on all programs and events: www.rochesterSBC.com.

As SBC President, I am looking forward to heading up a great year of events, programs, and networking opportunities that will enrich and grow Rochester's small business community.

To learn more about the Small Business Council, call Cindy DeVoldre at (585) 256-4619 or e-mail Cindy.DeVoldre@RBAAlliance.com. ★

Upcoming Affiliate Events and News

Greater Rochester Quality Council

- Quality for Leaders Two Day Seminar - March 11 and 12
- The Cost of Silence - An Interactive Workshop - April 16

Rochester Hispanic Business Association

- Cinco de Mayo Celebration - May 1

Small Business Council

- Boot Camp #1: State of the Economy - March 4
- Boot Camp #2 (Session 1 of 2): The Transformed Organization - Get on the Path - April 1

Transportation Council

- 49 CFR Domestic HazMat Training and Certification - March 25
- IATA: International Air HazMat Training and Certification - March 26
- IMDG: International Ocean HazMat Training and Certification - March 27
- 85th Annual Dinner - April 2

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

Ask **SCORE**[®]
Counselors to America's Small Business

Being Environmentally Friendly is Both Easy and Cost-Effective

With climate change and diminishing resources dominating the news these days, small business owners are looking for ways to make their operations more environmentally friendly. Simple steps such as recycling soda cans and turning off lights are a good place to start, but there are many other ways you can make a big difference without a lot of effort and expense. These measures will benefit both the environment and your bottom line.

According to the U.S. Environmental Protection Agency's Energy Star program (www.energystar.gov), cutting energy waste can typically save small businesses as much money and prevent as much pollution, per square foot, as large organizations—including those in leased space. Performed properly, business-specific energy efficiency upgrades can provide a positive cash flow right from the beginning.

Some "sure energy savers" include replacing incandescent light bulbs with compact fluorescent lamps (CFLs), which cost about 75 percent less to operate, and last about 10 times longer. Regularly changing heating and air conditioning filters and investing in regular

"tune-ups" will also keep the system operating as efficiently as possible.

Making greater use of email and electronic file transfers are sure to cut down on the amount of paper your business uses. If your business relies on incoming or outgoing faxes, a computer fax modem will enable you to exchange these documents without the need for making printed copies.

Purchasing products and equipment made from recycled or sustainable materials is also a good way for small businesses to do right by Mother Earth. According to GreenBiz.com, recycled-content products typically perform as well or better than virgin products and often are competitively priced. And when it's time to upgrade computers or appliances, purchasing Energy Star-qualified products will ensure that you're getting the most from every kilowatt of power.

For more guidance on cost-effective environmental practices, contact SCORE Rochester at (585) 263-6473 or visit www.scorerochester.org. ★

2009 Rochester Community Coalition Agenda

By Chris Wiest
Vice President of Public
Policy and Advocacy



The Rochester Community Coalition has been hard at work to gain state support for initiatives crucial to our region. Following the success of last year's efforts, where five out of seven community priorities received funding under the state budget, Rochester Business Alliance met with local leaders and coalition members this past fall to discuss initiatives that would have the greatest economic development impact on our community. Out of these discussions, seven initiatives were selected to form the 2009 Rochester Community Agenda. The agenda was shared with our local delegation and released to the public at a news conference on Jan. 16 at Rochester Business Alliance offices.

The 22-member community coalition, representing business, local government, education, faith communities, labor, and nonprofits, is supporting priority initiatives that will strengthen education, invest in community development and provide direct support for working families.

Recognizing the fiscal challenges of the state, and the need to ensure Rochester's voice continues

to be heard during budget deliberations, this year's \$78.5 million request is 63 percent less than the seven projects included on the list of local priorities for 2008.

Below are the items on the Rochester Community Coalition's 2009 agenda:

- The coalition asks that cuts in AIM funding for the city be made proportionally so that the large gap that exists between Rochester and other Upstate cities does not grow. AIM funding is used to finance critical public safety, education and economic development services. Further, the city is seeking the same mandate relief measures that have been proposed in Gov. Paterson's budget for New York City and Buffalo.
- \$38 million for the Institute for Sustainability at Rochester Institute of Technology for Sustainability, which will create up to 6,000 new jobs regionally and \$650 million in regional earning potential.
- \$8.5 million to restore child care subsidies for an estimated 961 low-income families. Quality care will help parents remain employed and their children to succeed in school.
- \$30 million for the performing arts center at Renaissance Square. The theater is projected to bring \$15.5 million per year

to downtown in consumer and corporate spending.

