



Lincoln
Human
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Association

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SOCIETY FOR HUMAN
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PO Box 81066, Lincoln, NE 68501-1066

www.lincolnhrr.org

Volume 1, Issue 3

November, 2010

**New nametags
are here!**
Pick yours up at the
next meeting.

November Luncheon Meeting

Luncheon: **HR and Business Ethics: Lesson from the Downturn**

Laurie McIntosh, SPHR—SHRM North Central Field Service Director

When: Tuesday, November 9th, 2010

Where: The Lincoln Firefighter Hall
241 Victory Lane

Registration: 11:00 a.m. – 11:30 a.m.

Meal/Program: 11:30 a.m. – 1:00 p.m.

Cost: \$15.00 Luncheon Meeting * (Non-members \$25)

Meal: Catering by Grisanti's

Penne Gorgonzola with Grilled Chicken, Classic Lasagna, Salad and Bread,
Assorted Desserts, and Tea & Soda

***HRCI Strategic credit available**

About our Program: **HR and Business Ethics: Lesson from the Downturn** – The current financial crisis has put business ethics back in the headlines, and we have to ask ourselves: What more can HR professionals do to create ethical business cultures that will deter these questionable business practices in the future? This presentation looks at the six basic building blocks of a comprehensive business ethics program, the ethics requirements mandated by the Sarbanes-Oxley Act, and research data from several recent studies, including SHRM's 2008 survey, "The Ethics Landscape in American Business." Participants will also take away a better sense of how to get employees excited about ethics using innovative tools such as Cisco's "Ethics Idol" program.

About our Speaker: Laurie is an experienced HR professional with industry experience in health care, consumer packaged goods and banking. Prior to joining SHRM, she served the organization in a variety of volunteer roles including president of the Human Resource Association of the Midlands (HRAM), a Super Mega chapter in Omaha, NE and State Director of Nebraska's State Council.

She received her bachelor's degree in human resource management from College of St. Mary in Omaha, NE and holds an SPHR designation and is currently working on her Masters in HRM. Laurie resides in southwestern Iowa and serves the North Central Region, supporting members in IA, MN, NE, ND, SD, WI and KS.

Laurie's primary responsibilities as Field Service Director include managing chapter and state council relationships, serving as a liaison with chapters, state councils and volunteer leaders, and promoting SHRM membership. Laurie attends State Council meetings and conferences and is available for Chapter events as her schedule permits.

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President's Message

Mark Pankoke, President



Are you thinking like an HR Leader?

It seems that recently we in HR have been inundated with guidance about striving to be a "Strategic Partner" or "Having a Seat at the Table". With that thought in mind I thought I might weigh in on this complex topic.

Some recent information from the Boston Consulting Group and the World Federation of People Management Associations seems to indicate that there are four main areas that executives believe are those that are most important to address workforce challenges. Those four are:

- Managing Talent
- Leadership Development
- Employee Engagement
- Strategic Workforce Planning

Ironically executives feel that these are among the areas where there exists the least capability at this time. This does not seem surprising to me. When I hear HR leaders talking, many times there is still talk about transactional, day to day issues consuming the majority of time and focus. In order for us to really lead employee engagement and strategic workforce planning we need to move from reactive to proactive in many cases.

Another document supporting this thinking is a recent SHRM article written by Kathy Gurchiek which reports findings from a study on Senior HR Leadership Competencies. The top competencies needed now according to this poll are: Strategic Thinking and Effective Communication. These came out ahead of HR Knowledge, Integrity and Ethical Behavior (the next three top competencies in the U.S. poll results).

What does all of this research tell us? In my opinion it tells us that we need to take the time to bend the ear of top management about how we can help with the areas listed above as workforce challenges. We need to extensively and completely plan out our thoughts in these areas so that we can effectively communicate to those managers. If we can do that we will be utilizing those top competencies and addressing areas that many top managers feel need to be addressed. That is how we can be true HR Leaders and those Strategic Partners we all want to be.

I challenge you to think like an HR Leader. Your organization will thank you!

— Mark Pankoke

Drawing Winner

Who Says There's No Such Thing as a Free Lunch? Congratulations to Ruth Jones from NE Book. She will receive free registration at the January, 2011 meeting!



