

## REGISTER TO ATTEND BY: NOON FRIDAY, MARCH 9TH

Members that receive e-mail notification of upcoming meetings and workshops can now register by replying to the notice. When replying, put "Registration" in the subject line. The body of the message needs to include the name of the person registering. If more than one person from an organization is attending the meeting, the e-mail can include multiple registrant names. Be sure to indicate if someone is a guest.

For those members that do not receive e-mail notification of upcoming meetings, you can also register via e-mail by sending a message to: [lhrma0048@yahoo.com](mailto:lhrma0048@yahoo.com).

Members can still register for meetings by calling LHRMA's automated voice mail system at 434-6554.

The same registration deadlines, late and no-show fees still apply if you register by e-mail or voice mail. The deadline to register for this meeting or to cancel your registration is by noon on Friday, Mar. 9 2007. Let us know if you plan to attend.

Remember... cancellations need to be called in to the voice mail system at 434-6554 or by email at [lhrma0048@yahoo.com](mailto:lhrma0048@yahoo.com) by noon on Friday, Mar. 9, 2007. Remember...if you registered but do not attend the meeting, you will be charged an extra \$5.00 in addition to the cost of the meeting! Accommodating for late registrations cause a big problem for the restaurant in terms of providing enough food and seating space for late registrants. ***Please try your hardest to register by the noon deadline.***

## MARCH 13TH LUNCHEON AND AFTERNOON MEETING IN CONJUNCTION WITH ASTD:

<b>Luncheon:</b>	Recruiting, Retaining and Training Across Generations
<b>Workshop:</b>	Future Trends in the Workplace, Assimilating Generation Y and Preparing for Generation Z
<b>Speaker:</b>	Sue Schlichtemeier-Nutzman
<b>When:</b>	Tuesday, March 13, 2007
<b>Where:</b>	Embassy Suites, 1040 P Street
<b>Registration:</b>	11:00 a.m. - 11:30 a.m.
<b>Meal &amp; Program:</b>	11:30 a.m. - 1:00 p.m. (luncheon) 1:30 p.m. - 3:30 p.m. (workshop)
<b>Cost:</b>	\$16.00 (Special Price for Duad Meeting) \$35.00 (Workshop only) \$40.00 (luncheon meeting and workshop)
<b>Meal:</b>	Lasagna, vegetable, salad, caramel apple tort and coffee or tea
<b>Parking:</b>	We will validate parking from the garage across the street to the east.

### **ABOUT OUR PROGRAM(S):**

*brought to you by ASTD and LHRMA:*

### **PASSING THE TORCH:**

#### **PREPARING FOR "GENERATIONAL TURNOVER" (LUNCHEON TOPIC)**

As the older generations pass the torch to younger employees, considering the impact of differing goals, leadership styles, and views of life can smooth the transitions. This presentation will take a serious (yet light-hearted) look at the importance of using the strengths from each generation to increase team success and enhance client service. Topics will include: Recruiting, retaining, and training across generations; leader and follower styles; and ways to prepare for "generational turnover."

*Read More About Our Programs & Speaker on Page 5 of This Month's Issue.*

## ATTENDANCE DRAWING WINNER

Who Says There's No Such Thing as a Free Lunch? Congratulations to Mary Hinds PHR, Human Resources Coordinator with Midlands Packaging Corp. Mary will receive free registration at the March 2007 meeting!

## HRESOURCEARTICLES

WE WELCOME YOUR ARTICLES.

IF YOU HAVE SOMETHING THAT IS NEWSWORTHY FOR OUR NEWSLETTER PLEASE SUBMIT A REQUEST TO PUBLISH YOUR INFORMATION.

YOU CAN DO THIS BY SENDING IT E-MAIL TO THE SECRETARY/PUBLICITY CHAIR, ELLY HARDEKOPF AT: [ELLY.HARDEKOPF@MOLEX.COM](mailto:ELLY.HARDEKOPF@MOLEX.COM)

## FUTURE PROGRAMS

**Tuesday, April 10, 2007**

Special program detailing the Carrot Principle, Research and Application. Don't miss this program!!

