

About our Program

News stories are consistently discussing the current health care crisis and the proposed legislation for Health Care Reform. Can there be any one solution to Health Care Reform? What should we be doing today to address some of the concerns of the future as health care costs arise beyond what employers can afford. Brett Sesker, from SilverStone Group, will discuss the latest news on Health Care reform, including the current happenings at the State and Federal level. Brett will also address the latest health care trends, pricing and what health care looks like in the 2010 market.

ABOUT THE SPEAKER:
BRET SESKER,
SILVERSTONE GROUP



August 2009 Program

LUNCHEON PROGRAM TOPIC

HEALTH CARE REFORM

BRETT SESKER, SILVERSTONE GROUP

Presenters: *Brett Sesker- SilverStone Group*

When: Tuesday, August 11, 2009

Where: Country Inn and Suites
5353 North 27th Street

Registration: 11:00 a.m. – 11:30 a.m.

Meal & Program: 11:20 a.m. – 1:00 p.m.

Cost: \$15.00 Luncheon Meeting

Meal: Mexican Buffet

Brett has 19 years of experience in Group Health and Welfare Plans, as well as 10 years of experience at Principal Life Insurance Company in underwriting, product development, project management, alternate funding and managed care. He also worked for two years at SecureCare of Iowa as Director of Sales and Marketing.

He specializes in underwriting, small and large group risk management, alternate funding (including minimum premium and self-funding) product development, project management, medical, dental, life disability and vision benefit programs.

Brett holds Producer's Licenses in Nebraska and Iowa for HMO, Life Insurance and Annuities, Sickness, Accident and Health. He has also earned a State of Nebraska Consultant's license in Life and Health.

With vast experience in group insurance underwriting and marketing, Brett is able to bring value to clients by analyzing their employee benefit programs and making recommendations to create understandable and valuable programs for employers and employees. He also has the skills to negotiate with insurance companies and third-party administrators and to manage the implementation of changes to employee benefit programs.

Brett serves as a board member for Junior Achievement and also for the Elkhorn Public Schools Foundation Board.

President's Message

Cathy Maddox, President



The 2009 SHRM National Conference was recently held in New Orleans and as in the past, the quality of the sessions that were offered was outstanding. I listened to some new presenters, and also went to a couple of sessions that had presenters that I had heard previously. One of these was Clint Swindall, who I've written about before. The 3 minutes of Something Good that we have at every meeting came from one of his presentations. One of the comments that he made that really made an impression on me was – "Every time you have to be right, there is a good chance someone else has to be wrong. And, if you can show me someone you regularly beat in an argument, I'll show you someone who you've made a loser."

This could be so true in so many areas of a person's life, not just our work life. And if you have a stubborn streak (which I admit I do) I can also see where this applies to your own personal life. Now this does not mean that I am now going to become a pushover whenever my husband and I choose to agree to disagree. But I did have to stop and think about the times when maybe I argued just for the sake of arguing so that I could win!

At work I generally do not argue with someone over an issue, but I sure have seen supervisors who have. I think I am going to pass this quote on to all of the managers and supervisors and perhaps they will take some time to stop and think about their own actions.

Another quote of his was – "Every minute we spend time finding ways to celebrate the good stuff is one less minute we spend finding ways to recognize failure". There are over 400

vendors at the National Conference and employee recognition was highlighted more than ever. I think sometimes we hear from management that because of our economy employees should be happy they just have a job. And while I can see this point, I think because of the economy and so much uncertainty we really need to emphasize to our employees how important they are to our organizations.

I had not been to New Orleans previously and I do wish there had been more of an opportunity to see more of the city. Did get down Bourbon Street (no I did not get any beads thrown my way!) which was definitely an eye opener!

The Nebraska State HR Conference is coming up in September, so if you have not registered yet, please remember to do so. There are going to be wonderful presenters and keynote speakers, so I hope you don't miss out.

I hope you are all having a great summer whether you went on vacation or just spent some time at home getting projects completed. And yes, that does mean football is just around the corner! When you receive this newsletter fall practice will have already started, and we will be less than 30 days from the first game. Hmmm, I think I can already hear the chants of "Suuuuuuuuuuu". Guess I need to check my wardrobe and see if I need anything new in the color red. I always tell my husband that I am contributing to improving our economy – he just never seems to see things quite the same way as I do. But I'm not going to argue about it this time!!

