

## ABOUT OUR SPEAKER: LANCE KOENIG

Lance Koenig is EVP-Account Planning at Bailey Lauerman, a marketing/communications advertising agency with offices in Lincoln and Omaha NE. Lance works out of the Bailey Lauerman Omaha office as he is also Account Supervisor on one of Bailey Lauerman's largest clients, Union Pacific Railroad, headquartered in Omaha NE. Lance originally called Bailey Lauerman home in 1997, then left briefly to gain experience at Arnold Worldwide, with offices in Boston, New York, and Washington DC. Lance returned in 2001 to Bailey Lauerman and has been instrumental in growing the Omaha office and leading Bailey Lauerman teams to grow and develop, and partner with clients. He was honored in 2004 by the Midlands Business Journal as one of Nebraska's "40 Under 40".

### BOARD MEETING RECAP:

- 2008 budget was approved
- Year To Date – added 31 new members
- Will wait to make names tags after Directory sent out – wait for name spelling corrections

## March 2008 Meeting

### MARKETING TO TALENT

**Speaker:** Lance Koenig, Bailey Lauerman  
**When:** Tuesday, April 8, 2008  
**Where:** Chez Hay, 210 N. 14th Street

**Registration:** 11:00 a.m. - 11:30 a.m.  
**Meal & Program:** 11:30 a.m. - 1:00 p.m.  
**Cost:** \$15.00  
(parking is provided at Que Street Garage - 11th & Q St.)

**Meal:** Beef or chicken kabobs with vegetables and pineapple, rice, mixed green salad, dessert, coffee and tea.

### FUTURE PROGRAMS

#### May 13 - Legislative Issues

Mark Fahleson Legislative/Current Issues  
Hidden Valley Golf Course

#### June 10 - Diversity Workshop

Mark Butler/ Diversity Speaker - Champions Club

## 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 [julies@tabitha.org](mailto:julies@tabitha.org) throughout the year.

# President's Message

Cathy Maddox, President



*"There is nothing wrong with change, if it is in the right direction".*

-Winston Churchill

Change can sometimes be the hardest thing that we have to deal with. It can be a change in our personal life, or it can be a change such as a merger or acquisition. Or, it can be the football coach changes (a good thing!) I think that we deal with change more often in HR than many other areas. The job description changes, the health insurance carrier changes, the employee changes jobs and companies. Many of the times you have to find a way to help an employee see that a change in their job is a good thing. I remember years ago how skeptical and hesitant my dad was to any automated or electronic way of doing things. My dad was the District Director of Peoples Natural Gas in Fairbury and if the furnaces or air conditioners changed, that was ok. But reading a meter in any other way than a person actually looking at the meter could just not be reliable.

So all of this is leading up to my new job change – after 14 years I am leaving Hampton Enterprises and heading over to Speedway Motors. There is not a lot of correlation between

construction and race cars, but I think I can learn! Our generation (Baby Boomers) does not make a lot of job/career changes. We tend to stay in one place for a long time, perhaps too long. I admire the spunk and confidence of the younger generation to make changes without the agonizing feeling of guilt. (Of course that guilt could still be the nuns rattling around in my head - if you attended a parochial school you will understand!)

With all the fear of change comes the excitement of something new and different. Now if we could just convince all our employees that change can be exciting!

I hope that you enjoyed Aaron Davis at the March meeting. I am really looking forward to what he has to say. Our program committee has lined up a whole year of great speakers, so watch your monthly newsletter, or our website, for more information.

Oh, and if you are wondering or keeping track, it's now 30 days until the spring game, and 163 days until the first home game!

*Cathy Maddox*

## NEW MEMBERS

**Tanya Smith**  
HR Coordinator  
Sadoff & Rudoy Industries, LLP  
smitht@sadoff.com

**Sarah Kahler**  
Project coordinator  
Southeast Community College  
skkahler@southeast.edu

**Sarah Hanson**  
HR Representative  
Valmont Industries  
Sarah.hanson@valmont.com

**Tiffani Trowbridge**  
Asst HR/Recruiting Manager  
National Arbor Day Foundation  
ttrowbridge@arborday.org

**Anthony Rager**  
HR Facilitator  
Cline Williams Law Firm  
arager@clinewilliams.com

Welcome to LHRMA!

