

## ABOUT OUR SPEAKER:



Mark Butler is a native of Toledo Ohio. He attended and graduated from Bowling Green State University in 1979, with a degree

in Business Administration.

He joined Marathon Oil Company in 1981 in the Findlay, Ohio office as an Associate Employee Relations Representative. During his 25 years with the Company, Mark has held a variety of increasingly responsible positions within the human resources function. In 2002, Mark was assigned to his current position as Manager of Diversity for Marathon Petroleum Company, a company of over 6,500 employees with locations in 16 states. Additionally, he's done diversity work in Scotland and Equatorial Guinea. In this capacity, he's responsible for the development and implementation of diversity initiatives that create an environment where the talents and differences of all employees are respected and valued for business success.

In addition to his corporate assignment, Mark has consulted with other fortune 200 companies, many regional colleges and universities, local governments and has been a speaker and presenter at national conferences for the American Association for Affirmative Action, SHRM's Annual diversity conference and The Conference Board's session on diversity.

He is an aging triathlete, an increasingly less flexible martial artist and an avid backpacker.

## June 2008 Meeting

### TOPIC: DIVERSITY SPEAKER - MARK BUTLER

**Speaker:** Mark Butler  
**When:** Tuesday, June 10, 2008  
**Where:** Nebraska Champions Club  
707 Stadium Drive (downtown campus)

**Registration:** 11:00 a.m. – 11:30 a.m.  
**Meal & Program:** 11:30 a.m. – 1:00 p.m.  
**Workshop:** 1:15 a.m. – 3:15 p.m.  
**Cost:** \$15.00 Luncheon Meeting  
\$35.00 Workshop  
Total of \$50.00 for both

**Meal:** Chicken Marsala, oven roasted potatoes, Caribbean blend of vegetables, salad, rolls with butter, brownie and carrot cake bites, coffee, tea, and water.

**Parking:** Parking available at the Stadium Drive Parking Garage, 10<sup>th</sup> & T Streets (multi-level parking garage). Bring your parking stub into the meeting for validation.

## ABOUT OUR PROGRAM:

### “THE BUSINESS CASE FOR DIVERSITY”

This presentation is designed for those seeking more clarity regarding the “why” of diversity and its application and impact on an organization. This presentation will:

-Define diversity in a way that makes it applicable and relevant to any organization in the private, public, for-profit and non-profit sectors.

-Demonstrate how diversity has a powerful impact on everyone, regardless of our differences and how diversity directly influences our behavior and performance.

-Explain the nature of “Generational Differences”, why we’re experiencing

the age wave and its impact upon organizations.

-Explore a way to interactively measure and gauge diversity progress.

The presentation is designed and presented in an honest, engaging, non-threatening style that allows the participant to grasp and understand diversity on his/her own without being made to feel guilty or intimidated. It is conducted in a “safe” environment that allows for personal growth and introspection without public disclosure or group scrutiny. The facilitated session is done with the priority of protecting the integrity of all participants regardless of their views and no one is purposely singled out or embarrassed.

Mark M. Butler  
Manager, Diversity  
Marathon Petroleum Company

# President's Message

Cathy Maddox, President



A late Happy Mother's Day and an early Happy Father's Day to all of you! Not a parent?? Think again! Perhaps you are not a parent biologically, but if you are in HR, then the duties and demands of your job probably exhibit more parental characteristics than you thought.

Certainly employee relations is one function that is closely related to parenting. You listen with a sympathetic ear whether the employee is complaining about a co-worker or having challenges with a troubled teenager. Family relations is really not all that much different than employee relations!

So you say you are in comp and benefits and that role has no characteristics? When you are offering benefits to your employees, how many times has an employee asked you the following – "What should I do?" Or, do they ask – "How much can I afford and where should I invest?" Giving advice is one of the things parents do best! (Just don't ask the kids if it was good advice or welcome advice!).

In your HR role you've probably had to discipline an employee for any number of reasons. And you may have had to place that employee on probation. Does that sound similar to being grounded?

At my former employer I was many times referred to as "Mom". While I never had to bail an employee out of jail, I certainly was called upon quite often to be a marital counselor, financial consultant, legal advisor and sympathetic friend.

I say all of this as a way of pointing out that moms and dads, or even primary caregivers deserve to be honored at this time of year. And HR people should also be recognized for their "parental" role. There's an Administrative Assistant Day, a Nurses Day, a Boss's Day – but where is the HR Professional Day? I have not seen any motions being made, or legislation being proposed toward this being a new holiday. Which is why I think Mother's Day and Father's Day should include every one of you!

