

.jobs PDP Council Conference Call Meeting
April 9, 2010 – 3:00 p.m. EST
MINUTES

Call to Order

The teleconference meeting of the .jobs PDP Council was called to order on April 9, 2010, at approximately 3:00 p.m. EST by Gary Rubin, PDP Council Manager.

Prior to the meeting, Mr. Rubin sent the meeting agenda and pertinent documents consisting of the proposed amendment submitted by Employ Media and the issues report for this proposed amendment.

Roll Call

PDP Council Members Present:

Nancy Davies
Human Resources Director
Law Firm of Bodman, LLP

Martina McAndrew
Director of Recruiting
Baker Tilly

Ellen Johnston
HR Business Partner
Siemens Health Care

Nancy McKeague
Chief Human Resources Officer
Michigan Health & Hospital Association

Marilyn Mackes
Executive Director
National Association of Colleges & Employers

Donald Packham
Executive Assistant Director, Human Resources
Federal Bureau of Investigations

Aaron Matos
Founder & CEO
Jobing.com

Rhonda Stickley
Senior Director, Talent Acquisition
Providence Health & Services

PDP Council Members Absent:

Eileen Shue
Vice President of Corporate Resources
The Sterling Group

SHRM Staff Members Present:

Gary Rubin, Chief Publications & E-Media
Henry Hart, Chief General Counsel
Jill Moss, Contracts Administrator/Paralegal

Housekeeping Items

Gary Rubin, the PDP Council Manager, began the meeting with a review of the following housekeeping items:

1. Mr. Rubin welcomed everyone to the first meeting of the .jobs policy council.
2. Henry Hart and Jill Moss from SHRM also attended the call. Mr. Hart is SHRM's General Counsel, and he was present to answer any questions of a legal nature. Ms. Moss attended the call in the role of Secretariat to take notes and to provide a summary of the minutes.
3. The Council meetings will be recorded for the purpose of creating the minutes, and then the recording will be destroyed.
4. The Council members should respect that Council meetings are closed, private sessions to enable all members to speak openly, freely, and candidly.
5. Each Council member has been selected by SHRM to provide expertise representing varied interests ranging from large employers, small employers, government employers, employers in education, union employers, employment firms, etc. Each member of the Council is to leave his/her respective individual business interests at the door in order to speak towards the goal of a collective effort representative of the HR community interests as a whole.
6. Gary Rubin has appointed himself as the PDP Council Manager because of his familiarity with Employ Media's business of running the .jobs, operating in the DNS arena combined with his knowledge of the HR arena.
7. Gary Rubin's role as the PDP Council Manager is to act impartially with the primary administrative duties of scheduling meetings, facilitating discussions among the Council members, including preparation of background materials, and to do his best to answer questions that the Council members may have.
8. SHRM does not benefit financially from the outcome of these proceedings, nor does SHRM receive any revenue shares or other variable royalty from Employ Media pertaining to the sale, lease, or licensing of domain names either directly or through third parties. SHRM does receive a fixed annual payment for its role as sponsor and Employ Media purchases advertising.
9. The work of the Council will require a formal vote. The majority vote will carry. Upon such proceeding, Gary Rubin does not carry a vote. Additionally, Mr. Rubin will not influence in any way a Councilor's voting action. Votes can be for "approval," "denial," or a request for an extension via subsequent meetings to gather more information if the Council members feel that there is not enough information to allow them to vote positively or negatively. Mr. Rubin will encourage the members

