

## ABOUT OUR PROGRAM

Employers are required to begin using yet another revised Form I-9 starting February 2, 2009. The new form contains some significant changes. The use of e-Verify by certain federal contractors is scheduled to be required starting February 20, 2009. Bob will discuss the new I-9, considerations for use of e-Verify, and the status of pending lawsuits to stop the Executive Order requiring use of e-Verify by federal contractors. Looming on the horizon is the Employee Free Choice Act, which would do away with secret ballot elections in union organizing campaigns and require employers to implement wages and benefits ordered by an arbitrator if no agreement is reached with a union. Bob will discuss each of these topics and what they mean for the workplace and for you as human resource managers. Time permitting, Bob also will discuss new FMLA regulations and how to respond to the expansion of the ADA

## February 2009 Meeting

### TOPIC: E-VERIFYING AND I-9 FORMS

<b>Speaker:</b>	Bob Evnen Woods Aitken LLP
<b>When:</b>	Tuesday, February 10, 2009
<b>Where:</b>	The Lodge at Wilderness Ridge 1800 Wilderness Woods Place
<b>Registration:</b>	11:00 a.m. – 11:30 a.m.
<b>Meal &amp; Program:</b>	11:30 a.m. – 1:00 p.m.
<b>Cost:</b>	\$15.00 Luncheon Meeting
<b>Meal:</b>	Grilled Chicken Sandwich, pasta salad, assorted cookies & brownies (I promise this time!) and beverage



## ABOUT OUR PRESENTER

Bob is a partner with the law firm of Woods & Aitken LLP. He was born in Sioux City, Iowa, and grew up in Lincoln. In 1974 he received his Bachelor of Arts degree, with high honor, from Michigan State University. In 1977 he received his Juris Doctor degree from the University of Southern California, where he was a member of the Law Review.

In his practice Bob provides assistance to employers in all facets of labor and employment law, such as –

- general planning concerns, including contract drafting and policy and handbook development;
- counseling management on a course of action in specific, difficult employment situations;
- counseling and representation of management in administrative claims, such as discrimination charges, wage hour audits and OSHA inspections;
- representation of management in civil litigation, such as lawsuits regarding covenants not to compete, trade secret litigation, employment contract disputes and lawsuits alleging discrimination;
- counseling and representation of management in union organizing efforts; contract negotiation; contract administration including grievance resolution and representation in arbitrations.

Bob is a member of the Nebraska and California bars, and the American Bar Association. He is a fellow of the Nebraska State Bar Foundation, former chair of the Nebraska State Bar Association Labor and Employment Law Section, and a former board member of Nebraska Continuing Legal Education, Inc

## FUTURE MEETINGS

- March: Economics/Employment
- April: Diversity Panel
- May: Succession Planning
- June: TBA

# President's Message

Cathy Maddox, President



As I write this, today is the Presidential Inauguration and whether you are Democrat or Republican, or neither, it is still a very historic day. I actually do not like politics all that much (sorry Mark Fahleson!) – it seems as though honesty, integrity and politics do not always go hand-in-hand and that is one of the reasons I avoid politics! However, this is going to be one of those events that our kids/grandkids/etc. learn about in their history books. This is one political event that I will enjoy watching on TV tonight, because there will be a lot of commentary and historical information given and, because it just really is a big event. To see how far our country has come just in my lifetime (no old people jokes please!) is truly amazing. What impresses me, whether with Obama or any other candidate, are their conviction and determination, and their servant leadership. I am awed by people who believe in something so strongly and at the same time believe in themselves. I don't know about you, but there are a lot of times when I question my own stand and beliefs on particular issues.

If you were able to attend, I hope that you enjoyed the January meeting. I know that I took away a number of things from her presentation. On the way back to the office the one thing that I thought about a great deal though was time. How to make more time, how to have more time, how to get more done in the amount of time given. I think we are all doing so much more with so much less, and sometimes it's hard to figure out how it's all going to get done. I know

how to manage my time, I know how to prioritize, but in Human Resources all that gets blown out of the window when you have an employee crisis. And when you have finally dealt with the issue it's hard to get back on track again. Maybe it's that over 50 thing (again – no old people jokes!) when you start to realize how fast time is going and there is no way to slow it down. As my kids would say – mom, you have issues! And they are probably right this time.

