

REGISTER TO ATTEND BY: NOON FRIDAY, OCT. 6TH

Members that receive e-mail notification of upcoming meetings and workshops can now register by replying to the notice. When replying, put "Registration" in the subject line. The body of the message needs to include the name of the person registering. If more than one person from an organization is attending the meeting, the e-mail can include multiple registrant names. Be sure to indicate if someone is a guest.

For those members that do not receive e-mail notification of upcoming meetings, you can also register via e-mail by sending a message to: lhrma0048@yahoo.com.

Members can still register for meetings by calling LHRMA's automated voice mail system at 434-6554.

The same registration deadlines, late and no-show fees still apply if you register by e-mail or voice mail. The deadline to register for this meeting or to cancel your registration is by **noon on Friday, Oct. 6, 2006. Let us know if you plan to attend.**

Remember... cancellations need to be called in to the voice mail system at 434-6554 or by email at lhrma0048@yahoo.com by noon on Friday, Oct. 6, 2006. Remember...if you registered but do not attend the meeting, you will be charged an extra \$5.00 in addition to the cost of the meeting! Accommodating for late registrations cause a big problem for the restaurant in terms of providing enough food and seating space for late registrants. Please try your hardest to register by the noon deadline.

AUGUST 8TH LUNCHEON MEETING:

MEDIATION AS AN OPTION

- Speaker:** David Hubbard, J.D.,
Nebraska Mediation Center
- When:** Tuesday, October 10, 2006
- Where:** Firefighters Hall, 241 Victory Lane
(access from Sun Valley Blvd)
- Registration:** 11:00 a.m. - 11:30 a.m.
- Meal & Program:** 11:30 a.m. - 1:00 p.m.
- Cost:** \$15.00
- Meal:** Choice of Sandwich, fruit, pasta salad,
coleslaw, dessert and beverage

Many thanks to Ryan Swinton with Midlands Financial Group for sponsoring our October meeting! Please see their ad elsewhere in this newsletter.

ABOUT OUR PROGRAM:

MEDIATION AT WORK:

What is with all this conflict in the workplace and why should we care? What are the real costs of conflict? What can we do about it? You have heard about appropriate dispute resolution but what is mediation and how is it different than litigation or arbitration? Mediation helps resolve conflicts in the workplace by helping people understanding where each other's perceptions come from, and understanding how those perceptions affect each person's approach to dealing with the issues between them. Could mediation really save you and your organization time and money? Learn more about this exciting dispute resolution option.

ABOUT OUR SPEAKERS:

DAVID A. HUBBARD, J.D.

David is Director of Facilitation and Training at The Mediation Center, with past experience as an attorney, business executive, adjunct undergraduate professor, private mediator and facilitator; he is approved as a local rule 4.3 mediator in Douglas County, and approved as a federal mediator. David's mediation and facilitation skills have been refined through hundreds of hours of training through the likes of Harvard's Program on Negotiation, Federal Mediation and Conciliation Service, American Bar Association, and hundreds of mediations and facilitations. David is a member of ASTD and an Executive Committee Member of the Alternative Dispute Resolution section of the Nebraska State Bar Association. David is a trainer for the Nebraska Mediation Center Association and teaches mediation at the University of Nebraska, College of Law.



President's Message

Cindy Mefford, President



Hopefully by the time you receive this newsletter, you have recovered from the information overload from attending the State Conference. I also hope that you learned something new and beneficial in the HR field that is applicable for you and the company you work for. Perhaps you even generated a new contact, did some networking or even made a new friend or two. And what an array of expert speakers! Two former SHRM Presidents & CEOs, Michael Losey & Michael Lotito and then ending the conference with the "Ambassador of FUN", Tony Brigmon of Southwest Airlines. All three were very impressive.

Our October meeting will be "Mediation as an Option" with the Nebraska Mediation Center presenting. We will be trying a new location, the Firefighters Hall, and a new caterer so please let us know what you think! We will also be recognizing our Past Presidents who have developed our organization into what is today.

The President's role is to ensure that the association achieves the educational and professional expectations of the membership, organize busy volunteers, and fulfill numerous responsibilities to the State Council and

SHRM. Please take a moment to peruse the list of past presidents and join us this month in extending our gratitude for their time and dedication.

