

Chamber News

www.RochesterBusinessAlliance.com

May/June 2009

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Friday Business Briefings

May 1
401(k) Plan Fiduciary Responsibilities

June 5
Using the Workplace Covenant to Create a Culture of Partnership

June 19
Peopemap: An Important HR Tool

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

We're Watching Your Budget, Too

We're more than six months away from Christmas, but odds are this recession has a lot of business people feeling a bit like Ebenezer Scrooge.

Not the nasty "bah humbug" part, we hope. But with an eye toward surviving and thriving in this downturn, businesses are undoubtedly pinching pennies wherever they can, so as to ensure sufficient funds for the important endeavors that will pave the way to success and growth.

We recognize the importance of saving where you can, which is why the Rochester Business Alliance offers such opportunities as Member-to-Member Discounts. Three years ago, we took this program to another level, instituting a reverse auction to develop a program that would help our members save on the most basic aspects of their business – office supplies. As a result of that auction, we instituted our Staples Office Supplies Program, which allows our members to purchase a wide variety of office supplies at significant discounts.

We recently asked our members that are participating to share their thoughts on this program. The results were rewarding: 76 percent indicated that the pricing was "by far, better than other programs our company has been on."

How much better? RBA members are saving on average \$1,750 a month off Staples list prices on a variety of items. And 97 percent of the survey respondents say they would recommend this program to other companies.



Sample Pricing from
Staples Office Supplies Program

Item	You Save
Paper Clips	96%
Copy Paper	79%
Small Binder Clips	79%
Ball Point Pen - Doz	77%
Hanging Folders - Box	71%
Calculator	60%
1" Economy Binders	70%
HP 27x Toner	42%
HP 56 Black Ink	24%

That was good enough for us. Based on feedback from our members, we've renewed the contract with Staples. Participating member can continue to enjoy significant savings on everyday items such as binder, pens and pencils, paper clips and toner – the stuff that keeps the office running so the business can forge ahead.

Staples Office Supplies Program is just one of the Member-to-Member Discounts we offer. Check out our website for a full list, and if your company has a discount you'd like to offer fellow RBA members, contact Kevin Donahue at (585) 256-4651 or Kevin.Donahue@RBAAlliance.com.

Other Member-to-Member Discounts Available

401(k) and Profit Sharing Plan Services	Office Supplies
Advertising	Packaging
Athletic Club	Payroll
Catering and Meeting Planning	Phone Service
Cell Phone Service	Risk Management
Copier & Printer Supplies	Sports/Entertainment
Email Marketing	Tire & Auto

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RBA Staff

Sandra Parker
President and CEO

Ellen Baniak
Vice President of RBA Staffing Solutions
(585) 256-4630

Barbara Cutrona
Vice President of business information and training
(585) 256-4642

Ellen Rosen
Vice President of marketing, communications and membership
(585) 256-4616

Chris Wiest
Vice President of public policy and advocacy
(585) 256-4626

Kevin Donahue
Membership director
(585) 256-4651

Nina Shelton
Director of group health insurance
(585) 256-4644

Kristin Purdy
Newsletter editor
(585) 256-4615

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

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From the President and CEO...

Though the experts have varying opinions on when this recession will end, the fact is that one day it will. Like all economic cycles, it will run its course and a turnaround will begin.

That means that while businesses are looking for ways to weather the recession, they also need to look at how to position themselves to grow again when the recovery kicks in.

One excellent way to do that is to get involved with your chamber of commerce – the Rochester Business Alliance. Now more than ever, RBA membership provides you with the tools to stay competitive – the latest information, important connections, and cost-saving programs.

When the going gets tough, companies are forced to look at their spending and cut back on expenses that don't seem essential. Unfortunately, chambers across the country are reporting that they're hearing from members who view their chambers dues as falling into that category.

We at the Rochester Business Alliance clearly understand the economic pressures on businesses. It's up to us to show you the value of a chamber membership, and delivering that value is at the core of our mission statement and impacts everything we do.

So how can your business find value in belonging to the RBA? By taking advantage of the many products and services we offer, such as:

Networking: Making and keeping connections is essential in a downturn economy. A recent article in *Chamber Executive* magazine advises businesses do even more to make themselves visible, so as not to lose market share that could be difficult to reclaim later. We offer a variety of opportunities such as Business After Hours

and Coffee with our CEO, as well as growing online communities on Facebook and LinkedIn.

In a study done last year by the American Chamber of Commerce Executives, consumers view businesses that belong to a chamber more favorably and are more likely to patronize them.

Cost-savings: Our members receive discounts on our services such as training, staffing and networking events. Through Member-to-Member Discounts, you'll find savings on such things as phone service, advertising, financial planning, payroll services and catering. One of the most popular is the Staples program, where participants are on average saving nearly \$1,750 a month off list prices on office supplies.

Information: Our Business Information services keep you up-to-date on changing labor laws and provide benchmarking data to help you stay competitive. In tight budget times, the last thing you need is a regulatory fine because you are unaware a law had changed.

Advocacy: There is strength in numbers. We are working hard to be the Voice of Business at the local, state and federal levels. But we are most effective when those we are addressing recognize that we are speaking for a broad constituency. Your support can make all the difference.