The board will be having a strategic planning session the first part of February. I really do like being on this board – we all work toward the same thing – giving our members value for their membership. We want to give you programs that you feel are valuable. We want to be a resource to you. We want to reach out to more people who are in the Human Resource role and show them the value of both LHRMA and SHRM. We will be putting the results of our planning session in the newsletter so you will all know the goals that we have set for ourselves. Lin Blodgett did a fabulous job reaching her membership goal in 2008 – now the rest of us have to work harder at attaining our goals.

See you at the February meeting!

*-Cathy Maddox*

## 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*

*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)**

## SPRING CERTIFICATION SESSION

The Spring HRCI Certification Session will begin February 2 – there is still time to enroll. Application Form is on the web page – **[www.lincolnhhr.org](http://www.lincolnhhr.org)**. If you have any questions about the Spring Session, contact Melissa Price, PHR, at 421-0402 or **[mprice@nebook.com](mailto:mprice@nebook.com)**.

## REMINDER!

Please wear your name badges to the monthly meetings. Thank you!

# LEGAL UPDATE

## The Employee Free Choice Act

by Jack L. Shultz • Harding & Shultz, PC, LLO • Lincoln, Nebraska

As the new administration takes office, there are a number of issues on the legislative agenda that will impact employers. Certainly none would be of broader interest than the Employee Free Choice Act ("EFCA"). On March 1, 2007, the House of Representatives passed its version of the EFCA by a vote of 241-185. The Senate version of the bill was introduced on March 30, 2007, and on June 26, 2007, supporters fell nine votes short of the 60 necessary votes to move to a final vote in the Senate. The Senate version of the EFCA stalled in 2008.

Most commentators believe the EFCA will resurface in 2009. It is organized labor's number one priority bill. Obama's pick for Secretary of Labor Hilda Solis, was a co-sponsor of the House version of the EFCA. It does not appear that it is an issue of if, but when, the EFCA will come before Congress.

If the current version of EFCA were to find favor in the Senate, which many believe it will, the process under which unions organize employees would change dramatically. Currently, unions usually must demonstrate a "showing of interest" in order for the National Labor Relations Board ("NLRB") to set an election. The union can meet its burden by getting 30% of the employees in the proposed bargaining unit at any employer to sign authorization cards. Employers then have an opportunity to campaign and tell employees why the union may not be in the employees' best interests. The next step under the present NLRB process is the election where, in order to be successful, the union must obtain 50% plus one votes of all voting employees. The election is currently conducted by secret ballot.

The EFCA in its present form would allow unions to skip the showing of interest and the secret ballot steps in the current NLRB process (a secret ballot election would be held if card certification was supported by more than 30% but less than a majority of the employees). If the union could get a simple majority of the employees at any employer to sign authorization cards, the representation issue would be over and no election would take place. Many employers would not even know that a union organizing effort was underway until it was too late to campaign and share their views on the issues.

The employer in the above-described circumstances would be required to begin bargaining with the union as early as ten days after the union was certified as the exclusive bargaining representative for the appropriate bargaining unit based upon the card check conducted by the union.

The bargaining process as currently outlined in the EFCA would also undergo major restructuring. The union and the company would be given 90 days to reach a collective bargaining agreement at which time either party could request assistance from the Federal Mediation and Conciliation Service. If no agreement could be reached in 30 days thereafter, the matter could be directed to an arbitrator for a determination of the contract terms, without the right of employees to ratify the contract.

There are several other important provisions of the current House version of EFCA which (1) provides for substantial fines of up to \$20,000 per violation for employers who commit unfair labor practices; (2) seeks to repeal states' rights to declare themselves right-to-work states; (3) mandates employees unlawfully terminated for pro-union ac-

tivity would receive liquidated damages equal to three times their back pay; and (4) suggests if an arbitrator decides the contract terms, the first contract term will be two years in length.

