



Lincoln
Human
Resource
Management
Association



PO Box 81066, Lincoln, NE 68501-1066
www.lincolnhnr.org

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January, 2011

January 2011 Program

**Renew Your
LHRMA
membership
today!**

HR New Year's Resolutions—Turn your Resolutions into Reality this year!

When: Tuesday, January 11th, 2010

Where: Embassy Suites
Regents Room
1040 P Street, Lincoln, NE

Parking validated by LHRMA at:
Que Place Garage 11th & Q
Market Place Garage 10th & Q

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

Meal: ½ Club Sandwich & Cup of Soup
Homemade Potato Chips
Cookies & Brownies
Water, Tea, Coffee



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Join the LHRMA group in rotating round table discussions on important HR-related topics facilitated by experienced professionals with real-world examples of proven and award winning results. Take away ideas and action items on how to implement successful programs that make your resolutions reality.

1. **FUN at Work** – Keep them smiling all year long
2. **Corporate Culture** – HR's involvement in shaping culture
3. **Performance Management & Appraisals** – Truly move toward engagement, meaningful development, and a successful, aligned business
4. **New Employee Orientation** – Wow them and train them all in one!
5. **Workplace Wellness** – You can do more than just a "wellness week" this year.

[See Page 8 for complete meeting information.](#)



Upcoming Meetings

February 8th – "Bringing Out the Best (vs. the Beast) in People" by Jeanne Baer
March 8th – ASTD Duad – Topic TBD
April 12th – Diversity

President's Message

Mark Pankoke, President



2011, the Year to Be Great

The start of a new year is always a time to be establishing new goals and plans for the year. We can look back on the past and look ahead to the future. I recommend that each of us decide that this is the year we will be Great, either individually, as a department, a company or team. Not average, pretty good or OK on Monday and Friday and really good on Tuesday – Thursday, but downright Great!

I don't presume to be great myself but recently heard Art Jackson, a "Great" speaker address the topic. I will be borrowing from his presentation while adding in a few of my own observations. This will hopefully help me become Great and maybe can help you, too.

The first step is to develop a plan. Where do you want to be Great, at work, at home, within LHRMA or in some other role or place? You don't usually become Great by accident. Focus on what we want done. Think about what it looks like, feels like and what the outcome will be.

It is ironic but according to Mr. Jackson, only about 10% of us can't become Great. On the other hand some 80% of us just don't. We make choices that keep us from really being Great. Remember the Nike refrain, Just Do It. Decide to have the motivation each and every day to move ahead on your plan. As Yoda of Star Wars fame said, **"There is no try... there is to do or not to do."** You, too can Do It!

A couple of tricks to help us along the way include contracting and feedback. Contracting is a method to help you firm up your commitment. You write your plan and goal down, sign it and give it to several others as a way of publicly committing to the goal. It has been shown that this drastically improves the odds of your hitting your goal.

The second trick is that of feedback. A good feedback loop, particularly if measurable results can be used, is an excellent way of keeping you on the right path. If you are not quite where you want to be, it may require that little bit of extra effort. Here is a quote to think about, **"Much good work is lost for the lack of a little bit more,"** West Point Boxing Club.

So basically, decide to be Great, make a plan, follow the plan, check on the plan and make corrections along the way. Then it will be time to celebrate your accomplishments!!

— Mark Pankoke

Drawing Winner
Who Says There's No Such Thing as a Free Lunch? Congratulations to Veda Armstrong from Family Service. She will receive free registration at the January, 2011 meeting!



"You don't usually become Great by accident."

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



Legal Update

When it Comes to Unemployment, Incompetence ≠ Misconduct

By Mark A. Fahleson, Rembolt Ludtke, LLP

In the current economy, many employers have faced workforce reductions, which in turn have led to an increased number of unemployment claims. Generally, separated employees are entitled to unemployment benefits unless they voluntarily terminated their employment or were terminated for “misconduct.” As the Nebraska Supreme Court recently reminded us, disqualifying “misconduct” is much higher standard than simple incompetence.

