

About our March Program:

LUNCHEON: Employee Engagement in Unique Times: The Impact of HR and Training Departments and employees' perceptions of fairness

Employee fairness and equity issues are fundamental concerns for organizations in assessing the effectiveness of reward programs and promoting high levels of employee engagement. Hay Group research has repeatedly shown that employee fairness and equity issues are core drivers of employee retention. From our employee opinion research studies, the top eight reasons employees leave organizations are given below:

- Use of skills and abilities
- Ability of top management
- Company has clear sense of direction
- Advancement opportunities
- Opportunity to learn new skills
- Coaching and counseling from supervisor
- Pay
- Training

The organization's – as well as employees' opinions – of what constitutes "fairness" is a subject we believe has not been adequately considered by most organizations. This presentation addresses key fairness considerations in organizational contexts and actions both HR and Training Departments can take to improve the climate of fairness and equity. There are several aspects of the employee-employer arrangement where concerns of fair and equitable treatment are most pronounced, including compensation, career advancement and supervision. During the presentation, we will review each aspect in more detail.

WORKSHOP: Internal Equity: Hay Group Work Measurement Process

This workshop will take a closer look at the importance of Job Evaluation in today's economic environment. The Hay Group Guide Chart – Profile Method of Job EvaluationSM is a form of factor comparison approach to work measurement. It is based on the notion that jobs can be measured on the basis of their relative contribution to the overall objectives of the organization. By considering core aspects of content and context that are common to all jobs, it provides a clear, understandable and systematic process for defining and comparing the requirements of all kinds of jobs at all levels. This approach provides organizations the internal equity that they desire and the legal defensibility that's required.

Workshop objectives:

- Learn about the fundamentals of valuing or measuring work and how it fits into the broader reward process
- Gather information about a job to enhance your understanding of the job to ensure internal equity across the organization
- Evaluate jobs using the Hay Guide Chart – Profile Method of Job EvaluationSM and related tools

March 2010 Program

PROGRAM TOPIC: EMPLOYEE ENGAGEMENT & INTERNAL EQUITY (ASTD DUAL MEETING)

Presenters: *Greg J. Wolf*, Hay Group
Kansas City Office

When: Tuesday, March 9, 2010
Where: Hillcrest Country Club
9401 East O Street

Registration: 11:00 a.m. – 11:30 a.m.
Meal & Program: 11:30 a.m. – 1:00 p.m.
Workshop: 1:15 p.m. – 3:15 p.m.

Cost: \$16.00 Luncheon Meeting
\$35.00 Workshop*

Meal: Taco Buffet
Hard and soft taco shells with spiced beef, seasoned chicken, shredded lettuce, tomatoes, cheese, sour cream and guacamole. Spanish rice, refried beans, lettuce taco salad, tortilla chips and salsa, assorted cookies, coffee and tea.
*HRCI Credits Applied For

Program/Workshop Info continued on pg. 7

President's Message

Mark Pankoke, President



Teach to Learn

As I am writing this I am preparing for a Certification Preparation class session I will be leading tonight. This causes me to think about a couple of things I would like to share with all of you.

It amazes me how accurate this old saying seems to be, "if you really want to learn something, teach it." I am teaching the same section, Human Resource Development, I have taught for 3 or 4 previous classes. In order to feel well prepared I still need to review the material each time before I teach the class. Interestingly, during this review new things seem to come to light. One of the things that struck me this time during my review was a note in the materials about motivational theories like Maslow's, Herzberg's, etc. The note says these theories may not hold true for other cultures outside the United States. This was something I had forgotten. It caused me to think, how often do we think everyone in every company, every cultural background and every nation reacts the same to motivational approaches, recognition, bonuses, etc.? We need to understand this and think through our approaches in order to get the results we really want.

However, the real learning isn't the story about what I discovered regarding cultures. The real story is that teaching something does allow us to learn the material very well and through repetition makes us learn and understand things in an even deeper way. So the next time you have the opportunity to teach some aspect of Human Resources to your management team or supervisors in the organization, take the opportunity. You may be the one who gains the most. You may learn or be reminded of something you had forgotten that may make all the difference. The teacher may well be the student, too!

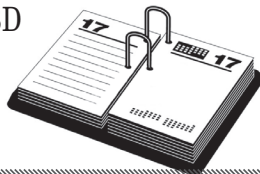
Have a great March. I will see you at the monthly meeting. It should be another good one.