***"I challenge you
to think like an
HR leader."***

Find us on Facebook.
Become a fan and join
the conversation.



Legal Update

Executive Order 13496: Required Notification to Employees about Labor Laws

By Jack L. Shultz, Harding & Shultz, PC, LLO, Lincoln, Nebraska

Employers continue to face new and unique challenges in the workplace, and one emerging diversity issue relates to the growing transgender population throughout the country. The Merriam-Webster Online Dictionary defines “transgender” as “of, relating to, or being a person ([such] as a transsexual or transvestite) who identifies with or expresses a gender identity that differs from the one which corresponds to the person's sex at birth.” Within the transgender population, there are a variety of subgroups, the most prominent being transsexuals, those persons that have physically and/or psychologically altered the body. Black's Law Dictionary defines “transsexual” as “a person born with the physical characteristics of one sex but who has undergone, or is preparing to undergo, sex-change surgery.” BLACK'S LAW DICTIONARY (8th ed. 2004). In the employment setting, the most common scenario occurs when an employee with a clearly established sex and gender undergoes an esthetic, physical, or psychological transformation, or a combination of all three, to the opposite sex and/or gender. The issues become more complex by the wide range of emotional and psychological factors involved, because the employee may undergo the change immediately or over an extended period of time.

In response to the bevy of issues that may arise in the workplace—such as adverse coworker reaction, retaliation from peers, and even discrimination and harassment—more and more employers are approving new policies or amending anti-discrimination policies. However, many employers are simply unaware and unfamiliar with the issues unique to transgender employees.

No federal laws specifically protect transgender employees, though at least one pending piece of federal legislation—the Employment Non-discrimination Act (“ENDA”)—would propose such a protection. Further, courts have previously held that transgender employees are not, by definition, part of a protected class for purposes of equal protection and Title VII claims against employers. See, e.g., *Etsitty v. Utah Transit Auth.*, 502 F.3d 1215 (10th Cir. 2007). Consequently, it is not against the law in several jurisdictions to discriminate against a transgender employee when the employer can illustrate a viable reason for the action. However, the United States Supreme Court has recognized that discriminating against a transgender or transsexual employee for failure to comply with sex and gender stereotypes and expectations is direct evidence of discrimination. *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). Recently, a few courts have extended *Price Waterhouse* to conclude that actions taken against transgender employees because of their decision to be transgender is, in fact, discrimination, contrary to prior opinions. See, e.g., *Smith v. Salem*, 378 F.3d 566 (6th Cir. 2004) (holding that discrimination against transsexuals is discrimination “because of sex,” thus subjecting the transsexual employee to illegal sex discrimination in violation of Title VII; employer held liable). This line of cases is admittedly unsettled and in the minority. It is unclear whether there is a trend toward recognizing discrimination claims brought by transgender employees. However, cases like *Smith* and the ENDA may show this emerging trend.

Not surprisingly, there are cases where issues as simple as restroom usage have turned into heated litigation. In *Etsitty*, supra, the court held that an employer did not violate *Price Waterhouse*'s restrictions for discriminating based upon gender roles when the employer fired a transgender employee, still biologically a male, for using the women's restroom despite warnings that it troubled coworkers. Such a concern, the court held, was not a pretext for firing the transgender employee and did not result in gender or sex discrimination. See *Glenn v. Brumby*, 2010 U.S. Dist. LEXIS 66207, at *59 (N.D. Ga. July 2, 2010) (noting that an individual with male genitalia fired for continuing to use the women's bathroom was not discriminated against). Because courts have been willing to extend *Price Waterhouse* to include more than just gender



Member Changes

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Contact Kathy Harper at
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with any change in posi-
tion, company or address.

(Continued from page 3)

stereotypes, adverse actions taken against transgender employees are likely to spur increased litigation.

There are a host of related issues which an employer must consider, and employers should recognize the individuality of the process. Employees undergoing this transition often undergo psychological and medical treatments regularly, such as counseling and hormone therapy. Additionally, the employee may seek time off or request relocation. The employer should anticipate name change, requests to change legal and employment documents, and lifestyle changes of the employee. Health care and other benefits also may be affected by an employee's decision to transition. For example, the American Medical Association now supports health care coverage and treatment "of gender identity disorder" in both public and private care packages. In essence, each individual characteristic typifying an employee's sex or gender (be it W2's or restroom facilities) may change permanently.