No one can predict what the provisions of any EFCA finally passed might include. However, employers are strongly urged to take a proactive stance and address any issues now which they might not be able to address in the midst of an organizing campaign. Those activities which employers should undertake now include: (1) communicating with your employees to identify any workplace issues and head off potential problems; (2) training supervisors to know what they can and cannot do during an organizing drive; (3) making sure your disciplinary policies and all personnel policies are updated, written and uniformly enforced; (4) reminding supervisors what activities it takes to be a good manager; (5) assessing your organizational vulnerability to a union organizing effort. The time to undertake these activities is now – not when your company is facing a union organizing drive.

Regardless of whether the current version or any version of the EFCA is eventually passed, the actions identified above can only strengthen how your organization functions.

*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.*



## Motivation, Anyone?

By Kari Hasemann-Herbert, LCSW • Continuum EAP Directions • Lincoln, Nebraska

Here we are. February. Some of us made New Year's Resolutions last month, some of us did not. For those who did – how are you doing? Are you still maintaining the motivation to reach those goals? For those who did not make resolutions, why not? Not feeling it? The motivation, that is?

As Human Resource managers, CEO's, supervisors, etc., the leadership "hat" is always on. Where is our motivation level? Are we needing a boost? How can we give one to others in the face of the current trying times?

Webster defines motivating as "to provide with a motive." In your personal and professional life, what exactly is motivation? Why are some people more motivated than others? If you or those with whom you live and work are not highly motivated, what can be done to increase their motivation? These questions and many more have been researched by psychologists, athletes, coaches and educators for years. What is known is that people will pursue behaviors which lead to positive consequences and avoid behaviors which lead to negative consequences. Therefore, motivation is affected, in part, by the positive rewards that result from a specific action. How can we increase the motivation of ourselves and others by increasing positive outcomes and decreasing negative ones?

Suppose that a goal of yours is to learn how to downhill snow ski. You will persevere, even in the face of occasional "setbacks," as long as you

perceive positive outcomes –effortlessly gliding down the mountain in perfect control and blazing glory! Conversely, if each time you fall you become irate with yourself, despairing that you are too uncoordinated for skiing, way too clumsy, or telling yourself you're going to break a bone for sure you're going to give up this crazy idea and at least try to leave the slope intact. Falling is not a negative consequence – it's an inevitable part of learning to ski. The negative consequence, that takes us away from our goal, is in the Self-Talk. Sometimes our best intentions (and New Year's resolutions) get sidetracked by negative self-talk. When goals are set – what are you saying to yourself about the obstacles along the way? Shad Helmstetter reinforces this impact in a book he's written, called What to Say When You Talk to Yourself.

Researcher B.F. Skinner learned about this concept in an experiment with rats. If a rat pressed a lever, it was rewarded with food. And before long, the rat was a busy little lever-pusher. Skinner was known as a behaviorist, and what he discovered was a surefire way to motivate humans as well.

The best rewards are those that meet people's basic needs and wants. What do people want and need? Some general wants and needs are: love and acceptance; satisfaction from work; approval of others; involvement with a group; and feedback on job performance.

The most consistently proven

motivational method is to fulfill personal needs. The following are eight basic personal needs which motivate.

- Belonging. Being part of a group provides us with a sense of comfort, security, and partnership.

- Achievement. To achieve gives our lives purpose, and it reinforces our self-esteem because it demonstrates our competence.

- Advancement. To feel successful, you need to continually expand your personal and professional skills, knowledge and abilities.

- Power. An advance in a career usually means more power or increased authority.

- Responsibility. With responsibility comes respect, both for the person given responsibility and for the person who delegated it.

- Challenge. Feeling challenged to grow mentally and emotionally provides a strong incentive for many people.

- Recognition. Having others know of your achievements is essential. A letter or memo, an award, a gift or a bonus are all forms of recognition which motivate future actions.

- Excellence. Doing an excellent job is often a reward in itself. This explains why millions of workers can find joy in their work even when it's routine.