Membership matters. Work with us. And together we can help our community grow. ★




Sandra Parker

Upcoming Events

May 14	Mega Mixer: Rochester Area Chambers	5-7 p.m.
May 27	Business After Hours: Make Your Best Pitch	5-7 p.m.
June 10	Meet the Top 100: Wegmans Culinary Center	8-9:30 a.m.
June 11	Coffee with Our CEO	8-9 a.m.

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

Call for Top 100 Nominations and Sponsorship

There are two ways to be part of the 2009 Rochester Top 100 – be on the list or be a sponsor.

Applications are now available to businesses that want to compete for a place on the 2009 Rochester Top 100 list of the region’s fastest-growing privately held businesses. Interested companies can fill in the application online at www.RochesterBusinessAlliance.com or contact Susan George at (585) 256-4612. 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 years.

Companies not competing for a place on this year’s list are invited to consider becoming

sponsors of the annual Rochester Top 100 event, set this year for Nov. 5 at the Rochester Riverside Convention Center. Last year’s event drew a record crowd of nearly 2,000, and the Rochester Business Alliance is planning an even bigger and better event this year. Sponsorships are available at a variety of levels, ranging from \$2,500 to \$20,000 – with appropriate sponsorship benefits attached. Companies competing for the 2009 Rochester Top 100 are NOT eligible to be sponsors.

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, log on to www.RochesterBusinessAlliance.com. ★

Small Business Development Series 2009

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.

The Heart of Breakthrough Conference

Today’s highly competitive and volatile business climate demands extraordinary outcomes. More than ever there is an expectation for individuals to make bigger promises and produce extraordinary results faster. “The Heart of Breakthrough” is a 1-day learning experience for those who want to reach a new level of performance in their organization, their personal life and their community.

Date: June 1

Time: 8:30 a.m. - 4:30 p.m. conference / 6 - 8 p.m. evening event with David Whyte

Location: Doubletree Hotel, 1111 Jefferson Road, Rochester, NY 14623

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

Reserve Your Spot For China or Tuscany



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

Call 244-1800 for details



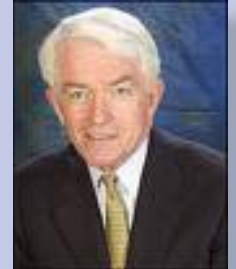
Travel to the Tuscany region with the Rochester Business Alliance October 2009. Visit our website for more details.

www.RochesterBusinessAlliance.com

From the US Chamber

A Union Power Grab

By Thomas J. Donohue, President and CEO



Big labor is trying to sell the badly misnamed Employee Free Choice Act (EFCA) - better known as card check

- as a cure to rising unemployment and the ticket to a better life for the middle class.

The unions are also insisting that the legislation be rammed through Congress as quickly as possible before the economic crisis passes or Americans discover the real facts about what it would do. Namely, it would effectively eliminate secret ballot elections in unionization votes and, through binding arbitration, give government authorities the power to dictate wages, benefits, and other fundamental business operations.

Why should every business care? Because card check would make union organizing cheaper and faster, thereby putting even the smallest companies in the unions’ crosshairs. Why should every worker care? Because it would strip away America’s tradition of secret ballot elections and expose workers to intimidation and coercion. The bill would ultimately destroy jobs by making it more difficult for businesses to adapt and innovate. This is exactly the wrong prescription for our ailing economy.

Why would Congress even consider passing such legislation? I can give you 450 million reasons - that’s how many dollars big labor shoveled into the 2008 elections. Now, it’s payback time.

The U.S. Chamber is leading the fight against this power grab by the unions. Card check would delay and undermine economic recovery, and that’s why it must be defeated. Every worker should have the right to join or leave a union under fair rules. Card check is not fair - and it’s not right for America. ★

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



By Laura Habza
Council President

I am pleased and honored to serve as the president of the Women's Council for 2009. January got off to a great start with the annual ATHENA Award event at which we recognize the achievements of professional business women in the Rochester area. This year's recipient, Holly Hillberg, Chief Technology Officer and Vice President of Carestream Health, has an exceptional record of professional accomplishments and community service. All 18 finalists were exemplary models of dedication to the professional growth and advancement of women, and the kind of leadership that will help drive our community forward.

Our next signature event will be the Young Women of Distinction Scholarship Award Reception from 7 to 9 p.m. on June 1 at the Rochester Plaza. This program is designed to discover young leaders who have displayed leadership, academic excellence and involvement in the community. Modeled after the ATHENA award, Young Women of Distinction strives to nurture the next generation of women leaders, while enabling companies and organizations within our community to grow and prosper. These young women, all high school seniors, are inspirational role models in whom we can all take a great deal of pride.

The Women's Council increases the visibility and recognition of women who contribute to the vitality and economic success of the greater Rochester Area.