In this issue of the LHRMA Resource, you will find the 2007 slate of officers. October signifies the start of the change in leadership for LHRMA. We work hard to set a slate by October so that LHRMA can send our 2007 President and President-Elect to the SHRM leadership conference in November, as well as prepare transition duties in December. Preparing new board members early will assist LHRMA in maintaining quality programs and events. Please take time to review the 2007 slate and be ready to vote at our November meeting. With only two new nominees to the Board and the rest are returning Board members, I'm sure you'll agree we have some experienced and talented volunteers ready to step into the Executive Board positions.

Hope to see you at the meeting!

Cindy Mefford

HR TIP Employee Newsletters

As globalization, telecommuting and job sharing change the very definition of "workplace," it is becoming increasingly difficult for employers to communicate with their workforce. In response, more HR managers are turning to newsletters to communicate company news, create a feeling of unity among employees spread out over various locations and get the word out during times of change. SHRM's Information Center has compiled resources, including ideas for locating free content, to help you develop or improve an employee newsletter.

HR RESOURCE ARTICLES

WE WELCOME YOUR ARTICLES.

IF YOU HAVE SOMETHING THAT IS NEWSWORTHY FOR OUR NEWSLETTER PLEASE SUBMIT A REQUEST TO PUBLISH YOUR INFORMATION.

YOU CAN DO THIS BY SENDING IT E-MAIL TO THE SECRETARY/PUBLICITY CHAIR, CATHY MADDOX AT: CMADDOX@HAMPTON1.COM

SHRM News

SHRM STUDENT CHAPTER HAPPENINGS

SHRM at Doane College -

This is the Doane Student chapter - with the display board that was created by the Workforce Readiness Committee and given to all three student chapters to use for recruitment of HR students into the SHRM Student Chapter. The theme was "come grow with us" and it is a stalk of corn and there are seven ears - which represent the seven areas of HR body of knowledge - from SHRM. In the picture (left to right) are Abbey Draeger, Vice President for Speakers and Events and Chelsey Evenson, President.



SHRM at NE Wesleyan -

Nebraska Wesleyan participated in the annual recruitment fair, and have elected a new president for their student chapter - Shelby Trautman.

BOARD MEETING RECAP:

- Discussed posting of HR positions on the website by nonmembers
- Submitted Workforce Readiness Student Fair Involvement for a Pinnacle Award
- Need to keep an eye on PayPal charges to see if adjustments will need to be made.
- Midlands Financial will be a sponsor of our October meeting.
- Board luncheon will be December 5th, location TBD.

LEGAL UPDATE

Complying with ADA Requirements for Employees with Cancer

by **HARDING, SHULTZ & DOWNS** • *Lincoln, Nebraska and Denver, Colorado*

Employers are often confused about their obligations under the Americans with Disabilities Act (ADA) when they are faced with employees who have cancer. The Equal Employment Opportunity Commission (EEOC) recently issued a fact sheet to address common questions on the subject. To comply with ADA requirements, employers must be aware of when cancer is considered a disability, whether employers can obtain and disclose medical information, what types of accommodations need to be made, and what they can do about safety concerns.

Cancer as a Disability Under the ADA

Cancer is considered to be a disability under the ADA “when it or its side effects substantially limit(s) one or more of a person’s major life activities.” Side effects can include nausea and fatigue from treatment and can also include emotional effects, such as depression. If these side effects substantially impair one or more of the person’s major life activities, cancer is a disability for the purposes of the ADA. For example, following a lumpectomy and radiation for aggressive breast cancer, a computer sales representative experienced extreme nausea and constant fatigue for six months. She continued to work during her treatment, although she frequently had to come in later in the morning, work later in the evening to make up the time, and take breaks when she experienced nausea and vomiting. She was too exhausted when she came home to cook, shop, or do household chores and had to rely almost exclusively on her husband and children to do these tasks. This individual’s cancer is a disability because it substantially limits her ability to care for herself.

