



# TEXAS

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# BUSINESS REPORT



## TAB Chamber Conference Is A "Home Run" *Execs Convene To Prepare For Legislative Session*

December 4-5, 2008 (Austin) – The Texas Association of Business hosted its 6<sup>th</sup> Biennial Chamber Partners' Conference, featuring executives from the chambers of commerce throughout Texas. The chambers attending the conference represented more than 64,000 Texas companies that help drive our state's economic engine.

This event is one of the cornerstones of TAB's outreach to Texas chambers, and was highlighted by keynote speakers Railroad Commissioner Elizabeth Ames Jones, Texas Transportation Commission Chair Deirdre Delisi and Agriculture Commissioner Todd Staples.

Commissioner Jones kicked off the event by providing insight into the energy outlook for Texas, and the importance petroleum has played in helping to delay the effects in Texas of the financial crisis gripping our country.

Chairman Delisi detailed the transportation challenges our state is facing, and presented tentative options available to reduce congestion and provide the



Agriculture Commissioner Todd Staples concluded the Chamber Partners' Conference

necessary infrastructure to meet our needs for decades to come. One of the key subjects discussed was the proposal likely to come before the Legislature to ensure that all gas tax receipts not constitutionally required for education would go to the Texas Department of Transportation. A former aide to Governor Rick Perry, Delisi also outlined her perspective on the upcoming legislative session as transportation continues to emerge as a top issue.

Commissioner Staples delivered remarks to conclude the chamber event. He set forth his priorities for Texas, including tackling childhood obesity, continuing to make Texas a global agricultural hub, and expanding the

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### WORKFORCE Q&A

*One of our former employees failed to return his company-issued laptop computer. What options do we have for getting it back?*

### UNION INFLUENCE

*It's "been a long time since we had a president who said unions are a good thing," said White House hopeful Sen. Barack Obama (D-Ill.) at an AFL-CIO presidential forum [...]*

*Excerpt from article: "Obama clear: He's pro-union." Chicago Sun-Times, May 15, 2007*

### TAB MISSION

*To make the Texas business climate the best in the world.*

# WORKFORCE Q&A



Brett Strand,  
Cornell Smith & Mierl, LLP

***One of our former employees failed to return his company-issued laptop computer. What options do we have for getting it back?***

Employers commonly provide expensive portable computers to their employees. Among other things, a laptop allows traveling employees to work on the road, and it gives employers the option of allowing people to work from home. However, such portability can sometimes result in the employee treating the computer as his or her own – and even failing to return it after leaving the company. Not only does this deprive the company of a valuable piece of

equipment, it can also expose the company to a serious breach of its confidential information, which is often stored on the computer.

So what are some options an employer has to get its property back? Often, a strongly-worded demand letter from an attorney will do the trick. However, if that is ignored, more significant legal action may be necessary. If the primary concern is the value of the laptop itself, as opposed to the loss or disclosure of any sensitive information, the cost of the unreturned property could be deducted from wages if the employee previously signed an agreement authorizing such action. However, the deduction must not violate minimum levels of pay mandated by federal law for the employee's classification. If there is no such agreement then the company may be able to recoup its loss by filing a suit in small claims court. The company may also consider filing criminal charges for theft.

It is a much more serious problem, however, when the laptop contains sensitive company or client information. In that scenario, and possibly in addition to the measures described above, the company may need to seek an immediate court order that the computer be returned and that no confidential information be destroyed or disclosed. Seeking such an order is often expensive, but depending upon the company's exposure to harm, it may be necessary. It is important to act quickly in this kind of situation, because delay makes it less likely that a court will believe that the danger of disclosure is substantial enough.

## ***Employment Relations questions?***

***Don't forget to call TAB's Employment Relations Hotline  
for your next HR Question***

***1.800.856.6721, ext. 164 or E-mail [smcgee@txbiz.org](mailto:smcgee@txbiz.org)***

# TEXAS BUSINESS REPORT

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## TAB Proudly Welcomes New Staffer *Steve Minick Joins As Vice President of Governmental Affairs*

TAB is proud to announce the newest member of our team, Steve Minick. Steve will serve as Vice President of Governmental Affairs with a focus on environmental quality and energy.

Prior to joining TAB, Steve worked at the Texas Commission on Environmental Quality (TCEQ), the former-Texas Natural Resource Conservation Commission, the Texas Water Commission and the General Land Office.

Steve brings over thirty years of state background, including extensive legislative experience. In his role with TCEQ, where he served as Director for Intergovernmental Relations and Legislative Liaison, he coordinated the activities of the commission with state leadership, legislative offices, regulated entities and agency stakeholders.

“I have been proud to serve in the Texas Commission on Environmental Quality, attempting to ensure effective coordination between the management of the agency and the state’s leadership on important environmental and natural resource issues,” said Minick. “I am now looking forward to the equally important task of representing the

business community in Texas. TAB is known for tackling the tough issues and providing information to help state leaders make the decisions that will best affect our quality of life and help create a sound business climate.”