Visit www.grwc.com or contact Susan George at (585) 256-4612 or e-mail Susan.George@RBAAlliance.com to learn more about Women's Council and its programs. ✦

Upcoming Affiliate Events and News

Greater Rochester Quality Council

- Improvements in Surgical Services - May 18
- Quality for Leaders: Two-day Seminar - June 16 and 17

Rochester Hispanic Business Association

- Cinco de Mayo Celebration - May 1

Small Business Council

- Boot Camp #2 (Session 2 of 2): Building Client Loyalty - May 6
- Boot Camp #3: Economic Incentive Programs Available - June 3
- Headliner Event: "Afterburner" - June 17

Transportation Council

- Hours of Service: Driver Medical Issues - May 6
- Spring Golf Outing: Victor Hills - June 2

Women's Council

- Young Women of Distinction Awards - June 1

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

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

Loyalty Comes from Making a Commitment to Your Customers

The competitive nature of today's world may be intimidating to the small business owner. If a competitor cuts prices or offers other incentives, you may feel tempted to do the same thing in order to hold on to your customers, even if it puts the stability of your business at risk.

Though cost is important to customers today, it is but one component of a larger, more important attribute – value. If your business provides it through service, proactivity, responsiveness, and going the "extra mile," your customers will respond with loyalty, regardless of what your competition does. It's not just about what you sell, but how you sell that can increase customer retention.

Creating value by anticipating needs and delivering insight will help boost loyalty. Also, ask customers if there is anything else you could be doing for them. Then, after they tell you, do it. When a customer leaves, you should consider it unacceptable. Find out why

it happened and then work to prevent it from happening again.

Remember, too, that your customers' needs are always changing, and that they may find attributes or "extras" in other businesses that put your service elements at a disadvantage. Take ease of access, for example. Make sure all your touch points – your phones, Web site, store layout, etc. – operate with your customer's needs in mind. Visiting competitors' locations and sites may alert you to areas where you may be behind, and spark ideas for making a good service or process even better. If your customers like what they find at your business, they'll keep coming back for more.

To learn more about generating customer loyalty 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. ✦

Disappointing Budget Does Little to Reform State

By Chris Wiest
Vice President of Public
Policy and Advocacy



In these difficult economic times, employers and households continue to make sacrifices to cut expenses. Unfortunately, despite

strong opposition from business groups like Unshackle Upstate and Rochester Business Alliance, Albany chose a different path and approved a \$131.8 billion 2009-10 state budget that increases spending by \$10.5 billion. We're not alone in our opposition. A recent Quinnipiac University poll showed that 60 percent of New Yorkers disapprove of the final budget.

So what makes this budget so damaging to employers? Here are just a couple examples:

- The budget implements a significant personal income tax (PIT) increase that will have a chilling effect on small business and the economy. The PIT increase does not include an exemption for small businesses (S Corporations), many of which pay their taxes as personal income tax. More taxes

on small employers mean less investment in equipment, materials and most importantly, people. Although expected to raise \$4 billion, the Empire Center for New York State Policy estimates that the tax will "cost the state at least 15,500 private sector jobs."

- Increasing health insurance taxes will result in a cost shift to businesses and consumers. New York health coverage is currently taxed at over \$3 billion a year. The budget includes approximately \$850 million in health insurance assessments. Employers forced to drop health insurance plans due to these overwhelming costs will lead to more individuals joining government-funded programs, costing the state even more in the long run. Employers and individuals can expect higher insurance premiums as a result of these new taxes.

And what about missed opportunities for cost savings and reforms? Examples include:

- Rochester Business Alliance supported the Governor's Executive Budget proposal for pension reform through the introduction of a new "Tier V." If adopted, this new pension tier would have saved taxpayers

a cumulative \$48.5 billion over the next 30 years. Unfortunately, the proposal was removed from the final budget due to opposition from labor. Rochester Business Alliance and its Unshackle partners continue to push for Tier V and are pressing legislators and the Governor to pass this reform before the end of session.

- Federal stimulus dollars fund \$7.2 billion of the \$10.5 billion increase in spending. While these funds will provide a short-term benefit to the state in areas such as infrastructure investment, they also are being used as an offset to mask larger problems likely to surface again in a few years when the stimulus funding is gone. A better approach would have been to use stimulus funds as a "bridge" to facilitate the implementation of much-needed structural reforms to costly state programs such as Medicaid.

While the 2009-10 budget has been finalized, there are more than two months left in the legislative session. Considering the likelihood that the state will see its budget deficit rise again, we will continue to push for the structural reforms and legislation needed to reign in cost and improve efficiency. ★

Update on State, Local and Federal Initiatives

Unshackle Upstate

Unshackle Upstate was disappointed with the 2009-10 state budget, believing it will have a devastating impact on New York taxpayers and businesses. The high-spending plan was ultimately decided in a closed door "three men in a room" negotiation process, with little opportunity for input or debate.

In the final days of budget negotiations, Unshackle called on five Upstate Democratic senators - Stachowski, Thompson, Valesky, Aubertine and Breslin - to "do the right thing" for our region. Unfortunately, they disregarded the voices of their Upstate constituents and voted along party lines. Unshackle applauds Assembly Members Morelle and Koon, majority members who chose to vote against the budget. We also thank Sens. Alesi, Robach, Maziarz, and Nozzolio and Assembly Members Errigo, Kolb, Hawley, Oaks, Reilich, and Burling for voting against this destructive budget.

Budget aside, there is much work to be done before the end of this legislative session. Unshackle will continue to push for structural reforms in areas such as Medicaid, as well as changes such as Tier V, Wick's law, rolling back assessments on health insurance and energy in 2010-11, and removing job-killing components to IDA and Empire Zone reform proposals.