In *Meyers v. Nebraska State Penitentiary*, 280 Neb. 958 (Dec. 17, 2010), Timothy Meyers was hired by the State Department of Corrections as a corrections officer in January 2009 and fired 4 months later in May 2009. During his 6-month probationary period Meyers completed 6 weeks of on-the-job training where he was assigned to specific posts for 8 hours each week. At the conclusion of his training on each post, Meyers signed a form indicating he understood the requirements of that post. Meyers also received a training manual, which included administrative regulations and the code of ethics, and an employee handbook. Meyers successfully completed his training.

Throughout Meyers’ employment, supervisors raised concerns regarding his ability to perform the functions of his job. Incident reports completed by the employer note that although Meyers was able to complete his training, he had difficulty grasping information and needed extensive instruction. The final report which recommended termination of Meyers’ employment stated that Meyers’ job performance had been unsatisfactory, that he struggled to adapt to the correctional environment, and that “Meyers’ attitude is more of a person working in a library versus one working in a prison.”

The report recommending termination of Meyers’ employment identified specific incidents where Meyers failed to properly carry out his duties, including instances where Meyers failed to follow protocols in supervising movement in the prison yard and failed to supervise inmates and their visitors. The final straw came on April 27, when on three separate occasions, Meyers violated specific security protocols. Meyers received a termination letter which explained the reasons for termination as follows:

You have failed to comprehend several essential job duties such as application of restraints and radio operation. . . . You failed to challenge movement on the External Yard while you were assigned to Tower 4. . . . You failed to control inmate movement in a housing unit by allowing unoccupied room doors to be unsecured.

Meyers sought unemployment benefits after his termination. The claims adjudicator concluded that Meyers was not terminated for “misconduct” and the State appealed. The appeals tribunal concluded that Meyers was indeed terminated for “misconduct” and therefore disqualified from receiving benefits, and that decision was subsequently appealed to the Nebraska Supreme Court.

On appeal, the Nebraska Supreme Court held that Meyers’ conduct did not constitute “misconduct” and therefore Meyers was eligible for unemployment benefits. The Court noted that under Nebraska unemployment law an individual shall be disqualified for unemployment benefits for misconduct related to his work. “Misconduct” for this purpose is defined as behavior which evidences (1) wanton and willful disregard of the employer’s interests, (2) deliberate violation of rules, (3) disregard of standards of behavior which the employer can rightfully expect from the employee, or (4) negligence which manifests culpability, wrongful intent, evil design, or intentional and substantial disregard of the employer’s interests or of the employee’s duties and obligations.

The State contended that Meyers’ actions showed a complete disregard of his employer’s interests be-

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Member Changes

Contact Kathy Harper at lhrma0048@yahoo.com with any change in position, company or address.



Board Meeting Recap

- No meeting in Dec.

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cause Meyers deliberately failed to observe important safety rules. In addition, the State argued, Meyers was thoroughly trained on the expected protocol, his violations were multiple instances over a period of time, and Meyers was often reminded of the correct procedure following these violations. Specifically, during the final incident that led to the termination of Meyers' employment, Meyers violated the same rule three times even after being reminded of the proper protocol after each preceding instance. The State argued that this showed deliberate disregard of the employer's interest in maintaining a safe prison facility or, in the alternative, that Meyers' actions amounted to negligence which manifests culpability.

The Nebraska high court found otherwise, however. The Nebraska Supreme Court held that:

The record indicates that Meyers struggled to adapt to the correctional environment and that supervisors expressed concerns that he was not suited for the field of corrections. It was also noted that Meyers had difficulty grasping basic concepts and retaining information, even for short periods of time. Aside from the [State's] assertions, there is no evidence that Meyers' failures were the result of *deliberate* indifference or were so careless or negligent as to manifest culpability.