- \$1 million for Hillside Work-Scholarship Connection, which will enable the program to serve 6,000 students by 2012. These students will generate \$135 million in increased tax revenue and reduced government spending.
- \$1 million for the Rochester Area Colleges Center for Excellence in Math and Science, which aims to make Rochester a national model in math and science education.
- The coalition supports a proposal included in Gov. Paterson's draft budget to allow wine sales in grocery, convenience and drug stores. Not only will passage of this proposal generate over \$150 million in increased revenue for the state, it would also lead to the creation of regional wine-industry and retail jobs.

On Feb. 25, members of the coalition held a lobby day in Albany and met with legislative leaders and staff involved in budget negotiations.

Now, we need your support. The coalition has launched an e-advocacy campaign, which allows area residents to send letters to their elected officials in support of the agenda. Please visit the Public Policy section of our website to "Take Action" and contact your legislator. ★

Update on State, Local and Federal Initiatives

Beginning with this issue, we're introducing this new feature on the Public Policy and Advocacy page, dedicated to bringing you the latest news on our initiatives on the state, local and federal level. Through our advocacy, we help our member companies and their employees stay connected to the issues as well as to the people who can make a difference.

Unshackle Upstate

Unshackle Upstate continues to focus its energy on the state budget crisis and much needed structural reforms. The Deficit Reduction Plan agreement announced in early February closed the \$1.6 billion 2008-2009 budget deficit through a combination of fees, tax increases and cost shifts, with little to no cuts in expense. One of the most alarming

features of this agreement is nearly \$400 million in health care-related tax increases, such as the covered lives assessment, which will likely lead to higher health insurance costs for employers and individuals. Negotiations to close the \$13 billion 2009-2010 deficit are underway.

Unshackle is continuing its call for structural reforms to costly state programs such as Medicaid, consolidating government services and restructuring public employee compensation to be more competitive, and eliminating unfunded state mandates that cost municipalities and citizens millions of dollars.

Our position continues to be that higher taxes and cost-shifting is not the solution to the state's fiscal problems.

On March 10, Unshackle Upstate representatives will be meeting with legislative leaders in Albany to deliver this message in person.

Employee Free Choice Act

The Employee Free Choice Act, or "Card Check," is shaping up to be the employment legislation battle of the year. Rochester Business Alliance continues to receive feedback from members concerned about passage of this legislation and has been active in educating employers on provisions of this bill and working with groups such as the U.S. Chamber of Commerce and the Business Council of New York State to lobby against its passage.

Visit the Public Policy page of our website for more information on EFCA. ★

NY Social Security Number Protection Law- Are You in Compliance?

As you already know, the New York Social Security Number Protection Law (New York General Business Law Section 399-dd) became effective Jan. 1, 2008. It prohibits your business from:

- Making a Social Security number available to the general public whether intentional or not.
- Printing Social Security numbers on any card or tag required for an individual to access products, services, or benefits provided by the company.
- Requiring an individual to transmit his/her Social Security number over the Internet, unless the connection is secure or the number is encrypted.
- Requiring an individual to use his/her Social Security number to access an Internet website, unless a password, PIN, or other type of authenticating device is also required for the individual to access the website.
- Printing an individual's Social Security number on any materials that are mailed to the individual, unless a state or federal law requires the number to be on the document being mailed.

However, there are some additional provisions that some employers may not be aware of. The prohibitions highlighted below became effective Jan. 3:

- Encoding or embedding a Social Security number in or on a card or document, including but not limited to, using a bar code, magnetic strip, or other technology, in place of removing

the Social Security number.

- Filing any document available for public inspection with any State agency, political subdivision, or in any court that contains a Social Security account number of any other person, unless such other is a dependent child or has consented to such filing, except as required by federal or State law or regulation, or by court rule.

In addition, another law went into effect early this year which has additional employer requirements. The New York Employee Personal Identifying Law (NYS Labor Law 203-d) also became effective Jan. 3. This law requires the creation of policies and procedures to prevent the prohibited practices outlined below, as well as employee notification of these policies and procedures.