Maintaining motivation and achieving success is a constant process, never a destination in itself. The famous motivational speaker Zig Ziglar was once chided by a critic saying 'motivation doesn't last – so it doesn't work.' He reminded the person – "bathing doesn't last either, but I still recommend it daily." We all need to keep trying to improve and strive for excellence. Life is growth. We need to constantly monitor our self talk for the results we want.

Successes are to be savored,

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but it's really the journey that our motivation and goal-setting provides that leads to rewarding excitement, fun and ultimately, results! If you are interested in some one-on-one coaching in motivation as you try to achieve a personal goal, consider contacting your Employee Assistance Program. EAP professionals are trained in motivational psychology and look forward to helping others reach their goals.

## CAREER EXPO – VOLUNTEERS NEEDED

The Workforce Readiness Committee of the Lincoln Human Resource Management Association has an exciting event planned for all Lincoln area high school students and their parents. The event is a Career Expo for students to explore different career fields through interactive demonstrations to identify careers of interest.

The following career fields will be represented at the Career Expo: Business, Marketing & Management; Industrial, Manufacturing & Engineering Systems; Environmental & Agricultural Systems; Communication & Information Systems; Health Sciences; Human Services & Resources. For example, KOLN/KGIN will be one of the businesses representing the Communication & Information Systems career field. Another example is Five Willows as one of the businesses representing the Health Sciences career field.

The Career Expo will be held at Southeast Community College – Lincoln Campus on Sunday, February 22<sup>nd</sup> from 1 p.m. to 3 p.m. There will be exciting interactive demonstrations, prizes, and free food. We are looking forward to seeing you at this exciting event!

If you would like to help the Workforce Readiness Committee at the Career Expo, for High School students grade 9 -12, on February 22, 2009 from 1 – 3 PM, contact Tara Jennings at TJennings@OasisAdvantage.com.

### 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](mailto:lhrma0048@yahoo.com) or by telephone at 402.483-4581 x 339.

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## WELCOME NEW MEMBERS!



*Front Left to Right: Bonnie Pulte, Misty Muff, Daryln Hansen, Jeanne Pence, Wes Schotten*

*Back Left to Right: Elizabeth Coker, Rich Patrick, Sarah McVicker*



# Coach's Corner

## Development: Thinking Outside the Box!

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

With the economy—it is more than likely budgets for training will be impacted. So as HR professionals we need to think outside the box for 2009 on how can we still lead training efforts within our organizations? You might even be reading this and thinking “training budget? -- what budget” – because there are those organizations even in good economic times that fail to invest in their people.

Key reasons why development is so vital to an organization’s success is:

- Skill Shortage: 60% of all jobs will require skills that only 20% possess.

- Disengaged Workforce: 26% of the U.S. working population is engaged (loyal and productive), 55% not engaged and 19% disengaged.

- Commitment Factors: Career growth, learning and development are one of the top three commitment factors across all industries and demographics.

- Why They Leave: One of the primary reasons employees leave is because of a lack of learning and growth.

Think beyond “training” to “development”. Training is usually an organized event either a workshop or a seminar—with a specific date and time. It can be in a group or even one on one. It may even be done through a webinar or e-learning. Development is a process. In other words employee development is a broader term that includes training as one, and only one of its methods for encouraging employee learning. A development mindset is one in which you have a willingness to experiment, continually learn and persistently try new things, even if you make mistakes. It is more powerful to

develop a culture and climate of development vs. training

IDP’s --Does every employee have them? Have every employee create Individual Development Plans (IDP’s). IDP’s contain development goals and activities to reach those goals. Look at having each employee identify 2 to 3 development goals and then there would be numerous activities to support each goal. Types of Development Goals:

Acquire a new skill or capability: Learn process management techniques

Change a behavior: Interrupt less and listen more in meetings

Gaining new information: Understand how to use the Internet to reach our customers

Moving to a higher skill level: Expand personal planning skills to planning for the team

Applying skills in new ways: Leverage writing skills more extensively with external customers

So, what are some ways I can lead development within my organizations during tough economic times? What are some activities I can suggest to employees to support their development goals? Here is a list of ideas that require no dollars directly; indirectly the cost is time. Hopefully, the list will trigger additional ideas on your part!