## LHRMA MEMBER CHANGES

Check and verify your name and address on this month's LHRResource for accuracy. Please contact Kathy Harper our LHRMA Administrative Assistant, for any of your personal job and address changes. Please either email your changes to Kathy at lhrma0048@yahoo.com or by telephone at 402.483-4581 x 339.

## WHO HAS BEEN IN LHRMA/LPMA THE LONGEST

We are trying to determine which member has been in our Lincoln chapter the longest. That doesn't mean you are the oldest! We are just trying to determine who our senior members are in the Lincoln chapter. Email your information to Lin Blodgett, Membership Chair at linb@nebcoinc.com or call her on (402) 434-1743.



## Coach's Corner

# Networking: Making it Count

by Jane Weddle • Weddle Performance Group

What is Networking really about? It is about building relationships! However, one could perceive that they only really need to network in order to build a business or find a job and if you don't have either of those two needs—than one may assume you don't really need to think or care too much about Networking! It is also an assumption that Networking is just done external of one's company--but in today's world it is becoming essential within the company you work for.

Networking is growing into one of the most essential professional competencies for all employees at all levels.

### An individual may benefit from networking for the following reasons?

- You are the only person in your role at your company and getting other people's thoughts and insights for an idea, project or initiative would really be helpful in moving it forward or finishing it up!

- Being visible will help promote your idea, project, business or initiative.

- You need to expand your customers.

- You know that going to professional meetings is valuable in uncovering resources, gain new ideas, hear what other companies are doing, best practices, and opportunities

- Your company or organization is promoting that everyone gets involved in business development or membership growth.

- You need or want to make a career change.

By promoting networking in the workplace we can help our company by tapping into skills, knowledge, specialties, and expertise that we may not know exists. We hire people for a particular job—example receptionist and we may not know that they are highly skilled in speaking 2 key foreign languages

that would be helpful for the R & D department to tap into when a particular customer comes to visit.

I am sure you could add more benefits to the list! In the book *Make Your Contacts Count* by Anne Baber and Lynne Waymon they suggest that you step back and first assess your skills and mindset about networking. In their book they have eight areas based on a specific area of networking they have one assess themselves on. The eight section self-assessment has questions like:

- I am comfortable joining a group of people who are already talking.

- When I talk to people, I find out something that interest me.

- I have a long-range, strategic plan for my networking efforts in each organization I belong to.

- When someone asks, "What do you do?" I avoid giving my job title.

- The first year I'm a member of an organization, I take an active role by serving on a committee or doing some job.

- At events, I avoid spending time with people from my own organization.

- After an event, I can name at least three valuable pieces of information I've learned from others.

**Networking is defined as:** "the deliberate process of exchanging information, resources, support, and access in such a way to create mutually beneficial relationships for personal and professional success," according to Baber and Waymon. They admit for several reasons networking as collected some negative connotations and first key is to take time to re-educate ourselves about networking and that in turn will help change our mindset.

Many people perceive networking as getting something for themselves—Taking and Baber and Waymon in their book

state there is nothing wrong with that; however networking is really about exchanging something of value—Trading! Through "trading" we learn, we grow, we expand our thinking, beliefs, find out about new approaches as well as resources—we gain ideas, tips or information. Through the interaction--we teach each other about something we didn't know. That is what Networking is about!

The topic of Networking is so broad—so in this article I decided to center it on the question: *Are you making the most of your LHRMA membership---could you be gaining even more than you currently are?*

75% of people when attending a meeting like LHRMA, ASTD, AMA, etc... admitted to sitting with people they came with! **Tip:** Agree as a group before coming to a particular meeting that you are not going to sit with each other. You could even go as far to say that you are going to try to gain one new piece of information of what another organization is doing around XYZ and share it on the ride back to the office!

Once you become a member, the important work of creating relationships begins. You never know when you're going to need that relationship—so it is best to be proactive vs. reactive. **Tip:** Don't just appear, eat and leave—take a few moments to meet one more member that you haven't met yet.

Work on your "conversational flow" **Tip:** Organize some openers—what could say to start a conversation to the person sitting next to you? How did you get into HR? The meeting topic today is about conducting 360 Survey. Is your organization doing anything like this?