- to attempt to reach a consensus, even though only a simple majority is required for a pass or fail.
10. Each Councilor has been appointed by SHRM to serve in a volunteer capacity for the 2010 calendar year. The need for Council meetings is anticipated to be infrequent, largely dependent upon a submission of a .jobs change request for Council review by either Employ Media, SHRM, or by a member of the HR community.
 11. All meetings of the Council are anticipated to take place by teleconference. Following each meeting, the summary of the minutes will be provided to each Council member.
 12. The meeting minutes will be of a general nature and individual participants will not be identified by name. Should a Council member desire his/her comments to be noted and on the record, by consent of the individual, an individual comment will be attributed.
 13. The minutes will be distributed, upon completion, to members of the Council to ensure accuracy and subsequently publically posted.
 14. The members may offer clarification that may be included in the minutes. The members of the Council may also submit a personal statement for inclusion with the minutes following his/her review.
 15. Employ Media has submitted a proposed amendment for the Council's review, which has caused this meeting of the Council to occur.
 16. Each Council member has received a copy of Employ Media's amendment request and SHRM's report of the relevant issues to this change request. Gary Rubin has invited Ray Fassett, Executive Vice President and Brian Johnson, Chief Legal Counsel of Employ Media, the submitting party of the amendment request and licensed operator of .jobs, to join the meeting upon request as additional resources. Upon satisfactorily answering any questions that the Council members may have, Mr. Rubin will excuse Mr. Fassett and Mr. Johnson from the meeting.
 17. The Council can accept, reject, or decide to hold additional meetings to enable the Council to seek more information.
 18. If an affirmative recommendation by the Council to the amendment request under consideration is recommended, it should be reasonably anticipated that Employ Media will approve Council's recommendation for implementation given Employ Media is the submitting party. It is not a foregone conclusion that SHRM's executive team will provide an affirmative Council recommendation. The minutes and issues report will be for SHRM's independent consideration and decision.

19. The purpose of today's discussion was to review and discuss the proposed amendment and issues reports, understanding that the members were to vote on the basis of whether or not these amendment requests are in the best interests of the international human resource community.
20. Tom Embrescia, from Employ Media, will present a verbal summary of the proposal as CEO of the proposer's company. Other than the opening statement, Mr. Embrescia will not participate in the call.

Review of the Conflict of Interest Statements

Gary Rubin distributed the conflict of interest form to the members of the Council prior to the conference call meeting. Mr. Rubin indicated there were two members (Nancy McKeague and Aaron Matos) that indicated a conflict of interest.

Nancy McKeague indicated that she originally purchased the domain name michiganhospitals.jobs, intending to use it to allow their member hospitals to use it as a consolidated applicant search site, since it would be easier than a hospital specific search. Ms. McKeague held the name for two years and then let it lapse.

Aaron Matos indicated that he is representing the International Association of Employment Websites and that he is the CEO of Jobing.com, an employment Website. As such, Mr. Matos has the potential of being financially affected by the outcome of this Council's deliberation. Gary Rubin indicated that he asked Mr. Matos to be part of the Council so that the members of the Council would have the benefit of hearing the voice of a community member representing job boards.

Gary Rubin then asked the members if anyone would like to address this further. Council Member #5 asked if a conflict of interest from Direct Employers was not disclosed because there is no financial gain for Direct Employers. Rhonda Stickley responded that she is a representative for Direct Employers elected by the members. Ms. Stickley does not work for Direct Employers, but rather, a figurehead or voice of the members of Direct Employers, and does not have any affiliations with Direct Employers other than that she is a member.

Summary of Current Amendment Proposal by Employ Media

Tom Embrescia, from Employ media, presented a brief summary of the amendment proposal as the CEO of Employ Media. Mr. Embrescia briefly discussed the background information of Employ Media's proposal. He explained that Employ Media desires to use non-"companyname" domain names which are not allocated under Employ Media's "companyname" naming convention. The domains that Employ Media would like to make available include industry, occupational, geographic, dictionary, and two-character domains: (1) industry names – domains which identify or describe an industry or occupation, such as nursing.jobs or accountant.jobs; (2) geographic names – these are domains which identify a geographic area, such as cleveland.jobs, ohio.jobs, or unitedstates.jobs; (3) dictionary term domains – these are domains which are words

or phrases which are contained in a dictionary, such as best.jobs; and (4) two-character names – these are domains with only two characters, such as A1.jobs or UK.jobs.

Employ Media has submitted the current proposed amendment because it believes that Employ Media may use and register non-“companyname” domain names in the best interests of the international human resource management community, so long as Employ Media maintains adherence to the .jobs Charter that is enforced. With that said, Tom Embrescia thanked all the members of the Council for the opportunity to present the proposal and left the meeting.

