

## President's Message

Greetings everyone and a very happy new year to you all! My name is Kemberly Core and I want to introduce myself to you as your new chapter president. I am honored and humbled to fill this role for the next two years for such an amazing group. My beginnings with this association started ten years ago, where I was unemployed, in school, and seeking employment within our field of human resources. Remembering there was a local HR association, I decided to join and made the conscious decision to be involved. If anyone that knows me, understands that I have been a timid and shy, introvert so volunteering was such a huge hurdle for me. That was when our then Chapter President, Janet Welch, touched me on the shoulder and took me up on my offer to assist without hesitation and enthusiasm. We sat in meetings discussing strategies and ideas on how we could increase targeted marketing and communications to other HR professionals in the area so we could grow. I didn't realize it then, but she was my first real connection to HRLA and I gradually learned more about the other members through the board meetings, the monthly meetings, and connecting with people by visiting other businesses to spread the word about our association. I learned quite a bit at each of the meetings, talking shop with other professionals, and creating a foundation for long-term connections.

What is a connection, though, and why is it so critical to have in our jobs as HR professionals and with this association? Networking should be sufficient, right? As Margret Judge would say, "If you're not networking, you're one letter away from not working." And she is absolutely right about that. A connection is defined as a relationship in which a person, thing, or idea is linked or associated with something else; and the goal of networking is building towards making that connection. Everywhere you turn there is something happening, whether it's on the news or social media, that portrays our discord with one another. That's why it's so important for us to be the connection that's needed in this world; whether it's at work, with our family, volunteering for our association, or giving back to our community. Maya Angelou once said, "People will forget what you said, people will forget what you did, but people will never forget how you made them feel." That sentiment has rung true in every company that I have worked at and especially with this association that started with Janet all those years ago. My hope is that this year, everyone in our group will have multiple meaningful connections with one another. I look forward to seeing you all in the coming months!

**Kem Core—HRLA President**

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# Upcoming Events

## Open House & New Member Reception

February 12th at 5:30pm

A **free** event for HR professionals interested in learning more about HRLA.

Whether Human Resources is our only role or one of many hats we wear, we all seek advice from others who've dealt with similar situations, legislative updates, knowledge of new trends and best practices, and professional development opportunities. Learn how this local SHRM chapter offers all this and much MORE!

Our meeting will begin with hearty appetizers and networking opportunities. Following a presentation on our member benefits, we hope you'll share your thoughts and expertise during our HR best-practice round table discussions.

## Ongoing, Meaningful & Fearless Feedback

March 10th at 5:30pm

An increased emphasis on behavioral skills—also known as... soft skills—will become a top priority for companies to address in 2020, said Will Foussier, CEO and co-founder of AceUp.

"Employees at all levels across the organization will need to reskill and upskill their power (soft) skills to successfully manage and operate in teams that are confronting the rapidly changing workplace landscape."

Soft skills have been the "red-headed stepchild" of the C-Suite leaders in the past. They have been dismissed and/or ignored in the place of technical skills. One of the most important soft skills is the ability to deliver ongoing, meaningful, and fearless feedback.

What is Fearless Feedback?

Fearless Feedback is a continuous and "just-in-time" process to accelerate learning through trust and the continuous improvement of the quality of interactions.

In this highly interactive presentation participants will learn:

- The barriers preventing ongoing, meaningful feedback and how to remove them
- The key elements of trust and how feedback can help manage them
- Tools to help to begin immediately

1.0 SHRM and HRCI Credits Pending

## Register at [www.hrlact.org](http://www.hrlact.org)



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LOGO HERE!**

For information on becoming an  
HRLA Sponsor, please contact  
[info@hrlact.org](mailto:info@hrlact.org)

# *New FLSA Overtime Rule Makes it Easier to Compute Wages*

*By Meredith Diette, HRLA Legislative Liaison*

Much attention has been spent ensuring employers know that effective January 1, 2020 the minimum salary threshold for exemption increased to \$35,568 annually, or \$684 weekly. However, the US Department of Labor also released a final rule, slated to go into effect on January 15, 2020, making it easier to determine the regular rate of pay, and thus, the overtime due to a non-exempt employee who works more than 40 hours in a workweek. Under the Fair Labor Standards Act, nonexempt employees generally must be paid one and one-half times their “regular rate of pay” for all hours worked beyond 40 in a workweek. Until now, it has been unclear what must be included in the regular rate other than the employee’s base hourly wage.

First, what is the “regular rate” of pay? Suppose a company hires an employee to sell widgets and states that it will pay the employee \$12 per hour to sell the widgets. If this is the only compensation the employee will receive, then \$12 per hour is the regular rate of pay, and any overtime must be paid at \$18 per hour.