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..... *Coaching continued from pg. 3*

Take clichés seriously. You know clichés like: How are you? People reply “great” or “busy” and it is a dead end. **Tip:** It doesn’t have to end, if you then take the initiative to ask an open ended question like: “If you decided tomorrow not to be busy any more, what would you quit doing?” or “What is it about your day to today that is making you feel great?” Work on your “what questions” and get the conversation to flow.

Expand who you know outside of monthly meetings: **Tip:** If you are working on a project or have been pondering a certain question for some time—take the risk and see if you can gain some learning’s or ideas from other people who are members. When was the last time you opened the directory from your organization. Instead of calling the people you already know---challenge yourself to call 2 or 3 new people you haven’t connected with lately for their viewpoint.

Take the initiative: **Tip:** When you sit down at your table and if people aren’t really engaging with each other—ask a question to get the conversation to flow within the group. You could say something like: “Hey, what do you all think about us taking 1 minute each to share our name’s and to have everyone share one thing they hope to get from the meeting today?”

Misconceptions about networking are numerous. Clear your mind of them and adopt a mindset that will help you make great connections. You never outgrow the need to network. What knowledge or skills could you sharpen to enhance yourself as an effective networker?

*Jane Weddle is the Sr. Performance Consultant and Certified B-Coach for Weddle Performance Group. To find out more about the services and products that WPG offers or for more information on other organizational needs, go to [www.partnerinperformance.com](http://www.partnerinperformance.com) or call 402-429-5224.*

## VOLUNTEERS NEEDED!

2008 SHRM North Central Regional Student Conference & HRGames  
University of Nebraska-Omaha  
April 11-12, 2008

SHRM’s Regional Student Conferences provide students with the opportunity to network with HR professionals, explore potential careers in human resources, and expand their knowledge of human resource management. Attendees meet other students, HR professionals, and student chapter advisors within their region to share experiences and exchange ideas.

An integral component of each regional student conference is the HRGames academic competition. The HRGames is a jeopardy style game tournament testing students’ knowledge of a variety of HR topics. This is also a fun way to motivate and prepare students for PHR certification. After a series of initial matches, teams with the best records participate in the championship round for first and second place. First-place teams from each of the five regions receive funding for an expense-paid trip to the SHRM Annual Conference to receive special recognition for their regional victories.

Your help is needed!

**Register online at [www.shrm.org/students/hrgames](http://www.shrm.org/students/hrgames).** Click on 2008 North Central Regional Student Conference Registration

**Register as a Volunteer and specify which volunteer role you prefer:**

*Student Conference Volunteer, HRGames Room Judge, HRGames Scorekeeper, HRGames Timekeeper, HRGames Gameboard Operator, or HRGames Presenter/Emcee*

**Indicate when you are available to volunteer:** *Friday afternoon, Friday evening, Saturday morning, Saturday afternoon, or Friday and Saturday all times*

**You will receive a confirmation email after you complete the registration process.**

**For a Tentative Schedule:** [www.shrm.org/students/hrgames/blankwww.shrm.org/students/hrgames](http://www.shrm.org/students/hrgames/blankwww.shrm.org/students/hrgames)

## REACH OUT TO THE STUDENTS

LHRMA members can use the LHRMA website to advertise Student Internships or summer jobs. The three Students 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 Kathy Harper at: [lhrma0048@yahoo.com](mailto:lhrma0048@yahoo.com).

## 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 an LHRMA member employee, then you can post your Human Resource job opening on our website by contacting Kathy Harper at*

**[lhrma0048@yahoo.com](mailto:lhrma0048@yahoo.com) or at 402.483.4581 x 339.**

*If you are looking for a Human Resource job, then you can check out our website at:*  
**[www.lincolnhhr.org](http://www.lincolnhhr.org)**



**TECHNICAL AAP TRAINING SESSION**

The Midlands Industry Liaison Group is hosting an Affirmative Action Technical Session in Omaha on Monday, May 19. Mickey Silberman, Partner, Jackson Lewis LLP - National ILG Legal Counsel and Michael Sinclair, Director of Statistical Analysis, EEAC formerly with the OFCCP are presenters. Recent trends and compliance issues critical to HR professionals will be addressed. Cost of the workshop is \$125 if registered by April 15 and \$150 to be received by May 1. Reference this registration insert for details. If you have any questions, please contact Gloria Jensen at 402/457-8174.