-Cathy Maddox

ATTENDANCE DRAWING WINNERS

Who Says There's No Such Thing as a Free Lunch? Congratulations to Todd Hoppe with Wolfe Electric Company. Todd will receive free lunch registration at the August 2009 meeting!

BOARD MEETING RECAP

- Amber Artz is working on a Facebook Page for LHRMA.
- Don't forget to submit names for HR Professional or Employer of the Year.
- Fall Study group for PHR/SPHR will begin August 24.

FUTURE MEETINGS

- September: State Conference
- October: ASTD Duad Meeting
Country Inn & Suites
- November: The Isles–Brad Black,
President HUMANeX
-afternoon workshop
- December: Social - TBA

YOU CAN DO IT!

Plan now for the Fall PHR/SPHR/GPHR Study Group – August 24th thru November 16th. Visit the LHRMA website www.lincolnhmr.org for more information and to fill out the registration form. If you have any questions please contact Melissa Price at mprice@nebook.com.

NEW MEMBER

Donna Wagner
HR Generalist
MBA Poultry
dwagner@smartchicken.com

LEGAL UPDATE

The Trouble With E-Mail

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

Technology is changing the way all of us communicate. The use of text messages and Twitter to organize protest marches after the “elections” in Iran came as a surprise to many. A decision issued (June 16, 2009) by the United States District Court for the District of Idaho reminds all employers, however, to not be surprised by their own e-mails. The second case discussed below issued by a New Jersey court (June 26, 2009) addresses attorney-client confidential communications sent by an employee on the employer’s computer.

CASE ONE

The applicant for employment was 46 years old. The financial services company did not hire the applicant. The applicant filed a discrimination charge with the state and the EEOC claiming age discrimination. After receiving a right to sue letter from the EEOC, the applicant proceeded to federal district court.

The E-Mail

Robin Hood (among others) has been identified as the source of the statement: “I shot an arrow into the air, and it landed . . . I know not where.” Robin Hood may well have been the IT consultant for the employer’s Chief Executive Officer because the CEO mistakenly sent the applicant an e-mail intended for someone else inside the company. The e-mail stated: “Damn . . . Check it out – I don’t know what to think. He must be old – and just looking for something to do.” After receiving this e-mail but not receiving any further response from the company about his application for employment, the applicant concluded that his application had been rejected because of age and filed the discrimination charge referred to above.

The Defense

The company claimed that the applicant could not have been rejected for the fundamental reason that his application was never forwarded to the Hiring Coordinator of the company for consideration. The company claimed that the CEO was so “computer challenged” that he mistakenly returned the applicant’s application directly to himself instead of sending it on to the Hiring Coordinator. In responding to the state agency, the company stated that the applicant was rejected because his application materials showed “aggressiveness.”

The Decision

The federal judge denied the company’s motion for summary judgment and concluded that the applicant had presented “sufficient evidence” for a jury to conclude that the decision to not hire the applicant was motivated by age bias in violation of the ADEA. First, the judge considered the “inconsistent explanations” given by the company for the failure to hire the applicant. The judge concluded that this situation could easily lead to the conclusion that the company’s explanation “is unworthy of credence.” In addition, the court focused on the e-mail and the comment within the e-mail about the applicant “just looking for something to do.” The court noted that this comment suggested that older workers have less desirable motivations to seek work “to just keep themselves busy” rather than being motivated by a desire to work hard and advance their careers. The federal judge concluded that this was a “broad, negative characterization of older workers” and that it was exactly the “prohibited stereotype the ADEA seeks to remedy.”

CASE TWO

On June 26, 2009, the New Jersey Superior Court Appellate Division issued a ruling which may have a substantial impact on employer-employee litigation around the country. The employer in the New Jersey case was sued by a former employee alleging sexual harassment and constructive discharge. The employer provided the employee with the use of a company owned laptop and a work e-mail address during her employment. Before she left her job, the employee communicated with her attorneys about an anticipated lawsuit against the company. The employee used the company laptop to communicate with her lawyers but all of the messages were sent through her personal Yahoo Internet e-mail account which was password-protected.

Company Record or Private Communication?