Discussion of the Proposal by Council

Council Member #4 asked for clarification about the proposed amendment. The same Council member, Council Member #4, indicated that the proposal indicates that Employ Media can use anything and not just the geographical, industry names, dictionary terms, etc. Henry Hart clarified that the proposed amendment reads in pertinent part, “to the extent that any policies, practices, or business rules in .jobs govern Employ Media’s ability to provision, allocate, register (to third parties or itself) allow use of ... any non-‘companyname’ domain names, including industry and occupational domains, geographic domains, dictionary term domains, and two-character domains...” Mr. Hart indicated that because the language reads, “including” and not, “including without limitation,” he reads the language to mean that “noncompany” names are limited to those “industry and occupational domains, geographic domains, dictionary term domains, and two-character domains. The same Council member, Council Member #4, also asked if there was a reason that the proposed amendment was given in a paragraph form rather than a red-line version of Appendix S. Mr. Hart did not have an answer, but he did indicate that he did not think this was meant to amend Appendix S. Mr. Hart suggested that these are questions that should be addressed to Ray Fassett and Brian Johnson of Employ Media.

Gary Rubin also clarified that the proposed changes that are before the Council are these four changes within this paragraph. The Charter was sent in the pre-meeting materials because it is the governing document that SHRM uses to govern the domain. Appendix S is an attachment to an agreement between Employ Media and ICANN, and includes a number of points that are pertaining to the actual launching of the domain. The job of the Council is to determine whether or not these changes are to the benefit of the international human resource profession and the positions within the Charter are the governing language. The other pieces of that Appendix S are contractual issues between ICANN and Employ Media.

Henry Hart also emphasized that Appendix S is a contract between ICANN and Employ Media, and that his understanding is that ICANN did not anticipate that noncompany names would originally be used with .jobs. Mr. Hart believes that if the Council members agree to the proposal of having noncompany names as being in the best interest of the human resources profession, it could be possible that ICANN may amend Appendix S accordingly.

Gary Rubin then addressed the members regarding the non-“companyname” domains with the following question: “Do you feel that adding non-“companyname” domains is beneficial to the international human resources profession?”

Council member #1 stated that we need to be offering as much opportunity as possible and as much clarity as possible to bring people to your workforce. These kinds of options that are being presented help us look at those opportunities.

Henry Hart then suggested that there are two questions that we should ask each Council member for comments:

1. If done the right way, would the use of non-“companyname” domains of .jobs be of benefit for the human resource community?
2. Even if that is the case, are you comfortable with this amendment?

A Council member replied that he believes that these questions should be saved for down the road. The same Council member asked if the Council could first look at why .jobs was created. He/she stated that this has all been rejected by ICANN back in 2005 when the policy and community groups voted on it, and was restricted to company names only. The Same Council Member also expressed that the purpose was specific and he/she feels that the amendment would violate the Charter.

Council Member #8 stated that she believes that this is a question for ICANN to respond to and not necessarily for the Council to respond to Council Member #8 would like to hear input from other members of the Council regarding this issue and the benefit of the human resources community.

Gary Rubin suggested that it might be beneficial to get each member’s perspective on where we are, how you feel, and what you would like.

Council Member #1 stated that having non-“companyname” domains dilutes the job board somewhat. Council Member #1, like Council Member #4, is concerned about where we are going with this, and why was it not acceptable then, but is should be now. Council Member #1 is not comfortable to make a vote without having more information.

Council Member #2 stated that she agrees with Council Member #1 Council Member #2 sees this as more of a benefit to the job seekers than the employers. What other human resources opportunities are out there? There are many job board sites and would another one dilute the board sites? As Council Member #1 indicated, Council Member #2 would also like more information on why it was not acceptable then, but is should be acceptable now. What has changed in the last few years to bring this back to the floor?

Council Member #3 stated that her own perspective is that there is some real value to this. Council Member #3’s standpoint is that she would vote for this, but his/her bigger concern is that SHRM members might have questions on this and whether or not they had enough input.

Council Member #4 clarified that following the rules and Charter is very critical in SHRM’s position on adding value to the community in terms of a process standpoint.

Council Member #5 feels that he/she needs more information and history, and what the financial impact is to Employ Media.