**Tuesday, May 8, 2007**

Background Checks

**Tuesday, July 10, 2007**

Diversity speaker and workshop

## BOARD MEETING RECAP:

- Two openings on State Conference Committee for Programs and Theme for State Conference.
- Looking into the cost of having name badges made for all members
- Exciting programs coming up in the next few months
- Directory will be submitted to printer by March

## President's Message

*Carmen Wiles, President*



I was quite pleased to see so many members at our February meeting. In spite of the snowy weather and the slick and snow packed roads, there was a room full at The Bunkers banquet facility. Mark Fahleson and Sara Pillen, Attorneys at Law, with Rembolt Ludtke LLP, made it well worth the effort it took to get to Bunkers. In addition to showcasing some very interesting and always "You have got to be kidding" cases, they shared their expertise on the recent Roseland decision. This generated many questions. If you are interested in getting a copy of their presentation please contact Mark Pankoke and he would be happy to get you a copy of it.

We have again partnered with the American Society of Training and Development (ASTD) for our March meeting, so I hope you can attend. This year there is a workshop following the lunch meeting. The presenter for both the meeting and workshop is Sue Schlichtemeier-Nutzman. Although it has been some time since I have heard Sue speak, I always enjoyed her presentations and I'm certain she will again deliver a very insightful presentation. At the meeting she will talk about generational issues relating to recruiting, retaining, and training and will then go into more depth on generational issues at the afternoon workshop. I hope you can stay for the workshop

We were very fortunate to have several SHRM student chapter members from UNL, NE Wesleyan, and Doane College attend our February meeting. (Yes, they even made the drive to Lincoln in spite of the weather). It was very encouraging to hear the activities happening at the Student Chapter level and to see the caliber of students pursuing the Human Resource field. I

was very impressed.

I also want to personally congratulate the members who recently achieved their PHR and SPHR certifications. Please refer to the article listing those members. This is quite an accomplishment. If you have been contemplating sitting for the exam, Darci Spence, HRCI Certification Chair, did say that it isn't too late to join the Spring Study Group. This is a very effective way to study for the exam. The pass rate for study group members is very impressive, so consider joining the group this spring. They meet on Monday evenings. Contact Darci Spence to join the group.

I look forward to seeing all of you at our March meeting.

*Carmen Wiles*

Sincerely,  
Carmen Wiles

## Reach out to the Students

LHRMA members can use the LHRMA Website to advertise Student Internships or Summer Jobs. The three Student Chapters will be told that they can look on the LHRMA website, throughout the school year, to find job openings as well as internships. Please use this as another FREE advertising tool to get qualified interested candidates to help fill your open positions. Send job postings to Veda Armstrong at: [varmstrong@familyservicelincoln.org](mailto:varmstrong@familyservicelincoln.org)

## LEGAL UPDATE

# Supreme Court to Decide Whether and When “Cat’s Paw” Discrimination is Actionable

by **MARK A. FAHLESON, ESQ.** • *Rembolt Ludtke LLP*

Can an employer be held liable for unlawful race discrimination in the termination of an employee when the decision maker had no idea what the terminated employee’s race was? On April 18, 2007, the United States Supreme Court will hear arguments in a case that will hopefully provide clarity on what’s come to be called “cat’s paw” liability.

In *BCI Coca-Cola Bottling Co. v. EEOC* (Case No. 06-341), Stephen Peters was an African American hourly merchandiser working for *BCI* in New Mexico at a facility where approximately 60 percent of the employees were Hispanic and only 2 percent were African American. Mr. Peters reported to district sales manager Cesar Grado, a Hispanic. Mr. Grado had no authority to terminate Mr. Peters and was required to run all decisions regarding disciplinary action through *BCI*’s human resources department.

Mr. Peters was scheduled to be off work on the weekend of September 29 and 30, 2001. However, due to a shortage of workers Mr. Grado ordered Mr. Peters to report for work on that weekend. Mr. Peters refused, and Mr. Grado warned him that continued refusal would be considered insubordination and grounds for termination. Mr. Peters responded, “You do what you have to do, and I will do what I have to do.” As promised, Mr. Peters did not report for work. Pat Edgar,

*BCI*’s human resources manager working in Arizona, decided it was necessary to terminate Mr. Peters. Ms. Edgar based her decision on Mr. Grado’s account of Mr. Peters’ statements and actions and a review of Mr. Peters’ personnel file, which revealed an unrelated but similar incident of insubordination two years earlier (not involving Mr. Grado), including a final warning. It is undisputed that at the time of her decision to terminate Ms. Edgar did not visit with Mr. Peters and did not know that Mr. Peters was an African American.