“Minick has the experience and reputation needed to get things done at the Capitol,” remarks Mary Miksa, who formerly headed TAB’s Environmental and Energy Affairs Division.

“Steve is another great addition to TAB,” said Bill Hammond. “We have a stellar lobbying team in place for the session. Steve brings a wealth of experience, a great network at the Capitol and immediate credibility on the environmental and energy issues that will be center stage during the upcoming session.”

Steve was graduated from The University of Texas at Austin, and resides in Georgetown with his family.

*Questions on Environmental  
or Energy Issues?*

***Vice President Steve Minick can  
be reached at 512.637.7707 or  
via e-mail at [sminick@txbiz.org](mailto:sminick@txbiz.org)***

### CONGRATULATIONS!

Congratulations to two of our esteemed TAB members, **Ralph Sheffield** and **Ken Legler**. They have been elected to serve in the Texas Legislature by the voters in their districts. For years, Sheffield and Legler have been respected members of our organization. We hope they will bring the results-based leadership and values-based representation they have demonstrated with their own businesses to the Texas House.

Now more than ever, Texas needs fiscally conservative lawmakers to help navigate our state through the challenges we face. We believe these are the right men for the job. Again, best wishes for a successful session to Representatives-elect Sheffield and Legler.

## Chamber Partners’ *continued from page one*

scope of current public education requirements to include relevant career and technology courses.

“Our distinguished speakers focused on the issues important to Texas business: energy, transportation and education,” said Bill Hammond, TAB President. “This event was a rousing success, and support from our Texas chambers will give us the momentum we need to make this one of the most successful legislative sessions in TAB history.”

The event also featured issue presentations from our generous sponsors, including Wally Goma from the Texas Coalition for Worksite Wellness, Mary Tipps from Texans for Lawsuit Reform, Beamon Floyd of the Texas Coalition for Affordable Insurance Solutions, Walt Baum of the Association of Electric Companies in Texas, and Beto Cardenas of Americans for Immigration Reform. Many thanks to these loyal supporters.

In addition, the TAB governmental affairs team showcased the issues each will tackle when the legislative session begins in January. Our speakers, sponsors and staff all fielded questions from the audience, and attendees gave high marks to the event.

Mike George, President and CEO of the Odessa Chamber of Commerce, said, “The meeting was particularly helpful in preparing our chamber members for the upcoming legislative session, and the various programs were the best TAB has ever offered. Bill Hammond and his staff scored a home run on this one.”

# MEMBER PROFILE

## James Avery Craftsman, Inc. – The Gold Standard For Texas Companies

From the most humble beginnings, James Avery used \$250 of his own savings to set up shop in his two car garage in Kerrville, Texas. He began working on unique hand crafted jewelry with a work bench made by his own hands, hand tools and silver and copper he purchased. It was his desire to create jewelry that had meaning for him and his customers as well as having lasting value.

The company was incorporated as James Avery Craftsman, Inc. in 1965, and two years later with the help of a modest loan from the Small Business Administration, the company headquarters was constructed on 20 acres in Kerrville in the heart of the Texas Hill Country, not too far from that original garage.

Since that time, the company has experienced phenomenal growth and popularity. With stores in most of the metropolitan areas in Texas and five manufacturing plants, the company maintains some 1,100 designs and 14,000 separate jewelry items in the active product line it sells in its 48 retail stores located not only in Texas but in Oklahoma, Georgia, Colorado and Louisiana.

Being a Texas company in the industry that manufacturers their own product makes Avery district. That they provide hand-crafted fine jewelry in the Lone Star State adds rarity to Texas.

All of the functions from designing, manufacturing, marketing and selling its own product line are all done in-house. James Avery even maintains its own graphics and photography departments as well as internal architecture and furniture-making capabilities to keep the customer's experience a special one.

James Avery has designed special pieces for NASA at Houston's Johnson Space Center and some of the pieces have traveled to the moon and back. The Archdiocese of San Antonio commissioned James Avery to create the communion vessels used by John Paul II to celebrate the papal Mass in San Antonio during his historical visit to Texas.

Each piece incorporates elements native to the culture of the American Southwest – silver, gold, and Texas limestone. Designs were specially made for The Admiral Nimitz Historical Center in recognition of the George Bush Gallery and presented to President Bush upon the opening of the Gallery. The Texas State History Museum Foundation commissioned James Avery to create an award medallion that is given annually to recognize those that have made a significant contribution to the State of Texas. Most recently, James Avery was the artist selected

to create Texas' ornament for the 2008 national Christmas tree at the White House. In the summer of 2009, the State Seal of Texas charm will be available to order online, by telephone, or at any of the retail stores.

Having achieved the American Dream, James Avery joined TAB to continue the entrepreneurial spirit of the company's founder, "Our company believes that Texas' commitment to true entrepreneurship contributed to one man's dream to elevate his artistic expression from a work bench in a garage to 1,400 employees sharing and living out this

dream by currently serving over 2,000,000 customers," said George Lee, James Avery CFO. "Our expectation is that membership in TAB is an opportunity to support and help foster the type of business environment in Texas that has allowed dreams like ours to become reality, bringing security and dignity to thousands of workers as well as meaning and joy to millions of people in Texas and beyond our borders."