**2008 Affirmative Action Technical Session****Monday, May 19, 2008****University of Nebraska Omaha  
Milo Bail Student Center Ballroom  
60<sup>th</sup> & Dodge  
Omaha, NE****Free Parking available (no school in session)****REGISTRATION FEE**

(includes breakfast & lunch)

**\$125 "Early Bird" by April 15<sup>th</sup>****\$150 by May 1<sup>st</sup>****FEATURING NATIONALLY KNOWN SPEAKERS:****Mickey Silberman – Partner, Jackson Lewis LLP  
National ILG Legal Counsel****Michael Sinclair – Director of Statistical Analysis, EEAC  
formerly with the OFCCP****Topics suited to both the beginner  
and the seasoned AA / EEO professional**

### SCHEDULE

TIME	EVENT	TOPIC
8:00 – 9:00 a.m.	Registration & Continental Breakfast	Welcome
9:00 – 10:00 a.m.	Keynote Address	Recent Trends and Issues in the Industry
10:00 – 10:15 a.m.	BREAK	
10:15 – 11:45 a.m.	Session 1	Adverse Impact Analysis
		Compensation Analysis
		Test Validation
		Diversity
11:45 – 1:00 p.m.	LUNCH	
1:00 – 2:30 p.m.	Session 2	Mapping the Recruitment and Selection Process
		Adverse Impact Analysis
		Internet Applicant Rule
		Test Validation
2:30 – 2:45 p.m.	BREAK	
2:45 – 4:15 p.m.	Session 3	Mapping the Recruitment and Selection Process
		Compensation Analysis
		Internet Applicant Rule
		Diversity

### REGISTRATION FORM

Name \_\_\_\_\_

Company \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Mail To:** Evelyn Sobczyk  
 Travel & Transport  
 2120 S. 72<sup>nd</sup> Street  
 Omaha, NE 68124

**Please make Check or Money Order payable to Midlands I.L.G.**  
 Federal Tax ID # 39-1978148

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

From February 1 through April 30, 2008, 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 grown in your professions at [www.shrm.org](http://www.shrm.org) or email [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 application and mail it with your \$99 check, made payable to SHRM, to:

Lin Blodgett  
Membership Chair  
PO Box 81066  
Lincoln, NE 68501

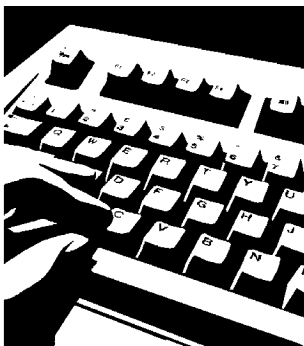
**Do not mail the application to SHRM; we will do that for you.** We will include the subsidy portion with your application and your check for \$99. Enjoy the benefits of SHRM 24/7, 365 days/year online, and stay in the forefront of the HR management profession.

### HELPFUL WEBSITES

[www.disability.gov](http://www.disability.gov)

Here is a link to a press release from the EEOC. They have developed two new Q & A sheets about veterans with service-connected disabilities. One sheet addresses employer responsibilities and the other addresses questions a veteran may have about rights in the employment process.

<http://eoc.gov/press/2-29-08.html>



## MAY BASKETS



April showers bring May flowers, and May brings the annual basket raffle. At the May 13<sup>th</sup> lunch meeting of the Lincoln Human Resources Management Association (LHRMA), festive and value-packed "May" Baskets will be raffled off in support of the Society for Human Resource Management (SHRM) Foundation. The SHRM Foundation is the non-profit organization that funds Human Resource (HR) research, publications, certification scholarships and education efforts to benefit all HR professionals. "Baskets" are being donated by area employers and associations, with themes; such as, *Health and Wellness*, *Stress Reduction*, *Care for the*

*Whole Family*, *Dinner and a Movie* and *Relaxation*. Raffle tickets for this year's "garden" of baskets will be on sale at the May 13<sup>th</sup> meeting, and are still only one (1) ticket for one dollar, six (6) tickets for five dollars. (Note: Six is a better value!) Plan now to bring your wallet and join in the fun of a May Basket Raffle on behalf of the SHRM Foundation and the HR profession

## Reward your Employees With This FREE Benefit.



*Wouldn't your employees enjoy saving on local goods and services they already use?*

By implementing an Employee Discount Benefit Program you'll be joining several of Lincoln's most progressive companies, You can provide this great reward program for a very low cost or even FREE!