-Mark Pankoke



FUTURE MEETINGS

- April 13 – Diversity - Challenges facing the returning Veteran & Employer (Dept Of Defense) – Workshop TBD
- May 11 – TBD
- June 8 – Legislative Update – Workshop TBD
- July 13 – Workforce Readiness – Topic TBD



YOU CAN DO IT!

Plan now for the Spring PHR/SPHR/GPHR Study Group – February 1st thru April 26th. Certification testing eligibility requirements change in 2011 so this is the perfect time to start studying! Visit the LHRMA website (www.lincolnhhr.org) for more information and to fill out the registration form. If you have any questions please contact Melissa Price at mprice@nebook.com or 402.421.0402.

ATTENDANCE DRAWING WINNERS

Who Says There's No Such Thing as a Free Lunch? Congratulations to Wendy Palensky of Tri-Con Industries. She will receive free lunch registration at the March 2010 meeting!

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

Kathy Harper at lhrrma0048@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

Membership Challenge 2010

The first two months of 2010 have come and gone, how are you doing on your New Year's resolutions? I challenged LHRMA members at our January meeting to add one more New Year's Resolution . . . Reach out to at least one friend, colleague, associate, etc. in the next month or two and invite him or her to join LHRMA. You could start by bringing them as a guest to the next LHRMA meeting!

It would be great to add at least 10 new members each month! If we could reach this goal, we would more than double our new members from last year (we ended with 55 new members in 2009). Are you up to the challenge?

LEGAL UPDATE

Employee Misclassification

by Erin L. Ebeler • Woods & Aitken LLP • Lincoln, NE



Employee Misclassification: When an Independent Contractor Isn't an Independent Contractor

As the saying goes, values can often be determined by looking at checkbook stubs (or in today's world, credit card statements). Simply put, where is a person spending his or her money? In the case of the government, an agency's budget often reveals its priorities as well. If that generality holds true for the U.S. Department of Labor ("DOL"), then employers should take a hard look at who they classify as independent contractors rather than employees, as the DOL is requesting increased funding to stop misclassification. Moreover, a bill pending before the Nebraska Unicameral would also increase the penalties associated with misclassifying an employee as an independent contractor.

Department of Labor: Increased Funding for Enforcement

Earlier this month, the DOL released its performance plan for fiscal year 2011. Among other things, this plan reflects an increased emphasis on enforcement measures related to the misclassification of employees as independent contractors. Asking for an additional \$25 million, the DOL's stated goal is to "strengthen and coordinate Federal and State efforts to enforce statutory prohibitions, identify, and deter misclassification of employees as independent contractors."

The DOL plans to reach that goal primarily in two ways. First, it has allocated \$12 million and 90 additional full time equivalent employees to conduct Wage & Hour investigations on this issue. Second, just over \$11 million has been identified as grant money to the States to improve their enforcement measures and to reward States that successfully detect and prosecute employers that wrongfully fail to pay taxes as a result of misclassification. The remaining money and additional employees have been allocated to pay for litigation associated with the increased enforcement measures and training for OSHA inspectors so that they can identify potential misclassification and share that information with the DOL's Wage and Hour Division.

Nebraska LB 563: Contractor Employee Classification Act

Presently before the Unicameral, the Contractor Employee Classification Act (the "Act") also would increase enforcement against employers that misclassify employees as independent contractors. If an employer misclassifies an employee, that employer would be liable to the misclassified employee not only for the taxes that would have been paid if the employee had been properly classified, but also for the difference in the amount actually paid to the employee as compared to the "average prevailing rate of compensation for like work, as determined by the Department of Labor," attorney fees and costs, and all legal and equitable relief appropriate in the case of unlawful retaliation. Under the Act, it would be unlawful to retaliate "through discharge or in any other manner" against any individual who makes a complaint to the employer or a governmental agency, who brings an action under the Act, or who participates in an investigation of an alleged violation of the Act.

In determining whether misclassification has occurred, LB 563 establishes two key presumptions. The first presumption is that an individual is presumed to be an employee unless the individual:

- is free from control or direction in how the service is performed;
- is engaged in an independently established business;
- makes his or her services available to the general public;
- furnishes his or her own tools and equipment needed to perform tasks; and
- is not represented by the employer as an employee to customers.

In contrast, there are situations where an individual will be presumed to be an independent contractor, including where the individual registered under Nebraska's Contractor Registration Act at least six months prior to commencing construction work for a contractor. The presumption will also apply if the individual has been assigned a combined tax rate or is listed on the Nebraska Department of Revenue's ("DOR") Revenue Contractor Database under *Neb. Rev. Stat. § 77-2753(3)*. The Revenue Contractor Database applies only in situations involving a construction contractor or subcontractor.