*"...membership in TAB is an opportunity to support and help foster the type of business environment in Texas that has allowed dreams like ours to become reality..."*

*- George Lee  
Chief Financial Officer*



Hill Country Galleria store in Austin area - Bee Cave, Texas

## Chairman's Report



Dear Friends,

I have had the distinguished pleasure of serving as the Chair of the Texas Association of Business during this historic time in our nation's political history.

For over eighty-five years, TAB has established a record of championing fiscally-responsible public policy that has made Texas one of the best global business climates. Our organization's effectiveness and reputation for success has elevated TAB to be one of the premiere business associations in America.

It's no secret that our country is facing challenging times. In the past year, the Dow Jones Industrial Average has plummeted by over thirty-four percent, and financial experts agree that the worst is yet to come. Here in Texas, the most serious effects have been delayed as a result of the last five years of hard work by a pro-business, fiscally responsible Legislature.

Our state is well-positioned to withstand the most difficult economic times, but Texas is not immune to the consequences resulting from mismanagement at the federal level. How will TAB answer the call?

Last month, TAB President Bill Hammond wrote fondly of our friend Mary Miksa retiring. Replacing her will be impossible, but in the last twelve months, we have hired three outstanding staffers who have already made significant contributions to our strong organization.

Vice President Steve Minick has been a tremendous recent addition to our lobbying team. Governmental Affairs Manager Kandice Sanaie has added new life to our insurance and health care division. Communications Director Enrique Marquez has already increased our press visibility. These three join veterans Bill Hammond and Cathy DeWitt to comprise one of the most talented staffs we have had to date.

In addition to our new team, TAB's legal issues have now been put to rest. Our 2002 public information campaign, which led to sweeping, pro-business change in the Texas Legislature, was found to be completely legal.

One of the greatest charges the Chair of TAB faces is to leave the organization even better than he found it. Free of distractions and with a revitalized staff, TAB is poised to have one of its greatest legislative sessions.

As my term as Chairman comes to a close, I am proud that our joint efforts have helped make a difference to all the citizens of Texas.

Sincerely yours,

*Randy*

Randy Jones  
2008 Chairman, Texas Association of Business



*From the desk of the TAB Board Chairman*

# Talk **About** Business



Bill Hammond, TAB President

## A More Imperfect Union

In 2009, the business community will face its biggest legislative challenge in generations. Businesses across the nation have been crippled by the escalating financial crisis. However, they face a more consequential threat from labor union interests that now wield their greatest influence in Washington in generations.

More acute electoral strategy and relentless political contributions from unions have led to the most anti-business era in Washington in years.

Principal among the demands of anti-business union interests is the Employee Free Choice Act, known as "card check." This dangerous legislation would dramatically alter the ability of unions to organize and destroy worker privacy.

It is estimated that labor unions may have spent up to \$360 million during this election cycle alone. If "card check" is successful, you can expect that number to double, as unions will work even harder to defend it.

"Card check" would make union organization as easy as signing up a majority of workers, thereby removing the waiting periods and private elections necessary for current union formation.

Once a union is formed, if an employer and union begin the

bargaining process and cannot reach agreement within 90-days, the parties will immediately begin mediation. If, after thirty days, no decision can be reached, the dispute is referred to arbitration.

This lack of oversight and anti-democratic dissolution of private elections leaves workers susceptible to coercion and intimidation. American employees deserve the right to make these important decisions confidentially.

There is no question that labor unions once served a useful function in American industry, but their archaic structures have caused blight on the workforce.

The American auto industry is being destroyed from within by having to meet the parasitic needs of labor unions. Commitments to union demands have led to Americans paying more for cars so the auto industry can keep pace with legacy costs like bloated retirement and health care plans.

The auto industry is now asking Congress for tens of billions of dollars from your pocket to sustain the environment of mediocrity created by powerful labor unions.

If labor unions can have this effect on our once-prosperous domestic

auto industry, imagine the destructive wake this legislation will leave on small business owners throughout the United States.

Over seventy percent of Texas Association of Business members are small businesses. The disastrous effect this bill will have on their organizations will undermine the small business foundation that has led to our most prosperous economic eras.

November's election results mean anti-business lawmakers will continue to hold the reins. President-elect Barack Obama touted the bill as a top priority during his successful campaign

The hundreds of millions of dollars labor unions have invested in elections over the last two decades have culminated in having their dream legislation become a nightmarish reality for business.

Employers and taxpayers must engage themselves fully in this fight when Congress convenes in January.

"Card check" has not captured the attention of the American public, but the threat of labor unions exploding onto the scene looms large. Business leaders throughout America stand poised and ready for this difficult battle. The question is: Can we win?

Yes, we can.



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