Consequently, Meyers was found to have not been terminated for "misconduct" and was therefore eligible for unemployment benefits.

Lesson: This case serves as a helpful reminder that not every termination disqualifies an employee from receiving unemployment benefits. If the termination is involuntary, it is the employer's burden to prove that the employee engaged in misconduct. As noted in Meyers, "misconduct" for unemployment purposes is defined as behavior which evidences (1) wanton and willful disregard of the employer's interests, (2) deliberate violation of rules, (3) disregard of standards of behavior which the employer can rightfully expect from the employee, or (4) negligence which manifests culpability, wrongful intent, evil design, or intentional and substantial disregard of the employer's interests or of the employee's duties and obligations. Simple incompetence is not enough.

Fahleson is a partner with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfahleson@remboltludtke.com. This article is provided for general information purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to consult with their attorney.

Certification Study Group

Plan now for LHRMA's upcoming Certification Study Group – January 31st 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.lincolnhr.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.

New Advertising Options Now Available

LHRMA Website Banners—Add a rotating 468×60 or 125×125 pixel banner advertisement to the front of our web site. A total of six ads are available in each location. Banners that are 468×60 appear at the top of the front page. Banners that are 125×125 appear in the left column of the front page and rotate through most of the rest of the site. The 468×60 banners cost \$500 for 12 months. The 125×125 button ads are \$150 for 12 months. Design services are available upon request. See our website for more information or contact us at lhrma0048@yahoo.com.

Sponsor a Meeting—Gold, Silver and Bronze Sponsorships available

Newsletter Advertisements—Is your organization interested in advertising in the monthly LHRMA Resource Newsletter? Prices for ads are listed below. Information must be received by the 10th of the previous month you wish your ad to be published in. Contact us at lhrma0048@yahoo.com for more information.

** \$35 for a business-card size ad

** \$100 for a 1/2 page ad

** \$50 for a 1/4 page ad

** \$200 for a full page

Advertise your HR positions on the website —LHRMA members may advertise an HR-related opening for up to 30 days for free, and non-members may post a position for \$100 for up to 30 days.

See our website for more information or contact us at lhrma0048@yahoo.com.

Renew Your LHRMA Membership Now

It's that time of year again, and we are kicking off our 2011 membership renewal drive. Annual dues are \$50 per individual, and are based on the calendar year, January 1st – December 31st.

Your membership renewal is payable on or before December 31, 2010. You may mail your check or you can pay with a credit card on our web site at www.lincolnhn.org.

Please verify the information we have listed for you on our website under the Members tab. If changes are needed, please email them to lhrma0048@yahoo.com.

Employer Invitation to Lincoln Veteran Job Fair

Employers who are interested in participating in a Veteran Job Fair at the VA Auditorium on March 22 should contact James Jones at: phone 402/471-4477 (fax 402/471-9776 or jim.jones@nebraska.gov). There are still 15 tables available at no cost. Don't miss this great opportunity!

Salary Survey is Still Available

The 2010 LHRMA Salary Survey is still available to purchase. The cost is \$50 for those companies who participated in the survey if you chose to submit and receive the report electronically, and \$75 if you chose to either submit and/or receive the survey in paper form. For those companies who did not participate in the survey, the cost of the survey is \$300. Go to <http://lincolnhn.org/> for additional information on how to purchase.

EAP Corner

Thriving Through Change

Continuum EAP ♦ Lincoln, Nebraska

In our fast paced world today, change is inevitable. With our technology, we can send information and connect with people all over the world in a matter of seconds. We face change in every aspect of our lives, including our workplaces. More than ever, companies must change quickly in order to remain viable in an extremely competitive market. Mergers, acquisitions, downsizings, and company closings are routine occurrences. In and of themselves, these things are not good or bad, they are just changes. It's our attitude and response toward these changes that lead us to label some as good and positive and others as bad or even threatening.

