



## Message From The President

*J. Daniel Garrick, SPHR*



I am very honored and excited about the opportunity to serve as President of SHRM-Memphis for 2004. Thank you for allowing me the opportunity to serve you this year. I would also like to thank the chapter board members who have dedicated themselves to serve as the leadership for the chapter in 2004.

Our chapter continues to be focused on the strategic vision for SHRM, "to serve the HR professional and to advance the profession" (STP/ATP). It's hard to believe that we are already in the month of March. However, we're off to a great start with two outstanding programs, and a future lineup that looks quite impressive for the rest of the year. Many of our

members are already involved through our various committees such as Vendor Relations, Newsletter, and Programs. There are also plenty of opportunities for members to volunteer for activities throughout the year with our Community Relations efforts, Student Chapter initiatives, and also with the State Conference to be held in September. And as in past years, there will always be plenty of letter writing opportunities this year to address legislative issues.

Please let the 2004 Board hear from you as we welcome any and all ideas and suggestions that you have to offer. Your involvement will certainly help us reach our goal to **"serve the professional and to advance the profession."**

## It Takes More Than A Reference Check To Weed Out Liars

*Pamela Babcock*

If you're back in the hiring mode, beware: A substantial number of job candidates fudge the truth on resumes and job applications. ADP Screening and Selection Services, a unit of the Roseland, N.J.-based ADP payroll and benefits managing company, says of the 2.6 million background checks it performed in 2001, 44 percent of applicants lied about their work histories, 41 percent lied about their education and 23 percent falsified credentials or licenses.

Whether it's competition for jobs, continuing problems with corporate ethics or some other reason, it appears more people are lying about their qualifications—and that spells trouble for managers who screen job candidates inadequately. "One bad hire can just wreck an organization and create a legal and financial nightmare for a company," says Lester S. Rosen, an

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attorney and president of Employment Screening Resources in Novato, Calif. At a minimum, hiring a liar can burden you with the extra costs of recruiting, hiring and training that employee's replacement.

So, how do you maximize your chances of weeding out applicants who lie? First, be aware that you're unlikely to detect lies through body language. Fidgeting, stuttering or avoiding eye contact could simply be symptoms of nervousness about the interview rather than indicators of intent to deceive.

"Most people cannot tell from demeanor whether someone is lying or telling the truth—but most people think they can," says Paul Ekman, author of 13 books, including *Telling Lies* (W.W. Norton, 2001). Over the years Ekman has tested about 6,000 people—among them college students, police officers, judges, lawyers, psychiatrists, and agents of the FBI, the CIA and the Drug Enforcement Administration—to determine if they can tell if someone is lying. He has found, he says, that "95 percent of them are close to chance—they'd do just as well flipping a coin."

Ekman's advice to managers: "Be cautious about your own judgments based on demeanor, and be cautious about people who claim that there are signs of lying that they can teach you quickly in this situation. The most important thing to know is you'd better not trust your intuition, because it's probably wrong."

Visual clues aside, if you suspect an applicant is lying, you can take further steps. First, compare what the person says with the information on resumes and applications. By asking pointed questions, you can make it harder for an applicant to construct a series of lies, says Phillip Maltin, an attorney specializing in

employment and business litigation with K&R Law Group in Los Angeles.

"If you suspect someone is lying, never attack the big lie, but ask questions about the facts that surround it, focusing on details," Maltin says. Listen closely. If an applicant says "I supervised a staff of 100," or "I'm a turnaround artist who takes businesses from financial instability to financial success," ask for further details.

Here are some other tips:

- Ask a candidate to describe a work experience as it relates to a specific job skill you are trying to evaluate.
- Take extensive notes, and follow up on inconsistencies or contradictions. Probe for details.
- Tell the candidate you'll need to verify the information, and ask for contact names.

Kevin Wilson, an HR consultant with PeopleResources. Net, a recruiting firm in Boston, says behavioral and situational interviewing may be useful if you suspect exaggeration. "I might say, 'Tell me the story of your last PowerPoint presentation and how you got through the steps and how you did it,'" Wilson says. "Obviously, if they've done one, it's pretty easy for them to tell you how they did it, and you can make a judgment whether it's valid." Or if an applicant claims to have supervised employees, use situational interviewing by asking, "How would you handle an irate employee?"