Employers are prohibited from the following actions:

- Publicly posting an employee's Social Security number.
- Visibly printing a Social Security number on any identification badge or card, including any time cards.
- Placing a Social Security number in files with unrestricted access.
- Communicating an employee's personal identifying information to the general public. Personal identifying information is defined as a Social Security number, home address or telephone number, e-mail address, Internet identification name/password, parent's surname prior to marriage or driver's license number.

Also, a social security number shall not be used as an identification number for purposes of any occupational licensing.

A civil penalty of up to \$500 may be imposed on any employer who knowingly violated this section. It shall be presumptive evidence that a violation of this section was knowing if the employer has not put in place any policies or procedures to safeguard against such violation, including procedures to notify relevant employees of these provisions.

Employers are encouraged to review all processes and procedures to ensure any future use of social security numbers complies with these regulations and also to ensure employee identifying information is properly safeguarded and accessible only to those with a need to know. Any written policies and procedures created to meet the requirements under this law should be reviewed by legal counsel to ensure proper compliance.

If you have any questions regarding this or any other HR-related topics, please contact either HR Helpline staff: Kathy Novak at (585) 256-4618, e-mail kathy.novak@RBAlliance.com or Jennifer Suppe at (585) 256-4608 or e-mail jennifer.suppe@RBAlliance.com. ★

Source: NYS Consumer Protection Board's Business Privacy Guide, NYS General Business Law, NYS Labor Law.

Survey Spotlight

Below is a schedule of release dates for survey results.

Week of March 9

Turnover/Absenteeism Survey

Week of April 13

Professional/Managerial Wage & Salary Survey
Nonexempt Wage & Salary Survey
Manufacturing Wage & Salary Survey
Health Care Wage & Salary Survey

Week of May 25

National Executive Compensation Survey

Upcoming Seminar - The New FMLA: What Employers Need to Know

Please join us from 8:30 - 10:30 a.m. Thursday, March 5 at our 150 State St. office as Sharon Stiller and Susan Schultz Laluk from Boylan, Brown, Code, Vigdor & Wilson, LLP review the most sweeping changes to the Family Medical Leave Act (FMLA) since the law was enacted 15 years ago.

The cost to Rochester Business Alliance

Corporate/Partner members is \$25 per person. Registration starts at 8 a.m. Coffee and light refreshments will be provided. Space is limited and is available on a first come, first served basis.

For more information or to register, go to the events calendar on our website (www.RochesterBusinessAlliance.com). ★

Developments in Wage Discrimination Law

By Meghan DiPasquale
Ward Norris Heller
& Reidy LLP



As the recession lingers, many believe that discrimination lawsuits will increase. The legal arguments available to potential plaintiffs have expanded with the passage of new laws since the last major recession, and employees frustrated by job loss may be more willing to initiate lawsuits. The Obama administration has signaled that it will be more aggressive in enforcing employment laws, and has advocated new legislation supporting employment discrimination claims. Given this landscape, it is important for employers to track developments in employment law. Two of Congress' latest employment initiatives, one passed and one pending, are discussed below.

Much attention has been paid to President Obama's recent signing of the Lilly Ledbetter Fair Pay Act. The Ledbetter Act was a reaction to the 2007 Supreme Court decision *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, in which the Court held that although plaintiff Lilly Ledbetter had been paid less than her male counterparts throughout her career, she was not entitled to recover for wage discrimination because she filed her complaint too late under existing law. The Court held that a pay discrimination complaint must be filed within 180 days of the specific action that set the discriminatory pay, which in Ledbetter's case meant many years earlier, when her first deficient paycheck was issued. The Ledbetter Act overturned this ruling and extends the statute of limitations for pay discrimination lawsuits. It treats each alleged discriminatory paycheck as a new discrimination, thereby allows an additional 180 days to file a claim with the Equal Employment Opportunity Commission (EEOC) each time an employee is paid.

There are several aspects of the new law that have not been fully briefed in the majority of news reports. First, the Ledbetter Act amends not only Title VII of the 1964 Civil Rights Act, but the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the Age Discrimination in Employment Act of 1967. It applies to wage discrimination based not only on sex, but on factors such as race, religion,

national origin, disability and age. Second, the Act goes beyond overturning the Ledbetter decision in two ways. It expands current law beyond an aggrieved employee to include other individuals who are "affected" by an act of pay discrimination to file a claim. This may mean that family members, including spouses, children and others, can become plaintiffs in discrimination suits, even after the employee has passed away. In addition, it essentially eliminates time limitations for claims of employment discrimination in cases not explicitly wage-based, because non-pay discrimination claims (for example, the denial of a promotion) often have some effect on compensation. Third, the statute of limitations is not limited to paychecks received by an aggrieved worker; the clock will restart when an affected individual receives a retirement annuity as well. Finally, while the act expands the time limits for claims of wage discrimination established by the Supreme Court in Ledbetter, it does not change the current law with respect to the relief a plaintiff may be awarded. A victim of discrimination remains entitled to back pay for up to two years preceding the filing of the charge with the EEOC.