Even if the disease does not substantially affect a person’s life activities, it is a disability if the employer treats the individual as if it does. For example, an

individual with a facial scar from surgery to treat skin cancer applies to be an airline customer service representative. The interviewer refuses to consider him for the position because she fears that his scar will make customers uncomfortable. In basing her decision not to hire on the presumed negative reactions of customers, the interviewer is regarding the applicant as substantially limited in working in any job that involves interacting with the public.

Obtaining and Disclosing Medical Information

Under the ADA, an employer cannot inquire about a job applicant’s medical condition and cannot condition a job offer on a medical exam. The employer is also prohibited from asking whether the applicant has or ever had cancer, whether the applicant is undergoing or has undergone treatment for cancer, whether the applicant has ever taken leave for medical treatment, and how much sick leave the applicant took at a previous job. The employer is allowed to ask questions relating to the job requirements, such as whether the applicant can lift up to 50 pounds, whether the applicant can travel, or whether the applicant can work rotating shifts. If an applicant voluntarily discloses that he or she has cancer, the employer cannot ask questions about the treatment or prognosis, but can ask if an accommodation is needed if the employer reasonably believes that an accommodation will be necessary to perform the job.

Once an employer makes a job offer, the employer can ask questions about

the person’s health and can require a medical exam, but only if all applicants for the same position are treated the same way. The employer cannot use this information to withdraw the offer of employment as long as the applicant can perform the essential functions of the job without posing a direct threat to safety. To make this determination, the employer can ask questions related to treatment and side effects that may affect job performance.

After an applicant is hired, the employer can only require the employee to have a medical exam or ask medical related questions if the employer “has a legitimate reason to believe that cancer, or some other medical condition, may be affecting the employee’s ability to do his or her job, or to do so safely.” If an employee is on leave due to cancer, the employer may ask for medical information only if the employer reasonably believes the person’s job performance may be affected. If an employee asks for an accommodation, the employer can request documentation if the need for accommodation is not obvious.

Any medical information the employer receives must be kept confidential. This means that an employer cannot disclose to other employees that one of their coworkers has cancer. However,

Continued on Page 8.

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Saint Elizabeth Physician Network

1000 W. O St. Lincoln, NE 68528 402.475.6656 companycareonline.com

Slate of Officers for the 2007 LHRMA Board of Directors

The Nominating Committee has selected the following nominees for 2007.

In addition to these nominees, nominations will be accepted from the floor at our regular membership meeting on November 14th. Please be prepared to vote on this slate of officers:

Past-President

CINDY MEFFORD, PHR



Director of Human Resources
Eastmont Towers

President..... 2006
 President-Elect..... 2005
 Treasurer/Registration 2002-2004
 Membership Committee 2001
 State Conference Comm. .. 2000, 2002
 Job Fair Co-Chair 1999

President

CARMEN WILES, PHR



Human Resources Manager
Cooperative Benefit Administrators, Inc.

President-Elect..... 2006
 Membership Chair..... 2004-2005
 Secretary/Publicity Chair..... 2002-2003
 State Conference Committee 2000

***President-Elect/
Government Relations Chair***

CATHY MADDOX, PHR



Human Resources Coordinator
Hampton Enterprises, Inc.

Secretary..... 2004-2006
 Membership Committee 2002
 Certification Facilitator..... 2001-2002
 Calling Committee..... 1997-1998
 State Conference Comm. ... 2004-2006

Programs Chair

MARK PANKOKE, PHR



Director of Operations
John Henry's Plumbing,
Heating & AC

Programs Committee..... 2004-2006

Treasurer/Registration Chair

KARI ANDERSEN

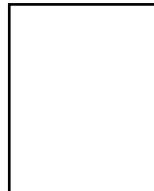


Human Resources Director
Security Financial Life Insurance

Treasurer/Registration 2005-2006
 State Conference Comm. ... 2001-2004

Membership Chair

KARA M. STRONG, CPC



Senior Account Manager
The Aureus Group-
Finance & Accounting

Registration Committee..... 2004-2006

Secretary

ELLY HARDEKOPF, PHR



Senior Human Resources Generalist
Molex

Workforce Readiness Chair . 2005-2006
 Certification Facilitator..... 2001-2004
 State Conference Comm. .. 1998, 2002

Diversity Chair

JOYCE WELSCH, JD, SPHR



Affirmative Action Director
Lincoln/Lancaster/LES

Diversity Chair..... 2005-2006
 Diversity Committee 2001-2004

Workforce Readiness Chair

JULIE SINGH



Personnel Officer
State of Nebraska, DAS
- HR Central

Workforce Readiness 2006

PAST-PRESIDENT RECOGNITION –

At our October meeting we will be recognizing those individuals that have helped build and mold our outstanding association. Because of their involvement and leadership, we are the strong chapter that we are today. If you see or know any of these individuals, please tell them thank you for all that they have done.