After the lawsuit was filed, the company extracted and created a “forensic image” of the hard drive on the laptop the employee used. Company attorneys then checked her e-mails and read “numerous” communications between the employee and her attorneys. The employer did not disclose to the employee’s attorneys the e-mail review but did disclose some of the messages in the course of answering discovery requests. The employee filed a request to return all of the e-mails.

The Decision

The trial court denied the plaintiff’s request but the appellate court reversed that decision and ordered that all of the e-mails be returned to the employee because they were protected by the attorney-client privilege. The appellate court also remanded the case to the trial court for a hearing on sanctions against

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the employer, including the possible disqualification of the company's lawyers for having read the attorney-client protected e-mails and not disclosing that fact to the employee's attorneys.

The Impact

It is too soon to know for sure how important this decision will be in employee termination and discrimination cases. However, this decision has already received a great deal of attention and has been the subject of substantial analysis by both plaintiffs' lawyers and defense lawyers due to the increasing use of e-mail information in the litigation of employee termination cases. Nebraska employers should, of course, notify employees that they do not have a right of privacy when using company computers. However, employers should also be aware that most courts will take a strong view in protecting the attorney-client privilege and any employee e-mails which appear to fall into that category should be turned over to the employee, even in the course of a highly contested termination lawsuit.

CONCLUSION

E-mail will continue to play an important role in litigation of all types. A miscommunication is only a key stroke away. Who among us has not hit the send button and frantically checked to see if the message was forwarded as intended (with commentary) as opposed to replying to the original sender? The problem with e-mail? E-mail still requires the human touch and defining its ownership or protected privacy is becoming less clear.

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 for a specific legal opinion on how these standards may apply to their 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.

CONGRATULATIONS!

Congratulations to the newly certified LHRMA members. The following people attained their HR certification in May/June 2009:

- Janet Bauer, PHR
- Christine Bundy, PHR
- Greg Eden, SPHR
- Cresha Henry, PHR
- Michelle Kershaw, PHR
- Kay Krivolavek, PHR
- Angela Kugler, PHR
- Cathy Maddox, SPHR
- Deborah Marshall, PHR
- Jeanne Pence, SPHR
- Melissa Zahourek, PHR
- Chantel Denker PHR



Please take time to congratulate those who passed. This is a fairly difficult exam because it covers a wide variety of human resource issues. The pass rates for the exams are generally 65% for those taking the PHR (Professional in Human Resources) and 55% for those taking the SPHR (Senior Professional in Human Resources). Human Resource Certification is the symbol of professional achievement. Beyond experience and education, the PHR or SPHR designation signifies that you have mastered the HR body of knowledge. Certification also provides:

- National recognition of your professional achievement;
- An aid for career advancement;
- A reminder to peers and co-workers of your professional achievement through the use of your certification designation on business correspondence and by displaying the certificate.

Certification exams are administered via computer during two testing windows each year, May 1st thru June 30th and December 1st thru January 31st. There is a Lincoln location to take the computerized exam. To request a certification handbook or find out more about the exam, visit www.hrci.org. If you would like to enroll in the Fall Certification course starting at the end of August, see www.lincolnhir.org for more information or contact Melissa Price at mprice@nebook.com or 402.421.0402.

Save the Date!
2009 SHRM Nebraska State Conference
Thursday, September 24 & Friday, September 25, 2009
Embassy Suites ~ LaVista, NE



Learn how you too can "go for the gold" at this fun and educational conference. Hear first hand the winning strategies used by motivational keynote speaker and Olympic Gold Medalist, John Naber.

For more information on the 2009 Nebraska State Human Resource Conference, or to register, visit: <http://www.shrm-ne.org/conference.htm>

Slate of Officers for the 2010 LHRMA Board of Directors

The Nominating Committee has selected the following nominees for 2010.

In addition to these nominees, nominations will be accepted from the floor at our regular membership meeting on August 11th. Please be prepared to vote on this slate of officers.

Past President

CATHY MADDOX SPHR



HR Coordinator
Speedway Motors

Past President.....2010
President.....2008-2009
President-Elect.....2007
Secretary.....2004-2006
Membership Comm.2002
Certification Facilitator.....2001-2002
Calling Committee.....1997-1998
State Conference Comm.2004-2006

President

MARK PANKOKE, SPHR



HR Manager
Madonna Rehabilitation
Hospital

President.....2010
President-Elect.....2008-2009
Programs Chair.....2005-2007
Programs Comm.2004-2005

President-Elect / Government Relations Chair

JUDY GANOUNG



Fiscal & HR Director
NE Advocacy
Services, Inc.