Mandate Relief Committee

Rochester Business Alliance recently convened key stakeholders, including the City of Rochester, Monroe County, the Monroe County School Boards Association, and the Rochester Labor Council, AFL-CIO, to discuss areas of agreement related to state mandate relief. Unfunded mandates are burdensome for local governments and schools and result in increased taxes for citizens and employers. In the current economic crisis, relieving mandates can provide much-needed assistance without raising spending at the state level. Letters in

support of Tier V and in opposition to health insurance taxes have been signed by several members of the group and delivered to the Governor and our delegation. Similar to our work with the Rochester Community Coalition, we will continue to look for opportunities to work with community leaders to advocate for policies important to Rochester.

Employee Free Choice Act

In a victory for employers, Senators Specter (R-PA) and Lincoln (D-AR) both announced their opposition to the current EFCA bill. Labor has vowed to continue to push for passage of this legislation so we must continue to voice our opposition. You can help by contacting your legislator through Rochester Business Alliance's e-advocacy campaign - visit the Take Action section of our website for more information.

For further information, please contact Chris Wiest at (585) 256-4626. ★

2009 Annual Wage and Salary Surveys Released

Results are out for Rochester Business Alliance's 2009 Annual Wage and Salary Surveys. Participation continued strong, with 196 Rochester Business Alliance member companies, representing some 94,300 employees, completing at least one of the surveys. Wages and salaries are surveyed in four categories of employees: nonexempt, manufacturing, professional/managerial, and health care. In total, data was reported on more than 330 jobs.

For the 2009 survey of nonexempt employees, 192 companies responded. Starting and average rates by job category were reported as follows, with 2008 figures included for comparison.

Other highlights from the Nonexempt Survey:

- The average cost of benefits as a percent of payroll is 26.8 percent, down from 28.6 percent in 2008.
- The average hourly rate paid for a nonexempt (hourly) job reported by 133 firms is \$15.65, up from \$15.01 in 2008.
- The average shift differential reported for second shift is 73 cents per hour, up from 72 cents per hour in 2008, while for the third shift it was 81 cents per hour, same as 2008.

Corporate and Partner members participating in surveys receive a complimentary copy of the results. Corporate or Partner members unable to participate in the wage surveys this year can purchase these or any other surveys offered by the Rochester Business Alliance at the discounted member price, as a benefit of membership.

Information on all surveys conducted by Rochester Business Alliance as well as pricing information for members and nonmembers can be found at <http://www.rochesterbusinessalliance.com/web/2006/10/surveys.aspx>.

From the 2009 Manufacturing Survey, the average hourly rate paid for a manufacturing job, based on reporting by 68 firms is \$15.36, up from \$14.59 in 2008.

Rochester Business Alliance continues to publish the region's most comprehensive data on wages, benefits, HR practices and other business-related topics, going back to 1919.

For more information about surveys or other HR questions, contact Kathy Novak, director of research and surveys at (585) 256-4618 or e-mail Kathy.Novak@RBAAlliance.com or Jennifer Suppé, HR specialist at (585) 256-4608 or e-mail Jennifer.Suppe@RBAAlliance.com. ★

	Starting \$ / hr		Average \$ / hr	
	2009	2008	2009	2008
Clerical	\$10.06	\$9.97	\$12.38	\$12.24
Unskilled	\$9.64	\$9.68	\$12.05	\$12.07
Technical	\$14.13	\$13.86	\$17.60	\$17.79
Secretarial	\$11.06	\$10.54	\$13.69	\$13.70
Skilled Trades	\$14.07	\$14.52	\$18.55	\$18.32

Rochester
Business Alliance

2009 Employer's Guide to New York State Labor Laws

This guide is published by Rochester Business Alliance and updated each March by Nixon Peabody LLP. It provides information on New York State labor laws, including clear and concise explanations of each law, compliance requirements and other obligations, and contact information for the government department or agency that regulates each law. In addition, the guide contains a reference table outlining posting requirements under New York State Law. Supervisors will appreciate the easy-to-use format of the Guide, as well as the breadth of topics covered, including:

- Blood donation leave
- Employment of minors
- Hours of work
- Human rights law
- Jury duty
- Meal periods
- Military spouse leave
- Minimum wage/overtime pay
- Nursing mothers' rights
- Sales commission agreements
- WARN Act
- Workers' compensation and disability law

As a benefit of membership, HR contacts at all RBA members in good standing were recently sent an e-mail containing a complimentary copy of the guide in PDF format.

For those members interested in receiving a hard copy for a nominal fee and for nonmembers interested in more information on the guide, please go to the order page on the Rochester Business Alliance website at <http://tinyurl.com/dl68xl>. RBA Members can request a resend of the free PDF of the guide by contacting Jennifer Suppé at (585) 256-4608. ★

Keeping Your Company Benefits Competitive

Curious as to how your organization's policies and benefits stack up against 2,400 U.S. employers, including 155 from the Rochester area? Rochester Business Alliance has the answers to more than 40 human resource policies and benefits questions in its 2009-2010 Policies and Benefits Survey.

employee relations, pay practices, working conditions, health and welfare benefits, retirement benefits, part-time benefits, recruitment and training, and development. Information is broken down by employer size and job classification in both the local and national reports.

competitiveness and to educate employees about how the organization compares in the marketplace.

