

REGISTER TO ATTEND BY:
NOON FRIDAY
APRIL 8TH

By E-Mail:

Members who 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 who do not receive e-mail notification of meetings, you can also register via e-mail to:

lhrma0048@yahoo.com.

By Voice Mail

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

Deadline

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 noon Friday, April 8, 2005. **Let us know if you plan to attend.**

Cancellations

Remember to call in cancellations to the voice mail system at 434-6554 or e-mail lhrma0048@yahoo.com by noon Friday, April 8, 2005. If you register but do not attend the meeting, you will be charged an extra \$5.00 in addition to the cost of the meeting! (= \$20.00) Accommodating for late registrations causes a big problem for the restaurants in terms of providing enough food and seating space for late registrants. **Please be respectful of the noon deadline.**

APRIL MEETING NEOC PROCESS

Speaker: Ms. Gretchen Eure
When: Tuesday, April 12, 2005
Where: Misty's Restaurant & Lounge
6235 Havelock Avenue

Registration: 11:00 - 11:30 am
Meal & Program: 11:30 - 1:00 pm
Cost: \$15.00

Meal: *Honey Ale Chicken Sandwich (grilled fresh chicken breast topped with smokehouse bacon and melted swiss cheese), Chef's Potato, Cake, Beverage*

About Our Program

Ms. Gretchen Eure of the State of Nebraska Equal Opportunity Commission will be speaking about the NEOC process and what human resource professionals can do to facilitate the investigative process. Other topics covered will include information about how human resources professionals can avoid getting charges filed against them, and recent employment legislation. There will be time for questions at the end of the presentation.

About Our Speaker

Gretchen Eure has been employed with the State of Nebraska Equal Opportunity Commission for 17 years. She was an investigator for eight years, and in 1997 became a supervisor of investigators in the Omaha NEOC office. Gretchen is also the Director of Public Education and Outreach, and in that capacity she creates presentations, newsletters and is responsible for other activity that promotes non-discrimination.

Prior to her employment with the Commission, Gretchen was a housing counselor with Urban Housing Foundation (now known as Family Housing Advisory Services), and an Omaha Public Schools high school teacher. She has been married to Darryl Eure for 26+ years, and they are grateful for their two WONDERFUL children: Anwar and Aida

President's Message

Michele Spadt, President



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Happy April everyone!

Looking back on our March meeting for a moment, I'd like to thank everyone who was involved in arranging such an awesome TRIAD event - Ron Snyder (ASTD & LHRMA) for finding the speaker, Liz Mark and Liisa Keller (LHRMA) for arranging the location and food, and the attendees from ASTD, LHRMA and LMS for providing active audience participation. This was one of our best attended TRIAD meetings in history!

Networking with other professionals in HR and related fields is always one of my favorite parts of our monthly meetings. If you completed the program evaluation form at the March meeting, you noticed that the program committee listed topics at the bottom and asked that you prioritize them based on what type of programs you would like to see at future meetings. Networking was at the top of the list when the survey was compiled. The Board will be working hard to provide members with additional time at meetings and/or events which will allow you to discuss best practices, practical solutions and innovative programs with other HR professionals. Please feel free to contact Liz Mark with any other program suggestions you may have.

Our legislative committee is working diligently to present senators with information on LHRMA's position on a variety of bills currently before them. More information on specific bills being monitored can be found on the website at www.lincolnhhr.org. Please keep in mind that senators rely on experts in the field (YOU) to help

them form opinions and solidify their positions on proposed legislation. The more information we can provide them with on relevant bills, the better they will be able to understand the effect bills will have if they are enacted. Letter writing is important, however please be willing to take other action to let your position be known - call your senators, testify before committees, be present at hearings, etc. You really can make a difference!

April's meeting topic is one that although we hope to never have to deal with, we also need to be informed about. The speaker will teach us how to avoid being the subject of an NEOC investigation and will also provide us with guidance on how to make the process go smoothly if you do happen to be the subject of an investigation.

I look forward to seeing you on April 12th!