The federal Equal Employment Opportunity Commission (EEOC) challenged Mr. Peters termination, claiming that Mr. Grado previously treated other African American employees worse than white or Hispanic employees and that the termination decision, although made by Ms. Edgar, was influenced by racial bias on the part of Mr. Grado. This “cat’s paw” theory of liability derives its name from a fable in which a monkey convinces an unwitting cat to pull chestnuts from a hot fire. Thus, under this theory liability exists where a biased subordinate who lacks decision-making authority uses the formal decision maker as a dupe to carry out a discriminatory employment action.

The trial court granted summary judgment for *BCI* and dismissed the case. Among other things, the trial

*Continued on Page 8.*

### New LHRMA Members

Heidi Schmailzl  
HR Administrator  
Kawasaki  
[hschmailzl@lcn.kmmfg.com](mailto:hschmailzl@lcn.kmmfg.com)

Amber Haskins  
HR Generalist  
MBA Poultry  
[amberhaskins@smartchicken.com](mailto:amberhaskins@smartchicken.com)

Dana Rautenbach  
HR Generalist  
MBA Poultry  
[danarautenbach@smartchicken.com](mailto:danarautenbach@smartchicken.com)

Leisa Larson  
Training and Dev. Dir.  
Back to the Bible  
[leisal@backtothebible.org](mailto:leisal@backtothebible.org)

Jennifer Beckman  
HR Administrator  
General Excavating  
[jbeckman@generalexexcavating.com](mailto:jbeckman@generalexexcavating.com)

Welcome — you have joined an outstanding organization!

## LHRMA MEMBER CHANGES

Check and verify your name and address on this month’s LHRsource for accuracy. Please contact Veda Armstrong our LHRMA Administrative Assistant, for any of your personal job and address changes. Please either email your changes to Veda at [varmstrong@familyservicelincoln.org](mailto:varmstrong@familyservicelincoln.org) or by telephone at 402.441-7949.

## HELP ACHIEVE THE SUPERIOR MERIT AWARD

You can help achieve the LHRMA Chapter Superior Merit Award by notifying Julie Singh, Workforce Readiness Chair, with any dates that you provide service to local schools or adults in regards to: career days, mock interviews, speaking on the HR profession, provide internships to students to gain HR knowledge, etc.. The following information would be needed: name, date of event, location/school name, hours spent or duration of program. Email your information to [jsingh@notes.state.ne.us](mailto:jsingh@notes.state.ne.us) throughout the year.

## JOBS, JOBS & MORE JOBS!

### DO YOU HAVE ONE TO ADVERTISE OR ARE YOU LOOKING FOR ONE?

CHECK OUT OUR WEBSITE:  
[www.lincolnhhr.org](http://www.lincolnhhr.org)

IF YOU ARE AN EMPLOYER WHO HAS A LHRMA MEMBER EMPLOYEE, THEN YOU CAN POST YOUR HUMAN RESOURCE JOB OPENING ON OUR WEBSITE BY CONTACTING VEDA ARMSTRONG AT: [VARMSTRONG@FAMILYSERVICELINCOLN.ORG](mailto:VARMSTRONG@FAMILYSERVICELINCOLN.ORG)

OR CALL **402.441.7949**

IF YOU ARE LOOKING FOR A HUMAN RESOURCE JOB THEN YOU CAN CHECK OUT OUR WEBSITE:

[www.lincolnhhr.org](http://www.lincolnhhr.org)

THIS WILL BE AN EXCELLENT RESOURCE FOR STUDENTS WHO ARE SEEKING AN HR POSITION. IT IS ALSO AN EXCELLENT FORUM FOR COMPANIES TO ADVERTISE IF THEY HAVE SUMMER INTERNSHIPS AVAILABLE. PLEASE TAKE ADVANTAGE OF THIS GREAT RESOURCE!

# LEGISLATIVE UPDATE

by *Cathy Maddox • President-Elect — Government Relations*

If you were at the February 13th LHRMA meeting you heard Mark Fahleson give some clarifications on the Roseland v Strategic Staff Managing court ruling. This is the ruling that said the Court held that an employee's accrued vacation time is payable upon termination of employment regardless of an employer's policy.

On February 5th, the Business and Labor Committee held a hearing on LB271 and LB255, both of which are further clarifications on this ruling. There were a number of HR professionals who testified as proponents of both of these bills. LB271 clarifies that the term "wages" includes fringe benefits as determined by policy or by agreement of the employer. The employer could clarify the terms under which such fringe benefits are administered, and whether - or under what conditions - fringe benefits may be payable to employees upon their termination.