If you would like to purchase a complete copy of the survey results, please call Kathy Novak at (585) 256-4618, email Kathy.Novak@RBAAlliance.com or order online at <http://tinyurl.com/dcbsq3>. ★

The questions cover such vital topics as

Employers use this information to measure their

Criminal Background Checks: Balancing Public Policy and Risk

By Kevin Mulvehill
Phillips Lytle LLP



In many industries it is common practice for employers to run background checks on current employees and applicants prior to making promotional, hiring or other employment decisions. In New York State, background checks typically include information relating to the individual's criminal convictions, if any, which occurred in the past seven years. In some cases, a reported conviction may make the applicant appear to be more of a liability than an asset to the employer. However, regardless of the plurality and severity of the applicant's criminal convictions, an employer faces potential liability if it takes adverse action against an individual based on the individual's criminal history, without first complying with the requirements enumerated under Article 23-A of New York State's Correction Law.

Article 23-A prohibits discrimination against persons previously convicted of one or more criminal offenses. Employers may not deny employment to a person or act adversely by reason of the individual having been previously convicted of one or more criminal offenses, or by reason of the employer finding the person lacks "good moral character" when such a finding is based on the fact that the person has previously been convicted of one or more criminal convictions, unless: (1) there is a direct relationship between one or more of the previous criminal offenses and the specific employment sought or held by the person ("Direct Relationship"); or (2) the granting or continuation of employment would involve an unreasonable risk to the property, safety or welfare of specific individuals or the general public ("Unreasonable Risk").

Prior to determining that a Direct Relationship or Unreasonable Risk is present, an employer must engage in an eight factor balancing test, which considers the following:

1. The public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses;

2. The specific duties and responsibilities related to the employment sought or held by the person;
3. The bearing, if any, the criminal offense or offenses will have on the individual's fitness or ability to perform one or more of such duties or responsibilities;
4. The time which has elapsed since the occurrence of the criminal offense or offenses;
5. The age of the person at the time of occurrence of the criminal offense or offenses;
6. The seriousness of the offense or offenses;
7. Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct; and
8. The legitimate interest of the employer in protecting its property, and the safety and welfare of specific individuals or the general public.

Employers enjoy some freedom in assigning weight to each factor; however, each and every factor must be considered to fulfill Article 23-A's requirements. Moreover, employers must engage in the eight factor balancing test prior to determining that a Direct Relationship or Unreasonable Risk exists. Deciding that an individual is unfit for employment and thereafter employing the eight factor test to buttress such a conclusion is strong evidence in support of discrimination. This holds true regardless of the legitimacy of the employer's concerns and the quantity and gravity of the individual's criminal offenses.

Phillips Lytle's Labor and Employment attorneys encourage New York State employers to develop a background checking policy which ensures that Article 23-A's requirements are satisfied. To ensure compliance employers should, among other things, utilize a detailed checklist to document that all eight factors were considered before making an employment decision relating to an ex-offender.

Notably, as of Feb. 1, 2009, New York State employers must post a copy of Article 23-A and any ensuing regulations in a place accessible to employees and in a visually conspicuous manner. In addition to this posting requirement, as a result of an amendment to the General Business Law §380-c, also effective as of February 1, 2009, New York State employers must provide a copy of Article 23-A to individuals subject to background checks conducted by third parties. According to the amendment, a copy of Article 23-A must be provided at the same time that the individual is notified that a background check may be requested. A copy of Article 23-A can be obtained from the New York State Department of Labor's website at <http://www.labor.state.ny.us/agencyinfo/article23a.shtm>. These requirements are in addition to the requirements contained in the federal and State Fair Credit Reporting Acts.

Employers with questions about criminal background checks or any other employment matter may contact a Phillips Lytle Labor and Employment attorney at (585) 238-2000. ★



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When it comes to handling their Labor & Employment legal matters, clients continue to give Phillips Lytle their stamp of approval. To find out why, contact us today at 585-238-2000.



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WWW.PHILLIPSLYTTLE.COM

Wellness in the Workplace

Violence Prevention

By Patti Singer



Employees who come together to quit smoking, to learn how to eat more healthfully, to find ways to control their stress, and to take walks together also may be reducing their exposure to another health risk—violence. Beyond changing physical health behaviors, workplace wellness programs can address emotional triggers that can lead to tragedy.

“Violence doesn’t start with the gun or throwing a punch,” said Carol M. McManus, who with S. Dolly Malik owns M and M Intervention Specialists LLC, in Pittsford. The company helps employers with zero tolerance and violence prevention programs. “Violence starts with tension, anxiety, conflict that catches someone on the wrong day.” A fit of swearing or an argument can escalate. “The point is to contain the conflict, manage the conflict and dissolve that conflict at its earliest stages.”

Wellness programs can be vehicles to resolve conflict at work and at home. The most obvious way is to hold sessions on how to defuse a situation. “Part of the training is to step back, take the emotion of the equation,” McManus said. Also, educating employees about more than just the physiological effects of alcohol and other substance abuse may get at the roots of some violent behavior.

More subtly, activities in a wellness program provide a way for employees to get to know each other away from the pressures of the job. Attending a smoking cessation program or sharing a walk gives co-workers the opportunity to know each other better. A colleague may then be more apt to know if a person is acting out of character, be more willing to ask whether there’s a problem and be able to offer support. “They can ease that heavy mind,” McManus said.

