

REGISTER TO ATTEND BY: NOON FRIDAY MAY 6TH

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, May 6, 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, May 6, 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.**

MAY 10 LUNCHEON MEETING:

Guest Speakers: **Sue Outson**, Vice President, The Insight Program, P.C.
Mark Schorr, Attorney, Erickson & Sederstrom

Topic: Sexual Harassment in the Workplace

Where: Embassy Suites
1040 P Street
Lincoln, NE 68508

Registration: 11:00 a.m. - 11:30 a.m.

Meal: 11:30 a.m. - 1:00 p.m.

Cost: \$15.00

Meal: Chicken Fettuccini Alfredo,
Small Side Salad,
Rolls & Butter Chef's Dessert,
Beverage

WE WILL BE
VALIDATING
PARKING GARAGE
TICKETS - PLEASE
BRING YOURS
TO THE
REGISTRATION
DESK

ABOUT OUR PROGRAM: SEXUAL HARASSMENT IN THE WORKPLACE

This presentation will provide information about legal issues pertaining to sexual harassment and current case law. It will also address how employers can help prevent sexual harassment in the workplace. Information about how an employer can assist employees that are involved in a sexual harassment situation or investigation will also be addressed in this presentation.

ABOUT OUR SPEAKERS:

Sue Outson, Vice President, The Insight Program, P.C.

Ms. Outson has been with the Insight Program since its inception in 1989. She currently serves as the organization's Vice President and is responsible for marketing, organizational consulting and work/life training. She has M.A. in Counseling Psychology and has a special interest in working with trauma victims and assisting organizations in their response to critical incident situations. Ms. Outson also teaches "Grief Counseling and Employee Assistance Programs" and "Critical Incident Stress Management" for Doan College's Master's in Counseling Program.

Mark Schorr, Attorney, Erickson & Sederstrom

Mr. Schorr is an employment and labor law attorney with Erickson & Sederstrom Law Firm in Lincoln, NE. He received his Jurist Doctorate degree from the University of Nebraska College of Law. He is a member of the Lincoln Bar Association, Nebraska State Bar Association, and American Bar Association (ABA), Labor and Employment Law Section and the Committee on Development of the Law Under the National Labor Relations Act. Mr. Schorr is Co-Editor of the Nebraska Employment Law Letter. He also is a Contributing Editor to The Developing Labor Law, a leading Treatise published by the ABA and the Bureau of National Affairs (BNA) and a member of the Labor Relations Council of the Nebraska Chamber of Commerce & Industry.

PRESIDENT'S MESSAGE

Michele Spadt, President



Let's start off with some great news! LHRMA has received notification that, for the third year in a row, we have been named a Chapter Champion for our support of the SHRM Foundation in 2004! Although Jason Burnett has moved out of state, I'd like to recognize his efforts in the role of 2004 SHRM Foundation Representative. It is greatly due to his efforts in coordinating fund raising that LHRMA received this designation. Although we already held a raffle for the SHRM Foundation earlier this year, please continue to support HR research and education in 2005 by contributing to the SHRM Foundation on an individual basis. If you have any questions on how you can do this, please contact Russ Roberts at fshrlncne@aol.com. This is truly an opportunity to "Advance the Profession".

As Carmen Wiles, Membership Chair, advised us at our April meeting, LHRMA has grown to over 300 members! This moves us from a medium to large chapter designation under SHRM. We are also continuing to have record attendance at our monthly meetings. While this is great news and increases opportunities for networking, we also realize that we are outgrowing some of our regular locations for monthly meetings. Please bear with us as we try to find new locations that can accommodate our growing number of members in a comfortable manner. If you have any suggestions on locations, please contact Liz Mark.

By now, you should have all received your 2005 Membership Directories. They were mailed to you in early April. If you did not receive your copy, please contact Carmen Wiles. When you look through the directory, please review your personal information and contact Kelly Riley at kelly@clarion-group.net

with any changes. We will be preparing inserts to provide you with information on new members and contact changes.

There is a lot of information in the newsletter on dates for upcoming events. Please make sure to write the monthly meeting dates on your calendars now so you don't miss any of the great topics we have coming up. Take special care to mark September 15-16th for the State Conference at the Qwest Center in Omaha. LHRMA does not have a monthly meeting in September, so please take advantage of the opportunity to attend the conference.

I hope to see you all on May 10th!