The Ledbetter Act is not the only equal pay legislation already considered by Congress in its new term. The Paycheck Fairness Act, passed by the House on January 9, 2009 but tabled temporarily to focus on passage of the Ledbetter Act, may be on track to be enacted as well. The Paycheck Fairness Act amends portions of the Fair Labor Standards Act of 1938 (FLSA) to require an employer to establish a "business necessity" and "job related" reason why it uses any number of factors, such as education, experience, location, level of training or prior salary history as a component of its pay system. The employer must demonstrate that such a factor (1) is not based upon or derived from a sex

based differential in compensation; (2) is job related with respect to the position in question; and (3) is consistent with business necessity. The "bona fide factor" defense will not apply where an employee can demonstrate that (1) an alternative employment practice exists that would serve the same business purpose without producing a differential; and (2) the employer has refused to adopt such an alternative practice. For example, an employer cannot offer a college education as justification for why a male clerk makes more than a female clerk, if a degree has nothing to do with the job. The Paycheck Fairness Act permits compensatory damages for double back pay, and punitive damages in certain instances, and prohibits employers from retaliating against employees who share salary information. Significantly, the bill automatically includes all relevant employees in a gender discrimination class action, changing current law requirements that employees must give their written consent to join a class.


Companies with diverse work forces must understand fully the implications of recent court decisions and new legislation when considering employment actions such as reductions in workforce.

Special thanks to Margaret Dougherty, an associate at Ward Norris Heller & Reidy, for her assistance in preparing this article. ★





2009 Business After Hours
Sponsored by Microsoft and First Niagara



February 25 —Networking with Area Business Leaders, Memorial Art Gallery

March 18—Speed Networking at the Woodcliff

May 27 - Elevator Pitch Contest, Marriott Hotel

July 15 - Networking at Pier 48

September (TBD) - General Networking

December 15 - Holiday Jam at the Rochester Riverside Convention Center

More details coming soon! Check our website for details
www.RochesterBusinessAlliance.com

For more information and to register, contact Edna Smith at (585) 256-4641
or Edna.Smith@RBAlliance.com

Wellness in the Workplace

Clear Goals Pave Way for Action

By Patti Singer



It's one thing to say that employees should be more active. It's another – and more effective – approach for management to support that notion and for employees to set clear, action-oriented goals for success.

The combination resulted in significant increases in leisure time physical activity during a 12-week study among employees in the Home Depot chain, according to research led by Rod Dishman and published in the February issue of the *American Journal of Preventive Medicine*.

Employees were randomized into intervention and control groups at sites with 50 - 375 participants. The intervention consisted of individual goal-setting and information to help employees overcome barriers and avoid derailment. Organizational action consisted of senior management endorsement, employee-management steering committees, incentives of pedometers and environmental prompts such as signs. The control program consisted only of information about benefits of physical activity. By the sixth week and through the rest of the study, 51 percent of the intervention group was performing moderate to vigorous activity each week, compared with 25 percent of the control group.

Organizational goals were not measured separately, Dishman said. But the closer the program mirrors management objectives, the better the chance for success. However, the key is setting goals.

Dishman said that research shows individuals must be specific about what they will do when, and how they'll do it. Goals also must be challenging but doable and be measurable. Unfortunately, people often focus on an outcome. The better way is to get goals about actions needed to achieve that outcome. That way, a wish for a healthier workplace can be the reality of healthier workers. ★

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

Health, Safety and Environment

Safety? The Answer is Basic

By Chip Dawson

Like seeking the Holy Grail, business owners and managers have been searching for decades for the ultimate solution to safety. Look no more! The answer has been found! Treat your people well. Yep, it's that simple.

From the NIOSH Study of 1979, through the research of Dan Petersen and Judith Erickson, to a very recent study by SAFEmap International, everything points to the corporate culture and, within that, to focusing on your people.