Council Member #6 stated that this appeared more straightforward on paper, and that he/she was unaware of the prior conflict over this as expressed by Council Member #4. Council Member #6 is in the position of others that need more information. Council Member #6 is a lot more comfortable with domain names that are centered in a particular field of endeavor. Generally, he/she would let the market operate the way it has been pertaining to the open market for use of names on operations of businesses.

Council Member #8 stated that she is not a contract expert, and feels that it is important that some of these questions be answered to the members' satisfaction in order to really examine the matter.

Employ Media Joins the Meeting to Answer Questions

Henry Hart rephrased and summarized the questions that the members had for Employ Media:

1. Where in the Charter does it state that Employ Media, as the registry operator, can register .jobs domains? (Gary Rubin suggested that Council Member #4 address this question directly to Employ Media.)
2. Why was it inappropriate to have non-"companyname" domains in 2005, and what has changed since then that now we need them?
3. What is the financial impact to Employ Media of this proposal? (The members did not get the opportunity to ask this question.)

Tom Embrescia, Ray Fassett, and Brian Johnson joined the meeting to answer the above questions.

Council Member #4 asked where in the Charter does it state that Employ Media, as the registry operator, can register .jobs domains. According to Appendix S, Part I, the Charter states that the following persons may request registration of a second-level domain within the .jobs top-level domain: "members of SHRM; or persons engaged in human resource management practices that meet any of the following criteria: (i) possess salaried-level human resource management experience; (ii) are certified by the Human Resource Certification Institute; (iii) are supportive of the SHRM Code of Ethical and Professional Standards in Human Resource Management..."

Employ Media stated that it could register names because it believes it complies as a member of the human resources community and complies with the SHRM Code of Ethics as well. Employ Media also responded that any company or member of SHRM can acquire a domain name. Further, the Charter is meant for any business to acquire a domain name. Employ Media is requesting this policy change from the proposed amendment since it reserves the right to make changes as necessary. Employ Media started out with "companyname" domains only to be cautious and as the needs of the human resources community changed, Employ Media's view on this has changed as well.

The next question was: Why was it inappropriate to have non-“companyname” domains in 2005, and what has changed since then that now we need them? Employ Media responded that not much has changed since then except the fact that the human resources practices have changed and receipt of proposals came in to benefit the community. Council Member #5 indicated that Appendix S seemed to say that anything other than company name was “inappropriate” and could not be registered as domain names. Was the word “inappropriate” used at the time because Employ Media was not ready to handle it or was it because someone else thought it was inappropriate? Employ Media responded that the word “inappropriate” was used to say that at a time when the rules restricted .jobs to company names, it would be “inappropriate” to register a non-“companyname” pretending that it was your company name. Employ Media is asking to change the rules to allow company names; so if the proposed amendment passes, it would no longer be “inappropriate” to register a noncompany name.

Upon answering the above questions, Tom Embrescia, Ray Fassett, and Brian Johnson of Employ Media left the meeting.

Gary Rubin then suggested that it seemed clear at this point that there is still discussion that is necessary, and that the Council does not appear to be ready to vote. Although Council Member #8 stated that she is ready to vote, she was interested in what the rest of the Council members thought.

Council Member #1 was not ready to vote and at this point, he/she would like to hear more from the community. Council Member #2 would like to continue this call and get input from the community. Council Member #3 would like to get input from the community as well and greater clarification from today’s call. Council Member #4 was not ready to vote, and he/she believes that the community would like to weigh in on this. Council Member #5 would like input from the community and would like more facts such as how does this impact Employ Media. Council Member #6 was not ready to vote and he/she thinks they need more input from the community. Council Member #8 was ready to vote, but asked that they extend the meeting to clarify any additional concerns.

Gary Rubin suggested that another conference call be scheduled to gather information regarding what information the Council would like to seek from the community (and how it should be collected), and then schedule a subsequent conference call to determine if there is enough information based on the community inputs to take a vote. The members of the Council agreed.

There being no additional business, Gary Rubin thanked all the members of the PDP Council for joining the conference call meeting. The meeting of the PDP Council was adjourned at 5:42 p.m. EST.