The employer must inevitably decide between termination, allowing the employee to make the transition unassisted, or assisting the employee in the transition. As discussed above, choosing to terminate the employee or allowing the employee to transition unassisted may result in discrimination and harassment suits against the employer. Thus, it is advisable to consider these issues before they occur by revisiting policies or developing employment practices which account for the unique issues presented in this context. When faced with the issues presented by a transgender employee, the employer should, at a minimum, provide training on the issue for other employees and managers.

Editor's Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jack L. Shultz, can be contacted at 402/434-3000, or at Harding & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, or jshultz@hslegalfirm.com.



Board Meeting Recap

- SHRM dues will increase—the first time in 20 years
- Volunteers are needed to fill Board positions

Certification Study Group

Plan now for LHRMA's upcoming Certification Study Group – January 24th thru April 25th. The group will meet every Monday evening for 13 weeks to prepare you to take the PHR or SPHR. 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.

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 October 1st to November 30th, 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

LHRMA will submit your application and the subsidy membership fees to SHRM for you with your check of \$99.00. If you mail your application directly to SHRM, LHRMA cannot contribute the difference. If you have questions, please contact Chantel Denker via email at chantel@hughesbros.com or by phone at 646-6237.

Enjoy the benefits of SHRM 24 hours/day, 365 days/year online, and stay in the forefront of the HR Management profession.

Volunteers Needed for LHRMA Board Positions

If you have an interest in assuming a position on the LHRMA Board for 2011, please contact Mark Pankoke at mpankoke@madonna.org or 483-9595.

Board position information:

- ♦ The term of office is January 1, 2011 – December 31, 2011
- ♦ Commit to attend 12 monthly Board meetings and conduct other important LHRMA business, depending upon the position
- ♦ You get to work with a dedicated team of Board Members
- ♦ You will meet and develop friendships with other HR professionals
- ♦ Practice leadership skills
- ♦ Help set the course for the organization

Wellness

Tropical Winter Plans? Be Ready with Plan B

By Sande Dirks, Corporate Relations Director

Madonna Fit for Work

Tropical Winter Plans? Be Ready with Plan B

How do you feel about the upcoming winter months? Do you get to spend them someplace warm and tropical? Some of us are lucky enough to have a getaway planned as the weather gets tricky. If that isn't you; start making plans now for a way to give yourself a bright spot during the winter months.

- ♦ Make time for physical activity. It is more critical than ever during these chilly winter months.
- ♦ No matter what, find the fun in your activity routine, be it the workout itself or how it makes you feel for the rest of the day. It will be the key to keep you going when you are tempted to skip.
- ♦ Change up your routine and try a new class to help break the monotony of your winter days.
- ♦ Build an in-house alternative for rough winter days to support not losing your momentum.
- ♦ Work with your support people at work and home to incorporate more activity throughout the day.
- ♦ If your workplace or workout facility offers some type of a fitness focused special programming, be a part of it.
- ♦ If you are part of the wellness effort at your workplace, consider bringing in a fun resource for your co-workers to help boost morale over the long winter months.

Madonna Fit for Work can consult with your business and help you become aware of community opportunities and services available to make the most of efforts to promote wellness and injury prevention. Customizing programs to fit your specific business is a specialty of the experienced professional staff that works with businesses in the Lincoln, Omaha areas and beyond. If you are interested in learning more about what services Fit for Work has to offer, please contact Sande Dirks, corporate relations director of Fit for Work on the Corporate Services Hotline at 402-420-0002 or via email at sdirks@madonna.org.

NEW MEMBERS

Janice Tooker

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Jennifer TerMaat

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Kathy Wudel

HR Manager/Office Administrator
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Welcome to LHRMA!