The beauty of this finding is that it requires little in the way of money, additional staffing or complicated documentation. It also fixes any other internal problems that you might be facing.

Think about it. Once you admit that without your people performing at their maximum talent and skill level, everything falls apart, you can see that asking them for their ideas, treating them with respect, thanking them when they perform well and considering them partners strengthens your organization at every turn. Productivity increases, quality issues disappear, morale improves, turnover approaches zero and every other metric strengthens along with safety.

This does not mean that the tradition safety program elements of training, inspections, investigations, rules and hazard controls are unimportant. They are—and the regulators are there to remind you. But, these elements alone will never get you to excellence in anything unless they are paired with a strong and supportive culture.

The solution to safety is truly basic. In all likelihood, you have all or most of the traditional elements in place, so there may be little work to do there. As for the employee-centered culture, you and your leadership team simply have to look at the message you are delivering to your employees with every contact. If it's not clear that they are valued, then you need to change your focus.

Keep in mind that your people are very savvy. They know, often better than you, what comes

first. If it's not them and their wellbeing, they see it instantly. In the SAFEmap International survey of 80,000 employees, questions such as "my company cares about safety" and "my supervisor cares about safety" failed to correlate with superior safety performance. It was only the question "our company cares about us" where there was a strong positive correlation.



Whatever you chose to do to encourage strong safety performance, be sure that the initiative is supported by good research and that it meshes well with the core elements and values of your organization. Failure to do this is what often leads to the "program of the month" derided by employees everywhere. It's clear from the start that the cookie cutter approach has no relationship to the culture of the organization and the needs of the employees.

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. ★

Health, Safety and Environment Update

February 24, 2009

<p>In This Update</p> <ul style="list-style-type: none"> ORC Launches EHS Center Of Excellence Wiki Leadership Affects Health and Well-Being at Work IRST Offers Machine Guarding Guide Fatally-Resigned Posters Hard Hat Standard Revised Pushing of Emergency Showers and Eyewashes Katibek from Stop Saw Kills Worker Plan, Hat/Com Training Site ACCOEM Takes a Stand Against Workplace Depression Bright Light May Help Shiftworkers ORC Launches EHS Center of Excellence Wiki IRST Offers Machine Guarding Guide 	<p>Quick Links</p> <ul style="list-style-type: none"> HSE Information Hardhat HSE Update Rochester Business Alliance Website <p>This health, safety and environment electronic update comes from Chip Dawson and the Rochester Business Alliance as a service to member organizations.</p>
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A new guide published by the Quebec Occupational Health and Safety Research Institute (IRST) describes methods for eliminating mechanical hazards at the source and using fixed guards as a protective measure. As a research organization IRST has prepared a number of valuable guides for occupational safety and health practitioners. This most recent guide, in PDF format, continues the tradition of excellence. While it sits Canadian law, the concepts are the same. [Click here](#) for a copy.

Past HSE update email

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

JOBSapalooza Jan. 8



More than 500 job seekers turned out at the third annual JOBSapalooza Jan. 8

Meet the Top 100: Gleason Corporation Jan. 13



The tour at Gleason Works gave members a close-up look at bevel gears produced as large as three meters.

ATHENA Award Luncheon Jan. 22



(From l-r) Sandy Parker, ATHENA 2009 recipient Holly Hillberg, 2008 Young Woman of Distinction recipient Christine Choudri, and Women's Council President Laura O'Neill Habza

Meet the Top 100: Surmotech Feb. 11



Members watch as a solder base is blown onto a circuit board during a tour at Surmotech.

Six Background Screening Trends

By Ellen Baniak
Vice President of RBA
Staffing Solutions



According to SHRM, the Society for Human Resource Management, more than 85 percent of large companies - and an increasing number of smaller employers - perform some level of employment screening before hiring an applicant. Here at RBA Staffing Solutions, we offer a variety of screening services to our employer clients. So I thought I would share some of the trends in employment screening that we are seeing.

1. Background Screening for Outside Contactors. As an organization that provides our members with both background screening and temporary employees, we have seen more interest from clients in having criminal record checks performed on any individual that will be on their premises. Protecting your employees, property and customers from possible harmful actions should extend beyond your own hiring process. It is important to make sure that information is consistent between what you may require for your new employees and what your staffing provider is obtaining on theirs.