Thanks so much to all of you that contributed to our May Basket raffle. We had an 89% increase in our donation to the SHRM Foundation over last year! That is absolutely fantastic! Thanks to those that contributed the baskets – without your generous donations we could not have this type of successful fund drive. And thanks to all those that purchased raffle tickets – we hope that those of you that won are enjoying the Ipod, apple pie and coffee!

At the March Duad meeting at the Embassy Suites I found a spiral bound notebook. This notebook just happens to have some very extensive gardening notes, so if this belongs to one of you, please let me know and I will get it to you!

For those keeping track - 107 days away from the first football game (as of May 15)!

*Cathy Maddox*

## BOARD MEETING RECAP:

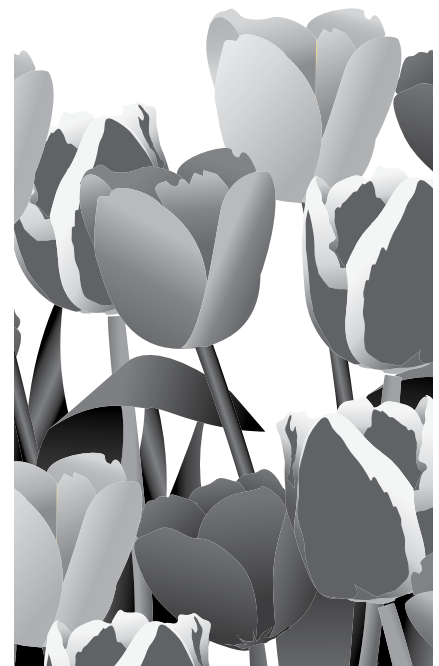
- Start thinking about HR Professional and HR Employer of the year. Applications will be on website soon and at meetings.
- Looking into more Strategic programs
- Received Superior Merit Award for 2007

## ATTENDANCE DRAWING WINNERS

Who Says There's No Such Thing as a Free Lunch? Congratulations to Nate Elgert with Aureus Group. Nate will receive free registration at the June 2008 meeting!

## LHRMA MEMBER CHANGES

Check and verify your name and address on this month's LHResource 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.





## Coach's Corner

# Levels of Decision Making in the Workplace

by Jane Weddle • Weddle Performance Group

Every day at work we are faced with decisions to be made. Leaders are faced with many issues when making decisions and employee perception plays a big role in the outcome of those decisions.

How are your decisions made in your workplace? Workplace experts say that taking time to gather employee input can be worth the effort. Evidence has shown that productivity increases with decisions that are made with employee input. It has been my experience over the years that one key issue with decision making is that others are often not aware of the level of decision making the leader chose to use or that the leader isn't aware of what level of decision making they are gravitating towards when needing to make a decision. I have been approached by workers at all levels with statements like:

*"My manager asked me what I thought and then went a totally different direction"*

*"They just decided with out involving us"*

*"Leadership asked us to make the decision and instead of going with our recommendation, they chose a different alternative"*

*"They ask for our input and then they don't use it"*

*"The criteria that needed to be met in order for our decision to be accepted was not clear, so they moved forward with their choice vs. redefining the criteria"*

*"My team always seems to show little or not buy into my decisions"*

*"I empowered them to make the decision and then couldn't do it—so I decided."*

I am sure you have heard similar statements in your workplace. It has been my experience in working with teams that many times the leader has not clearly defined what level of decision making they are using or have taken the time to share what level they are about to use for a particular decision and communicate it to the team. It has also been my experience that leaders often don't take time to evaluate decisions to get an idea what % of decisions are being made and at what level. Another key factor is making sure you and your team have the skills and knowledge to contribute to effective decision making efforts.

**The Five Levels of Decision Making** You will see that with each level the amount of time and the level of involvement increases.

**Level One: Leader makes the decision alone & announces.** This level takes little time and no involvement. This is used especially in emergency situations where immediate action is critical. Input is not helpful, quick action and immediate compliance is what counts. Unfortunately, some leaders use this level when there isn't an emergency and more time could be taken to involve others and to use another Decision Making Level.

**Level Two: Leader gathers input from individuals and decides.** The leader seeks input, usually to cover blind spots and enhance their depth of understanding around the issue to be decided. Key individuals hold important information and not consulting them would be foolish.

**Level Three: Leader gathers input from team and decides.** Leader holds a team meeting and solicits input from the team—listens to the team's ideas and then takes that information and decides.

**Level Four: Consensus building.** At this level the leader is part of the team and he/she is just one vote/voice among many. The group processes all the decisions involved, compromises positions until everyone is in agreement. Consen-

sus is reached when everyone feels at least 70% comfortable with the decision, feels like their thoughts and opinions have been heard and everyone agrees to stand behind the decision 100%.