Sincerely,

Michele Spadt, PHR
LHRMA President

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:
KELLY@CLARION-GROUP.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

SHRMNews

57TH ANNUAL
SHRM CONFERENCE
& EXPOSITION

JUNE 19-22, 2005
SAN DIEGO, CA

WEBCASTS CAN EARN YOU CEUS!

Are you short a few re-certification hours to maintain your PHR or SPHR? And you don't really feel like taking that test again? Well, through SHRM, you can access archived webcasts and earn one CEU for each session. Topics include:

- ★ HR Essentials
- ★ Comp & Benefits
- ★ Diversity
- ★ Global HR
- ★ HR Consulting
- ★ HR Measurements
- ★ HR Technology
- ★ Outsourcing
- ★ Recruiting & Staffing
- ★ Workplace Law

Go to shrm.org and click on *Chats, Webcasts & Bbs* on the left side. Then click on either *Webcast Series* for upcoming sessions or on *SHRM Webcast Archive* for previous sessions. It does not appear that you have to be a SHRM member to take advantage of earning these CEUs.

SHRM ON-LINE NEWS – ON-LINE
HR ARTICLE @ WWW.SHRM.ORG

RECORDS DISPOSAL EFFECTIVE JUNE 1ST

If your employer conducts credit checks, background checks, or maintains any type of consumer report on employees, when it comes time to purge your employees' personnel files, you'll want to ensure your organization complies with FACTA's Disposal Rule. The rule applies to any employer, regardless of size, that has obtained a consumer report and requires that covered entities "take reasonable measures to protect against unauthorized access to or use of the information in connection with its disposal."

LEGISLATIVE UPDATE

Legislative Report...

Cindy Mefford, Government Relations Chair

As you may already know, LB510 (reference checking) was not made a priority bill which is very disappointing. Our only hope for this bill is to move it out of committee. Since I am not very savvy when it comes to the legislative process, I e-mailed Senator Combs (who introduced the bill) to ask what we, as an organization, could do next to help move this bill out of committee. I am awaiting her response.

As far as the status of other bills we are 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. Moved to the General File on March 8th.

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. Bill was passed.

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

LB 413 - related to the Wage Replacement Act. This bill was killed.

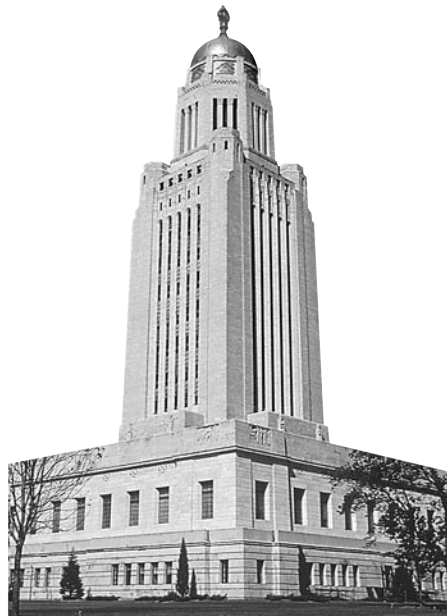
LB 415 - related to confidentiality of WC records. Moved to General File with some amendments.

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. Moved to

General File with some amendments. 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). This bill was amended to read "unpaid" leave but we are still opposing. Brenda McLey of NE Book, Co. and Ruth Jones of Dana F. Cole testified against the 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.

Members may also track bills on-line at <http://www.unicam.state.ne.us> using the free Bill Tracker.

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 Kelly@clarion-group.net, by telephone at 402.781-2054 or by mail to Kelly Riley, PHR, 1338 South 202nd St., Eagle, NE 68347.

ATTENDANCE DRAWING WINNER

Who Says There's No Such Thing as a Free Lunch? Congratulations to Kenda Fink of Nebraska Book Company. Kenda will receive free registration at the May meeting!

If you attended the April meeting, you will know that those persons who completed an evaluation form were eligible to win tickets to the presentation that is being sponsored by ASTD.

Congratulations to the following winners of the Afterburners tickets: Jill Stutzman, Runza National; Nancy Conway, Cabelas; Jean Johnson, Ameritas; Jill Miller, Wells Fargo; and Jill Watkins, Kelly Services. Thanks for completing the evaluation forms - it really helps to know what our members are looking for at the monthly meetings.