Our past LHRMA presidents, whom we pay tribute to this month, are:

William Stenton 1953	John D. Beecham, 1966 (deceased)	Sally Schneider, 1980	Nancy Conway, 1994
Walter F. Roberts 1954 (deceased)	Earl R. Fell, 1967	Reid E. Devoe, 1981	Judy Backhaus, 1995
R. "Max" Peterson 1955	Walter J. Mitchell, 1968 (deceased)	Patricia A. Kant, 1982	Chris Matousek, 1996
Victor Seymour 1956 (deceased)	William M. Cords, 1969 (deceased)	Bob Hanrath, 1983	Peggy Storm, 1997
Richard M. Bourne 1957 (deceased)	Joseph R. Ruschetti, 1970	Neal Westphal, 1984	Rebecca Ferguson, 1998
R.D. Andersen, 1958	Stuart A. Maseman, 1971	Connie Soucie, 1985	Mary Crook, 1999
W. Tom Tomkins, 1959	Jerry L. Sellentin, 1972	Chriss Lloyd, 1986	Laurie Kortum, 2000
Ann Scott, 19960	Harvey Schwartz, 1973	Linda Shafer, 1987	Trish Reimers, 2001
Joe Hartley, 1961	Ray Oepping, 1974	Kent Mattson, 1988	Toni Beyer, 2002
Don Fahleson, 1962	Georgia Schmitt, 1975	Lovie Magruder, 1989	Ruth Jones, 2003
Dave Hendricks, 1963 (deceased)	James P. Spangler, 1976	Doug McDaniel, 1990	Chris Ganz, 2004
Roy Loudon, 1963	David L. Bornholdt, 1977	Cheryl Vavra, 1991	Michele Spadt, 2005
James E. Geist, 1964	Linda G. Larsen, 1978	Jane Goertzen, 1992	
Robert Murphy, 1965	Dick Whitcomb, 1979	Dennis Seaman, 1993	

Fall 2006 Professional Development Workshop

Topic: Building the Strategic HR Function - The Nuts and Bolts of Adding Value

Speaker: Ray Weinberg, Silverstone Group, SPHR, CCP

Date: Tuesday, October 17, 2006 ~ 8:00 a.m. – 11:30 a.m.

(PLEASE NOTE - THIS IS NOT THE SAME DAY AS OUR MONTHLY MEETING!)

Location: Cornhusker Marriott, 333 South 13th St., Lincoln, NE

Cost: \$35 for LHRMA members
\$50 for non-members

General Outline for the Workshop

This comprehensive session will focus on how to develop a strategic human resource function in any organizational environment. It will be an in-depth session with hands-on skill development in areas critical to strategic HR. It will also provide the necessary tools to develop a value-adding HR function. This workshop includes:

- Developing a strategy
- Building support for being strategic
- Creating an HR strategic role
- Issues with popular HR strategies
- Developing HR competencies and capabilities necessary to execute the strategy
- Aligning the components of HR strategies
- Measuring the effect of strategy on the organization

CEUs:

Will be available, application in process. Please note - the CEU's will be especially helpful for all SPHR's, as it is in regards to strategic, for those of you that are recertifying!

Registration Deadline:

October 13, 2006, space permitting. (Number of participants will be limited by the room size)

Please register by calling LHRMA's automated voice mail system at 434-6554, by email at lhurma0048@yahoo.com, or register online at www.lincolnhhr.org. You must register for this workshop separately from the monthly meeting.