2. Social Networking Sites. Many employers have begun to use sites such as Facebook, My Space and LinkedIn as a pre-employment screening tool. This is an area that is still being debated as to its value, usefulness and legality when using this data to make a hiring decision. Answers for this issue may only become defined clearly as future lawsuits work their way through the system. If you are currently using this as a resource tool, consider developing policies and procedures that include a notification to the applicant.

3. Second Chance for Offenders. Several changes surrounding Article 23-A of the New York State Correction law went into effect on Feb. 1 that support the re-employment of individuals who have criminal convictions in their background. Employers need to be prepared to defend their decisions to deny employment to an ex-offender. Companies should consider the following criteria when reviewing criminal convictions: job duties, relevance of the conviction to the job, the length of time that has elapsed since the conviction, the severity of the offense and the candidate's age at the time of the crime.

4. Recession Impact. As the unemployment rate increases, there is a strong potential for desperate job hunters to

"fluff" their resumes or even include blatant falsifications. It is important to evaluate and scrutinize candidate's applications closely for exaggerated work history and fraudulent degrees. Purchasing a degree from an unaccredited school, often known as a diploma mill, is one way that individuals may try to get around job educational requirements.

5. Changing State Mandates. Some states are already requiring employers to go beyond the paper I-9 form and verify potential employee's citizenship and right-to-work through their electronic E-Verify process. The deadline for federal contractors to utilize this has been extended again, and we expect the E-Verify program will continue to be a topic of discussion.

6. Screening of Existing Employees. We have seen annual requests from employers that require valid driver's licenses for employees with access to company vehicles. But there is a growing interest in recurring background checks on current employees. The thinking: just because an individual did not have a criminal conviction when hired does not mean nothing has transpired since.

For more information please contact Ellen Baniak at (585) 256-4630 or Ellen.Baniak@RBAAlliance.com. ★

The Rochester Business Alliance

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www.ajayglass.com

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www.focalpointcoaching.com

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www.griffininsulation.com

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www.halcoheating.com

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www.hochstein.org

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www.ic2s.com

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www.integretek.com

VanDamme Associates - Helping Nonprofits Do More

By Kevin Donahue
 Director of
 Membership and
 Business Development



About the Company

VanDamme Associates, located in Pittsford, was founded by Sigmund VanDamme in 1992 as a technology firm serving the nonprofit and association marketplace. Today, the company is led by co-CEOs Dawn VanDamme and Ronald Wille, Jr. and serves a national market, helping hundreds of associations and nonprofits implement the technology that helps to support their mission.

VanDamme, which employs 26 people, offers association management solutions, content management software, Google Apps implementation services, social networking, website design and development, technology assessments, consulting, training and hosting. Between 2007 and 2008, VanDamme hired 13 new employees.

Recognitions

In November 2008, VanDamme was featured as the Ektron Partner of the Month. In 2007, VanDamme was featured as a Rochester Top 100 Company and for seven years in a row has won a Customer Satisfaction Award in its marketplace.

Challenges

According to Ronald Wille, Jr., one of the biggest challenges VanDamme faces - like many other companies - is the current economic conditions. "We are overcoming these challenges by diversifying our product and service offerings to meet the needs of nonprofits and associations that are also feeling the same challenges. We are looking for ways to save our clients money, while still providing them with the same if not better value. Our move towards Google Apps reinforces our desire to provide our customers with superior solutions that are easy to use while saving them overall dollars in their IT Budgets."

Rochester Business Alliance Member

VanDamme has been a member of the Rochester Business Alliance for six years. "We are committed to the community and the local businesses as well. We feel that RBA brings together Rochester employers and advocates for important causes. A major benefit we get from the RBA is the advocacy from Unshackle Upstate. We feel this initiative is critical to businesses in New York. The RBA is also a great source of local business news and continuing education opportunities."

What's Next

VanDamme has switched its entire company over to Google Apps and is offering this service



(L to R) Ron Wille, Jr., Dawn VanDamme and Sig VanDamme

to its clients as well. "We have saved a number of organizations money by moving them out of Microsoft Exchange and other email packages and into Google Apps," says Wille. "We are passionate about the collaboration options and convenience that Google has brought to our work environment and are excited to offer this service to our clients as well. We are continuing to monitor the association marketplace and the economy to make sure we are offering solutions that fit the needs of organizations of all sizes."