LB255 proposes that employers and employees could stipulate by policy or other agreement that paid leave plans, including vacation and sick leave, may limit the use and payment for accrued leave - including stating that no wages would be owed during employment or upon termination.

More than a dozen proponents of both bills testified, with most stating that without clarification of the Court's ruling, employers may reduce or eliminate sick leave benefits or paid-time-off plans.

At the same hearing there were a number of people testifying on LB505. This bill states that when an employer separates an employee from the payroll, the unpaid wages constituting commissions would be due on the next regular payday following the employer's receipt payment for the goods or services from which the commission was generated, or as agreed to by the parties. Current law provides that

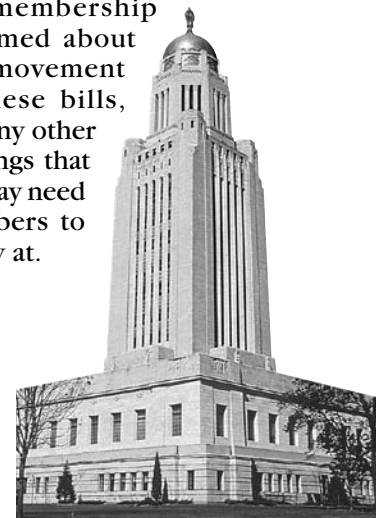
wages includes commissions on all orders delivered and all orders on file with the employer at the time of termination of employment. Some of those testifying stated that current law creates difficulties for employers who must speculate on what to pay in commissions soon after an employee's separation and before contracts are fulfilled.

At this time, no Committee vote on any of the bills has been taken. These are 3 bills that we will be following closely, and may require a letter writing campaign.

One other bill that we will be testifying in regards to will be LB175 which is being heard on March 5th. LB175 proposes that no employee could be terminated until he or she has been given the specific reason for the proposed termination and is provided a meaningful opportunity to present his or her position in response to the proposed termination.

If you want to check on any bills, just go to the following website: <http://nebraskalegislature.gov/web/public/home>. Go to the Bills and Laws tab, and enter the bill number and you can see if that bill is scheduled for a hearing, has been killed or withdrawn, or made it out of committee.

We will keep the membership informed about any movement of these bills, and any other hearings that we may need members to testify at.





**EXTRA!** ★

# EAP CORNER NEWS

*We're here to help.*

## MOTIVATION



Did you start the year with great intentions, full of motivation for your New Year's resolutions, only to find yourself struggling, if not abandoning your goals?

- Are you putting off that project you need to do?
- Feeling in a rut with your weight loss plan?
- Trying to use your new stationery bike for more than a clothes hanger?
- Having difficulty picturing you can successfully stop smoking?
- Having trouble getting and staying organized?

Learning some basics about motivation and goal setting can help you be on the road to success. Motivation is the drive that leads a person to action. Steven Covey, author of the highly acclaimed The Seven Habits of Highly Effective People says in this book to "Begin with the end in mind." You can't know if you are headed in the right direction if you don't know where you want to end up. So, start by setting clear goals. Instead of saying, "I am going to exercise more", set your goal such as "I am going to do 30 minutes four times a week on my treadmill."

Then build in a reward for when you meet that goal. Choose a reward that is important to you. Your reward can be internal such as feeling better about yourself, or external such as allowing yourself an extra hour that week to watch TV. Another motivation tip is to break larger goals down into smaller parts. Instead of saying, "I am going to de-clutter my basement", divide the task into sections, such as one closet at a time, one room at a time. That way, you build in success as you go. Usually the

accomplishment of the smaller sections of a goal gives momentum to keep going with the next stages.