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IS YOUR COMPANY TRAPPED IN THE BE-NOS? A REALITY CHECK FOR RULES AND REGS

By Kevin J. Mattran • Continuum EAP

There was a rock 'n' roll band that formed around 1969 in the Detroit area; they disbanded in about 1979. Their name was Brownsville Station. Perhaps their biggest hit was a song called "Smokin' in the Boys' Room." The song was about a group of boys doing their best to break the school's no smoking policy and not get caught. For these young men it was a challenge, a game.

We've all been there. I recall as a teenager, when my parents would take a trip out of town, my father would give me a list of what he called the "Be-Nos." The top Be-No was always, "There will be no parties!" I never had a "party." However, I often invited groups of friends over to the house for "get togethers."

By this point, you likely have a pretty good idea where this article is headed. Prohibitive or zero tolerance policies can have many loopholes either by being too vague or too specific. More importantly, prohibitive policies focus on control rather than empowerment, on rules over mission. They are also difficult and time consuming to enforce.

This topic idea was suggested by one of our EAP counselors who had recently worked with a client who was very frustrated with some co-workers. The woman complained, "We have a strict no cell phone policy, but a lot of people are still using them for text messaging and other things instead of working."

Perhaps this is an example of a policy that is too specific. A policy that says, "Employees are prohibited from making and receiving cellular telephone calls during working hours" does not address many of the other functions available on most cell phones. For many, this very specific guideline is a license to text, web surf, etc.

So, as you revise and update your company policies, be mindful of the following:

- **Keep the company's values in sight**- The mission and vision of your organization should be communicated to employees in writing and reinforced whenever possible.
- **Review regularly**- Review policy manuals at regular intervals to make sure they are empowering employees to accomplish the company's objectives rather than hindering

the company's mission.

- **Communicate the hows and whys**- Let employees know the mission related reasons for your rules and policies.
- **Anticipate resistance**- Be prepared to answer the "what ifs." People will always point out possible exceptions to rules (What if my child's school needs to get a hold of me?). Have a plan to accommodate the objections.

People are energized by the intrinsic reward their work provides. An abundance of prohibitive rules can drain that same energy. Write policies and guidelines that empower people. Take the afore mentioned cell phone situation and consider something along the lines of the following:

Exceptional customer service and responsiveness are the things that have made XYZ Company successful. In order to maintain our high level of service, we ask that your focus be XYZ Company business during working hours. Every employee is given a morning and afternoon break, as well as a lunch hour, during which personal phone calls can be made, personal electronics (cell phones, MP3 players, hand held computers etc.) may be used, and non-work related activities (reading, homework, knitting etc.) might be enjoyed.

We understand that urgent situations arise during the workday, so any emergency telephone calls received at the switchboard will be transferred, or the employee will be paged, immediately.

From a performance management standpoint, it is much easier to track productivity according to a well-communicated list of objectives than it is to police prohibited behavior. If an employee is not meeting expectations, a manager can address possible reasons in performance reviews or one-on-one meetings.

Where are you spending most of your time and energy-enforcing rules, or reinforcing the company's mission?

Kevin Mattran is the Organizational Training and Education Specialist for Continuum EAP. For more information on this and other workplace issues, call us at (402) 476-0186 or email at consultant@4continuum.com.

HELP ACHIEVE THE SUPERIOR MERIT AWARD

You can help achieve the LHRMA Chapter Superior Merit Award by notifying Elly Hardekopf, 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 elly.hardekopf@molex.com throughout the year. We are getting close to the end of the year, and all volunteer efforts need to be recorded in order to qualify for the award.

JOBS, JOBS & MORE JOBS!

**DO YOU HAVE ONE TO ADVERTISE
OR ARE YOU LOOKING FOR ONE?**

CHECK OUT OUR WEBSITE:

www.lincolnhhr.org

IF YOU ARE AN EMPLOYER WHO HAS A LHRMA MEMBER EMPLOYEE, THEN YOU CAN POST YOUR HUMAN RESOURCE JOB OPENING ON OUR WEBSITE BY CONTACTING VEDA ARMSTRONG AT: FSHRLNCNE@AOL.COM OR CALL **402.441.7949**

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

www.lincolnhhr.org

LHRMA MEMBER CHANGES

Check and verify your name and address on this month's LHRResource for accuracy. Please contact Veda Armstrong our LHRMA Administrative Assistant, for any of your personal job and address changes. Please either email your changes to Veda at fsrlncne@aol.com or by telephone at 402.441-7949.