President-Elect.....2010
Programs Comm. Chair.....2008-2009
Program Comm.2004-2008

Programs Chair

KELLY WHITE



HR Manager
Lincoln Composites

Programs Comm.2007-2009

Treasurer/Registration Chair

KAREN VOGEL PHR



Employment Coord.
Bryan LGH Medical
Center

Registration.....1995-1996
Programs.....1997
State Conference Comm.1999
Govt. Relations Comm.....2002

Membership Chair

CHANTEL DENKER, PHR



Human Resources
Manager

Hughes Brothers

LHRMA member.....2007
Workforce Readiness.....2008-2009



Secretary

JUDY FISCHER



HR Manager II
Cabela's

Registration.....2008-2009
State Conference Comm.2002-2008

Diversity Chair

BARB BENES, PHR



HRIS Analyst
Novartis Consumer
Health Inc.

Diversity Chair.....2008-2009
Diversity Comm.....2006-2008

Workforce Readiness Chair

TARA JENNINGS, CSP



Professional Staffing
Consultant
Oasis Staffing

Legislative Comm.....2003
Registration Comm.2004-2006
Workforce Readiness Comm.2008-2009
Workforce Readiness Chair.....2009

College Relations Chair

JENNIFER MONROE, PHR



Personnel Analyst
State of Nebraska

LHRMA member.....2005
Workforce Readiness.....2008-2009
College Relations Chair.....2009



Coach's Corner

Recognition A Critical Factor in Tough Times

by Jane Weddle, M.A. • Weddle Performance Group

Everyone needs recognition. It makes people feel appreciated for a job well done, it makes them feel valued—like they matter and make a difference. However, as companies watch expenses and downsize it can be easy to lose site of taking time to emphasize recognition towards their employees. Today we know that recognition is not a “one-size-fits-all” concept. It is essential in our role as HR to assess how employees are being recognized. Recognition to me is action or activity whereas a reward is an item.

There are many types of recognition/reward approaches out there; however the one I want to spend some time on is Day to Day Recognition. When you look around within your organization how much time and emphasis is placed on promoting Day to Day Recognition? Even if the emphasis is there—how is the follow through?

Two years of qualitative research of 5,000 employees and managers by Kathryn Wall and Rosalind Jeffries revealed an unmet need for employee recognition on a personal, day-to-day basis. Seven out of ten employees at all levels said they wanted specific individual recognition for a job well done.

My experience has been that many performance problems are not about whether the employee can't do the job—it is often about motivation to do the job. To identify a motivation problem—I turn to Robert Mager, author of *Analyzing Performance Problems*—one of his key questions he asks to uncover a motivational problem is: Could the individual do this job if his or her life

depended upon it? If the answer is yes—it is a motivational problem. That is where Day to Day recognition comes in—this form of recognition motivates people and meets an important human need—need for positive reinforcement. Employees want to know that their work and efforts are not going unnoticed. I hear employees say all the time—just a simple Thank you goes a long way to making their day. I have talked to employees that go months without a Thank you and they tend to be drained and find it a challenge to keep up the effort at work.

A key component of Day to Day Recognition is positive feedback. It is essential that we coach people on these factors in giving positive feedback.

Timely---don't wait a week to recognize an employee for something that happened today.

Sincere---make sure words, tone of voice and body language model genuine sincerity.

Specific---too many people get told “Great Job”; however great job on what? Be clear on what is being noticed! “Bob—I really appreciated the time you took to develop the plan for recruiting more sales people—it was solid and measurable—Great job!”

Selective---you don't want to overdo it and have your efforts become fake and not sincere. Really look at what behaviors or aspects of the job you want to reinforce or feel are important to increased productivity and make a point to notice them!

Acceptance---often receivers of day to day recognition struggle with the acceptance of this form of recognition—mainly because they aren't used to receiving it—either based on how they were raised and/or their lack of

experience with this type of recognition on the job. Don't give up and don't take it personally.

Coaching Challenge: Identify 5 things you can do in your role to promote/enhance Day to Day Recognition within your company?

Jane Weddle is the Sr. Performance Consultant and Certified B-Coach for Weddle Performance Group. To find out more about the services and products ranging from hiring to development that WPG offers or for more information on other organizational needs, go to www.partnerinperformance.com or call 402-429-5224.