**Level Five: Consensus and delegates with criteria/constraints.**

Leader fully delegates the decision to the team and is not a part of the decision making discussions. This level requires the leader to be very clear with the team as to what are the criteria/constraints that must be met for their decision to be able to move forward! Failure to meet that criteria could result in the team being sent back to the drawing board or the leader choosing a "fall back option" and utilize another level for moving the decision forward.

**What is "fall back option":** Within the levels of decision making the "fall back option" is used by the leader when the team can't reach consensus and they need to get involved for certain reasons. I recommend to leaders that they make the team aware of the "fall back option" prior the process. Leaders also need to make sure they don't use it too quickly!

When I share the "Five Levels of Decision Making" with leaders and their teams the following occurs: 1) they start to see and understand one of the many components of effective decision making and the part it plays in their team. 2) leaders start to see the value of clearly communicating whenever possible with the team what level of decision making they are choosing prior to the decision being made so the team doesn't have inaccurate expectations. 3) team members start to see the reasons leaders have to choose one level over the other in certain situation and 4) leaders begin to evaluate if they are relying to much

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on one level over the other and are they using the best level for a particular decision.

**Action Idea:** On a flip chart post the levels of decision making—educate your team on them and then using “post-it notes” have the team write down decisions that have been made over the course of a set period of time—the time period is determined by you. Then have them put the “post-it note” with the decision on the level they perceived to have been used for that particular decision. One team I recall doing this exercise with found that the majority of the decisions were at Level 1 and 2. This was an awakening to the leader of the team—because they perceived they had a pretty good balance among the levels. The leader worked on utilizing more of the levels and the team’s productivity increased!

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

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## 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.

## NEW MEMBERS

Mabi Aida  
HR Coordinator  
Tri-Con Industries LTD  
[Mabi\\_aida@tstna.com](mailto:Mabi_aida@tstna.com)

Katherine Timmins  
Office Administrator  
Software Technology Inc.  
[ktimmins@tabs3.com](mailto:ktimmins@tabs3.com)

Stacy Varga  
Accounting Manager  
Lincoln Children’s Zoo  
[svarga@lincolnzoo.org](mailto:svarga@lincolnzoo.org)

James Klar  
Dir. Occupational Safety & Health  
NE Safety Council  
[jklar@nesafetycouncil.org](mailto:jklar@nesafetycouncil.org)

Denise Ratliff  
Prov. Tas & Record Specialist  
Ameritas Life Insurance Co  
[dratliff@ameritas.com](mailto:dratliff@ameritas.com)

Maggie Schumacher  
HR Representative  
Cabelas  
[Maggie.schumacher@cabelas.com](mailto:Maggie.schumacher@cabelas.com)

Tara Jennings  
Staffing Consultant  
Oasis Staffing  
[tjennings@oasisadvantage.com](mailto:tjennings@oasisadvantage.com)

Gretchen Thornburg  
Chief Fin & Amin Officer  
Lincoln Community Foundation  
[gretchent@lcf.org](mailto:gretchent@lcf.org)

Josette Dalton  
Asst. to the President  
Midlands Financial Benefits  
[jdalton@midfin.com](mailto:jdalton@midfin.com)

Lisa Sliva  
Health Services Manager  
Concentra Medical Center  
[Lisa\\_sliva@concentra.com](mailto:Lisa_sliva@concentra.com)

Welcome to LHRMA!



## Welcome New Members!



★ EXTRA!! ★

# EAP CORNER NEWS

*We're here to help.*



## Time for Vacation - Yeah, Right!

By Julie Gibson, LMHP • Directions EAP • Lincoln, Nebraska

Every day, economists and politicians are telling us gas prices are only going to rise – that means airlines will soar – price-wise that is and many Americans are deciding to put any vacation plans on hold for this year. The recent economic stimulus refund was an attempt to stimulate spending but it's predicted most Americans are using those extra funds just to keep up with the increases in gas, food prices and credit card interest. So what happens to vacation?

Studies have been out for years suggesting **Americans work harder and longer than folks in other countries.** We take fewer vacation days. Americans are far behind the rest of the world in annual vacation days. Italy leads the world with 42 days a year. France has 37, Germany 35, Brazil 34, Britain 28, Canada 26, and South Korea and Japan 25. The U.S. comes in at a paltry 13, according to the World Tourism Organization.

And, the National Survey of the Changing Workforce found in 1997, that **Americans averaged working 8-10 hours per week** more than their counterparts in many European countries. (www.commondreams 1991) Experts tell us the reason is that we have to work harder and forego vacations because we are transitioning from a manufacturing economy to a service economy that requires attention 24 hours a day, 7 days a week. Outsourcing and global competition place even more stress to work harder, longer for less or risk losing jobs completely.