APRIL MEETING RECAP:

- Members should be receiving their directories this week
- Have 22 new members so far in 2005
- Will have a school supply drive in August

LEGAL UPDATE

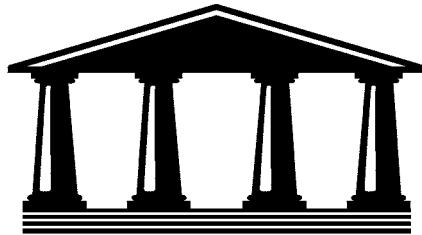
Supreme Court Expands Federal Age Discrimination Protections

Mark A. Fablesen, Esq. • Rembolt Ludtke LLP

Since 1971, the U.S. Supreme Court has recognized a cause of action under Title VII of the Civil Rights Act of 1964 for what is called “disparate impact” discrimination. In the 1971 case, the Court held that Title VII prohibits an employer from requiring a job applicant to have a high school education where the employer couldn’t show that the this requirement was significantly related to successful job performance and the requirement operated to disqualify African-Americans at a substantially higher rate than white applicants. Thus, an employer could be held liable where it had a facially-neutral policy or practice that “disparately impacted” a group based on race, color, national origin, sex or religion. Since then, there has been a 34 year dispute about whether this “disparate impact” theory of discrimination also applied to age discrimination under the federal Age Discrimination in Employment Act of 1967 (ADEA). On March 30, 2005, the Supreme Court answered this question.

In *Smith v. City of Jackson*, (Case No. 03-1160)(Mar. 30, 2005), the City of Jackson, Mississippi adopted a pay plan that treated employees differently based on length of service. In an effort to bring starting salaries up to the regional average, in 1999 the plan gave a higher percentage raise to employees having less than five years service than those with more. A group of police officers who were age 40 or older (*i.e.*, protected by the ADEA)

sued the city alleging that they were disparately impacted by the pay plan because of their age since a greater number of the employees age 40 and older had worked for the city for more than five years. The trial court granted judgment to the city, finding that the ADEA did not permit claims of “disparate impact” discrimination. On appeal, the U.S. Supreme Court disagreed, concluding that the disparate impact theory is available to plaintiffs under the ADEA.



Although this decision has largely been viewed as victory for employees, it is important to note that the Court expressly concluded that the ADEA’s protections against disparate impact discrimination are narrower than those existing under Title VII. This is because, unlike Title VII, the ADEA permits employers to take an otherwise prohibited action “where the differentiation is based on reasonable factors other than age.” Consequently, if an employer can show that reasonable factors other than age account for the disparate impact, the action will not be found unlawful. For this reason, the Court in *Smith v. City of Jackson* held that although the disparate impact theory was available under the ADEA, the plaintiffs did not

have a valid claim because the city’s stated reasons for the pay plan (*i.e.*, the need to bring junior officers’ salaries into line with regional labor market) were reasonable and responded to the City’s legitimate goal of retaining police officers. Accordingly, the Court found that the older workers’ claims of disparate impact age discrimination failed.

LESSON: Now that it’s clear that employers are potentially liable under the ADEA for tests, requirements or practices that have an adverse impact on those age 40 and older, employers should review their policies, compensation and benefits to determine whether any adverse impacts exist. If this review reveals a disparate impact, employers must be determine what reasonable factors other than age account for the disparate impact. Employers are encouraged to consult with experienced employment/law counsel to determine whether they are in compliance with this new decision.

Fablesen is a partner with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfablesen@remboltludtke.com.

This article is provided for general informational purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to consult with their attorney.

NEW LHRMA MEMBERS

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TERESE JANOVEC

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**WELCOME –
YOU HAVE JOINED AN
OUTSTANDING ORGANIZATION!**



WHERE'S MY REWIND BUTTON?

By: Mike Reynolds & Bill Hutto

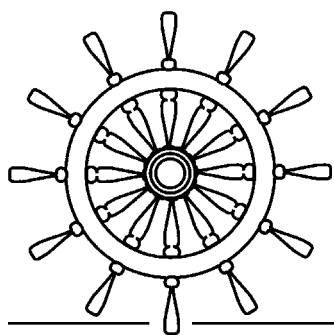
Wouldn't it be great if we humans had a rewind button? Then, when we open our mouth before engaging our brain we could simply rewind to "hello" and start over. You must admit it would be more useful than a belly button! Come to think of it - that would be a good place to hide it. I don't know about you, but if I had such a button it would be well used.