SAVE THE DATE...



Stressed out because of holiday shopping? Kids have you frazzled because they want whatever the toy store doesn't have in stock? Plan on relaxing and moaning about the holiday hustle and bustle with your HR friends who will certainly be able to empathize with you!

When: December 12th, 2006

Time: 4:30-6:30 pm

Where: PO Pears

Food: Yep, we'll have some free, yes free, munchies, and a cash bar will be available to help mellow you out!

There is not a regular LHRMA meeting in December, so this fun and delightful social/get together is in place of our meeting.

ATTENDANCE DRAWING WINNER

Who Says There's No Such Thing as a Free Lunch? Congratulations to Jane Flynn, Senior HR Administrator with LI-COR, Inc. Jane will receive free registration at the October, 2006 meeting!

LHRMA HAPPENS!

HERE'S WHAT'S HAPPENING ON THE HOME FRONT.



Mark Your Calendars

FUTURE PROGRAMS

Tuesday, Nov. 14, 2006:

HR at Gallup. This will be presented by Matt Moser with Gallup. Meeting to be held at The Isles.

LEGAL UPDATE

Continued From Page 3.

an employer may disclose information about an employee's condition to supervisors and managers if it is necessary in providing a reasonable accommodation.

For example, a hair stylist, who has been unable to eat regularly because he is undergoing chemotherapy for melanoma, has lost 30 pounds. His coworkers and other clients are gossiping about whether he is HIV-positive or has AIDS. The salon owner should act to discourage the rumors and gossip but may not disclose that the employee has cancer. Situations allowing disclosures include medical emergencies at work, investigations into ADA compliance, and the processing of worker's compensation or insurance claims.

Accommodating Employees with Cancer

An employer must provide reasonable accommodations to an employee with cancer so that he or she can perform the job, unless the accommodations would cause undue hardship. Because there are different types and stages of cancer, not all employees with the disease will need accommodation, and those that do may not need the same type. Reasonable accommodations may include: leave for doctor's appointments, periodic breaks or a private rest area, adjustments to a work schedule, permission to work at home, modification of office temperature, permission to use the work telephone to call doctors, reallocation or redistribution of marginal tasks to another employee, or reassignment to another job.

For example, if an engineer working independently on a long-term project has to undergo radiation for cancer every weekday morning for the next eight weeks. The employer should consider whether it could provide a flexible schedule (e.g., allow him to come in later or work part time) to accommodate his treatment. An employer is not required to reallocate "essential job functions" as an accommodation, but can do so voluntarily. Granting leave may be a reasonable accommodation even if

the employee is uncertain as to the date of return. If the leave becomes an undue hardship, it may no longer be a reasonable accommodation.

Safety Concerns

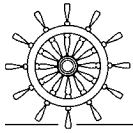
An employer cannot prohibit an employee from performing a job unless the person poses a direct threat, which is defined as a "significant risk of substantial harm to the individual or others that cannot be eliminated or reduced through reasonable accommodation." To make this determination, an employer can consider the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. For example, a school district may not demote a high school principal who has been successfully treated for non-Hodgkin's lymphoma because it fears that the stress of the job may trigger a relapse. An employer must provide a reasonable accommodation if it can reduce or eliminate the safety concerns.

Conclusion

When confronted with a job applicant or employee who has cancer, employers must remember that the ADA protects employees with disabilities such as cancer. It is important to recognize that there are numerous types of cancer and the treatments as well as the duty to accommodate may differ. An employer's actions should not be based on stereotypes or fears of cancer. Finally, concerns about the ADA should not prevent an employer from expressing concern for an employee's well being.

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, Jack L. Shultz, can be contacted at (402) 434-3000, or at Harding, Shultz & Downs, P.O. Box 82028, Lincoln, NE 68501-2028, or jshultz@hdslegal.com.