Clearly Americans are taking less vacation time each year. But what are the implications? It's called – stress. **If people don't use their vacation time**

**but continue to work longer hours with even greater work-related stresses, eventually it comes up as sick days or unexpected days off.** As everybody else has to work overtime to cover those absences, it adds to others' stress and we keep repeating the cycle.

A study by Circadian Technologies found that the average overtime rate in extended-hours business in 2004 was 16.2 %- that is almost one extra day of work each week. **With this increase in overtime came an increase in the absenteeism rate** up from 5.8 % in 2003 to 12.4 % in 2004. In general companies with high amounts of overtime had absenteeism rates of 17 %, versus 9 % in companies with low amounts of overtime. (Braun Consulting 2005)

**Less vacation, more absenteeism, more overtime. It seems to be a vicious cycle.** To complicate our issues more, The New York Times in 2006 published a study by Reuters that learned **"The number of Americans who work during their vacations has nearly doubled in the last decade,** with the laptop computer replacing the cell phone as the most useful tool for working on holiday." Edward Hollowell, a psychiatrist and author of "Crazy Busy: Overstretched, Overbooked, and About to Snap!" said the reasons for the working vacation have a positive and negative twist to them. "The good way would be someone who says, 'Look, I really want to get away with my kids, but I do have work to do...I'm going to combine work and vacation,' he said. The bad one would be someone who is just so addicted to work that they can't ever leave it. It's their only way of amusing themselves, and that's a problem," he said.

A study by the Opinion Research

Corporation of 640 randomly selected full or part time workers found that **only 61% of Americans use all of the vacation time** they have coming to them. (NY Times Co.2006)

Despite all the arguments against using our vacation time – like demanding work expectations, can't find the time, can't afford to go anywhere, etc.---**some companies realize it is in their best interests to strongly encourage employees to use their time off.** Sure it stresses the schedule, complicates life in the short run sometimes. But, in the long run –the argument can surely be made that **vacations not taken or skipped, affect absenteeism rates later. Vacations can reduce or perhaps provide the balance needed to prevent job burnout or potential job loss.**

So maybe this is the year to get creative. Maybe we need to adjust how we think of vacation time. **Maybe it's not just getting away as much as changing the routine.** Maybe we'll stay home but do all the cultural things in town we never have time for – the museums, art galleries, the gardens. Maybe we need to play more or take pleasure in long leisurely walks or explore new bike trails. Perhaps you've wanted to learn more about digital photography or want to do something creative in the shop. The issue is restoration, nurturing, time to re-create ourselves.

From an HR perspective, vacations can add stress to the most carefully planned schedules, but in the long run potentially, bring us back a much healthier and balanced employee. So let's embrace, encourage and make it as easy as we can for people to leave their jobs for a break. Everybody wins!

**The ADA and Your Website**

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

Most employers are aware of the Americans with Disabilities Act (ADA), and much that has been written about the ADA focuses on the anti-discrimination provisions of the ADA concerning employment. However, just as the Husker Nation looks forward to some “new developments” on the football field, employers should also be aware of some “new developments” concerning the application of the ADA. The purpose of this article is to make you aware of how your website may be covered by the ADA.

**Public Accommodations**

Title III of the ADA prohibits discrimination on the basis of disability at any place of public accommodation. The ADA identifies the following categories as “places of public accommodation” which are subject to the ADA:

- An inn, hotel, motel, or other place of lodging.
- A restaurant, bar, or other similar establishment.
- A motion picture theater, concert hall, or stadium.
- An auditorium, convention center, or lecture hall.
- A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or retail establishment.
- A laundry mat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a healthcare provider, or hospital.
- A terminal, depot, or other station related to public transportation.
- A museum, library, gallery, or other similar establishment.
- A park, zoo, or amusement park.

-A nursery, elementary, secondary, undergraduate, or post-graduate private school or other place of education.

-A daycare center, senior citizen center, homeless shelter, food bank, or adoption agency.

-A gymnasium, health spa, bowling alley, golf course, or other place of exercise.

Title III of the ADA prohibits discrimination which would preclude any disabled individual’s “full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation.”

**Target.com**

The National Federation of the Blind sued Target Corporation on behalf of a class of blind plaintiffs who were unable to purchase items on Target’s website, “Target.com.” The Federation contended that Target.com was not accessible to blind individuals and lacked the features which would enable the blind to use the website. Recognizing that Internet websites are not included on the “list of 12” described above, the Federation’s legal theory was that “unequal access” to the website denies the blind the “full and equal enjoyment” of the goods and services offered at Target stores, which are clearly places of public accommodation.