I know you're busy, that's why I made it simple and easy for you to get it started.

You can even grow & improve your existing program with this step by step guide.

**For your totally FREE guide to starting an Employee Discount Benefit Program. Contact: Dave Yoakum @ 423-7200**



# MEMBER SPOTLIGHT

## Shawna Hilbert

### How long have you been an HR professional and what have you done?

I've been doing this HR gig for nearly 20 years – yikes! I worked in St. Louis for a food manufacturer with 110 employees for 7 years, moved back to Nebraska in 1995 and worked for Nebraska Boiler, a union manufacturer for 4 years. I have been with the Lincoln Journal Star for eight years as a Regional HR manager with HR responsibilities for six other NE properties and overall fiscal responsibility for one daily newspaper. We have 485 employees in Lincoln and 700 in our strategic business unit in eastern Nebraska.

### What initially attracted you to Human Resources?

I was going to be an Accountant but hated Cost Accounting so I made the switch to HR; which at that time was still part of the Business College at UNL. I still love the opportunity to coach and develop people and every day brings different opportunities and challenges.

### What LHRMA committees are you on or have served on?

I'm currently on the Legislative committee and have helped with Programs and Membership committees.

### What has been your proudest moment in your HR career?

I'm not sure proud is the right term but I find many things highly rewarding – watching a gifted employee grow into a true leader, mentoring and coaching managers, corporate recognition of successful processes, and opportunities to work on corporate HR projects.

### Tell us about your family?

I'm married to my best friend, Rick, and we have two daughters – Abby is 22 and a Senior at UNL and Madison is 10 and a fifth grader at Eagle Elementary.

### Where have you lived?

I grew up in SW NE, lived in Garden City, KS (the name is misleading), St. Charles, MO and Lincoln.

### What do you do for fun?

We are huge Husker fans and enjoy going to all the football games and tailgating! We also enjoy camping, golfing and hanging out with friends and family.

### Who is your favorite movie star?

I'm not a big movie buff but you could force me to watch George Clooney or Matthew McConaughey on a big screen =)

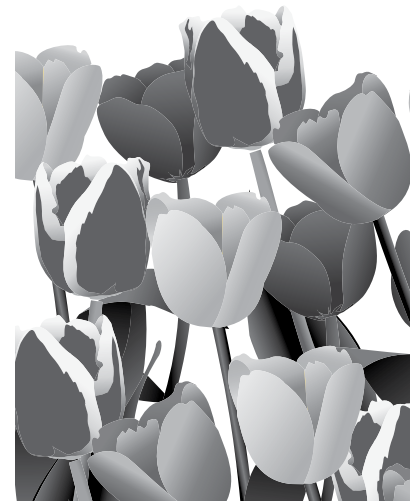
### What is your biggest vice?

I have many including La Paz margaritas, Hot Tamales, White Zin, and tortilla chips



### What advice would you give other HR professionals?

I'm not sure I have any sage advice but I believe it's imperative to work in an organization that respects your contributions and views you as a strategic partner.





## MEMBER SPOTLIGHT



## Carrie Arehart-Sills

**How long have you been an HR professional and what have you done?**

I have been in HR for 11 years. I had an exciting start with my first two jobs at Paramount Linen and Friendship Home. I was the company's first HR person so I created the HR department and developed the HR relationship with management. I then spent two years as the coordinator of UNL's employment office, but missed the job variety and closeness of a smaller organization and moved to General Excavating where I was HR/Safety/Payroll. An opportunity for advancement led to my move as the HR Supervisor at Tri-Con Industries, and then as HR Director at M.I. Industries where, again, I have the exciting experience of starting an HR department for a rapidly growing company.

### **What initially attracted you to Human Resources?**

Even in high school I knew I wanted to go into management. My parents were both factory workers and I would hear about their dissatisfaction with supervisors and management who neglected to ask the people actually doing the job *their* opinion based on their experience with the machine/process on changes/improvements. When I took my first HR management class with Dr. Gary Thorp, I was hooked and knew that was the area of management that I wanted to go into. I was excited about the legal knowledge and care that is needed and the chance to help people grow with the company. I enjoyed it so much that I got a masters degree in Human Resource Management.