Some other tips to motivate yourself (and others):

1. Choose to be a positive thinker. One's beliefs really do affect one's behaviors.
2. Recognize your small accomplishments and be proud of your efforts.
3. Set realistic goals - otherwise you set yourself up for failure
4. Keep your priorities straight.
5. Allow mistakes to be made, we are all human.
6. Learn from your mistakes - practice makes perfect
7. Give lots of positive reinforcement to yourself and others.
8. Manage your fears and your worry.
9. Begin with this motto: "Every obstacle creates an opportunity."
10. Follow your dreams.
11. Visualize success in yourself and others.
12. Pick a positive reinforcement that is truly rewarding to yourself or to others.
13. When you fall, get back up.
14. Use the "buddy system" for support and encouragement.
15. Practice forgiveness - of yourself and others
16. Remember the 3 "P"s - Persistence, Patience and Perseverance

### WHAT MOTIVATES PEOPLE?

A major secret to a successful plan to motivate yourself (or others) is to choose a reward that is important to you (or others.) Money comes to mind for many people when they hear this idea, but

*See EAP Corner News on Page 6.*

### ABOUT OUR PROGRAMS & SPEAKER:

*Continued From Page 1.*

### FUTURE TRENDS IN THE WORKPLACE: ASSIMILATING GENERATION Y; PREPARING FOR GENERATION Z (AFTERNOON WORKSHOP TOPIC)

Here's what's new! Workplaces are realizing that effective strategies for Generation X are not working with Generation Y. Although it would be tempting to ignore the differences, they do exist. This practical presentation will overview recent research that identifies generation-specific strategies for recruitment and retention of our youngest employees. You will leave this presentation with ideas for fully assimilating Generation Y and preparing for Generation Z!

### ABOUT OUR SPEAKER:

SUE SCHLICHTEMEIER-NUTZMAN



is a private Training/Learning Consultant with a Ph.D. in Community/ Human Resources and Marketing from the University of Nebraska at Lincoln.

She is Director of the College of Saint Mary Business Leadership Program in Omaha; teaches college communication, research, and business classes; and specializes in workshops, keynotes, and staff retreats on generations, cultural diversity, service excellence, and maximizing team dynamics.

Traveling nationally, Sue has presented to nearly two million people. She is currently involved in a statewide leadership research project, and consults with a wide range of organizations.

Her interactive presentations are always lively, humorous, thought-provoking, cutting-edge, and practical.

## EAP CORNER NEWS

*Continued From Page 5.*

the strongest motivators appear to lie in other areas - things such as the feeling of being valued, competition, and personal fulfillment.

To Human Resource professionals, and for those of us who partner with Human Resource folks - i.e. Employee Assistance professionals - ways to motivate today's employees is an important topic. Here are "The Top Ten Ways to Motivate Today's Employees" from Bob Nelson's well-known book 1001 Ways to Reward Employees

1. Personally thank employees for doing a good job - one on one - verbally, in writing or both.
2. Be willing to take the time to meet with and listen to employees.
3. Provide specific feedback about performance.
4. Strive to create a work environment that is open, trusting, and fun.
5. Provide information about company plans and how the employee fits in.
6. Involve employees in decisions that affect them.
7. Provide employees with a sense of ownership in their work.
8. Recognize, reward and promote people based on their performance.
9. Give people a chance to grow and learn new skills.
10. Celebrate successes - take time for team-and morale-building activities

If you would like more individual help with motivating yourself or others, and Directions EAP is your EAP provider, call to set up an appointment at 434-2900. If you have been considering an EAP for your

employees, we at Directions EAP would love an opportunity to visit with you about your needs. Call 434-2900 to find out more information.



## MAY BASKETS

The May 8th lunch meeting of the Lincoln Human Resources Management Association (LHRMA) will be blooming with prize baskets donated by area employers and associations. These festive and value-packed baskets are a fundraising effort for the Society for Human Resource Management (SHRM) Foundation. The SHRM Foundation is the charitable, non-profit organization that funds Human Resource (HR) research, publications, certification



scholarships and education to the benefit of all HR professionals. LHRMA members support the SHRM Foundation as individuals and as a chapter, and last year contributed \$175 through the basket raffle. Seven (7) lucky attendees went home with baskets packed with high-end items, treats and supplies in "baskets" with themes; such as, Wellness, Stress Reduction, Dinner and a Movie and Relaxation. Raffle tickets for this year's crop of baskets will be on sale at the May 8th meeting, one (1) ticket for one dollar, and six (6) tickets for five dollars. (Note: Six is better!) Plan now to bring your wallet and join in the fun of a May Basket Raffle for the SHRM Foundation.