The Act requires that the employer (termed

a "contractor" under the Act) post the following notice in both Spanish and English in a conspicuous location at the job site:

(1) Every individual working for a contractor has the right to be properly classified by the contractor as an employee rather than an independent contractor if the individual does not meet the requirements of an independent contractor under the state law known as the Contractor Employee Classification Act;

(2) If you as an individual working for a contractor have been improperly classified, you may bring a lawsuit against the contractor under the state law known as the Contractor Employee Classification Act. Your lawsuit may include claims for:

(a) The amount of combined tax, with interest, that should have been paid by the contractor under the Employment Security Law as provided in such state law;

(b) The amount of state income tax that should have been withheld by the contractor as provided in such state law;

(c) The difference in the compensation paid to you as compared to the average prevailing rate of compensation for like work;

(d) In the case of unlawful retaliation by the contractor against you, all legal and equitable relief as may be appropriate; and

(e) Your expenses for attorney's fees and court and other costs relating to the lawsuit;

(3) It is a violation of the state law known as the Contractor Employee Classification Act for a contractor, or an agent of the contractor, to retaliate through discharge or in any other manner against you for exercising any right granted under the act. Rights granted under such state law include making a complaint to the contractor or a governmental agency, bringing an action under the act, or participating in an investigation of an alleged violation of such state law; and

(4) If you believe you have not been properly classified as an employee by the contractor you work for, contact an attorney, the Department of Labor, or the Department of Revenue.

Employers' Next Steps

In light of the increased focus on employee classification, employers that regularly work with individuals classified as independent contractors

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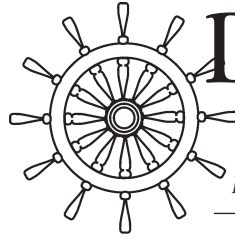
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need to evaluate whether such classifications are appropriate. For instance, sample questions to ask may include: (1) Does the “independent contractor” do work for others besides your company? (2) Does the individual rely on you to direct his or her tasks in completing the job for which he or she has been hired or does the individual determine the best method of achieving an end goal? (3) Does the individual have the tools and equipment necessary to complete the tasks at hand, or does the individual rely on your company to provide the needed tools and equipment? and (4) Does the individual have a business established through which he or she performs tasks for you?

While these questions are by no means exclusive, they will provide a starting point to evaluate whether your independent contractor is really an independent contractor or an employee.

Erin L. Ebeler is an associate with Woods & Aitken LLP and may be reached at eebeler@woodsaitken.com or 402-437-8516. This article is provided for general information purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to contact an attorney.

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DIVERSITY HUB

Black History Month

By Louis Montgomery • Sr. Vice President of Human Resources • Serco, Inc.

February was Black History Month. This month long celebration of black achievement began in 1926 as “Negro History Week” by Dr. Carter Woodson, an educator, author and historian. He chose February due to the birthdates of two prominent Americans: President Abraham Lincoln and the abolitionist and former slave Fredrick Douglass who made significant progress in the advancement of black people.

Dr. Woodson’s, who is known as the Father of Black History created Black History Week over 80 years ago and his vision is what we now celebrate as Black History Month that also includes the dates of both Lincoln and Douglas. Dr. Woodson was a pioneer of progressive thinking and an early spark that culminated many years later in the diversity movement.

In case you are not familiar with Frederick Douglass, he was born a slave on Maryland’s Eastern Shore. While it was illegal to teach slaves to read, a former mistress began teaching Frederick and later he bartered for lessons with others. He later escaped slavery and became a powerful voice for both the abolition of slavery and for women’s rights. In addition to Abraham Lincoln, he was one of my boyhood heroes.

While working for Kraft Foods in the 90’s I had the good fortune of working in the areas of Organizational Development and Workforce Diversity. During that assignment I performed research, and had a significant role in the design and preparation of corporate literature and presentations used to promote and foster workforce diversity in that leading organization.

At that time there was active debate of the value of workforce diversity and the organizational benefit of a diverse workforce. The debate was on occasion quite contentious around existing lingering ill feelings about Affirmative Action as an outdated carry over from the 1980’s. I found that what ultimately emerged from that dialogue was a more inclusive definition of diversity that grew to include race, gender, sexual orientation as well as expression and style. What also emerged was my observation of the need to regard the richness and diversity in our larger society as a strategic asset in an organization structure. As time has passed and organizations have matured there are few who would seriously question the value of diversity in the organizations of today.