Since we can't rewind our mistakes, the next best thing is to sincerely and quickly apologize when we do mess up. But, that does not come easy for many of us. Perhaps it is because we were ridiculed for making mistakes when we were young or because our stubborn pride will not let us admit that we are ever wrong. EAP counselors talk to people daily who are missing a once valued relationship with someone who "owes them an apology." Sometimes, but less often, we hear from those who realize they should apologize to someone they have harmed, but just cannot do the deed.

If this lead-in has your attention, from either side of the issue, then please do read on. We've collected some practical advice on how to make and accept apologies that we would like to share with you today:

- Do be an adult and make needed apologies to people you have harmed. Otherwise, do not expect to be forgiven.
- Don't fake it especially when your motivation is to simply get yourself out of trouble!
- Do apologize in person whenever possible. Flowers may be appropriate occasionally, but nothing is more powerful than a sincere face to face "I am really sorry!"
- Don't make light of your bad behavior or make a joke out of your apology. Your insincerity will just dig you in deeper.
- Do be gracious enough to accept the genuine apology of another - just as you would want your request for forgiveness to be accepted.
- Don't try to deflect the blame to someone else. Admit your role in the mistake and let others speak for themselves.
- Do ask for help if an "overdue apology" is causing you pain.
- In cases where others owe you an apology and you don't get it, take the high road and forgive them anyway.

***If Directions is your Employee Assistance Program,
call (402) 481-5998 or (800) 563-8201 for an appointment today.***



DIVERSITY HUB

POSITIVE BIAS: MORE DANGEROUS THAN YOU THINK

By Sondra Thiederman, Ph.D.

Unfortunately, most workplaces in America have occasion to use the word “bias” a great deal these days. Although blatant examples of discrimination, racism, and sexism are blessedly rare, we are still plagued with subtle pre-suppositions about who a person is based on the group to which they belong. Those suppositions are what is called “bias” -- that quiet voice inside us which, upon meeting someone new, says “I know you, I know all about you, I’ve met someone like you before.”

Biases are, quite simply, prejudgments about the abilities, personality, and values of someone whom you do not know. One of the biggest myths about bias is that the pre judgment is always a negative one. When we think of bias, we think of horrid and stupid statements like “All men are sexist,” “All women are hysterical,” “All gay people are promiscuous.” In fact, it is just as biased to say, “All men are assertive,” “All woman are nurturing,” or “All gay people are artistic.” These are good characteristics-most of us would love to be assertive, nurturing, and artistic -sounds like a pretty good combination to me.

The truth is that positive biases can be just as unfair and just as destructive as negative ones because both restrict our accurate perception of who a person is, distort our interactions with him, and limit their ability to be who he is. Think, for example, of the awkward position Joe is in who is assumed to be assertive-after all, our culture shouts, “real men don’t eat quiche”-

but who really is shy, retiring, and soft-spoken. Because he doesn’t conform to the basically positive stereotype of assertiveness, he is considered a wimp and a weakling. If we were willing to look at each man as an individual, we would see Joe as a gentle human being without the baggage of not conforming to a culturally- based bias.



Rachel finds herself in the same position. She is married, makes a nice income, is physically sound. She is a; good woman with a good marriage and a great fondness for the nieces and nephews who are an important part of her life. Despite her love of children, she and her husband have chosen not to have any of their own. This is fine for her, but the problem is that people look at her just a little bit funny when they learn of her life choice. “What’s wrong with her?” they seem to be asking. “She must be awfully selfish not to want kids when she has so much to offer.”

Finally, there is, Michael. A young gay man with a passion for baseball, 1950’s rock and roll, and Mexican food. As much as he loves these things, he has an equally strong aversion to art galleries, talking about women’s clothing, and couldn’t care less whether

his couch matches the wall paper. In short, Michael conforms in no way to the popular bias that all gay men are artistic.” This was most disconcerting to Michael’s boss who asked him to supervise the re-decoration of their small offices. The boss was angry when she learned that Michael had hired an interior decorator and could not understand why he didn’t just do it himself. Michael ended up looking bad-not because his boss held the negative biases that gay men are overly -emotional or promiscuous, but because she had the positive assumption (bias) that Michael would have the skill and interest to re-decorate the office himself.

Many of us fall into the trap of feeling good about our positive biases. The beliefs that “all Mexicans are family-loving,” “all blacks are musical,” and “all disabled people are cheerful and brave” provide us with the illusion that we are tolerant, loving people. In fact, beliefs like these mean we are just as biased as the most virulent racist or hate-filled homophobic.

