

REGISTER TO ATTEND BY: NOON FRIDAY, MAY 4TH

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.

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, May 4, 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 by noon on Friday, May 4, 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.***

MAY 8TH LUNCHEON MEETING:

BACKGROUND CHECKING, WHY AND HOW – THEORY, LEGALITIES AND PRACTICALITIES

Panel: Bill Harding, David Luebke, Doug McDaniel and Nancy Biggs

When: Tuesday, May 8

Where: Country Inn and Suites,
5353 North 27th Street

Registration: 11:00 a.m. - 11:30 a.m.

Meal and Program: 11:30 a.m. - 1:00 p.m.

Cost: \$15

Meal: South of the Border Buffet with
dessert choice and coffee, tea
or soda

ABOUT OUR PROGRAM:

BACKGROUND CHECKING, WHY AND HOW – THEORY, LEGALITIES AND PRACTICALITIES

An outstanding panel has been put together to address Background Checking. During the session we will learn several important things about Background Checking. When we should do it, how we should do it and what some legal ramifications are surrounding this process. Then we will have the opportunity to ask the panel members any questions we have on our mind concerning this process.

ABOUT OUR PANEL MEMBERS:

BILL HARDING

Bill is an employment and labor law attorney for Harding & Schulz, P.C., L.L.O. He is a fellow in the College of Labor and Employment Lawyers and serves as Chairman of the Labor Relations Council of the State Chamber and is the General Counsel for LIBA, the Cornhusker Chapter of ABC and the Nebraska Chapter of Associated General Contractors.

DAVID LUEBKE

He is the President of Hirease, a firm specializing in conducting background checks. David has been a meeting sponsor at two separate LHRMA Meetings.

Read More About Our Panel Members on Page 5 of This Month's Issue.

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

BOARD MEETING RECAP:

- Over 200 people at the April meeting.
- Will purchase a lap top and LCD projector for meeting use and Administrative Assistant use.
- May Day basket raffle - fund raiser for SHRM
- State Council looking for a SHRM Director on the State Council.

FUTURE PROGRAMS

June 12: Emotional Intelligence
July 10: Diversity Speaker and workshop
August 14: TBA

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

President's Message

Carmen Wiles, President



As I was looking at my last month's message, I noticed I said that spring was finally here. I guess I was mistaken. Little did I know that I would be very wrong, since the first two weeks of April felt more like winter. I also noticed my message said that I learned to expect the unexpected when it comes to weather in Nebraska. I will consider that a redeeming quote. I now know how meteorologists feel when predicting the weather.

One thing I did predict correctly was how good our April program would be with Scott Christopher from the OCTanner Company. He did a wonderful job and the program evaluations proved it. There was a record crowd, over 210 guests, and he did a great job of presenting the "power of recognition". With his humor and his style of presenting it was a program worth attending. Each attendee also walked back to work with a copy of the book, "The Carrot Principle", a top-seller and an "easy read".

May's meeting should also be worth attending on background checks. We will have a panel of experts from various industries and private and public sectors so I hope you can attend and bring a guest. Now that we are offering non-member rates to attend program meetings we hope that you bring with you someone from your office, which might benefit from hearing this topic. Please see the article in this letter on our new non-member rates.

If you plan to attend our May meeting remember to bring some extra money to buy a raffle ticket to help support the SHRM Foundation and a chance to win a "May basket" The baskets have been donated by member companies so I hope you can

come and check them out and buy a chance at winning one of them while supporting the Foundation.

I want to personally offer my congratulations to Cindy Mefford, our past-president and the other 2006 Board members, who helped the Chapter, achieve the Superior Merit Award. This is something we have achieved over the years but it doesn't just happen. Each year the Board works hard to ensure that we are conducting our chapter activities in accordance with "SHRM" guidelines for chapter operations. Each year we complete a Chapter Achievement Plan application and we have consistently reached this level of achievement. The pressure is on again but I have faith in our Board and committee members that we will again achieve this prestigious award for 2007.

April 15-21 was National Volunteer Appreciation Week and I failed to mention in my message a BIG THANK YOU to all of you who volunteer your time and expertise to the chapter and SHRM to help promote and expand the human resource profession.

I look forward to seeing all of you at our May meeting and I hope you have a great month of May.

Sincerely,
Carmen Wiles
Carmen Wiles

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LEGAL UPDATE

Workplace Law Update

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

Nebraska Wage Payment Law Amended

By now most Nebraska human resource professionals have heard that the Nebraska Legislature adopted LB 255, legislation to address the confusion created by the Nebraska Supreme Court's opinion last year in *Roseland v. Strategic Staff Management, Inc.*, 272 Neb. 434 (2006). The *Roseland* decision held that under the Nebraska Wage Payment & Collection Act ("Wage Act") Nebraska employers must pay accrued unused vacation to departing employees, regardless of what the employer and employee may have agreed to. The decision called into question how other paid leave, such as sick leave, should be treated under the Wage Act.