Sincerely,
Michele Spadt, President

LHRMA Member Changes

Check and verify your name and address on this month's LHResource for accuracy. Please contact Kelly Riley, PHR our LHRMA Administrative Assistant, for any of your personal job and address changes. Please either email your changes to Kelly at ksriley@alltel.net, by telephone at 402.781-2054 or by mail to Kelly Riley, PHR, 1338 South 202nd St., Eagle, NE 68347.

HRESOURCEARTICLES

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

New LHRMA Members

PAULA LOWREY,
Staffing Supervisor, Aureus Finance

JENNIFER KOBZA,
HR Representative, Cabela's

ANGELA RAMOS,
Benefits Manager, B & R Stores

WILLIAM HENNIG,
Training Manager, Lincoln Plating

MINDE STONE,
Employment Specialist,
Lincoln Plating

Welcome — you have joined an outstanding organization!

LEGISLATIVE UPDATE

Legislative Report...

Cindy Mefford, Government Relations Chair

LB510 and LB43 were heard before the Judiciary Committee on Feb. 23rd. Bruce Stec, with the State Council, testified for both bills but stressed that the State Council preferred LB510. Brenda McLey with Nebraska Book Company also testified on behalf of LHRMA for LB510. The hearing went well and Bruce is optimistic that the bill may have a chance this time around.

We are still asking the involvement of our members to show support for this important piece of legislation. LHRMA members are asked to continue to write letters to the Judiciary Committee and to your senators stressing the need for this bill. A sample letter in a Word document will be posted at lincolnhr.org for use by members asking senators to support this legislation. You will be able to easily revise the letter to fit your company. **It is important to include specific examples of how this legislation can protect your company** (for example: an IT person that was fired for breaking a company password and posting confidential information on the internet - wouldn't you want to know that before you hired that person?).

We are asking members to email or fax your letters to the senators rather than regular mail (which can take 2-3 weeks to get through the system). Please copy me so I can track the number of letters our membership sends. We can receive points for the CAP (Chapter Achievement Plan) for letters sent.

Members may also track bills on-line at <http://www.unicam.state.ne.us> using the free Bill Tracker. Other bills the Legislative Committee will be watching this year:

LB 230 - relating to labor; to change provisions relating to labor organizations; to require reimbursement of a share of legal fees and court costs. Was heard on Feb 28th.



LB 306 - related to the Uniform Licensing Law - to provide for fingerprinting and criminal background checks; to change requirements for reporting certain occurrences for certain occupations that deal with dispensing drugs; was heard on Feb. 10th.

LB 354 - related to non-union employees paying for union representation. Was heard on Feb 28th.

LB 413 - related to the Wage Replacement Act; was heard on Feb 23rd.

LB 415 - related to confidentiality of WC records; was heard on Feb. 7th.

LB 488 - relating to employment security law; to change weekly benefit and combined tax provisions; was before hearing 01/31. State Council is watching.

LB 554 - to change minimum wage & training wage provisions; was heard on Feb. 14th. State Council is watching.

LB 661 - relating to employment; to adopt the Advocacy Leave Act (allows for 24 hours of paid leave in a 12 month period for advocacy on behalf of

a child, spouse, parent or parent in law). **OPPOSE. The hearing is scheduled for March 14th. Please let me know if you or anyone in your company would like to testify in opposition of this bill.**

LB 716 - relating to economic development; to create the Advantage NE Workforce Training Institute as a division of the Dept of Economic Development; heard Feb. 22nd. Has moved to General File with some amendments. State Council is watching.

LB 759 - prohibits discrimination based on sexual orientation. Was heard Feb 23rd. State Council is watching.

JOBS, JOBS & MORE JOBS!

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

CHECK OUT OUR WEBSITE:

www.lincolnhr.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 KELLY RILEY

AT: KSRILEY@ALLTEL.NET

OR CALL **402.781.2054**

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

www.lincolnhr.org



LEGAL UPDATE

Employment Discrimination Legal Fees are Income

by Jack L. Shultz • HARDING, SHULTZ & DOWNS • Lincoln, Nebraska, and Denver, Colorado

On January 24, 2005, the United States Supreme Court issued a decision in two cases involving the treatment of attorneys' fees in employment discrimination lawsuits. One case involved John Banks and the other case involved Sigitas Banaitis. Banks settled his federal employment discrimination lawsuit against a California state agency and Banaitis settled his Oregon state case against his former employer. Neither individual included fees paid to their attorneys under contingent fee agreements as gross income on their federal income tax returns.