### **What LHRMA committees are you on or have served on?**

I have always wanted to get involved, and finally made the commitment this year. I am a member of the Diversity Committee, and the Workforce Readiness Committee, which I have just joined.

### **What has been your proudest moment in your HR career?**

Getting my SPHR!!! I signed up for it months in advance, but never had the time to actually study for it. I didn't tell anyone that I was taking it as I didn't expect to pass the first time, but I did!!! There is also a lot of satisfaction in the rewards you get for taking some chances such as in going with your gut and hiring someone who you know needs a chance but doesn't look good on paper, or from pushing through a satisfaction survey that has never been done.

### **Tell us about your family?**

There is my husband Dan, and our two dogs (Lowell and Ethel) and two cats (Chase and Brady). We own a mobile DJ/Karaoke business, Music Linc, which keeps us pretty busy on the weekends.

### **Where have you lived?**

I grew up on a farm in central Nebraska. I actually went to a one-roomed schoolhouse through 8<sup>th</sup> grade, and then went to high school in Ansley. I came to Lincoln for the reason most people do (to go to college), and stayed for the reason a lot of people do...got married, and bought a house! During college I did a summer abroad in Mexico learning Spanish, and spent a year living in Japan with a host family learning Japanese.

### **What do you do for fun?**

I work my "part-time job" as a DJ. I have been a DJ for over ten years doing mostly weddings and truly find that fun. I get to interact with all types of people in a fun setting, and enjoy helping make a special event more memorable. This job allows me to be a little crazy by letting my alter ego come through!

### **Who is your favorite movie star?**

Matthew McConaughey....all his moves are entertaining and he can pull off both serious and funny characters. Oh, yeah, and he's cute! (can I say that? )

### **What is your biggest vice?**

I have a hard time saying "no" so can take on more jobs than I can complete in a timely manner, or have extra time to work on bigger proactive projects.

### **What advice would you give other HR professionals?**

Just do it! Whether it is taking the PHR/SPHR test or taking to top management a proposal or recommendation that you know will be an uphill battle all the way. Taking the safe route does not help move yourself or your company forward. Even if it doesn't work out the first time, you can learn from the experience for the next time.

## **Company Email System & Employee Litigation**

*by Jack L. Shultz • Harding & Shultz, P.C., L.L.O.*

On October 17, 2007, the Supreme Court of New York (New York County) issued a decision which provides guidance for employers and warnings for employees and their attorneys concerning the use of a company e-mail system. Many employers have established an e-mail policy providing that employees do not have an expectation of privacy when using the company's computer system for e-mails or otherwise. The question presented involved a disgruntled employee who was contemplating litigation against the employer. Prior to his termination, the employee communicated with his attorneys using the company's e-mail system and the potential litigation was the subject of discussion. The specific question presented was whether such e-mails were protected by the attorney-client privilege or the attorney work product doctrine.

### **THE POLICY**

The employer's policy applied to everyone who worked on the company premises including "employees, consultants, independent contractors and all other persons who used or had access to" the company computer system. The policy specifically covered:

1. Systems: All computer systems, telephone systems, voice mail systems, fax equipment, electronic mail systems, internet access systems, related technology systems, and wired or wireless networks which connect them.

2. Information: All information and documents created, received, saved or sent on the computer or communications systems of the employer.

The policy specifically stated that all such systems should be used for "business purposes only" and that employees had "no personal privacy right" in any of the material created, received, saved or sent using the communication or computer systems. The employer specifically reserved the "right to access" such material at any time.

### **THE E-MAILS**

The employee worked for the employer under a contract which provided for substantial severance pay if he was terminated without cause. The employer was of the opinion that the employee was terminated for cause and refused to pay the severance pay. Believing that he was terminated without cause and without receiving any of the specified severance pay, the employee filed an action for breach of contract against the employer. Prior to his termination, the employee communicated with his attorneys by e-mail using his e-mail address at the company. All e-mails were sent over the employer's e-mail server.