Contact Info

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 (585) 586-4750 ★ www.vandamme.com

welcomes its new members

Kirtas Technologies, Inc.
 (585) 924-2420
www.Kirtas.com

Leveraging Technology, Inc.
 (585) 454-4250
www.leveragingtechnology.com

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 (315) 226-1000
www.macobag.com

Manning & Napier Benefits, LLC
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www.manning-napier-benefits.com

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www.messnercarpet.com

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www.pharma-smart.com

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www.plellc.biz

Quality Recruiting
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www.qrservices.com

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www.redmanconstruction.com

The Technology Company
 (585) 218-7390
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 (585) 321-1950
www.vardata.com

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Not a member?

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




Rochester Business Alliance
 The Regional Chamber of Commerce
 Rochester Business Alliance
 150 State St., Suite 400
 Rochester, NY 14614-1308

Seminars

Date	Seminar	Time
March		
2	Communication Power	8:30 a.m.- 12:30 p.m.
4	Dynamic Listening	8:30 a.m.- 12:30 p.m.
5	New FLMA Regulations	8:30 – 10:30 a.m.
6	Understanding Messages from Others	8:30 a.m.- 12:30 p.m.
9	Coaching, Mentoring & Motivating (6 sessions)	8:30 a.m.- 12:30 p.m.
12	Business Succession Planning	8 – 10 a.m.
12	Dealing with Difficult Personalities	8:30 a.m.- 12:30 p.m.
18	Personal Effectiveness	8:30 – 4:30 p.m.
27	Managing Time and Priorities	8:30 – 4:30 p.m.

Date	Seminar	Time
April		
2	Presentations	8:30 – 4:30 p.m.
2	Assertiveness	8:30 – 4:30 p.m.
7	Change – Making It Happen	8:30 – 4:30 p.m.
8	Negotiations	8:30 – 4:30 p.m.
16	Critical Thinking	8:30 – 4:30 p.m.
16	Protecting Intellectual Property	8 – 10 a.m.
17	Basic Employment Law	8:30 a.m.- 12:00 p.m.
17	Advanced Employment Law	12:30 – 4:30 p.m.

Computer Training

Date	Seminar	Time
March		
2 & 3	MS Access 2007 Introduction	8:15 – 11:15 a.m.
2 & 4	MS Excel Advanced Part 2	1 – 4 p.m.
5 & 6	MS PowerPoint 2007 Introduction	8:15 – 11:15 a.m.
9 & 10	MS Access Report/Form Design	8:15 – 11:15 a.m.
9 & 11	MS PowerPoint Introduction	1 – 4 p.m.
24 & 26	MS Access Advanced Part 1	8:15 – 11:15 a.m.
25 & 27	MS Word 2007 Introduction	1 – 4 p.m.
25 & 27	MS Access 2007 Advanced	1 – 4 p.m.
26 & 27	MS Excel 2007 Introduction	8:15 – 11:15 a.m.
30 & 31	MS Excel Introduction	8:15 – 11:15 a.m.
30 & 31	MS PowerPoint 2007 Advanced	1 – 4 p.m.
April		
2 & 3	MS Word 2007 Advanced	8:15 – 11:15 a.m.
6 & 8	Window: How Do I...?	8:15 – 11:15 a.m.
6 & 8	MS Access Introduction	1 – 4 p.m.
7 & 9	MS Excel 2007 Advanced- Part 1	8:15 – 11:15 a.m.
13 & 15	MS Access Report/Form Design	1 – 4 p.m.
14 & 16	MS Excel Advanced – Part 1	8:15 – 11:15 a.m.
15 & 17	MS Windows Introduction	8:15 – 11:15 a.m.
20 & 21	MS PowerPoint 2007 Introduction	1 – 4 p.m.
20 & 22	MS Word Introduction	1 – 4 p.m.
20 & 24	MS Access Advanced – Part 1	8:15 – 11:15 a.m.
21 & 23	MS Excel Advanced – Part 2	8:15 – 11:15 a.m.
22 & 24	MS Access 2007 Introduction	1 – 4 p.m.
27 & 29	MS Word Advanced	1 – 4 p.m.
27 & 5/1	MS Access Advanced – Part 2	1 – 4 p.m.
28 & 30	MS Excel 2007 Introduction	8:15 – 11:15 a.m.
28 & 5/1	MS PowerPoint 2007 Advanced	1 – 4 p.m.
29 & 5/1	MS Windows Vista	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.