In each case, the IRS issued a Notice of Deficiency which was upheld by the U. S. Tax Court. Two different United States Courts of Appeals (the Sixth Circuit and the Ninth Circuit) concluded that the money paid to attorneys under a contingent fee agreement was not to be included as gross income. The U. S. Supreme Court reversed and concluded that a contingent fee agreement is simply an assignment in advance to the attorney of a portion of the income

the individual hopes to receive from any recovery. As a consequence, the Court concluded that gross income should be defined broadly to include all economic gains which are not otherwise exempt.



The Court also noted that taking the legal expenses as miscellaneous itemized deductions would have been of no help to the individuals because the Alternate Minimum Tax establishes a tax liability floor which does not allow such deductions. The Court also noted that the American Jobs Creation Act of 2004 which amended the Internal Revenue Code to allow a taxpayer to deduct such attorneys' fees from adjusted gross income did not apply because it was passed after the two cases in question arose and is not retroactive.

Employment discrimination cases involving fact patterns which develop this year will not be subject to the ruling. However, some LHRMA employers may face employment discrimination complaints which are still being investigated and which involved fact patterns for the years 2004, 2003 or even 2002. If a final settlement or judgment is reached in any of those cases, LHRMA members should be care-

ful to consider their obligations in treating the entire settlement, including contingent attorneys' fees as gross income for the purposes of withholding when final checks are issued. If any questions develop when calculating withholding in an employment discrimination lawsuit, LHRMA members should be careful to double check any calculations with their accountant.



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 & Down, P.O. Box 82028, Lincoln, NE 68501-2028, or jshultz@hsdlegal.com.

EEOC SERIES

The following information was provided by Patty McMahon, Program Analyst in the EEOC - Denver District Office. The EEOC has partnered with the Business Leadership to provide this series.

Seating is limited (max amount is 25 people per session); anyone who is interested in attending needs to r.s.v.p. to Patty email (patricia.mcmahon@eoc.gov) or phone (303) 866-1344. She will be taking email reservations until Thursday, April 28, 2005. Phone registration will end on Monday, May 2, 2005.

Information about the free seminar(s):

DATE: Tuesday, May 3, 2005
WHERE: Homewood Suites,
7012 Hascall St., Omaha
TIME: 9:00 AM - 11:00 AM
TOPIC: General information on the
ADA - an overview of the
laws enforced by the
EEOC will be included.

DATE: Tuesday, May 4, 2005
WHERE: Homewood Suites,
7012 Hascall St., Omaha
TIME: 9:00 AM - 11:00 AM
TOPIC: General information on the
ADA - an overview of the
laws enforced by the
EEOC will be included.

DATE: Tuesday, May 4, 2005
WHERE: Homewood Suites,
7012 Hascall St., Omaha
TIME: 1:00 PM to 2:30 PM
TOPIC: Over of the EEOC's charge
processing procedure;
harassment - general and
sexual. Included will be
information on mediation.

MARCH MEETING RECAP:

- Had 59 people sign letters at the TRIAD meeting to be sent to key legislative people.
- Nebraska Wesleyan will award their scholarship in April that LRHMA contributes to.
- Received a check from SHRM for the LHRMA members that are also SHRM members.



THE MAIN THING!

By: Mike Reynolds & Bill Hutto

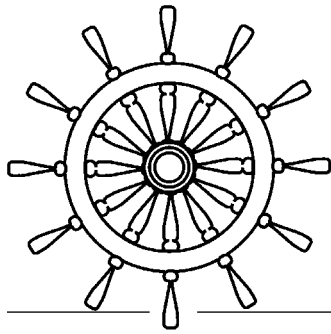
It is very rare that anyone comes to an Employee Assistance Program looking for more work and responsibilities to help fill their available waking hours. What we do hear from almost everyone, regardless of the actual problem that brought them to the EAP is that their lives are stretched thin with demands from work and at home. Our "must-do's" are keeping our "love-to-do's" from ever seeing daylight. We fight back with our day planners, PDA's, computerized contact managers, long hours, overtime, and "home-work," but there never seems to be enough hours in the day to stay even with, much less get ahead, of the load.