# Congratulations,

Congratulations to the following members for passing the Fall HRCI certification exam:

- Jen Chartier, PHR
- Shelley Domant, PHR
- Jonnie Meints, PHR
- Colleen Eickmeier, PHR
- Andra Vandenberg, PHR
- Brenda Rice, SPHR
- Mark Pankoke, SPHR
- Aaron Delahoyde, SPHR
- Stacy Adamson, PHR
- Vicki Taylor, PHR

# WORKWELL OFFERS AN OPEN MEETING TO COMPANIES INTERESTED IN DEVELOPING A WELLNESS PROGRAM!

The American healthcare system delivers the best acute care in the world, but is approaching twenty percent of the nation's gross domestic product. That is twice as much as any other country, yet costs are still rising at unsustainable levels. Preventive care is inconsistent, and the impact of unhealthy personal behaviors such as tobacco use and obesity is rampant nationwide. Employees are angry about increases in healthcare premiums and reduced benefits, but have little insight into the true cost of care. Employers watch helplessly as double-digit increases destroy their competitiveness, but don't deploy the use of incentives and changes to plan design as a way to manage costs. Provider pricing and quality are completely hidden, and provider bills are often indecipherable.

Our goal is to help employers develop a deeper, more thorough understanding of wellness and consumerism, thereby enabling the successful development of viable solutions for their work environment. The ultimate result of such solutions is better employee health outcomes and lower healthcare costs. Whether you are a health expert, a benefits administrator, a chief executive officer or a chief financial officer - you're likely very concerned about healthcare costs and have pondered the value of wellness and consumer-driven healthcare. This presentation will provide you valuable insight to benefit plan design solutions which promote wise consumerism, personal (employee) responsibility, and will help your company manage the rapidly evolving market to meet its demands.

Please join WorkWell for a free informative meeting. **Limited to one representative per company.** Reservations are taken on a first come first served basis. Seating is limited to the first 90 people.

**When:** March 21, 2007

**Time:** 11:30 a.m. - 1:00 p.m.

**Location:** Speedway Motors Auto Museum  
(340 Victory Ln.)

**Cost:** Free - lunch sponsored by SilverStone

**To Register:** Call Lisa Henning, 441-8049 or email [lhennin@lincoln.ne.gov](mailto:lhennin@lincoln.ne.gov)

## SHRM STUDENT CHAPTER HAPPENINGS

### February Lunch Attendees

#### SHRM at Doane College —



(L to R) Chelsey Evenson, Robyn Stokke, and Allison Weaver

#### SHRM at NWU —



(L to R) Michelle Sass and Megan McCarville

#### SHRM at UNL —



(L to R) Ben Larson and Ashley Haas



## SHRM New Member Enrollment Only \$99.00 Through April

From February 1 through April 30, 2007, you can join SHRM for only \$99!! This is a \$70 savings from the normal rate. This special rate applies to LHRMA members who have NEVER been members of SHRM or who have let their membership lapse for longer than one year. (This special rate does NOT include regular renewals). Check out all the advantages to help you grow in your profession at [www.shrm.org](http://www.shrm.org) or e-mail [shrm@shrm.org](mailto:shrm@shrm.org). SHRM applications may be downloaded from [www.shrm.org](http://www.shrm.org) or may be obtained by contacting [membership@lincolnhr.org](mailto:membership@lincolnhr.org). Complete a SHRM applications and mail it with your \$99 check, made payable to SHRM, to:

Kara Strong,  
Membership Chair  
P.O. Box 81066  
Lincoln, NE 68501

**Do Not mail the application to SHRM;** we will do that for you. We will include the subsidy portion with your application and your check for \$99. Enjoy the benefits of SHRM 24/7, 365 days/year online, and stay in the forefront of the HR management profession.



## LEGAL UPDATE

Continued From Page 3.

court concluded that there was no question that Mr. Peters' conduct constituted insubordination warranting termination and that Ms. Edgar had no idea Mr. Peters was African American when she made the termination decision. Moreover, although the trial court held that there was sufficient evidence to conclude that Mr. Grado was racially biased, there was insufficient evidence that Mr. Grado influenced the termination decision.

On appeal, the Tenth Circuit Court of Appeals reversed, finding that the trial court placed too much emphasis on the fact that Mr. Grado did not expressly recommend Mr. Peters' termination. Rather, the appeals court held that Ms. Edgar's cursory investigation (e.g., not interviewing Mr. Peters and only reviewing his personnel file) was insufficient to defeat the inference that Mr. Grado's racial bias tainted her decision.

On January 5, 2007, the Supreme Court announced that it agreed to consider *BCI's* appeal. It is anticipated that a ruling will be issued before the end of June 2007.