Upcoming Meetings

December 14 – Member Social

January 11 – TBD



***“What you do
speaks so loud
I cannot hear
what you say.”***

- Ralph Waldo Emerson

EAP Corner

Coping with Tragedy in the Workplace

By Continuum EAP, Lincoln, Nebraska

September 11, 2001 will forever be etched in history due to the violent attacks that were made that day on the United States. Right here in Nebraska, September 28, 2002 and December 5, 2007 are two other days that stand out in our minds, the first as one of the deadliest bank robberies in US history in Norfolk, NE and the other as the date of the horrific suicide-murders at the Von Maur department store in the Westroads Mall in **Omaha. In fact, it hasn't even been a month at the time of this writing on September 22, 2010, that another tragedy struck right in our backyard at the AmeriCold Storage Facility in Crete, NE when an employee** shot and wounded three co-workers before killing himself. As Paul Shrivastava, Professor of Management at Bucknell University, points out, "We live in a crisis-prone and crisis-laden world. A world in which crises are omnipresent and proliferating. . ."

Workplace tragedies come in many forms and can include all of the following: catastrophic accidents and injuries, acts of violence, natural disasters, robberies, unexpected deaths, even terrorism or war. Sometimes we refer to these events as Critical Incidents, as by their very nature, they are situations that have the potential to produce strong emotional reactions, they shock our systems and challenge our usual coping strategies.

As a manager or HR professional, you can have a significant impact on how people react to a Critical Incident in the workplace. Your direction and support during a highly emotional time can make all the difference. While each event is unique and brings its own set of challenges, there are some general things you can keep in mind that can help.

1. Acknowledge that a traumatic incident has occurred in the workplace. This might seem obvious but it's important to remember that just as individuals have varied reactions to traumatic events, people within a workplace will display a wide range of responses to crisis. Those with closer proximity to the trauma, such as witnesses, in the event of workplace violence, may have different reactions and will have different needs than say those that weren't even working at the time of the event. So, communication with employees is key. In doing this, summarize what has happened in a direct, straightforward, yet sensitive way. Doing so not only serves to control rumors, but also helps to decrease some anxiety among workers and helps them begin to get back some sense of control.
2. Maintain a supportive environment. Being present and visible in the workplace is important. It sends the message that you care. It is helpful to educate employees about common reactions to traumatic events as well as what they can do to promote healthy coping. This might be done by employing the help of the company's Employee Assistance Program. Your EAP can help you decide the best plan of support for employees, whether that is through written materials, an on-site response, or even a formal Critical Incident Stress Debriefing. Don't exclude yourself from participating in any of these responses. You set a powerful example by sharing your own reactions that legitimizes the process of seeking additional support.
3. Promote adaptive functioning. After the initial aftermath of a Critical Incident, after people's immediate safety and security needs are taken care of, it's important to remember that there may be some ongoing consequences of the event. Employees may be distracted, startle easily, or generally not perform at their pre-incident level. Some understanding and patience with this is needed as well as knowing when and where to go to get people the assistance they need. Again, your EAP can be helpful here. Finally, as an HR professional you should follow up with those employees and supervisors who were most affected by the incident. Anniversaries of the event can be especially difficult. Don't worry about not wanting to upset someone or bring up uncomfortable feelings, people appreciate that follow up, it shows you care.

For more information on these and other workplace issues, call us at (402) 476-0186 or email at easpecialist@4continuum.com

Help Support achieve the Superior Merit Award

You can help achieve the LHRMA Chapter Superior Merit Award by notifying Tara Jennings, 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 workforce.readiness@lincolnhn.org throughout the year.

Reach Out to the Students

LHRMA members can use the LHRMA website to advertise Student Internships or summer jobs. The three Student Chapters will be told that they can look on the LHRMA website throughout the school year to find job openings as well as internships. Please use this as another FREE advertising tool to get qualified, interested candidates to help fill your open positions. Send job postings to Kathy Harper at lhrma0048@yahoo.com.

Change for the Foundation

Each 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!

- Tami Lewis-Ahrendt, PHR

Jobs, Jobs and More Jobs!

Do you have one to advertise or are you looking for one?

CHECK OUT OUR WEBSITE—<http://www.lincolnhn.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 lhrma0048@yahoo.com or 402.483.4581, x. 339.

If you are looking for a human resource position, then you can check our website at www.lincolnhn.org.

This will be an excellent resource for students who are seeking an HR position. It is also an excellent forum for companies to advertise if they have summer internships available. Please take advantage of this great resource—you can't beat the price!





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lincolnhnr.org

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