Background and reference checks are other common procedures that can unveil lies, but it's important to go beyond the obvious. An applicant's claim to possess a degree from a particular university can be checked easily with a phone call to the school, of course, but checking employment references can be more difficult because most companies refuse to provide anything but the basics. That's why managers need to pursue other avenues, such as calling peers, former employers, former supervisors who are no longer with the company, advises Mary Cheddie, SPHR, vice president of human resources for the Orvis Co., a Manchester, Vt., mail order sporting goods firm. "I also listen a lot to the unspoken words. Like if I ask, 'Would you rehire this employee?' and the person says, 'Ahh, umm.'"

One of the most effective ways to avoid hiring a liar or to preserve the right to fire one is to use a standard application, experts say. An application can state that supplying false information is grounds for not being hired or for dismissal. Also, the information given—or the information gaps—on applications can suggest productive lines of questioning in interviews or can provide reasons to drop the applicant right away. Warning signs include neglecting to sign the application, which could shield the

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### Let Your Voice Be Heard!

Do you have a favorite feature of *SHRM-Memphis Matters*? Want to know how to get your article in the next edition? Is there something about the newsletter you simply must get off your chest? If so, let us know about it!

The Editorial Committee is always looking for ways to improve the quality of our newsletter and to keep it full of practical, timely advice. We cannot do this, however, without your input. If you have any comments or suggestions, send the Editor an e-mail by clicking [here](#) and let your voice be heard!

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candidate from being accused of falsification or not consenting to background screening, says Rosen. Other signals include not answering questions in the criminal record section, failing to explain periods of unemployment or reasons for leaving previous jobs, and not providing enough information for reference checks.

Also, it's crucial to know the person's previous addresses because if you need to do a criminal record search on an applicant, you will have to do it at the courthouses serving the areas where the applicant has lived. There is no official national criminal database available to most private employers, leaving courthouse searches as your primary option. There are more than 10,000 courthouses across the country, and information on previous addresses can help you search effectively.

If an applicant appears to be lying, can managers simply drop the candidate and move on? A hiring decision based solely on a subjective impression that the person has lied—with no objective grounds or reasons offered to the applicant—may be hard for an employer to defend in a discriminatory-hiring suit, Rosen says. "Without any third-party verification" that the person was lying, he says, "it can be a tough legal position." But Cheddie, at Orvis, says that as long as businesses abide by non-discrimination laws, they have the right to choose the best-qualified applicants. "The company is the one who holds the cards," she says. "It's our decision if we believe somebody's lying."

*Pamela Babcock is a freelance writer based in the New York City Area.*



## Let SHRM Work For You

**SHRM Forums** – [www.shrm.org/shrmforums](http://www.shrm.org/shrmforums)

As of January 1, 2004, The Society for Human Resource Management is offering a new, free member benefit -- eight new online communities for members. These Forums provide an opportunity for members to share information and expertise with other HR professionals interested in the same function or industry. They include: [EMA Forum](#) (Recruitment and Staffing), [Consultants Forum](#) (HR Consulting), [SHRM Global Forum](#) (International HR), [MHRA Forum](#) (HR in the Media Industry), [High-Tech Net Forum](#) (HR in the High Tech industry), [HRTX Forum](#) (Integration of Technology in HR Departments), [HR Measurement](#), and [HR Rewards](#). More information about these Forums and their specialized resources and benefits is available at the web address listed above.

## The SHRM Foundation: *Advancing The Human Resources Profession In 2004*

What is the SHRM Foundation?

The SHRM Foundation is a non-profit organizational affiliate of the Society for Human Resource Management (SHRM). The foundation funds research, publications and a wide range of educational initiatives to advance the profession and enhance the effectiveness of HR professionals. The SHRM Foundation serves as a catalyst for leading edge research and education. A volunteer board of leading academics and HR leaders govern the Foundation. All contributions are tax deductible.

Tracy Avery, the Chapter Foundation Representative, currently is looking for volunteers to assist her in the education process, and promotion of the SHRM Foundation. Last year our chapter contributed \$1000 to the Foundation, and this year we are hoping to exceed that number. So show your support for the human resources profession by donating to the SHRM Foundation. Donations may be made at our monthly chapter meetings.

For more information on the SHRM Foundation contact Tracy at [tracya@lifeblood.org](mailto:tracya@lifeblood.org) or visit [www.shrm.org/foundation](http://www.shrm.org/foundation).

## Important Notice!

### Board Extends Privileges To Unemployed Members

During its November 13, 2003 meeting at the Leadership Conference, the SHRM (National) Board of Directors amended the reserve member policy.

The reserve member status provides active SHRM members who are unemployed at the time of their membership renewal a one-time opportunity to extend membership for up to a year with no dues. During that time, all SHRM member benefits would continue with exception of the right to hold office or vote.