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DIVERSITY HUB

OFCCP RESCINDS EO SURVEY REQUIREMENT

By Bill Leonard

The Office of Federal Contract Compliance Programs (OFCCP) has eliminated an equal opportunity (EO) survey that required federal contractors to submit detailed information annually on their organization's hiring activities, compensation practices and tenure of workers.

The agency officially rescinded the EO survey requirement on Sept. 8 by publishing a notice in the Federal Register. OFCCP officials initially proposed eliminating the survey in January, after a 2003 analysis by the consulting group Abt Associates concluded that the EO survey was ineffective.

The OFCCP is the Labor Department agency responsible for ensuring that government contractors comply with federal nondiscrimination and affirmative action regulations. For six years, it has required contractors to file the EO surveys. Businesses holding construction contracts with the federal government were exempted from the rule.

Employers and business groups have roundly criticized the EO survey, claiming it created unnecessary administrative burdens for companies conducting business with the federal government.

The OFCCP received more than 2,700 comments after the proposal to end the EO survey appeared in the Federal Register on Jan. 20. According to agency officials, 62 percent of the responses were in favor of eliminating the survey. Business groups such as the Society for Human Resource Management (SHRM) applauded the OFCCP proposal at that time, saying that the survey was superfluous and that the agency already gathers most of the same information through EEO-1 reports and employers' affirmative action plans.

"The collection of much of the same information in another format, therefore, poses a substantial and unreasonable burden on contractors, and is contrary to the purpose of the Paperwork Reduction Act," SHRM commented.

Civil rights organizations and organized labor urged OFCCP officials to reconsider ending the survey. "The survey is a valuable and reasonable approach to ensuring compliance

with civil rights laws and provides the government with information and data that is not otherwise available," read a statement from Women Employed, a Chicago-based advocacy organization that monitors the federal agencies that enforce civil rights law and regulations, namely the OFCCP and the Equal Employment Opportunity Commission.

According to the Sept. 8 notice in the Federal Register, there are no differences between the proposed rule and the final rule. OFCCP officials did state that they carefully reviewed the comments and weighed all options before deciding to do away with the EO survey.

"The OFCCP has concluded that the EO Survey misdirects valuable enforcement resources and fails to provide value to either OFCCP enforcement or contractor compliance," the final rules state. "This rule revision allows OFCCP to better direct its resources for the benefit of victims of discrimination, the government, contractors, and taxpayers."

According to OFCCP estimates, the survey took approximately 21 hours for respondents to complete and cost contractors an average of \$6 million every year to track and file the survey data. Agency officials say they will continue to develop "more useful and cost effective methods" to collect data and ensure businesses are complying with federal nondiscrimination rules and regulations. The final rules outline the OFCCP goals for developing methods to gather information such as improving and expanding the agency's active case management initiative.

OFCCP officials were careful to point out that eliminating the EO survey does not reflect a lack of commitment to enforce federal equal employment regulations.

"OFCCP is deeply committed to improving the enforcement of equal employment opportunity laws by developing and implementing the most effective enforcement tools to identify and remedy discrimination," the agency stated in the final rules. "It is precisely because of this commitment to effective enforcement that OFCCP is discontinuing the use of the EO Survey, a tool that failed to meet its objectives and often misidentified violators."

Bill Leonard is senior writer for HR News

2006 WORLDATWORK CERTIFICATION COURSES

World at Work is a professional association dedicated to knowledge leadership in compensation, benefits, and total rewards. Certification can be achieved for a Certified Compensation Professional (CCP), Certified Benefits Professional (CBP), and Global Remuneration Professional (GRP).

For more information on WorldatWork or the certification program visit www.worldatwork.org.

The Human Resources Association of the Midlands (HRAM) is hosting the following WorldatWork certification course in 2006:

November 15-17, 2006 **T6 - Mergers and Acquisitions**

LHRMA members can attend these courses at the HRAM member rate so when registering indicate that you are an LHRMA/HRAM member to receive the discounted registration fee of \$800 (compared to the normal rate of \$985 for a WorldatWork member or \$1,485 for a non-member). For registration information visit the LHRMA website at www.lhrma.org or the HRAM website at www.bram.org under Committees/Professional Development/Certification/WorldatWork Courses.



LHRMA BOARD MEMBERS AND OFFICERS



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