But, what if the employee receives money, perks or benefits other than the stated \$12 an hour? Say the company promises the employee a \$500 bonus if he sells 1,000 widgets in a month. That is referred to as a “non-discretionary bonus,” and that bonus must be included in determining the regular rate. The company must divide \$500 bonus out among all the hours the employee worked that month and add it to the employee’s \$12 an hour regular rate. If the employee worked 200 hours that month, then the employee’s regular rate is actually \$14.50, not \$12, during that month. This matters because the employee in this example also worked overtime. Any overtime due, therefore, must be paid at \$21.75 per hour, not the \$18 per hour rate that did not include any bonus compensation.

So, what other payments need to be included in the regular rate? Now, we come to the US DOL’s final rule. Unlike the example above, some payments to employees may be “excluded” from the regular rate. Examples of “excludable” payments include health insurance payments and discretionary bonuses (a bonus awarded at the employer’s sole discretion, such as a holiday bonus given in any amount or not at all.) For the first time in nearly fifty years, the US DOL issued a revised list of benefits that can be excluded from the “regular rate of pay.” The final rule clarifies that the following payments are excludable from the regular rate of pay:

- the cost of providing certain parking benefits, wellness programs, onsite specialist treatment, gym access and fitness classes, employee discounts on retail goods and services, certain tuition benefits (whether paid to an employee, an education provider, or a student-loan program), and adoption assistance;
- payments for unused paid leave, including paid sick leave or paid time off;
- payments of certain penalties required under state and local scheduling laws;

(continued...)

- reimbursed expenses including cellphone plans, credentialing exam fees, organization membership dues, and travel, even if not incurred “solely” for the employer’s benefit; and clarifies that reimbursements that do not exceed the maximum travel reimbursement under the Federal Travel Regulation System or the optional IRS substantiation amounts for travel expenses are per se “reasonable payments”;
- certain sign-on bonuses or longevity bonuses;
- the cost of office coffee and snacks to employees;
- discretionary bonuses, by clarifying that the label given a bonus does not determine whether it is discretionary and providing additional examples and;
- contributions to benefit plans for accident, unemployment, legal services, or other events that could cause future financial hardship or expense.

It is important to carefully assess whether a payment is or is not to be included in the regular rate and not to assume that a generous employer is necessarily complying with the law. A “generous” employer who gives a guaranteed year-end bonus violates the law if it fails to include the bonus when determining the regular rate. By contrast, a “stingy” employer who never gives a bonus, would not run afoul of that particular provision of the law. Wage-and-hour law is one area of law where, unfortunately, generosity can backfire if the proper legal analysis is not performed.

As always, if you have any questions concerning your company’s compensation plans and ensuring compliance with all applicable labor and employment laws or would like to arrange a wage-and-hour self-audit you can contact Meredith Diette at [mdiette@berchemmoses.com](mailto:mdiette@berchemmoses.com).



*Meredith G. Diette is a Partner in the Labor & Employment Law Department of Berchem Moses PC. She advises private, non-profit and municipal clients on laws governing the employment relationship, and assists clients during collective bargaining and binding arbitration proceedings.*



Have something to contribute to the newsletter such as event pictures or interesting HR articles? Send your contributions to [communications@hrlact.org](mailto:communications@hrlact.org)

# Chapter Announcements



**Have You  
Renewed Yet?**

**Most memberships ended on  
December 31st**

**Registration is Now Open! [www.tristateshrm.com](http://www.tristateshrm.com)**



## **HRLA SCHOLARSHIPS**

HRLA scholarship provide financial support to members seeking to expand their knowledge of our profession within or beyond a classroom setting.

Applications will be accepted through April 1.

Apply at <http://www.hrlact.org/hrla-scholarship/>





## Our Newest Members:

Tina Collins  
Chandler Smith  
Patricia Cheschi  
Clara Blickenstaff  
Christine Insixiengmay

Chimyra Alford  
Donna Deyorio  
Kathleen Freeman  
Jackie Baudro  
Michelle Crandall

# Welcome!



## Meet Your 2020 HRLA Board Members!

Pictured from L to R: Tamara Charron (Membership), Nancy Mullaney (Programs), Sandy Spencer (Certifications), Katie Quackenbush (Communications), Evan Murphy (Treasurer), Cheryl Calderado (SHRM Foundation), Kem Core (President), Meredith Diette (Legislative Affairs), Sandy Lamotte (Secretary), Janine Dunn (Community Relations)  
Not pictured: Izzy Williams (Diversity & Inclusion)