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

Health, Safety and Environment

Evaluating Safety and Health Changes

By Chip Dawson

Change is constant in the workplace. Something happens—or fails to happen—and the response may be “let’s try this.” Unfortunately, the “this” may be well-meaning, but fail to fit with the culture of the organization, be based on unsound assumptions, or present a serious conflict with other elements of operations.

So what’s the solution? Do nothing may be the right choice, but taking well researched and sensible action is most often the outcome of choice. Too often, however, the solution is implemented and the problem is crossed off the “to do” list and no one really knows if it works. This is where NIOSH comes in. The federal research agency has done some work on evaluating safety and health change and here’s what they suggest you do to ensure you’ve spent time and money appropriately.

1. **Form A Team**—gather those affected by the change, those responsible for implementation and maintenance and those involved in future decisions. Be certain those who must make the change process work—the workers—are well represented. Once the team is formed, define the problem to be resolved, brainstorm and research solutions, and determine how success will be measured.
2. **Collect Relevant Data** — include precondition data, information on how the change was made and post-change results. Included might be information about injuries the change is expected to prevent (or that have been prevented), employee opinions and perceptions, employee knowledge level post-change and even study and control groups. Be sure to examine outcomes beyond safety such as productivity, morale and/or quality. Techniques that can be used to collect data can include records, surveys, interviews, focus groups, observation and environmental measures.
3. **Analyze The Data**—compare outcomes with the goals set by the team to gauge success.

4. **Share Results**—start by meeting with those affected by the change. In work group meetings, just present the data and let people draw their conclusions. They



will sell themselves on the merits of the change if the data support it. For others, post the results or communicate them via in-house e-mail. Be certain all supervisors have results that will allow them to answer questions and translate findings into other parts of the operation.

For a booklet from NIOSH on this process, click here www.cdc.gov/niosh/docs/2004-135.

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

April 29, 2009

In This Update	Quick Links
<p>"People Don't Fail, Systems Do"</p> <p>OSHA Puts Employers on Notice</p> <p>Employees Underestimate Costs of Employee Health or Productivity</p> <p>University of Vermont Adds Safety A.V. Material to Library</p> <p>Laptop Kill Dances</p> <p>Majority of Companies Offer Wellness Incentives</p> <p>Heat-Generating Boilers Face Limited Life</p>	<p>HSE Information</p> <p>Approved HSE Updates</p> <p>Rochester Business Alliance Website</p>
<p>This health, safety and environment electronic update comes from Chip Dawson and the Rochester Business Alliance as a service to member organizations.</p>	
	
<p>"People Don't Fail, Systems Do"</p> <p>According to Mike Abrashoff, author of "It's Our Ship," the organization 1400-GOT/JUNK has a corporate culture that does not seek to attach problems to any individual or team. In their daily corporate problem-solving huddle, they ask "Are there any missing systems or key functions?" The answers are candid and supportive because of the mantra of the organization that is "people don't fail, systems do."</p>	
<p>OSHA Puts Employers on Notice</p> <p>It's that time again. OSHA has awarded more than 13,500 employees nationwide that their injury and illness rates are considerably higher than the national average. A letter sent this month to those employers explained that the notification was a proactive step to encourage employers to take action now to reduce these rates and improve safety and health conditions in their workplaces. Good employees with poor rates will pay attention. Some, however, will ignore the notice and face strong agency enforcement efforts. In 2007, OSHA found more than 30,000 violations. According to the agency, federal violators have increased due to improved inspection targeting which resulted in a new identified serious and repeat offenders.</p>	

Past HSE update email

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

Meet the Top 100: 5LINX March 11



5LINX employees track calls and monitor call trends in the control room for 60,000 customers.

Business After Hours: Speed Networking March 18



More than 90 attended the latest Speed Networking event at the Lodge at Woodcliff.

Small Business Advisory Board Meeting March 30



The Rochester Business Alliance joined the Rochester Small Business Advisory Board at its first roundtable discussion on March 30.

Coffee with Our CEO April 9



Guest Unshackle's Executive Director Brian Sampson discussed the New York State budget with members at Coffee with Our CEO

Resume Screening - A New Option for Members

By Ellen Baniak
Vice President
RBA Staffing Solutions



The Rochester Business Alliance is continually working to support our members and their needs. In recent conversations with many human resource professionals, they have shared that the problem with recruiting in today's job climate isn't finding quality candidates, it's filtering and screening the hundreds of resumes that they are receiving down to that final candidate.

Our team of recruiters in our Staffing Solutions group understands this issue and we can help. By offering our members several levels of service options, we can help save your company valuable time and money.

Available resume screening services include:

- Screen and rank your candidates' resumes based on criteria such as required skills, work history, education level, and salary range. We complete a Position Analysis prior to customizing the requirements that we use in our process
- Support with placing online job postings on various web sites, including one on the

Rochester Business Alliance website

- Phone screening candidates for job related specific skill sets (technical and non-technical) and assessing soft skills
- Interviewing top candidates
- Candidate testing
- Background and reference checks

Pricing will vary depending on which package of services that you need completed for your staffing need. We are confident that we can make this a cost-effective and simple way to support your talent recruitment efforts.