Members will be expected to notify SHRM if they become employed during the year.

## Board Member Spotlight



In 2003 a new position was added to the SHRM-Memphis Board, that of Vendor Relations Chairperson. This position is responsible for establishing and engaging in productive relationships with human resource vendors. It is designed to spearhead

the formation of policies and procedures in interacting and involving vendors in the SHRM Memphis Chapter, while balancing the needs of the HR practitioners. Because this concept is fairly new to the Memphis Chapter, it is quite a challenging endeavor and Bill Burtch was gracious enough to assume this position for 2004.

Bill's goals as Vendor Relations Chairperson in 2004 include: creating programs/policies for meeting/event sponsorships by vendors, creating programs/policies for advertising on SHRM-Memphis website, and creating opportunities for vendors to provide speakers and/or educational/professional development programs for SHRM members. A main focus of Bill's, and his committee members, is to ensure that HR practitioners are introduced to products and services that may be useful to them in their business, without being overly solicited.

Bill Burtch is President and Founder of Harmony Coaching & Consulting. Prior to forming Harmony, Bill was the Senior Director of Human Resources for Hilton Hotels Corporation/Promus Hotels Corporation. A graduate of Bowling Green State University, Bill has a BSBA in Human Resource Management and Industrial Labor Relations. He is a certified Senior Professional in Human Resources (SPHR) and a Certified Professional Values and Behavior Analyst. Bill is also a member of the International Coach Federation, President of the Memphis Coaches Network and a graduate of Coach U, one of the most respected coaching institutions in the world.

Bill is originally from northwest Ohio, but has lived in the Memphis area for over seven years. He is a professional singer and theatrical performer in the Memphis community. In his spare time, he enjoys playing the piano, tennis and staying fit.

## Membership Meetings

**April 20, 2004**

*Keith Green, SPHR, SHRM National  
Ethics in HR*

**May 18, 2005**

*Seminar Park Vista Hotel  
Young & Perl Law Firm  
Identity Theft*

**June 15, 2004**

*Michael Synk, Founder of Inner Circle of the Mid-South  
Strategic Planning*



### Welcome to Our Newest Members!

**Anne Kenworthy** – Special Kids & Families, Inc.

**Anne Conrad** – Young & Perl, LLC

**Cartina Perkins** – PATMOS, Inc.

**Julieanna Walker** – Cleo, Inc.

**Rosalynn Martin** – Methodist Healthcare

**Polly Roberts** – International Paper

**Rose Doyle** – Barloworld Freightliner

**Jackielynn Turner** – Kinko's

**Scott Olson** – Labor Ready, Inc.

**Clay Tidwell, Jr.** – FedEx Express

**Deborah Allen** – Senior Services

**Shannon Kuykendoll** – Alcoa CSI

**Jonny Ballinger** – Young & Perl, PLC

**Michael Bruno** – Dialogue Partners, Inc.

**Vanessa Boykin** – Speer Products

**Jim Jenkins** – Medegen Medical Products

**Tim Anderson** – ServiceMaster

**Paola High** – Nova Alexander International

**Angelita Settles** – Porter –Leath Children's Center

## Bulletin Board News



### **VOLUNTEERS WANTED FOR THE 2004 SHRM TENNESSEE STATE CONFERENCE**

Committees are hard at work and plans are underway! If you have been looking for a way to become more active in SHRM-Memphis this is a perfect vehicle. To volunteer please contact Mario Musarra at [Mario.Musarra@stjude.org](mailto:Mario.Musarra@stjude.org).

### **SAVE THE DATE!**

The 2004 SHRM Tennessee State Conference will be held on September 22<sup>nd</sup>-24<sup>th</sup> at the Peabody Hotel. The theme of the conference will be "The Soul of HR." We encourage everyone to put this date on your calendars and plan to attend. Additional information regarding the program, social activities and registration will be forthcoming.

### **SONS AND DAUGHTERS SCHOLARSHIP PROGRAM**

The Society is pleased to offer the Sons and Daughters Scholarship Program to SHRM members. SHRM has established scholarships to help finance higher education for the children of its members. Twenty-four scholarships of \$1,500 each are awarded annually. The awards are for either the first or second year of study at a four-year college or university. The scholarship awards program runs from March 1 to May 15, 2004, and information is located at [www.shrm.org/sons&daughters](http://www.shrm.org/sons&daughters).