On April 2, Governor Dave Heineman signed LB 255 into law. The new law clarifies that paid leave other than unused earned vacation does not constitute "wages" that must be paid upon termination unless the employer and employee agree otherwise. The new law also clarifies how commissions are to be treated. "Unless the employer and employee have specifically agreed otherwise through a contract effective at the commencement of employment or at least ninety days prior to separation, whichever is later, wages includes commissions on all orders delivered and all orders on file with the employer at the time of separation . . ." Also, the law amended the Wage Act to provide that upon an employee's separation from employment "the unpaid wages constituting commissions shall become due on the next regular payday following the employer's receipt of payment for the goods or services from the customer from which the commission was generated." Employers must now also "provide an employee with a periodic accounting of outstanding commissions

until all commissions have been paid or the orders have been returned or cancelled by the customer."

The new law carried an emergency clause, meaning it became effective on April 2. At a minimum employers should review their current policies to ensure they are in compliance with the new law, and should consider adopting written agreements for those employees being paid on a commission basis.

Family Military Leave Act is Adopted

On April 4, Governor Heineman signed the Family Military Leave Act into law. The Act, which applies to public and private employers of at least 15 employees, requires the provision of unpaid leave to an employee who is the spouse or parent of a person called to military service lasting 179 days or longer. For employers with 15 to 50 employees, eligible employees are entitled to receive up to 15 days of unpaid family military leave during the time the military deployment orders are in effect. For employers with 51 or more employees, eligible employees are entitled to 30 days of unpaid family military leave. The Act carried an emergency clause, which meant it went into effect on April 4.

"Cat's Paw" Case Dismissed

We recently reported that the United States Supreme Court agreed to hear arguments in a case that would hopefully provide clarity on what's come to be called "cat's paw" liability for discrimination. The "cat's paw" theory of liability in a discrimination case 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 a neutral formal decision maker as a dupe to carry out

a discriminatory employment action. Unfortunately, mere days before oral argument, the employer dismissed its appeal, in part because two other pending "cat's paw" cases purportedly provide a better set of facts for the court to consider this issue.

Creighton Loses H-1B Claim

On March 28, 2007, a Department of Labor administrative law judge ruled against Creighton University's claim that it was entitled to \$115,092 in liquidated damages from a Nigerian national employed by the university. *U.S. Dept. Of Labor v. Creighton University*, No. 2006-LCA-25, Mar. 28, 2007). Dr. Ademola Abiose was permitted to work in the United States under the H-1B visa program, and signed a recruitment agreement with Creighton that contained a 4-year term, and subsequently signed a faculty agreement which contained a 3-year term through June 30, 2005. On June 30, 2005, Dr. Abiose quit his job at Creighton, and Creighton sought liquidated damages against Dr. Abiose for breach of contract. The administrative law judge concluded that Dr. Abiose did not violate the employment agreement because he worked for the full 3 year term, and that the recruitment agreement was a separate agreement not within the purview of the H-1B program. Creighton was ordered to cease its collection efforts on the employment agreement, although the administrative law judge acknowledged that any attempt by Creighton to recover under the recruitment agreement would not be prohibited.

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. 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.

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.nc.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

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

OR CALL **402.441.7949**

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

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!

SHRM's SONS AND DAUGHTERS SCHOLARSHIP PROGRAM

SHRM's Sons and Daughters Scholarship Program provides twenty-four scholarships of \$1,500 each annually to help finance higher education for the children of SHRM members. Applicants may be high school seniors, high school graduates, or first-year college undergraduates enrolled or planning to enroll in a full-time course of study at an accredited four-year college or university. Each award may only be used for the first or second year of undergraduate study. The application deadline is May 15, 2007. More information, including the scholarship application form, is available on the SHRM website at <http://www.shrm.org/sons&daughters/>.

MEETING REGISTRATION OPTIONS CHANGE EFFECTIVE JUNE 1, 2007.

Effective June 1st members will no longer be able to register for the meeting by phone. We learned that very few members registered by phone so we decided to drop this service. Register by replying to our meeting email blasts or by email to lhrma0048@yahoo.com. Meeting cancellations also need to be done by email. This will start with our June meeting.

We decided this would be more effective use of our money since very few members used this option when registering.

Please pass this on to your fellow LHRMA members and potential guests.