### **THE DISCLOSURE**

During the early stages of the litigation on the breach of contract action, the employer's attorneys notified the attorneys for the employee that the employer was in possession of e-mail correspondence between the employee and his attorneys pertaining to the employee's dispute with the employer. In the notification, the employer's attorneys stated that although no one with the employer had read the e-mails yet, the employer believed that any potential privilege attached to the communications had been waived by use of the employer's e-mail system.

The employee's attorneys requested immediate return of the e-mail and stated that the documents were privileged communications and that there had been no waiver. When the documents were not returned, the employee filed a motion for a protective order seeking the return of the e-mails.

### **THE DECISION**

The Court rejected the claims by the employee that the e-mails were made in confidence based upon a state law stating that no communication shall lose its privileged character simply because it was communicated by electronic means. The Court concluded that the state law did not invalidate the employer's policy limiting e-mails to "business purposes only." The Court concluded that the statement on the e-mails from the law firm to the employee that such communications were privileged did not serve to invalidate the employer's e-mail policy to the contrary. The Court also rejected the claim that the e-mails from the attorneys for the employee were attorney work product and therefore confidential, because the Court concluded that the attorneys did not take sufficient steps to protect the e-mails from falling into the hands of the employer.

Finally, the comment by the employee that he did not know about the policy was rejected by the Court as being dispositive since the employer had disseminated its policy to each employee, including the employee in question, and provided continuing notification to employees after that time that employees did not have a "privacy right" in e-mails.

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... Legal continued from pg. 10

**CONCLUSION**

This decision underscores the right of employers to limit the use of their e-mail systems and computer systems for “business purposes only.” Like any other work rule, employers should communicate this policy to all employees and obtain a signed and dated receipt from each employee acknowledging receipt of the policy. Employees still have the right to consult with counsel and bring legal actions if they believe their employer has not treated them properly. However, any communications with counsel and the employee using an employer’s computer system or e-mail system which has been limited to “business purposes only,” will not protect such e-mails from review by the employer under the attorney-client privilege.

*Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jack L. Shultz, can be contacted at 402/434-3000, or at Harding & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, or jshultz@hslegalfirm.com.*

EXTRA!!

# EAP CORNER NEWS

We're here to help.

## Learn to Be a Coach

By Kari Hasemann-Herbert, LCSW, CEAP

Managing is about achieving results through people and if you’re still doing that through traditional management methods instead of coaching, then it’s time to adopt new skills. The biggest difference between managing and coaching is the process. Traditional management techniques involve directing employees, finishing uncompleted or unsatisfactory work, motivating staff, and conducting annual performance reviews.

Coaching follows a different path. Instead of giving the answers or taking over the job, you ask questions to help guide others to learn how. You help employees become self-motivated and offer feedback on a daily or weekly basis. Here are some tips to help you transition from managing to coaching.

- Set mutual goals. Dictating to employees what their goals should be reduces buy-in and accountability. Ask each person in depth questions about career goals and what steps are necessary for achieving them.
- Ask, don’t solve. Ferdinand Fournies, author of Coaching for Improved Work Performance said, “When you do everything yourself, you’re just a technician. When you get things done through others, that’s when you’re a leader.” When an employee comes to you with a problem expecting you to solve it, don’t give advice. Instead, ask guided questions to teach critical thinking skills. Ask, “What are your ideas?” or “What steps would you take?” Your goal is to empower people with good decision-making

skills and reduce their reliance on you for answers.

- Delegate challenging tasks. Part of your job is to grow talent. If you’re still doing everything because “no one else will,” then you’re not delegating effectively. Set aside enough time to teach new skills and when mistakes happen (because they will) coach people through them without taking over. Experience is the best teacher.
- Offer continuous feedback. Research shows that feedback is far more effective when given in a timely manner rather than separated by days, weeks, or months. Change happens in small increments and people need consistent encouragement to stay on course.
- Model strong skills. One of the strongest ways to influence others is to model the growth you are encouraging. Invest in your own personal development through in-depth reading, training, coaching and self reflection. A great book to start with is Primal Leadership: Realizing the Power of Emotional Intelligence

For more information on this and other workplace issues, call Directions EAP at (402) 434-2900 or 800-563-8201. Check us out on the web at [www.directionseap.com](http://www.directionseap.com)





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