**LESSON:** Currently, the federal circuit courts are split as to

when they will apply the "cat's paw" doctrine. At one end of the spectrum are those appeals courts that require only that the biased subordinate exert some influence over the decision. At the other end of the spectrum are those courts that require proof of a "substantial influence" or "significant role" in the decision. The Supreme Court will hopefully provide much needed clarity to "cat's paw" liability in its *BCI* decision, hopefully without creating additional liability for employers.

Regardless of what the Supreme Court eventually decides, the *BCI* decision highlights the need for objective, thorough investigations prior to taking an adverse action against an employee. In *BCI*, the human resources manager conducted only a cursory investigation and did not attempt to contact Mr. Peters to get his side of the story prior to making the decision to terminate his employment. Had the human resources manager done so, perhaps *BCI* would not now find itself pleading its case before the highest court in the land.

*Fableson is a partner with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100*

*or [mfableson@remboltludtke.com](mailto:mfableson@remboltludtke.com).*

*This article is provided for general informational purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to consult with their attorney.*

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# Focus on Employee Use (And Misuse) of E-Technology<sup>®</sup>

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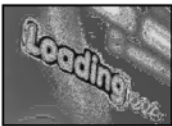
## E-Risks Challenge HR Pros, Employee Risk Managers, Policy Specialists and Trainers

*Highly Informative Briefing Provides Insights into New and Emerging Employee Issues*

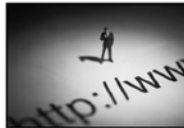
Traditionally organizations address employee management issues through workplace policies. Employee use of computers, the Internet and electronic communications systems, however, has defied that approach. Some policies are out of date by publication.

Despite "good" policies and even e-mail and Web content filters, problems occur. Legal complaints arise, employee relations are negatively affected and worker productivity declines. In some cases, sensitive business and personal data are mishandled, lost or stolen.

*Reasons are numerous but include these:* Rapid industry deployment and employee use of new desktop tools; downloading of computer programs; Internet-based entertainment and diversions; and lifestyle devices such as iPods, camera phones and PDAs have significantly outrun the ability of the organization to recognize and adjust to changes and threats. And often non malicious yet potentially harmful computer-use behaviors go unrecognized and unchecked. These leave a perilous disparity between written rules (if any exist at all) and high-risk employee practices.



Additionally costly, highly-publicized lawsuits have broadened employer accountabilities to control worker use of electronic resources. And new rules and legislation have increased obligations to secure sensitive data, report data breaches and appropriately respond to court orders for electronically-stored information (ESI).



This workshop presents keys to help meet the complex challenges of managing employees in today's technology-dependent work environments including:

- New and emerging issues.
- Tech terms, processes HR should know.
- Mitigating exposure to complaints and losses.
- E-policies, internal investigations.
- Often-overlooked pitfalls.

Don't miss the opportunity to learn valuable information, models and concepts that are likely to become new standards of excellence of human resource management.

**Enroll by April 1st for early-bird registration savings.**

E-mail [info@hrinprint.com](mailto:info@hrinprint.com) for  
Registration Form or Information.

### REGISTER FOR A WORKSHOP IN YOUR AREA

Friday, April 20, 2007

The Cornhusker Marriott  
333 South 13th St., Lincoln, NE

Java Café & Check-in  
8:00-8:30 a.m.  
Workshop—8:30-10:45 a.m.

Registration Fee  
\$89 on or before April 1st  
\$129 after April 1st

For registration form, e-mail  
[info@hrinprint.com](mailto:info@hrinprint.com)

### Workshop Highlights

- HR's important role in e-risk management.
- E-mail just got a lot riskier.
- *Insider threats:* It's not just a disgruntled employee problem.
- Hidden dangers of the Internet.
- Online time-wasters and productivity thieves.
- *Perk or problem?* Lifestyle and status devices.
- Laptops, mobile workforce issues.
- How workers can circumvent Internet-use policies without your detection.
- Employee privacy vs. data and network security.
- *You're fired!* HR and enterprise phishing scams.
- *You're sued!* How social networking and blogging sites can expose employers to legal actions.
- Hot legal topics and e-discovery update.
- Review of data breach notification legislation.
- *Step away from the mouse!* Investigating cases of suspected misuse of computers and electronic assets.
- E-policy and training tips.



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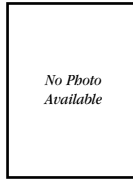
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# LHRMA RESOURCE

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