The good news is that we can ease our adjustment to the changes we are bombarded with by examining our attitudes about change. We can strive to be change-hardy and more adaptable and less stressed by the changes we face. Consider the following strategies:

Control: Many of the changes we face both in the workplace and in life in general, are outside of our control. In addition to anticipating that we will face situations like this, we can better handle situations like this if we focus our energies on things that we can control. Sometimes this takes a little searching, but even with situations that are outside of our control, we can usually find something that we can control, and focusing on that as much as possible, rather than dwelling on the pieces we can't control can be helpful.

Commitment: Having goals makes a difference. They don't have to be "change the world" type goals, just short and long term goals that you are striving to attain. Amidst all the changes happening to us and around us, simply staying focused on what is most important to us can help us cope.

Challenge: Looking for the opportunities in change can be helpful. Viewing changes as challenges rather than problems can help us be less stressed by the changes we face. Consider how you might benefit as a result of a change you are facing. Is there a lesson to learn, a new skill to develop?

Connections: Being a change hardy person means having a good support network of family and friends and knowing when to lean on them. This can be especially helpful for changes that involve loss, such as illness, job loss, or even death.

Flexibility: Being able to see situations from more than one perspective can help us cope with changes we are faced with. An example of this is the whole glass half-empty, half-full scenario. Ask yourself, "Is there another way to look at this situation?"

Optimism: Maintaining an optimistic attitude about the future goes along nicely with having a flexible perspective. You can work toward this by monitoring your self-talk and by replacing negative, self-defeating messages with more positive and productive ones.

Sense of Humor: There is a certain degree of stress that comes with adapting to change and keeping a sense of humor along the way not only helps you keep things in perspective but it makes the whole process more bearable.

Charles Darwin, the father of evolution, himself, recognized the significance of adjusting well to the changes we encounter in life. In fact, in his words, adaptability is the single most important trait needed to succeed in life. He says, "*It is not the strongest of the species that survives, nor the most intelligent . . . It is the one most adaptable to change.*"

Wellness

Writing a Measurable Wellness Plan

By Lisa Henning, Executive Director
WorkWell, Inc.



In our last article, we discussed how to look at your corporate data by measuring your health risks, employee interests, biometric data, absenteeism, health claims, worker's compensation, and disability claims. Many businesses have these reports, but do not know what to do with the data. Again, when you ask your people to complete surveys you must be willing to do something with the information, otherwise they will stop completing surveys for your company.

In the data article, we mentioned that most companies have 15-20 red flag areas, but working on that number of issues is unreasonable and possibly crazy! We usually recommend that you prioritize down to 1-3 focus areas for your annual wellness plan. Once you have chosen those three areas, you should write a wellness plan for each subject area. A good wellness plan incorporates all of the following elements:

- A measurable and reasonable objective with specific targets and due date (see how to write a measurable objective below).
- Action steps to accomplish your objective with names of individuals responsible for carrying out the action step(s), and timeline to accomplish the task(s).
- Budget.
- Promotion plan.

Evaluation strategy (how can the objective be measured – often you will resurvey your people or look at changes in biometric data, claims, etc.).

The most difficult task outlined above is writing the measurable objective. We often point individuals to the S.M.A.R.T. approach when writing an objective.

Specific – who and what

Measurable – how much

Achievable – can it be accomplished

Realistic- is it a realistic goal

Time sensitive – by when

For example: Reduce the percentage of employees (who) who use tobacco (what) from 22% to 20% (how much, achievable, realistic – not too lofty), by June 2012 (by when). In this example, a small percentage change was used, but is realistic as tobacco cessation is a very difficult lifestyle change. Most difficult changes such as tobacco use or weight loss should be kept to a 1-3% change in one year. Less difficult changes such getting a once a year flu shot can expect larger goals especially if the company goes from employee paid shots to company paid shots. In this scenario it would not be unrealistic to expect a 10-20% change.