BE OUR GUEST AT OUR MONTHLY MEETINGS AND COME AGAIN AND AGAIN!!

The Board made a change to the guest requirement and will now allow guests to attend meetings with no restrictions. If you are not a member of LHRMA you may attend and you don't have to be accompanied by a LHRMA member AND you can come back as a guest as many times as you want. Of course, it would be a better deal if you joined since you will have to pay a non-member rate of \$25 versus our very affordable \$15 member rate. Please tell your co-workers who aren't members about this change and encourage them to attend one or many of our meetings and then encourage them to consider joining LHRMA for only \$50. Guests will still need to register for the meeting by sending a message to lhrma0048@yahoo.com by the registration deadline. They can either pay by credit card through Paypal or by bringing a check to the meeting.



DIVERSITY: THE BUSINESS CASE

Diversity means different things to different companies, organizations, and people. Diversity initiatives have historically focused on equal employment opportunity (EEO) and affirmative employment. We must now broaden our view of diversity to embrace the business, cultural, and demographic dimensions of diversity as well as the legal dimension.

DEMOGRAPHICS

In 1987 the Hudson Institute published **Workforce 2000** and outlined demographic changes that would alter the image of the typical American worker. The report predicted that minorities would increasingly constitute a larger percentage of entrants into the workforce. It also noted that participation of women would continue to rise and that the median age of workers would increase due to the aging baby boom generation. The Hudson Institute's 1997 follow-up report, **Workforce 2020**, discussed many of these same trends and affirmed the need to plan proactively for workforce changes.

In its recent report, **Futurework: Trends and Challenges for Work in the 21st Century**, the U.S. Department of Labor reinforces the Hudson Institute's predictions for a changing workforce:

"By 2050, the U.S. population is expected to increase by 50% and minority groups will make up nearly half of the population. Immigration will account for almost two-thirds of the nation's population growth. The population of older Americans is expected to more than double. One-quarter of all Americans will be of Hispanic origin. Almost one in ten

Americans will be of Asian or Pacific Islander descent. And more women and people with disabilities will be on the job."

THE BUSINESS CASE

Clearly, any organization that wants to be successful in today's world must use diversity to their advantage. Diversity management programs should be recognized as being a critical link in achieving a company's business goals, relative to employees, customers, suppliers, and other stakeholders.

The business case for diversity has two significant elements. First, the labor market has become increasingly competitive. Any company that fails to take steps to recruit among the full spectrum of the labor market is missing a strategic opportunity. Second, the changing demographics of America mean that the public served by the business world is also changing. When companies recruit and retain an inclusive workforce and when individual differences are respected and valued, diversity becomes an organizational strength that contributes to achieving results. Diversity offers a variety of views, approaches, and actions for a company to use in strategic planning, problem solving, and decision making.

Source: US Office of Personnel Management, Reviewed 2004

If you would like more individual help with diversity issues in your workplace, and Directions EAP, LLC 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, LLC would welcome the opportunity to visit with you about your needs. **Call 434-2900 to find out more information.**

ABOUT OUR PANEL MEMBERS:

Continued From Page 1.

DOUG MCDANIEL

Doug is the Director of Human Resources for Bryan LGH Medical Center. He is a Past President of LHRMA and has his SPHR Certification. Doug was also honored by the State Council in 1997 as the Human Resources Professional of the Year.

NANCY BIGGS

She is the Associate Superintendent for Human Resources for Lincoln Public Schools. She has a Master of Education and a Ph.D. from UNL. Among other things Nancy is responsible for the recruitment, selection, placement and assignment of all staff.

Update your 2007 directory with the following changes:

Cindy Thrash
Artisan Creed
6800 Normal Blvd.
Lincoln, NE 68506-6820

Jean Ehrenberg
321 N. 44th Street # 808,
Lincoln, NE 68503
402-466-4150
jehrenberg@neb.rr.com

Kari Andersen
Speedway Motors Inc.
340 Victory Lane
Lincoln, NE 68528
klandersen@speedwaymotors.com
402-323-3247

June Glynn
HR Manager (job title change only)
SCOT Project

New LHRMA Members

Aubrey Schlueter,
Partnered Staffing Mgr.
Kelly Services
schlual@kellyservices.com

Karen Hagelbeberger-Winney
kkwinney@juno.com

Stephanie Coleman
Receptionist
R.U. Nuts Company
runutsco@juno.com

Lisa Neddenriep
P/R Clerk
Pinnacle Bank
lisa.neddenriep@pinnbank.com

Nancy Scattergood
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Anne Golden
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Anne.golden@twcable.com