- Identify subject matter experts within your organization and create a resource list of who they are and what their expertise is and share it will employees and encourage them to connect with that subject matter expert to learn from them.

- Give workers the challenge to go to the local library or university library and select a book on a particular topic: leadership, customer service, etc. Set up debrief times to discuss learning’s and applications of those learning’s from

the readings.

- Send out various training topics and see if there are any internal people that would be willing to present to others in the organization on that topic--who knows you may have someone who worked for another organization or internally in the past attended a great seminar on Managing Conflict for example and can teach/share the skills and knowledge they learned! It is amazing what you can put together just from searching Google on a particular topic—lots of free stuff on the web!

- Create a campaign around the concept of Implement Something Every Day—development only takes 5 to 10 minutes. Give every employee a sheet of paper with 2 columns. One column will state: “What situations, people, feelings or events signal that right now is a good time to put a new behaviors into action? The second column will state: “I will take the following development action...” (What new behavior will I try or?) Example: “Every time I feel frustrated that someone is not listening to the work instructions I am giving them...I will ask them if they can summarize in their own words—what I just assigned to them.”

- Rotational Assignments---if feasible see if there are jobs that others can rotate to for awhile to learn a new skill or gain new knowledge

- Shadowing—have employees learn by shadowing others in the organization.

- Identify On the Job Learning opportunities within your organization. Implement the ideas that do not require direct \$ to be spent.

- Have supervisors submit scenarios of situations they have or are encour-

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tering day to day and create a learning group to discuss the scenarios and come up with ways to deal with them. Creating scenarios or case studies can be used with any employee group for learning!

- Offer Internal One on One or Group Coaching--create a flyer telling employees what coaching is and the benefits of coaching and how the coaching program works—again you can find a lot of that out on the web!. You can also see if there are others outside of your HR group that have good coaching skills and offer a variety of coaches for people to choose from. If you email me at [jweddle@neb.rr.com](mailto:jweddle@neb.rr.com) I would be more than happy to share some of the Coaching Start-Up Forms I use with my coaching clients!

- Create a Learning Consortium with other companies and share resources either people and/or materials (videos, books, etc) to offer development opportunities.

- Brown Bag Seminars or BreakTime Seminars—have people bring their own lunch or snack and entice them with a topic of interest!

- Promote Development Journaling or create a Reflection Time Zone (for those who hate to journal) -- where employees reflect on the experiences of their day and record what they learned from the successes of the day, the emotions of the day and the challenges of the day.

- Create Standards of Behavior Forms. Employees identify 3 or 4 competencies they want to improve on like Communication and then identify up to at least 3 behaviors under each competency. An example of a behavior under Communication might be: “Asks questions to learn more about what you are saying”. Create a measurement scale. Have the employee take the SOBF and give it to their development team (individuals that want to see them improve) and have them rate how the employee is doing on improving those competencies and the behaviors identified.

- Promote scheduled “role playing

sessions”—role playing is an excellent exercise for: practicing business situations, analyzing problems, developing soft skills, and improving listening—to name a few!

What more ideas can you come up with? Learning can take place every day on the job. Be it training or development the ultimate end we want to achieve is improved or enhanced HUMAN PERFORMANCE---it can be done with \$\$\$--yes that makes it easier; however it can be done with the investment of time and no actual \$\$\$--just have to Think Outside the Box!

*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](http://www.partnerinperformance.com) or call 402-429-5224.*

## HELP ACHIEVE THE SUPERIOR MERIT AWARD

You can help achieve the LHRMA Chapter Superior Merit Award by notifying Tara Jennings, 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 [tjennings@oasisadvantage.com](mailto:tjennings@oasisadvantage.com) throughout the year.



## ATTENDANCE DRAWING WINNERS

Who Says There's No Such Thing as a Free Lunch? Congratulations to Paula Tompkin with TierOne Bank. Paula will receive free registration at the February 2009 meeting!

## BOARD MEETING RECAP

- Remind members to wear the magnetic badges
- Review 2008 actuals and prepare 2009 budget
- Need more volunteers for Career Expo
- New Certification Director, Melissa Price

## 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).





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# LHRMA RESOURCE

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