### **2004 MS SHRM STATE CONFERENCE**

The SHRM Mississippi State Conference will be held on April 14<sup>th</sup> – 16<sup>th</sup> at the Grand Convention Center located in Tunica, Mississippi. Earlybird rates will apply through March 15th. Register now at [www.msshrm.org](http://www.msshrm.org)

### **CHARGE IT!**

You can now pay for your lunch meeting with your MasterCard, Visa, American Express, JCB or Diner's Club Credit Cards on our SHRM-Memphis website. Go to the Meeting Info Menu, and when you register to reserve your seat for the next meeting, simply check the box that you wish to pay online for the meeting. You will be transferred to a secure website with Secure Socket Layer (SSL) prior to entering any credit card information. It is so easy and convenient!

### **UPDATE YOUR CONTACT INFORMATION**

It is quick and easy to update your address, phone number or email address online. Click on the following link: [https://commerce.shrm.org/TnetTPRO/timssnet/login/tnt\\_login.cfm](https://commerce.shrm.org/TnetTPRO/timssnet/login/tnt_login.cfm) , enter your SHRM membership ID number and make the necessary changes. Name changes must be made by a SHRM Customer Service Representative at 1-800-283-SHRM, 703-548-3440 or [shrm@shrm.org](mailto:shrm@shrm.org). You may also go to the SHRM-Memphis website and access Member Pages, Membership Directory, and it will provide you with a direct link to the national website.

## Seminar For Plan Sponsors And HR Professionals

David Lenoir and Ruth Lentz, both SHRM members and associates with Wachovia Securities, are offering a "Lunch and Learn" Seminar on Wednesday, April 21<sup>st</sup> at the Crescent Club from 11:00 a.m. to 1:00 p.m. The guest speaker will be David Williams, a Partner with Schiff, Hardin LLP from Atlanta, GA. He will be speaking on Fiduciary Issues Surrounding Retirement Plans & Mutual Funds. This seminar is complimentary to plan sponsors and HR professionals, however space is limited. If you would like to attend, please RSVP to Michael Wilkinson at 901-818-3900

## Know The Law FCRA Amendment *Keith R. Thomas, JD*



Regardless of how you feel about President Bush, he and Congress have finally corrected a troublesome issue: the application of the Fair Credit Reporting Act ("FCRA") to investigations by employers of members of its workforce.

In 1999, the Federal Trade Commission, the agency that administers the FCRA, created a stir in the employment community when it issued the now-famous "Vail Letter." The Vail Letter was an informal opinion letter drafted by an FTC staff member that addressed the issue of whether the FCRA applied when an employer relied on a third-party person or entity to investigate claims of sexual harassment and employee misconduct. According to the Vail Letter, a third party (such as an attorney) that receives a fee for investigating employee misconduct would be considered a "consumer reporting agency" under the Act because the third-party would be engaged assembling or evaluating information on consumers for the purpose of furnishing "consumer reports" to the employer. A consumer report is a report containing information relating to a person's "character, general reputation, personal characteristics, or mode of living" that is used for serving as a factor with respect to the person's eligibility for, among other things, employment. Thus, the FTC concluded that the disclosure provisions of the Act applied to investigations of employees by third parties on behalf of the employer.

The impact of the Vail Letter meant that, before an employer's outside counsel could conduct an investigation, the accused employee would have to be warned of the investigation, would have to be provided with details regarding the nature and scope of the investigation, and the employer would have to get the employee's permission to conduct the investigation. In addition, before any discipline could be administered, an employer would have to provide the accused employee with a full copy of the investigation summary that was prepared by the third-party, even if the summary would otherwise have been protected by the Attorney-Client privilege. Failure to comply with these requirements could subject the employer to liability from the accused employee.

Fortunately, in December 2003, President Bush signed the Fair and Accurate Credit Transactions Act of 2003. Section 611 of this Act, which becomes effective on March 31, 2004, amends the FCRA's definition of "consumer report" to specifically exclude communications to an employer or an agent of the employer in connection with an investigation of

suspected misconduct relating to the consumer's employment. It also excludes communications made in conjunction with compliance with Federal, State, or local laws or any pre-existing policies of the employer. Under the new amendment, the employer is required to provide a summary of the report (not the full report itself) after taking any adverse action against the employee based in whole or in part on the report. The summary should describe the nature and substance of the communication, but can exclude the sources of the information contained in the report. The amendment does not provide a time period in which to provide the summary. If no adverse action is taken, the employer does not have to provide the employee with any information regarding the investigation.

