



DECEMBER 2012



SHRM

Montgomery

ADVANCING THE PROFESSION AND SERVING THE PROFESSIONAL

General Membership Renewal

MEMBERSHIP RENEWAL FOR 2013

It's time! Renew on-line at <http://shrmmontgomery.shrm.org>.*

Click on **More > Members Only > [For membership renewals, click here.](#)**

You will see all of the info about how to make the payment, as well as an invoice, if you need one. If you submit your payment by **January 11th**, you will receive a \$10 discount off of the All-Inclusive rate. Take advantage of the savings, and get your payment in promptly please!

We are not requiring a renewal form this year, but please keep your information up to date on-line in the Membership Directory throughout the year.

(On the Members Only page, click on Membership Directory. Find your name and click on it. At Your Member Account, click the Edit button at the top of the page, then Personal Information. Be sure and hit Save at the very bottom when you make any changes.)

*You **must be signed in on the website**. If you are not familiar, click **Sign In** in the upper right corner. User Name should be your last name then first initial. Capitalize the first letter of your last name and the first initial of your first name (example: SmithR). If you don't remember your password, we can't look it up but we can reset it. (Try OurSHRM#1 which is usually the initial password.) If you have any trouble, e-mail Lisa McKissick at lisa.mckissick@jacksonthornton.com.

Contact information located at: <http://shrmmontgomery.shrm.org>



From the desk of Richard Lehr...

Manager Exempt Despite 90% of Work Non-Exempt

Lean staffing in a number of organizations results in managers performing a greater amount of non-exempt work. Employers are concerned whether the amount of non-exempt work nullifies the exemption, resulting in an employer's obligation to pay the employee overtime. In the case of *Ward v. Family Dollar Stores, Inc.*, (W.D. N.C., October 30, 2012), the court ruled that DOL Wage and Hour regulations do not require an exempt employee to perform exempt work over half the time to qualify under the "executive" exemption. Furthermore, if the exempt employee is held accountable for performing exempt work while performing non-exempt work, the concurrent performance of those job functions still qualifies the individual for exempt status.

Employee Rickie Rowell earned \$850 per week plus a performance bonus as a store manager for Family Dollar. He directed the work of others in the store, delegated assignments, scheduled employee work hours, trained and supervised employees, prepared store financial records, interviewed applicants and attended job fairs on behalf of Family Dollar. His hiring and termination recommendations were submitted to a district manager. The court reviewed the executive exemption under the Fair Labor Standards Act, noting that the weekly salary must be at least \$455, the primary duty must be management and the individual must customarily and regularly supervise the equivalent of two full-time employees. The court stated that the regulations do not require that an exempt individual perform exempt work at least half the time. To Rowell's argument that he performed non-exempt work 90% of the time, the court did not dispute that time, but said that Rowell "was also the person responsible for running the store;" the "buck stopped" with him. "He had to multi-task every day at the store. For example, Rowell admitted that even when he performed non-managerial tasks in the store, he concurrently was responsible for managing and delegating work to his employees, preventing theft, and addressing employees' or customers' questions or problems." The court added that Rowell was essentially free from supervision, as the district manager was on-site for only one day per week, between 30 minutes and two hours. The court also considered the relative hourly equivalent between Rowell's pay and the individuals he supervised. Rowell's compensation averaged \$12.00 per hour, while the average wage of those he supervised was \$8.63 per hour. The court said this difference was "significant" and that Rowell was viewed as a "profit center" by the company, as his bonus compensation directly related to store profitability.

Where a managerial employee performs extensive non-managerial tasks, a key to sustain the exempt status is to be sure there is still accountability for performing the exempt functions at the time the individual performs the non-exempt work. Thus, a "working supervisor" may be exempt if that individual has bona fide supervisory authority concurrent with the time that individual spends performing non-exempt work.



Who Should Attend? Professionals in:

- * Equal Employment * Personnel Administration * Human Resources
- * Training and Development * Talent Management * Human Capital Management
- * General Management

Some of the Topics Covered:

- * Employment Law * Social Media & the Law * Strategic Training & Development
- * Employment Engagement...and more

Some of the Speakers:

Donna Brooks, Lehr Middlebrooks & Vreeland, P.C.

Dorman Walker, Balch and Bingham

Pete Blank, President of ATLAS and former Disney University Leader

Sharleen Smith, Auburn Montgomery

January 31, 2013 * 8:30 a.m.-4:30 p.m.

Auburn Montgomery * Taylor Center * Room 223

Conference fee is \$89

(Includes continental breakfast, lunch, and conference materials.)

Sign Up now to Attend

For more information call 244-3804 or visit our website www.ce.aum.edu

2012 Montgomery SHRM Board Members

Board Members

President	Tamela Selmar-Burks
Past President	Jamie Brown, SPHR
VP Membership	Lisa McKissick, SPHR
VP Programs	Jeanette Williams
Treasurer	Becky Ellis, PHR
Newsletter/Communications	Michaela Hutcheson
Secretary	Tara Gibson, PHR
Webmaster	Patricia Osuch
Support Director	Gilbert Darrington, PHR

Core Leadership Areas

Workforce Readiness	Amanda Meeks PHR
Governmental Affairs	Jamie Brown, SPHR
College Relations	Shena Davidson, PHR
SHRM Foundation & Diversity	Rich Lewis
Certification	Tara Gibson, PHR
Mentor/Advisor	Kelly Pate

2013 Montgomery SHRM Board Members

Board Members

President	Becky Ellis, PHR
Past President	Tamela Selmar-Burks
Membership	Lisa McKissick, SPHR
Treasurer	Jeanette Williams
Programs	Amanda Meeks, PHR, Tamela Selmar-Burks, and Alvin Tucker
Secretary	Tara Gibson, PHR
Webmaster	Patricia Osuch
Newsletter	Michaela Hutcheson

Core Leadership Areas

Government Affairs	Mike Polis
SHRM Foundation	Gilbert Darrington, PHR
College Relations	Shena Davidson, PHR
Workforce Readiness	Tara Langlely
Certifications	Twyla Huffman
Diversity	Rich Lewis



*AUM Center for Lifelong Learning
will be offering the HR Certification Workshop from
February 26th – May 21st, 2013.*