Target requested that the lawsuit be dismissed because the Federation did not assert that any blind individuals had been denied physical access to Target stores. Target argued that the ADA prohibits only discrimination occurring on the **premises** of a place of public accommodation and that the ADA applies only to denial of physical access to the physical space of the public accommoda-

tion. The district court rejected this argument and concluded that the services of a place of public accommodation need not occur within the physical confines of the public accommodation itself to be covered by the ADA. The district court also concluded that the purpose of the ADA is **broader** than physical access to the physical space of the public accommodation itself in light of the “full and equal enjoyment” language in the ADA. The district court certified a nationwide class of all legally blind individuals in the United States who attempted to access “Target.com” and have been unable to do so.

**Public Services**

Title II of the ADA requires state and local governments to ensure that their services, programs, and activities are provided in a manner which does not discriminate against persons with disabilities. In a case involving the Metropolitan Atlanta Rapid Transit Authority, the United States District Court for the Northern District of Georgia concluded that the website for MARTA which provided scheduling information for bus and other services must be made accessible to disabled individuals.

**The Hiring Process**

Title I of the ADA prohibits employers from discriminating against a job applicant because of their disability. Some employers are now utilizing websites to recruit employees. On such websites, applicants can file their applications for employment on line and on some websites, computer based employment tests are utilized to pre-screen the applicants or to make hiring decisions. The interpretative guidelines of the EEOC have long concluded that employers may need to make accommodations for individuals with visual impairments which prevent them from reading the test questions on pre-employment tests or for individuals with mobility requirements which

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may prevent them from keying in the answers. Moreover, employers may be required to make accommodations for individuals with mental impairments such as dyslexia which may prevent them from adequately comprehending the questions on the test. If the test is provided on a computer screen through the employer's website, these requirements of the ADA would appear to apply.

**Conclusion**

While not every court faced with Internet or website litigation under the ADA has concluded that the ADA applies, the decision in the *Target* litigation should serve as a very big "wake up call" for employers for two reasons. First, if "services" are provided on the website, it is very possible that the "full and equal enjoyment" clause of the ADA will lead other courts to conclude that

such websites are covered by the ADA and must be made accessible to disabled individuals. Secondly, employers who are using their website to recruit or screen applicants for employment may well be faced with the longstanding interpretative guidelines of the EEOC which require accommodations by the employer for disabled individuals. Employers who have not yet considered the possibility that their website might be covered by the ADA should do so, and the decision in the *Target* case may point in the direction more courts will follow when considering this issue in the future.

*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 wharding@hsdlegal.com.*

**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: [lhurma0048@yahoo.com](mailto:lhurma0048@yahoo.com).

**MAY BASKETS BLOOM AND GROW!**



The annual effort to raise funds for the Society for Human Resource Management (SHRM) Foundation was a super success! Persons attending the May 13<sup>th</sup> lunch meeting of the Lincoln Human Resources Management Association (LHRMA) donated \$543 to the SHRM Foundation, an increase of 89% over giving in 2007. Listed below are the names of the eleven (11) basket sponsors, along with the names of the prize winners. Our LHRMA Chapter and its members are grateful to our corporate friends for providing the excellent baskets for the fund and awareness raising event. **Lincoln Industries, Pamper Yourself Basket** won by Jan Harper; **Nebraska Wesleyan University/Wesleyan Advantage, Life Long Learners Bag** won by Dennis Seaman; **Kenexa, Kick-Start Your Day Basket** won by Connie Butler; **Bryan/LGH Medical Center/LifePointe, Exercise and Wellness Basket** won by Jan Harper ; **Continuum EAP, Training and Consulting, Soothe Your Stress Away Basket** won by Laurie Klosterboer; **Madonna Rehabilitation Hospital, Life Wellness and Fun Basket** won by Kim Doerr; **LHRMA Board of Directors, Bahama Mama Basket** won by Frank Romano; **TierOne Bank, Sports Fan's Basket**, won by Cara Ramaekers; **NEBCO Inc., As American as Baseball and Apple Pie Basket** won by Russ Roberts; **One Source, The Background Check Company, Bath & Body Works Basket** won by Amy Spellman; and **BlueCross BlueShield of Nebraska, Personal Fitness Basket** won by Angie Tucci.

The annual effort to raise funds for the Society for Human Resource Management (SHRM) Foundation was a super success! Persons attending the May 13<sup>th</sup> lunch meeting of the Lincoln Human Resources Management Association (LHRMA) donated \$543 to the SHRM Foundation, an increase of 89% over giving in 2007. Listed below are the names of the eleven (11) basket sponsors, along with the names of the prize winners. Our LHRMA Chapter and its members are grateful to our corporate friends for providing the excellent baskets for the fund and awareness raising event.