Please contact me at (585) 256-4630 or Ellen.Baniak@RBAAlliance.com for additional information. ★

RBA Staffing Solutions Contacts

Ellen Baniak
Vice president of RBA Staffing Solutions
(585) 256-4630
Ellen.Baniak@RBAAlliance.com

Burt Parks
Contract staffing manager
(585) 256-4639
Burt.Parks@RBAAlliance.com

Scott Whipkey
Professional placement recruiter
(585) 256-4633
Scott.Whipkey@RBAAlliance.com

Did You Know...?

We offer another service to members that can be a valuable resource during economic uncertainty – Employer of Record. Many members currently use this option for project based situations, summer interns and retirees, but during times of financial uncertainty, employers may want to use it to “test the waters” before committing to a permanent hire. Using an Employer of Record allows you time to determine if you have a sustainable level of business to support a new hire without incurring the high costs of healthcare, unemployment and worker's compensation exposure and benefits packages. We can act as the Employer of Record for potential new hires until you are ready to transfer them onto your company's payroll.

BUSINESS INTELLIGENCE REPORT

Information you may have missed

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

Trends

Small businesses face more fraud in downturn

Small businesses are facing another threat in this struggling economy: rising employee fraud. Small companies are especially vulnerable because they often lack stringent internal controls to prevent fraud.

Considering layoffs to make ends meet?

Studies show that layoffs stunt the productivity of remaining employees due to low morale. Consider these alternatives: cut hours, cut wages or benefits, and start cuts with weak performers.

Tips

Turn customers' FAQ's into a blog

It's an easy way to break into the blogosphere and gives people a reason to keep coming back to your website. A blog creates fresh content that improves search engine rankings for your web site.

Encourage customers to pay on time

Create a reward-and-punishment billing system. Offer a discount if a client pays the debt early. To encourage payment, start charging accrued interest on the day the bill is late.

PLS - Employee-Owned and Growing

By Kevin Donahue
 Director of
 Membership and
 Business Development



About PLS

PLS was founded in 1986 as PublishEase, Inc., and has evolved from its original focus on desktop publishing into marketing, technical writing and launch support for companies. In 2007, founders Roger Hopkins and Sheila Hosenfeld sold to a group of employees. "The founders are still on board and contribute on key projects, which has positioned us for growth while maintaining the history, legacy knowledge and talent," said PLS President Michele Gleber.

PLS employs 11 people locally and helps B2B companies better market and sell their products and services, increasing the effectiveness of their sales process and positioning them as consultative partners to their customers. Whether they act as a small company's marketing department, or provide sales materials or online tools for a Fortune 500 company, they work as part of a team to create marketing and communications programs that drive growth.

What's New at PLS

To accommodate their growth and allow for more flexible use of space, PLS moved their

offices to Corn Hill this year. And in spite of the difficult economy, PLS has expanded its staff. "The upside of the current economic climate is the ability to add some phenomenal talent. Since the first of the year, we've added Dennis Skrtic, .net software developer, and Beth Shope, web designer, in order to add technology depth and ability to develop websites and new online tools," said Gleber.

Challenges

The main challenges Gleber sees is growing at the right pace. "We have put in place a very flexible business model, which allows us to develop specialized expertise and better accommodate demand."

Keys to Success

Gleber identifies diversity as one key to their success. "We have tremendous diversity of background, perspective and skill for a small company. From a PhD in mathematics to a registered patent agent to a graphic designer, we concentrate on helping our customers solve a business challenge (usually how to enter a new market or grow sales) from a lot of different angles and thought processes. Many of our customers also come from a technology or engineering background, so we're able to translate a highly technical product or service for the business audience."



(L-R) Mark Hopkins, Michele Gleber, Kara Fortuna, Lou Horvath, John Veckerelli

Rochester Business Alliance Member

PLS has been a member of the Rochester Business Alliance and its predecessor for more than 20 years. "We offer our health insurance through the RBA, take advantage of networking opportunities (so many interesting, 'under-the-radar' businesses are members), and participate in training. We also utilize the SBC Executive Development Roundtable to learn from other local companies." PLS is also an active participant in the Staples consortium which, according to Gleber, "has been a tremendous benefit (especially while outfitting our new office!) The prices are consistently probably 30 percent better than staples.com or any competitor."

Contact Info

PLS
 252 S. Plymouth Ave
 Rochester, N.Y. 14608
 (585) 256-1640
www.launchsolutions.com ★