Sondra Thiederman is a speaker and author on diversity, bias-reduction, and cross-cultural issues. She is the author of Making Diversity Work: Seven Steps for Defeating Bias in the Workplace (Chicago: Dearborn Press, 2003) which is available at her web site or at www.Amazon.com. She can be contacted at: Sondra Thiederman, Ph.D. Cross-Cultural Communications 4585 48th Street San Diego, CA 92115

[@Thiederman.Com](http://www.Thiederman.com/STPhD)

2005 WORLDATEWORK SEMINARS SCHEDULE

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

JUNE 8-10, 2005

B5 – MANAGING FLEXIBLE AND WORK LIFE BENEFITS

SEPTEMBER 21–23, 2005

TI2 – OUTSOURCING AND MANAGING HR SERVICE PARTNERS

NOVEMBER 9–11, 2005

CII – 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.denherder@ngc.com or call (402) 682-4539.

Watch for announcements on registration.

MARK YOUR CALENDAR NOW!

The 2005 SHRM Nebraska State Human Resource Conference will be held on September 15 and 16 at the Qwest Center Convention Center in Omaha. The conference theme is HR On The Hunt. The 2005 Pre-Conference activities include the full day SHRM Academy Workshop: Building Business Strategy for HR Professionals to be held from 8:00 a.m. - 5:00 a.m. for only \$299! Normally, to attend one of these highly focused one day courses, the cost is \$495 if you are a SHRM member. In this session, you will investigate different strategic approaches used by organizations. Participants will review and discuss the strategic planning process, models of business strategy, their organizations' core competencies and capabilities portfolio. The session is limited to 50 participants to allow for personalized instruction and maximize peer interaction. A Workshop on Human Resources Legal Issues for the HR Professional will be facilitated by Ray Weinberg, sponsored by SilverStone Group, and held from 3:00 p.m. to 5:00 p.m.. A Welcome to the Hunt Networking and Exhibitor Reception will be held the evening of September 15 from 5:00 p.m. to 8:00 p.m., which includes refreshments and food.

The SHRM Nebraska State Conference offers quite a variety of training opportunities on September 16th including the Keynote with Margaret Morford, President of The HR Edge, Inc., a national management consulting and training company, whose clients include Lockheed Martin, Moog, Inc., Sara Lee Foods, Home and Garden Television, Allied Insurance and the U.S. Marine Corps. Also featured is Eric Chester, the premier expert on Generation Why; in fact, he coined the term. Mr. Chester's clients include Toys R Us, International Dairy Queen, Harley Davidson, Arby's, Bell South, and Discover Card Financial Services. Cy Wakeman, sponsored by Career Design, Inc./OI Partners, will be back by popular demand providing two training sessions. There are many other experts providing a variety of training programs in four key HR topic areas including: Staff Development, Strategic HR Management, Compensation and Benefits, and HR Skills Building. Register early for the best rates – Friday, September 16 - \$149.00 for SHRM or state chapter members and \$179.00 for non-members. After Friday August 12th, rates increase by \$30.00. A limited number of rooms are available at the Hilton Hotel across from the Qwest Center.

Over 70 exhibitors are expected to provide information on the latest HR services and products available. The Reception on Thursday evening will provide the opportunity to network with your colleagues and visit with exhibitors over cocktails and food. If you are interested in being an exhibitor or sponsor for the numerous promotional opportunities, contact Lisa Falcone at (402) 964-5548 in Omaha. For additional information regarding this exciting training event, visit the SHRM Nebraska State Council web site at shrm-ne.org.

WIN A FREE STATE CONFERENCE REGISTRATION

It's easy and rewarding to nominate an individual or a company for the **HR Professional of the Year** or **HR Employer of the Year** award. If you submit a nomination application for one of these awards and your nominee is selected, you will receive one free registration to the 2005 Nebraska Human Resource State Conference. It's SIMPLE! Answer these questions for your application:

HR Employer of the Year

1. How is the company advancing the HR Profession?
2. What are the best HR practices of this company?

HR Professional of the Year

1. What have they done to advance the HR Profession?
2. What is their HR experience? Provide a summary only.

Email information to Nancy Conway at nancy.conway@cabelas.com and put **HR Nomination** in the subject line. Nancy can be reached at (402) 323-4447 if you have questions.

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LHRMA RESOURCE

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SHRM LOCAL CHAPTER 0048

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