# MEMBER SPOTLIGHT

## Diversity Committee & Michele Spadt

### **Barb Benes, PHR** *LHRMA Diversity Chair*

She explains that the group provides an opportunity to discuss current diversity issues relative to employment.

“I enjoy networking with a great group of experts who represent a wide range of perspectives. In today’s workplace, it is essential for the HR professional to venture out of the workplace and witness first hand the realities of their community. Sharing relevant information impacts recruiting, employee moral, and the bottom line – profit.”

### **Leon Holloway**

I enjoy being a member of the Diversity Committee, because I value diversity rather than just tolerate it. My efforts on this committee are to promote efforts that integrate cultural sensitivity where consideration of diversity issues are intuitive and in many cases impact a diverse community. We have a great team assembled, from various working environments and all working towards making a difference regarding diversity.

### **Cheryl Lindner**

I joined the diversity committee mostly because coming from a very diverse workplace at Cook’s Ham; I felt that I had a lot to offer. It’s also a fun way to network with other professionals.

### **Carrie Arehart Sills, SPHR**

I can further develop my knowledge of diversity and diversity issues through sharing of ideas, practices and concepts with other HR professionals who have mutual passions and concerns within the diversity realm.

### **Beth Olson, PHR**

I enjoy being a part of the diversity committee because it allows me to get involved with the LHRMA chapter. The aspect I enjoy most is getting to discuss current issues with other HR professionals and see how other companies of different sizes and industries are dealing with those issues.

### **Tyrone Chatman**

I enjoy being apart of the diversity committee because of the committee members. There are members of different generations and genders, as well as different ethnicities. The group discussions are very interesting and informative because of the diversity of the committee. Also, everyone on the committee is very professional and courteous which makes being apart of the committee very enjoyable.

### **Troy Benneman, SPHR**

I enjoy the people on the committee and Workplace Diversity is an important and interesting topic. It is also an essential component to a successful business. staff and members of organizations and thoroughly enjoyed doing it. I hope to contribute in a small way to enrich LHRMA members’ professional and personal lives. Thank you for the opportunity.



*LHRMA Diversity Committee:*

*Left to Right: Leon Holloway, Cheryl Lindner, Carrie Arehart Sills, Barb Benes, Beth Olson, Tyrone Chatman, Troy Brenneman*



**MICHELLE:** Provide a brief overview of what is recently happened in your HR life.

I recently became the SHRM State Council Director for Nebraska. I began my new position a little earlier than planned, when Laurie McIntosh was selected as the new North Central Regional Manager. I’m very excited to have the opportunity to work with HR professionals across the state and to be a member of the Regional Council.

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

Twenty years. Oh my gosh, did I really put that in writing?? I started my career at a human resource and labor relations consulting firm in Omaha, Troutman & Associates, working with both private and public organizations. It was a great way to gain a broad base of knowledge in many different areas of HR. After 9 years, I moved to Lincoln and became the Human Resources Manager for the Lincoln Housing Authority (LHA). I’ve been fortunate to be here for 11 years and still love my job.



# MEMBER SPOTLIGHT

## Michele Spadt (cont) & Laurie MacIntosh

### What initially attracted you to HR?

Actually, I stumbled into HR when I was completing an internship in the administrative division of the Omaha Police Department. They referred me to the position with Troutman & Associates. I loved the variety in HR and the challenges presented on a daily basis.

### What LHRMA and State Council committees are you on or have served on?

I initially started volunteering with LHRMA at the registration table, and then served as the Membership Chair for the next three years. I moved to the role of Legislative Chair/President Elect, then President and Past President. I have been on the Programs Committee for the past several years. After completing my term as Past President, I was asked to be on the State Council as a District Director, and then Director Elect. I also volunteered at the State Conference for the past several years.

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

There have been many proud and rewarding moments over the years, both big and small. The major ones that I can share are receiving my certification, being elected President of LHRMA and becoming the State Council Director. While these are proud moments, I also enjoy and take pride in daily accomplishments that don't result in external recognition, but are very personally rewarding.

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

I would encourage people to involve themselves in the HR community as much as possible, because the return you get on your investment is huge. Take every opportunity to network with other HR professionals and learn from them. You face a multitude of challenges every day in HR, and the stronger your network of support and available resources is, the more likely you will be to make a consistent, major contribution to your organization.



### LAURIE: Provide a brief overview recent happenings in your HR life.

My new role is that of North Central Regional Manager for SHRM. My primary responsibilities will be to sup-

port the volunteer structure and manage relationships with our Chapters and State Councils, assisting them with strategic and succession planning methods. I will also inform and support SHRM's national and local membership recruitment and retention efforts and serve on the Membership Task Force and be a resource to our at-large members. I will attend State Council meetings and Conferences and am available for Chapter events as my schedule permits. The North Central Region includes Nebraska, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, Ohio, Illinois, Indiana and Michigan.