Of course after you write an objective, you will need to complete the rest of the plan outlined above (action steps, budget, promotional plan, and evaluation strategy). Two points of consideration while writing the rest of your plan; 1) diversify your action steps to include all kinds of message delivery, and 2) evaluation strategies should fit the objective. Diversifying your actions steps is important because everyone has a unique learning style. Some like to read a book, others like face to face presentations, some email or on-line – you get the picture. A one-time stress management presentation is not going to lessen the percentage of individuals that report high stress levels. Often, multiple programs over an entire year or several years are necessary to see an impact. In terms of the evaluation strategy; often you will resurvey to see what change/progress you have made, however, this may not be necessary in all cases. For example; if you

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are trying to see changes in cholesterol, you just need to offer an annual blood chemistry screening, or if you want to increase the number of people that receive a flu shot at your company, you just need to look at your invoice from your flu shot provider to know how many people who received the vaccination.

In our next article, I will talk about some best practice action step ideas for the leading health risk areas. If you would like more information regarding WorkWell, please contact Lisa Henning, 441-8049 or lhenning@lincoln.ne.gov.

About our January Program & Facilitators:

FUN AT WORK—Cathy Maddox, SPHR, HR Coordinator – Speedway Motors

Cathy has over 20 years of experience in HR, with her most recent years spent at Speedway Motors. As the past president of LHRMA and current board member, Cathy promises to lead a discussion about FUN in the workplace that “goes beyond wearing jeans and red on Husker days”.

COMPANY CULTURE—Lori Saale, People Relations Manager – Lincoln Industries

Lori has over 10 years of experience in HR, with her most recent time spent at Lincoln Industries. With a vast knowledge of manufacturing and telecommunications environments, Lori is committed to facilitating a discussion that will challenge you evaluate the importance of culture in your organization. Lincoln Industries is known for its nationally recognized wellness program, designation as one of the best small and medium companies to work for in America in 2008 and local, county and state environmental excellence awards.

PERFORMANCE APPRAISALS—Jan Zoucha, Vice President, Human Resources - Assurity

Jan brings over 20 years of HR experience to the table, with the majority of her HR career spent at Assurity. Jan has been in the local HR community for several years and worked on several applicable conferences committees and served on professional panels. Assurity is using a performance management system that aligns associate performance to the corporate scorecard measures, the vision, mission and values, development, performance appraisals, compensation and many other talent management components. This alignment increases engagement and, therefore, business outcomes around retention, customer loyalty, productivity and profitability

NEW EMPLOYEE ORIENTATION—Judy Fischer, HR Manager II – Cabela’s

With over 20 years in HR, including over 10 years with Cabela’s, Judy is just the right person to facilitate this topic. Judy has been involved with LHRMA for 15 years and the State Conference for 7 years. She plans to share her experiences conducting the highly successful Cabela’s Traditions Orientation Program.

WELLNESS PROGRAM—Craig Johnson, Manager of Wellness, Safety & Prof. Development - Duncan

Craig came to Duncan Aviation to launch the company’s wellness program in 2002, and later adopted the company’s safety and professional development programs. Key milestones of his work with Duncan include the implementation of a comprehensive health screening for employees and spouses, a quarterly on-the-job health education program for all employees, a culture audit process, a medical self-care program, and a Human Factors training program. These and other efforts have earned Duncan Aviation the Wellness Councils of America Platinum Well Workplace award, the American Heart Association’s Platinum and Innovative awards, and the Nebraska Governor’s Excellence in Wellness award.

Craig is also an adjunct faculty member at the University of Nebraska at Omaha, where he teaches Work-site Wellness Program Planning.

Prior to joining Duncan Aviation, Mr. Johnson was a Health Promotion Consultant and Managing Editor for the Wellness Councils of America.

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 Ihrma0048@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 Ihrma0048@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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