Tammy Adcock
Consultant
iUniverse
drmom01@gmail.com

*Welcome — you have joined an
outstanding organization!*

MAY BASKETS TO BE RAFFLED

Five multiplied by one equals six ($5 \times 1 = 6$). That's the equation SHRM Foundation Representative Russ Roberts is using to describe ticket sales for the SHRM Basket Raffle. The effort, in support of the Society for Human Resource Management (SHRM) Foundation, will be part of the May 8th lunch meeting of the Lincoln Human Resources Management Association (LHRMA). The basket raffle is a fun way for LHRMA members to support the SHRM Foundation, which in turn supports Human Resources (HR) professionals through research, publications, scholarships and education. Raffle tickets cost only one (1) dollar each or six (6) tickets for five dollars, and will be on sale at the May 8th meeting. Participants get to choose



which basket(s) to drop their tickets into for a possible win. Seven (7) wonderful baskets have been donated by the following organizations: Bryan/LGH Memorial Hospital, Continuum, Kenexa, LHRMA Board of Directors, Lincoln Plating, Madonna Rehabilitation Hospital and Nebraska Wesleyan University *Advantage*. Come to the May 8th meeting prepared to contribute to the SHRM Foundation by purchasing raffle tickets and you may leave with a fun and festive May basket!

LHRMA MEMBER CHANGES

Check and verify your name and address on this month's LHResource 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@familyservicelincn.org or by telephone at 402.441-7949.

SUPERIOR MERIT AWARD FOR 2006

LHRMA has received this award for several years in a row and 2006 was no exception. In order to achieve this award, the following criteria were met when submitting the Chapter Achievement Plan (CAP):

1. Completion of at least 20 of the Chapter Basic Requirements
2. Chapter met minimum affiliation requirements
3. Chapter president attended a minimum of 50% of the State Council meetings held

This was in addition to the following required items on the CAP:

- Samples of proper use of the "Affiliate of" SHRM logo
- The chapter's most recent signed bylaws
- The total exact number of chapter members as of 12/31
- The chapter's annual financial report
- A copy of our chapter membership roster to SHRM

Thank you to all the 2006 Board members for continuing the excellence of our chapter.

SHRM NEBRASKA STATE COUNCIL

presents

STAFFING THE NEW WORKPLACE

INTENDED AUDIENCE

This workshop is for anyone wanting to enhance their staffing efforts through effective practices from the basic human resource models to innovative ideas. Supervisors, Managers, Human Resources or anyone involved in the staffing functions will benefit from this workshop.

CONTENT

- Understanding the staffing model
- Developing an employment brand
- Traditional and innovative recruitment
- Identifying selection criteria
- Conducting behavioral interviews
- And much more....

WORKSHOP REGISTRATION

Friday, May 18, 2007
8:00 am registration, 8:30-4:30 workshop
Strategic Air and Space Museum, ConAgra Foods Theater (I80 exit 426, next to Mahoney State Park)
\$109 SHRM or local chapter members
\$139 Non-members
\$59 SHRM student chapter member
Register on-line at www.shrm-ne.org by May 14th
Contact Barbara Barr 308-534-2100 with questions

ABOUT THE SPEAKERS

Nancy Conway, SPHR, is a senior Human Resource Manager in charge of compliance for Cabelas. She has over 23 years of Human Resource experience in several industries. Nancy received her Master's Degree from the University of Oklahoma. Ms. Conway was previously honored as the HR Professional of the Year. She currently serves as District Director for the SHRM Nebraska State Council.

Sandra L. Maass, JD, a partner with the law firm of Abrahams Kaslow & Cassman, LLP, focuses her practice on employment and business law. She assists clients to develop and monitor human resource programs and provides compliance training. Ms. Maass earned her Juris Doctor from Creighton University School of Law, cum laude. While in law school, she received the Moot Court Outstanding Oralist Award and was a member of the Law Review and Moot Court Board.

**Friday, May 18, 2007 at
Strategic Air and Space Museum,
ConAgra Foods Theater
8:00 Registration
8:30-4:30 Workshop
Register on-line at www.shrm-ne.org
under conferences**

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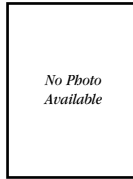
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*No Photo
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LHRMA RESOURCE

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SOCIETY FOR
HUMAN
RESOURCE
MANAGEMENT

SHRM LOCAL CHAPTER 0048

PLEASE CALL VEDA ARMSTRONG AT 402-441-7949,
WITH ANY CHANGE IN POSITION, COMPANY
OR ADDRESS OR SEND HER AN E-MAIL AT:
VARMSTRONG@FAMILYSERVICELINCOLN.ORG