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

I have been in HR longer than I want to admit, but let's say 15+ years for the record. I started as a personnel clerk/receptionist, then had the opportunity to move into recruitment. From there I moved into a generalist. I've had the opportunity to manage people and projects throughout that time. I've worked in several industries, including healthcare, consumer packaged goods, business to business and banking.

### What initially attracted you to HR?

Early on in my career, I was interested in what the recruitment staff did, so when I got the opportunity to move into a recruiter role, I was hooked on learning more about the job and the HR profession.

### What LHRMA (HRAM) and State Council committees are you on or have served on?

Member, Human Resource Association of

the Midlands (HRAM), 1995-Present, Board Member 2000-2005, Past President 2005, President 2004, 1<sup>st</sup> Vice President (President-Elect) 2003, 2<sup>nd</sup> Vice President 2002, 3<sup>rd</sup> Vice President 2001, Chairperson, Information Services Committee 2000, Member, Job Clearinghouse Committee 1998-2000, Member, Society for Human Resource Management (SHRM) 1998 – Current, Member, Nebraska State SHRM Council 2004 – Current, State Director 2007 – 2008, Member, SHRM Task Force, Attracting New Members to SHRM 2007, State Director-Elect 2006, SHRM Foundation Director 2005, State Conference Facilities Chair 2004 – 2005

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

I'm very proud to be named to my newest role of Regional Manager for SHRM. I've also got to say that being named HRAM's HR Volunteer of the Year in 2003 is certainly one. When Ruth Jones asked me to take on the role of State Director, I was very honored and excited to represent HR professionals in the state.

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

It's a very competitive field so the more you can do to set yourself apart the better. Consider getting your certification, whether it's PHR, SPHR or GPHR. Take advantage of the professional development and networking opportunities that are provided to you through your local chapter and SHRM. You never know, you might find your next opportunity through a contact you met at a chapter meeting.

Hello, I'm Tom Hinds, LHRMA member and work with the NE Child Support Payment Center, Employer Outreach. Recently NE LB620 was passed and signed by Governor Dave Heineman and includes the following: "Employers with more than fifty employees who have an employee with a child support order shall remit child support payments electronically."

Nebraska has become the ninth State to pass this type of legislation and it will go into effect 7/17/08. For further information, please contact myself at (402) 471-1173 or Yvette Frank at (402) 471-1183. We will be happy to discuss this and help you with compliance.

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### **You CAN DO IT!**

Plan now for the Fall PHR/SPHR/GPHR Study Group – August 25 – November 17. Watch the newsletter for the application to apply for the Study Group.

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### **LHRMA WAGE SURVEY**

The survey will be mailed out June 19 and will need to be completed by July 18. Look for the summary report to be mailed out early September.

## **Keep the Doors of Equal Opportunity Open**

*By Timothy F. Shaw, J.D., CEO • Nebraska Advocacy Services, Inc.*

Nebraska has been targeted by a national anti-affirmative action coalition as a battle ground state. Their battle cry is cloaked in the words of "civil rights" and "equality". In fact, the intent of the "Nebraska Civil Rights Initiative" is just the opposite. They are attempting to outlaw affirmative action and create barriers for people, in particular women and minorities, who are working hard to achieve a better life for themselves and their families.

A group of paid petition circulators, hired by a California based organization, is attempting to amend our state's Constitution. Under the guise of "civil rights" this is a veiled effort to undermine the ideals of integration, inclusion and opportunity for all. If this deceptive out-of-state funded petition drive is successful, it will put a proposed constitutional amendment on the November ballot that will eliminate protections currently guaranteed by Nebraska's Constitution.

The proposed amendment would prohibit what it calls "preferential treatment" in public employment, public education, and government contracting. At first blush that may seem fair, however, the consequences



threatens to outlaw affirmative action. In effect it would freeze in place the status quo of discrimination and unequal access experienced by many women and people of color.

Nebraska labor statistics reveal the disparity among workers in management, business and finance. Our total labor force is divided between 90% white workers and 10% minority. However, of the total labor force engaged in management, business and finance, 96% are white and 4% are minority. Women make up 47% of the total work force in Nebraska and yet comprise only 33% of the management, business and finance workers in the state.

The proposed amendment would undercut Nebraska's ability to develop a diverse workforce. It would eliminate scholarships at our colleges and universities targeted to women and minorities. It would also stop affirmative efforts to remove competitive barriers that threaten women and minority owned businesses.