In order for the exclusion to apply, the communication or report cannot be made for the purpose of investigating the employee's credit worthiness, credit standing, or credit capacity. In other words, an employer will not have to follow the notice and disclosure requirements of the FCRA when utilizing outside counsel to investigate a complaint of sexual harassment or other employee misconduct. The FCRA's notice and disclosures requirements will be applicable, however, for traditional background checks conducted by the employer that are unrelated to an employer investigation.

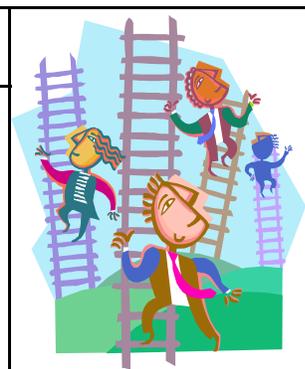
The major impact of this amendment is that it allows employers to utilize third-parties in conducting investigations relating to harassment or other employee misconduct. Many employers will prefer using a third-party to ensure objectivity during the investigation or to free up their internal staff for other purposes. Often, an employer will seek to utilize outside counsel to conduct an investigation to ensure strict compliance with applicable law. Whatever the reason for utilizing a third party, employers may now do so without the fear of liability for not complying with the FCRA's disclosure and notice requirements.

*Keith R. Thomas is an associate in the law firm of Ford & Harrison, LLP, where he represents management in labor and employment matters.*

## Career Corner

Click on the link below to see job opportunities available in the Memphis area.

Memphis  
[www.shrm-memphis.org/hr\\_jobs.htm](http://www.shrm-memphis.org/hr_jobs.htm)



## Community Out-



## Volunteers Needed!

The committee has already been very busy, deciding on our agenda for the year and bringing on new members to help. The

members of our 2004 Community Affairs Committee are:

Chris Van Hekken  
Bonnie Allman  
Lu Harvey  
Linda Meeks  
George Freeman  
Renee Sills

Pam Bobek  
Pam Pierce  
Meg Baker  
Val Crook  
Kimberly Hodges  
Janice Walker

We have had two meetings thus far. Our tentative projects for the year are with the following organizations: MIFA, Ronald McDonald House, Angel Trees, and possibly St. Peter's Villa. We will have four projects this year - one each quarter. The first project has been finalized. On Saturday, April 3<sup>rd</sup>, from 8:00 a.m. to 1:00 p.m. we will be volunteering our help to work a "Day of Reflection and Service" at the MIFA headquarters which is located at 910 Vance. We should all meet in front of the building a little before 8:00 a.m.. This day will be dedicated to honor the many volunteers that have worked with MIFA this past year. It will be televised and many prominent Memphis officials will be present. I will need to have a list of SHRM volunteers by March 26<sup>th</sup>. A MIFA representative will be on hand at the March luncheon to provide more details regarding this project.

We are also asking for donations for the Ronald McDonald House for cleaning supplies and paper items to be brought to the March meeting. We are emailing this request out to all SHRM-Memphis members.

## 2004 Board Members

### **Congratulations To Our 2004 Board Members:**

<u>Chapter President</u>	Danny Garrick, SPHR
<u>Past President</u>	George Mabon, PHR
<u>President-Elect</u>	Don Ray
<u>Secretary</u>	Carol Twyman, SPHR
<u>Treasurer</u>	Lisa Wilson
<u>Co-Treasurer and Chapter Foundation Representative</u>	Tracy Avery, SPHR
<u>Co-Vice Presidents</u>	
Membership	Ashlie Lee
Membership	Pat Myers
Programs	Ted Archdeacon, SPHR
Programs	Cynthia Thompson
<u>Publicity Chair</u>	Kathy Bradshaw
<u>Legislative Representative</u>	Jim Barna
<u>Student Chapter Liaison</u>	Michael Law
<u>Professional Dev. Chair</u>	Zelphia Brown, ABD, SPHR
<u>Social Chair</u>	Shirley Scott, PHR
<u>Vice President Roster</u>	Scott French, SPHR
<u>Job Posting Chair</u>	Patsy Schoonover
<u>Vendor Relations Chair</u>	Bill Burtch
<u>Newsletter Chair</u>	Mary Jo Arnold
<u>Community Relations Chair</u>	Chris Van Hekken

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Suggestions/comments are welcomed and may be e-mailed directly to the Editor by clicking on her name above.

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# The Marketplace



We are currently selling advertising space for the December newsletter. Only HR-related products and services will be accepted.

The cost is as follows:

<i>Business Card Size</i>	\$25
<i>Quarter Page</i>	\$50
<i>Half Page</i>	\$100
<i>Full Page</i>	\$200

If you would like to place an ad, please contact the [Editor](#).