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 lhurma0048@yahoo.com or by telephone at 402.483-4581 x 339.

Update your directory with the following changes:

•Tara Jennings
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402-484-5111
tara@coach2win.biz



Take Time to Smell the Roses

By Kari Hasemann-Herbert, LCSW, CEAP • Directions EAP • Lincoln, NE

The smell of homemade apple pie fills the room. You sit back with pride after organizing your desk. You read a familiar story to your child and mess up all the words just so you can hear him giggle. You pour yourself a tall cool glass of lemonade, sit on the porch or patio and enjoy the sounds of nature. Do any of these things make you smile? When was the last time you took time to “smell the roses”? If you had a list of things that made you smile or laugh, what would be on your “joy” list?

Cultivating joy in everyday living is not something we may often think about. We are too busy getting things “done” or tackling the day-to-day demands and needs of those around us to think about having fun. Real fun is something saved for vacations, right? What if we are having to do a “staycation” this year because of finances? What if you made a decision that you were going to enjoy life every day? What would need to change in your life?

The first step toward living an enjoyable life is the belief that it is possible. Just think how much more enjoyable life would be if we were intentional about creating joy. Most of the time, we don’t stop long enough to think that it is within our power to create something different for ourselves. At the EAP, we see lots of folks who are struggling with stresses of life, finances, grief, and it is often challenging for them to see anything “joyful” in their lives. It’s so easy to focus on the downside of life and be pulled into the “why me, why this, why now” and, of course, our mood soon takes a downward turn. The truth of the matter is that you can be the author of your own life storybook. Do we want our story to be one of misery and resentment or one of joy and happiness? We decide!

What makes you tick? Think back to the

times in your life when you felt totally blissful. What were you doing? Who were you with? Where were you? Dig deep and make a list of as many things, people and places in life that make you smile and feel wonderful. Be as detailed as possible. This is your “joy list.” Now think of things in your life that really drain your energy and put you in a grumpy mood. An example “energy drain list” could consist of things like cold weather, negative people, clutter, loud noises, traffic, overeating. Make a list of people, places and things in your life that deplete your energy.

Now that you have your two lists, start saying “yes” to your joy list and “no” to your energy drain list. Saying “yes” to more joy means you will create more opportunities to experience joy on a regular basis. You will spend time with people you love, hang out in places that fill you up and do things you love to do. Maybe it means you will write a letter to a loved one under a tree with a tall glass of fresh-squeezed lemonade. Perhaps you’ll go for a walk with your best friend, get to know a co-worker better or have a game night with your family. Creating joy can be as simple as watching a good movie, taking a catnap in the hammock, or making ice cream sundaes for dessert.

Saying “no” to the energy drains will require that you set some boundaries in your life to protect your energy. What

personal standards do you need to set to take care of yourself? What agreements do you need to make and keep with yourself and others in order to be at your best? Saying no to your energy drains might mean you plan ahead so you can be on time and better organized, or go to bed early so you have plenty of sleep. Maybe there will be conversations or people you need to politely excuse yourself from. Give yourself permission to decline the activities that take too much from your energy supply. Saying “no” to the energy drains may mean you have to ask for help.

Sometimes in life you have to do things you don’t particularly care to do. At times, you can rectify the problem by changing your situation. You can find a different route to work, or hire someone to do the housecleaning. Other times, you don’t have a choice about life circumstances. Life hands you matters you have no control over. This is when attitude must prevail. Remember, you are the author of your story and you can choose how you are going to respond to the unpleasantness of life. Find ways to make the mundane exciting. Relieve the stress and tension with humor. Soften the sadness and pain with sweetness.

As the days of summer quickly pass, don’t forget to take time to smell the roses! Your EAP is here to help if you need it. We’re just a phone call away!

Deadline Extended

The deadline to submit HR Professional and HR Employer of the year has been extended until July 31. The applications can be found in your July newsletter or at www.lincolnhrr.org. Nominate someone today!



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NEWSLETTER IS PUBLISHED MONTHLY BY THE
PUBLICITY COMMITTEE OF THE LINCOLN
HUMAN RESOURCES MANAGEMENT ASSOC.
IT IS PUBLISHED SOLELY FOR THE USE OF
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