One of our greatest needs as a function and organization is to be innovative. We need to develop solutions to better serve our large and growing organization. One of our greatest challenges is to find effective ways to communicate to a widely dispersed, customer facing employee population in a dynamic and competitive industry. I am confident that by leveraging the collective creativity and skills of our Human Resources team we will address this challenge.

I am proud to lead Serco’s incredibly diverse and dynamic Human Resources organization as a partner to the even larger and also diverse Serco Inc. and Serco Group. Our diversity is a source of our strength.



WELCOME NEW MEMBERS!

*Pictured Denice Sears, NE Dept of Roads
Tyler Quiring, TierOne Bank
Stacy Varga, Lincoln Children’s Zoo*

NEW MEMBERS

Brice Benford
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May Baskets Springing Up Again

The annual fundraising effort for the Society for Human Resource Management (SHRM) Foundation is on the horizon! May 11th marks the annual May Basket Raffle event, which helps LHRMA raise funds to support the SHRM Foundation. Last year, LHRMA members raised over \$500 for the foundation through this event. The baskets are provided by area businesses and are filled with a wide array of treasures which have included gift cards, books, event tickets, spa packages and more. If you are interested in helping with the May Basket Raffle, or your company would like to make a contribution, please contact me: Tami Lewis-Ahrendt, PHR, tlewis-ahrendt@centerpointe.org.



The SHRM Foundation is the non-profit organization that funds Human Resource research, publications, certification scholarships and education efforts for the benefit of all HR professionals. The SHRM Foundation is not funded through membership dues, but through the generous gifts of donors just like you.



SHRM Member Discount Special

Now is your chance to join SHMR for only \$99.00! This special rate applies to LHRMA members who have never been members of SHRM, or who have let their membership lapse for longer than one year. (This special rate does NOT include regular renewals).

*This offer is valid until March 31, 2010.

Check out all the advantages to help you grow in your profession at www.shrm.org. A SHRM membership application may be downloaded at www.shrm.org/about/membership.

Complete the SHRM application and mail it with your \$99.00 check, made payable to SHRM, to: LHRMA Membership Chair
PO Box 81066
Lincoln, NE 68501

If you mail your application directly to SHRM, LHRMA cannot contribute the difference. If you have questions, please contact Chantel Denker, Membership Chair via email at chantel@hughesbros.com or by phone at 646-6237.



Change for the Foundation

Every month you will find a small jar with some spare change rattling around in the bottom. As the SHRM Foundation Representative, I hope to use this small effort to increase our annual SHRM Foundation gift. I hope that when you see it, you will be excited to make a small, yet significant donation to help advance the HR profession through the research, scholarships, publications and advancement opportunities that The SHRM Foundation provides. For more information on the SHRM Foundation, visit www.shrm.org and click on SHRM FOUNDATION. Thank you!



From Left to Right: Geri Cotter, director Career & Counseling Center NE Wesleyan ; Jenessa Nelson, UNL student chapter President; Melissa Gattis, UNL Student Chapter Vice President; Gwen Combs, PhD, Associate Professor UNL; Dr. Loy Watley

February is SHRM Student Chapter recognition month!

At our February meeting, members of the University of Nebraska-Lincoln chapter were announced along with chapter advisors and representatives from the UNL and Nebraska Wesleyan chapters. LHRMA currently partners with three local colleges (UNL, Wesleyan and Doane-Crete) to provide assistance in making available informative programs that relay pertinent human

resources information to student members. If you are interested in presenting a program to a local chapter, please contact Jennifer Monroe, College Relations Chair. Additionally, our student members are a fantastic resource to fill your internship and/or entry-level HR positions. As LHRMA members, you can advertise for these positions at no cost on the LHRMA website. A database of current student resumes is also available for you to view. Contact Jennifer if you are interested in receiving these electronic resumes.

EXTRA!
EAP CORNER NEWS
We're here to help.



Addressing Top EAP Myths

By Kevin J. Mattran • Continuum EAP • Lincoln, NE

A while back my son came to me very seriously and asked that question all parents know is bound to come, but are never quite ready when it does, "Is Santa Claus a myth?" My answer was, "No, he's a myth-ter." A really bad joke, but it did buy me some time to gather my thoughts and decide how to best approach the subject. When you encounter employee misconceptions about EAP you may not be able to come up with a goofy pun to buy yourself time. In order to help you be prepared to address issues that could be affecting your company's EAP usage, let's address some of the EAP myths we hear most.

All EAP does is refer you to someplace where you have to pay for service. Assessment and referral is one option EAP counselors have available. However, over half of the clients that our counselors see have issues that can be effectively addressed through short-term EAP counseling. Assessment and referral happens when the EAP counselor determines that the issue requires long-term or specialized treatment.