There is a very clear correlation between good time management and a life in balance. The more control over our time slips away, the more we feel threatened by a rush of urgent demands. Our confidence gets shaken and we feel guilty that we are failing to accomplish anything as well as we could or should *if we only had more time*. It does not really matter which came first, the time problem or the personal problem; the first step toward a positive outcome will usually be redefining priorities and regaining control over our time.

First Things First by Stephen R. Covey (1994, Simon & Schuster) is a really good book on both time and priorities management that we often recommend to EAP clients. Covey tells us that "the main thing is to keep the main thing the main thing" and suggests that our to-do lists be divided into four categories: (1) Urgent and Important, (2) Urgent and Not Important, (3) Important but Not Urgent, and (4) Not Important and Not Urgent. Readers are then encouraged to reprioritize their activities this way and to stay focused on responsibilities that are on the "Important" side of the ledger.

One of the most common mistakes we all tend to make with our time is to busy ourselves with fun and routine activities as a way to avoid those that are unpleasant or more difficult. Covey illustrates this point with a wide mouth jar, several large rocks, some gravel, sand and water. The most efficient way to get all these ingredients in the jar is to begin with the large rocks. So it is with our daily lives. By starting with the larger (important and urgent) activities we will get the high pay-off and most critical tasks accomplished while the smaller, less important things fill in the space around the "large rocks."

There is any number of training programs, books, and systems available to help you maintain control of your time. No one approach is best; rather, the key is to find something that works for you and then commit it to a life long change. Mastery over our priorities and time is a journey, not a destination. If you relate to this article and believe you need help to get started, your EAP is just a phone call away. If Directions is your EAP provider, the number is (402) 481-5998.



DIVERSITY HUB

DEFINING DIVERSITY FOR YOUR ORGANIZATION

By Joyce Welsch, J.D., SPHR, LHRMA Diversity Committee Chair

An important part, and sometimes controversial part, of determining which employees your diversity initiative will focus upon is defining what “diversity” means for your organization. If defined too narrowly, you may lose support from those employees and managers who feel excluded or who may feel wrongly blamed for inequities. If defined too broadly, and without due attention to historically disadvantaged groups, you may lose any meaning at all. The goal should be to find a balance between acknowledging less-recognized but still relevant differences in people, and those visible aspects of diversity with a foundation in longstanding and, at one time, official forms of discrimination. Here are some examples of how several organizations have chosen to define diversity:

Society for Human Resource Management: “To celebrate diversity is to appreciate and value individual differences. SHRM strives to be the leader in promoting workplace diversity. Although the term is often used to refer to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, diversity encompasses an infinite range of individuals’ unique characteristics and experiences, including communication styles, physical characteristics such as height and weight, and speed of learning and comprehension.”

Microsoft Corporation: “At Microsoft, we believe that diversity enriches our performance and products, the communities in which we live and work, and the lives of our employees. As our workforce evolves to reflect the growing diversity of our communities and global marketplace, our efforts to understand, value and incorporate differences become increasingly important. At Microsoft, we have established a number of initiatives to promote diversity within our own organization, and to demonstrate this commitment in communities nation wide.”

Texas Instruments: Texas Instruments defines diversity as their “effectiveness at using the talents of people of different backgrounds, experiences and perspectives is key to our competitive edge...Diversity is a core TI value; valuing diversity in our work force is at the core of the TI Values Statement...Every TIer must work to create an environment that promotes diversity...Each TI business will develop diversity strategies and measurements...”An expanded version of Texas Instruments’ definition of diversity can be viewed at www.ti.com/corp/docs/diversity/worldwd.htm.

BankBoston: “Diversity at BankBoston is defined broadly to include group differences (based on age, race, gender, sexual orientation, disabilities, parental status or job group, for instance) and individual differences,

including communications style, career experience, and other variables. Our goal is to create an environment that is inclusive, drawing upon the strength of the diversity of our workforce to exceed the expectations of BankBoston’s customers.”