The goal of affirmative action is not to give an undeserved advantage to some – it is to promote institutional integration. The preference of affirmative action is for inclusion, not exclusion; for equal opportunity and not the status quo of prior discrimination. We must not waiver in our commitment to building inclusive communities based on racial, ethnic and gender equality.

Nebraska Advocacy Services (NAS) is a private, not-for-profit organization established to assist people with disabilities and their families in protecting and advocating for their rights throughout the state. It operates federally funded protection and advocacy (P&A) programs and is part of a nationwide network of congressionally created disability rights organizations.

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

***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***

## Horseplay Liability Under Workers' Comp

By Paul E. Larson • [paull@berenstate.com](mailto:paull@berenstate.com)

The January 2008 edition of Laborwatch discussed workers' compensation liability and potential civil liability related to workplace horseplay. In this article, we take a more in depth look at the expansion of horseplay liability in workers' compensation throughout the United States.

Consider whether you believe the following injuries resulting from "horseplay" should be covered by the employer under workers' compensation as injuries that arose out of and within the course of employment:

- Coworker shoots Claimant in the eye with spitball causing injury;
- Coworker playfully hits Claimant's hard hat with hammer causing injury;
- Coworker throws aluminum foil ball at Claimant causing injury;
- Claimant shoots air into body with air gun causing bowels to rupture;
- Claimant accidentally shoots himself with coworker's gun; employer previously aware of gun on premises;
- Claimant sprays water at coworker; coworker throws contents of pail on Claimant, unaware contents of pail are flammable; Claimant is severely burned when lacquer thinner is ignited by nearby flame;
- Claimant suffers fatal injuries when coworkers wire workplace tools to give Claimant an electric shock as joke;
- Claimant suffers fatal heart attack when coworkers play practical joke by staging kidnapping; and,
- Claimant suffers heart attack when coworker throws vine at Claimant and yells "snake."

If you answered yes to all of the above, you are correct. The respective workers' compensation court in each of the above situations found that the injury from horseplay arose out of and within the course of employment. Historically, an employer or court rarely denied an injury from horseplay on the basis that it did not arise out of employment because the act was usually committed at the time and place of employment. Interestingly, however, courts across the United States pre-

viously ruled against horseplay acts similar to the examples outlined above on the basis that the resulting injury did not occur within the course of employment. Specifically, the courts reasoned that the resulting injury did not result from a risk within the scope of the respective employee's job.

Today, most, if not all, states recognize horseplay as an incident of employment and, as such, generally accept that the resulting injuries occur within the course of employment. For example, most recently, in 2006, the Supreme Court of Kansas realized the need to adopt a change in its view of horseplay to regain consistency with the majority of states. Before Kansas, Nebraska joined the majority by recognizing injuries from horseplay in *Varela v. Fisher Roofing Co., Inc.* In *Varela*, the Claimant engaged in an arm wrestling match with a coworker, during which the two fell off a skylight onto the ground. Claimant suffered a severely fractured ankle from the fall. In support of finding the injury compensable, the Nebraska Court of Appeals stated that the deviation from employment was momentary, insubstantial, reasonably incident to employment, and created no formidable independent hazard of injury.

Obviously, not every horseplay act is compensable. Situations exist where the injured employee's actions constitute more than mere negligence or a minor deviation from employment. For example, the Wisconsin Court of Appeals affirmed in *Nigbor v. Department of Industry, Labor and Human Relations*, that the employee abandoned his employment duties and created an extremely hazardous risk when he placed his head between an overhead plate and an empty sand mold box on his rapsqueeze molding machine. Unfortunately, the employee accidentally hit the activating lever of the squeezer machine when showing off to coworkers, which resulted in fatal neck and head injuries. Similarly, the Arizona Court of Appeals in *Anderson Clayton & Co. v. Industrial Commission of Arizona*, held that an employee's act of showing off on his bike and jumping 70 feet off a conveyor belt into a pile

of cotton seed was a substantial deviation from employment.

The lesson to employers is to understand that while horseplay injuries are generally compensable today, every employer should carefully investigate each accident to determine any available defenses and to help eliminate similar horseplay acts in the future. As part of the investigation, the employer should gather facts and testimony to help determine the extent and seriousness of the horseplay deviation, the completeness of the deviation, the extent to which the practice of horseplay has become an accepted part of employment, and the extent to which the nature of employment might be expected to include some horseplay. Together, answers to these questions will help the employer and its insurance carrier and/or attorney determine any potential defenses as well as the likelihood of successfully defending the workers' compensation claim.

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*Berens & Tate is a law firm with a nationwide practice specializing in labor relations, employment litigation, immigration, and human resource management.*





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**LOCAL CHAPTER 0048**

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