So, I just tell the EAP counselor my problem and he or she will give me the solution. Counselors and mental health professionals are committed to empowering their clients with the knowledge and skills needed to solve their own problems. One can expect a counselor to do a lot of listening, ask questions and lead the individual through the problem-solving process.

Counselors can also put a person in touch with other valuable resources and services in the community.

EAP's just provide counseling; I don't need counseling, so what good is it to me? EAP's have adapted well to the changing needs of the companies they serve, the employees who work there, and their family members. In addition to the more traditional personal counseling, EAP's now provide a wide range of services including work/life, training, legal/financial, consulting, organizational development, wellness, online resources and more.

I'm being sent to EAP as punishment for messing up at work. Supervisory EAP referral is one way employers can keep valuable employees. A supervisor might choose to refer an employee to EAP to address a decline in performance. EAP counselors help identify and work to resolve underlying issues that may be affecting an individual's productivity at work.

Everything I tell an EAP counselor will be shared with my employer. This couldn't be any farther from the truth. Federal and State confidentiality laws apply to EAP licensed professionals in the same way as they do to professionals in private practice. Employers only receive information as to what services were used during a contract

year.

EAP eliminates claims for mental health issues on our company's health insurance. EAP does not replace health insurance. Through short-term counseling and assessment and referral, EAP can help make sure that issues are being addressed by the appropriate professionals. In other words, EAP can help better control mental health claims by screening and addressing issues that can benefit from short-term counseling; and referring cases that require more specialized or long-term treatment.

Your employee assistance program is an important tool for you and a valuable benefit and resource for your employees and their families. EAP is here to help whether it is a serious issue like grief or depression, or if you need some resources and guidance on how best to approach the Santa Claus or birds and bees talk. Perhaps I should go talk to EAP; I just told my daughters that if they ever kissed a boy they'd go blind.

Kevin Mattran is the Organizational Training and Education Specialist for Continuum EAP. For more information about EAP services or for ideas to make your EAP more visible, call Continuum at (402) 476-0186 or email eespecialist@4continuum.com

**.... Program/Workshop Info
continued from pg. 1**

- Ensure quality evaluations by understanding how job evaluations relate to the organization and job structure
- Learn how to talk to others about work measurement back on-the-job in their language so they can see the benefits and values of the process PROCESS

This workshop is designed to be experiential and interactive. Each section of the program will include the presentation of information, following which you will be asked to participate in large or small group discussions and exercises, as well as some individual activities.

About the Presenter:

Greg J. Wolf - Overview

Mr. Wolf is a Senior Consultant with the Kansas City office of Hay Group. He has more than 20 years of combined human resource practitioner and consulting experience. Mr. Wolf works in partnership with organizational leaderships to develop strategies, programs, and initiatives which develop and reward employees and motivate them to perform at their best.

Delivering results for clients

Since joining Hay Group over ten years ago, Mr. Wolf has been focused on clients in both the private and public sectors that included growing organizations as small as 50 employees to multi-national companies. In the public sector Greg focused on state and county governments and higher education. These engagements have cut across most major industries that represented diverse business challenges. He understands organizations. Mr. Wolf knows how to assess, understand, organize, and measure the impact people and jobs have on the ultimate success of an organization.

Areas of expertise

Mr. Wolf's experience prior to Hay Group included 17 years with Hallmark Cards in human resources and operations management positions. Mr. Wolf serves as a hands-on project manager for reward consulting projects. He provides strategic guidance to clients in all areas of reward consulting. He prides himself in partnering with clients and developing solutions to meet their unique challenges.

Greg's Education and Affiliations

Mr. Wolf holds a Masters Degree in Business Administration from Rockhurst University. He also received Bachelor of Science Degrees in Business Administration and Economics from Pittsburg State University.

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

Newly Certified LHRMA Members

Congratulations to the newly certified LHRMA members. The following people attained their HR certification in December or January:

- Barb Benes, SPHR
- Kendal Garrison, SPHR
- Linda Kruger, PHR
- Jennifer Monroe, SPHR
- Cathy Northquest, PHR
- Denise Pfeifer, PHR
- Amy Phelps, PHR
- Deanna Schuldeis, PHR
- Denice Sears, PHR
- Laura Sears, PHR
- Diana Shaffer, PHR
- Jill Staberg, PHR

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

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

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



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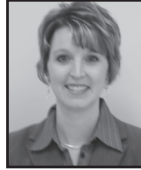
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LHRMA RESOURCE

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LOCAL CHAPTER 0048**

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