Harvard Pilgrim Healthcare: “Harvard Pilgrim Healthcare is committed to increasing the diversity of staff at all levels while paying special attention to improving the representation of women and minorities in key positions; to creating an inclusive, respectful and equitable environment; to serving our diverse members with culturally sensitive services; and to changing the organizational culture through leadership, policies and practices.”

Computer Sciences Corporation: “We value the diversity of our employees and the unique perspectives they bring to CSC. Diversity at CSC includes functional roles within the company, the markets and industries we serve, our length of service, geographic location, educational background, age, race, gender, ethnicity and whether we joined CSC independently or through an acquisition. By valuing differences, we demonstrate our commitment to treating everyone with fairness and respect.”

For more information visit the SHRM Diversity Homepage at www.shrm.org/diversity under, “Defining Diversity.”

2005 WORLDATEWORK SEMINARS SCHEDULE

The Human Resources Association of the Midlands (HRAM) is hosting the following WorldatWork certification courses in 2005:

APRIL 13-15, 2005

C2 – JOB ANALYSIS,
DOCUMENTATION AND EVALUATION

JUNE 8-10, 2005

B5 – MANAGING FLEXIBLE AND
WORK LIFE BENEFITS

SEPTEMBER 21-23, 2005

T12 – OUTSOURCING AND
MANAGING HR SERVICE PARTNERS

NOVEMBER 9-11, 2005

C11 – PERFORMANCE MANAGEMENT

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).

You have several easy ways to register for these courses:

BY PHONE: Call WorldatWork customer relations at (877) 951-9191 to register.

BY E-MAIL: Fill out a registration form (www.hram.org/certification/world@work) and e-mail to: customerrelations@worldatwork.org

MAIL/FAX: Fill out the registration form (www.hram.org/certification/world@work) and mail or FAX a copy to WorldatWork. The mailing and FAX information are on the registration form.

ONLINE: Visit WorldatWork and register at their website: www.worldatwork.org

LHRMA members can attend these courses at the HRAM member rate so note on the registration form or when calling in that you are an LHRMA/HRAM member to receive the discounted rate of \$715 (compared to the normal rate of \$925). If you are not taking the certification exam, the cost is reduced.

If you have questions, contact Doug DenHerder at doug.denberder@ngc.com or call (402) 682-4539.

Watch for announcements on registration.

LHRMA Happens! Here's What's Happening on the Home Front.

May – Possibly sexual harassment, looking at it from the victim's side.

July - Networking

September – The Nebraska State Conference will be held Thursday, September 15 and Friday, September 16th. On Thursday a SHRM Academy workshop will be held, and on Friday there are going to be fantastic break out sessions offered. Be sure and get this date on your calendar – you won't want to miss it!

October – Past President's & Volunteers Recognition

November – Diversity meeting and workshop – Immigration

SHRM New Member Enrollment Only \$99.00 Through April

From February 1 through April 30, 2005, you can join SHRM for only \$99!! This is over \$50 less than the normal annual rate. 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). Check out all the advantages to help you grow in your profession at www.shrm.org or e-mail shrm@shrm.org. SHRM applications may be downloaded from www.shrm.org or may be obtained by contacting membership@lincolnhr.org. Complete a SHRM application and mail it with your \$99 check, made payable to SHRM, to:

Carmen Wiles, Membership Chair
c/o Cooperative Benefit Administrators, Inc.
7101 A Street, Lincoln, NE 68510

Do not mail the application to SHRM; we will do that for you. We will include the subsidy portion with your application with your check for \$99 to SHRM for you. Enjoy the benefits of SHRM 24/7, 365 days/year online, and stay in the forefront of the HR management profession.



Want to get your team fired up to achieve its goals? Then be at the Lied Center April 28, 10:30 to noon. The presenters, fighter pilots from a group called "Afterburner," show audiences how to transform teams into finely tuned, competitive forces.

The cost for the 90-minute session is \$39 per person, or \$35 for groups of five or more.

More information can be found at www.ASTDLincoln.org

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LHRMA RESOURCE

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SHRM LOCAL CHAPTER 0048

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