The Rochester Business Alliance welcomes its new members

Achieve Results
www.ARtraining.com

Auction Direct USA
www.auctiondirectusa.com

Brown & Brown of NY Inc.
www.bbinsurance.com

College Nannies & Tutors
www.collegenannies.com

Colonial Voluntary Benefits
www.coloniallife.com

Delaney Educational
www.deebooks.com

Duffy Rath System
www.duffyrath.com

Dupli Envelope & Graphics Corp.
www.duplionline.com

Family Service of Rochester
www.fsr.org

GLC Business Services, Inc.
www.glcbs.com

Grady Associates
www.RBAMember.com/GradyAssociates

Green Living Technologies, LLC
www.agreenroof.com

International Art Acquisitions
www.internationalartacquisitions.com

Rochester Broadway Theatre League
www.rbtl.org

Rochester Genesee Regional Transportation Authority
www.rgrta.com

Rochester Rhinos
www.rhinossoccer.com

Sedgwick Business Interiors
www.sedgwickbusiness.com

Ubiquity Enterprise, LLC
www.RBAMember.com/UbiquityEnterpriseLLC

Zenith Academy of Gymnastics
www.zenith-gym.com

Seminars

May 5	Human Resource Management Series – Basic (8 sessions)	8 a.m. – 12 p.m.
May 5	Commonsense Marketing for Entrepreneurs	8:30 – 11:30 a.m.
May 7	Supervision (8 sessions)	1 – 5 p.m.
May 12	Customer Service and Relations	8:30 a.m. – 4:30 p.m.
May 12	Staffing & Recruiting	8 a.m. – 12 p.m.
May 13	Project Management	8:30 a.m. – 4:30 p.m.
May 14	Credit Issues & Customer Bankruptcies	8 – 10 a.m.
May 18	Communication Power	8:30 a.m. – 12:30 p.m.
May 19	Employee Rights & Discipline	8 a.m. – 12 p.m.
May 20	Dynamic Listening	8:30 a.m. – 12:30 p.m.
May 22	Understanding Messages from Others	8:30 a.m. – 12:30 p.m.
May 26	Compensation	8 a.m. – 12 p.m.
June 2	Benefits	8 a.m. – 12 p.m.
June 5	Leadership (5 sessions)	8:30 a.m. – 12:30 p.m.
June 5	Managing Time & Priorities	8:30 a.m. – 4:30 p.m.
June 8	Coaching, Mentoring & Motivating (6 sessions)	8:30 a.m. – 12:30 p.m.
June 8	Leading the Safety Process (2 sessions)	8:30 a.m. – 12:00 p.m.
June 9	Gaining the Title, Earning the Respect (2 sessions)	8:30 a.m. – 4:30 p.m.
June 9	Health, Safety & Security	8 a.m. – 12 p.m.
June 9	Presentations	8:30 a.m. – 4:00 p.m.
June 9	OSHA Record Keeping	8:30 a.m. – 12:30 p.m.
June 9	Safety Committee Operations	12:30 – 4:30 p.m.
June 10	Managing The Emergency	8:30 a.m. – 4:00 p.m.
June 11	Dealing with Difficult Personalities	8:30 a.m. – 4:30 p.m.
June 11	Accident Investigation Fundamentals	8:30 a.m. – 12:30 p.m.
June 16	Training & Development	8 a.m. – 12 p.m.
June 17	Personal Effectiveness	8:30 a.m. – 4:30 p.m.
June 23	HR Effectiveness	8 a.m. – 12 p.m.
June 23	Change – Making It Happen	8:30 a.m. – 4:30 p.m.
June 30	Critical Thinking	8:30 a.m. – 4:30 p.m.

Computer Training

May 11 & 13	MS Excel Advanced Part I	8:15 – 11:15 a.m.
May 11 & 13	MS Excel 2007 Advanced – Part I	1 – 4 p.m.
May 12 & 14	MS Word 2007 Advanced	8:15 – 11:15 a.m.
May 12 & 14	MS Access Intro	1 – 4 p.m.
May 14 & 15	MS PowerPoint Introduction	8:15 – 11:15 a.m.
May 18 & 19	MS Access Report/Form Design	1 – 4 p.m.
June 1 & 3	MS Excel 2007 Introduction	1 – 4 p.m.
June 2 & 4	MS Access Advanced – Part I	8:15 – 11:15 a.m.
June 2 & 4	MS PowerPoint Advanced	1 – 4 p.m.
June 3 & 5	MS PowerPoint 2007 Introduction	8:15 – 11:15 a.m.
June 8 & 9	MS Windows Introduction	8:15 – 11:15 a.m.
June 8 & 10	MS Access 2007 Introduction	1 – 4 p.m.
June 9 & 11	MS Excel 2007 Advanced- Part I	8:15 – 11:15 a.m.
June 10 & 12	MS Word Advanced	8:15 – 11:15 a.m.
June 10 & 12	MS Excel Introduction	8:15 – 11:15 a.m.
June 15 & 17	MS Word 2007 Introduction	8:15 – 11:15 a.m.
June 15 & 17	MS Access 2007 Advanced	1 – 4 p.m.
June 16 & 18	MS Excel Advanced – Part I	8:15 – 11:15 a.m.
June 16 & 18	MS PowerPoint 2007 Advanced	1 – 4 p.m.
June 22 & 24	MS Word 2007 Advanced	1 – 4 p.m.
June 23 & 25	MS Word Introduction	8:15 – 11:15 a.m.
June 23 & 25	MS Excel Advanced – Part 2	8:15 – 11:15 a.m.
June 23 & 25	Windows Vista	1 – 4 p.m.
June 24 & 26	MS Access Introduction	8:15 – 11:15 a.m.

Reach a new level of performance

- Breakthrough Performance June 1

Lead with greater impact.

- Leadership June 5
- Coaching June 8

Improve your effectiveness through self-leadership.

- Personal Effectiveness June 17

Banish your fear! Become a confident presenter.

- Presentations June 9

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.