



April Showers bring May flowers!

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April 2011 Program

Luncheon:

Got Spirit?
From the Letter of the Law, to the Spirit of the Law

Workshop:

Got 'Ganas'?
If you have an inner desire to succeed, you've Got 'Ganas'!
By: Cari M. Dominguez
former EEOC Chair and OFCCP Director

When:

Tuesday, April 12th
11:00 – 11:30 Registration
11:30 – 1:00 Luncheon*
1:00 – 1:15 Book Signing
1:15 – 3:15 Workshop*
3:15 – 3:30 Book Signing

*HRCI Credits Approved for both luncheon and workshop
1 hour credit for luncheon; 2 hours credit for workshop

Where:

Holiday Inn Downtown, Main Ballroom
141 N 9th Street
Lincoln, NE

Parking: Holiday Inn – Free to all attendees while spaces last
LHRMA members – all downtown parking garages will be validated⁴

Cost:

Luncheon: LHRMA, NE SHRM Chapters, College Students – \$15
All Other Attendees- \$25
Workshop: All Attendees – \$35

Menu:

Buffet
Grilled Chicken with roasted tomato garlic and pesto cream sauce
Mixed Green Salad
Chef Vegetable
Cheesecake and Assorted Cakes

DEADLINE: The deadline to register or to cancel your registration is by: **Noon, Friday, April 8th.**

About our Program: Attend this AMAZING lunch and workshop featuring national speaker and popular SHRM author **Cari Dominguez, former EEOC Chair and OFCCP Director.**



Cari M. Dominguez

Luncheon Presentation:

Got Spirit?

From the Letter Of The Law, To The Spirit Of The Law

We know you have *Husker* Spirit, but can you:

- **Play** up that excitement and passion into leading a successful business?
- **Transition** from focusing on the Letter Of The Law to the Spirit Of The Law?
- **Execute** a plan that will show your team how inclusion leads to victory?

Listen to inspiring thoughts on translating the Spirit and Intent of the law into an executable plan. Cari will discuss:

- The impact of workplace trends
- Regulatory agency and case-law updates
- Preparing your business to be successful and have a competitive advantage

Workshop:

Got 'Ganas'?

If you have an inner desire to succeed, you've Got 'Ganas'!

"Leading with Your Heart: Diversity and 'Ganas' for Inspired Inclusion"

This workshop explores:

- The concept of 'ganas', which speaks to one's inner desire to succeed
- Creating Inspired inclusion and leadership across an organization
- Using a positive moral compass to drive a new way of thinking and integrating



About our Presenter:

Cari M. Dominguez is a Corporate Director for Manpower, Inc. and the Calvert SAGE Fund, and former Chair of the U.S. Equal Employment Opportunity Commission (EEOC).

As the chief executive officer of the five-member Commission, she led and directed all policy matters and operational aspects of an agency with a budget of \$325 million and fifty-three offices throughout the United States. The Commission is the Nation's lead agency on all matters pertaining to the coordination and administration of federal equal employment opportunity laws.

She has also served in the U.S. Department of Labor in roles including Assistant Secretary of Labor for Employment Standards and Director of the Office of Federal Contract Compliance Programs. In the latter capacity, she launched and led the Labor Department's Glass Ceiling Initiative, designed to remove invisible barriers from the workplace. Her corporate experience includes various senior human resources positions at Bank of America, including Director of Executive Programs. She was also a partner and director at two globally recognized executive search firms, serving in their financial services, human resources, and corporate boards practices.

Ms. Dominguez is also a trustee of Loma Linda Medical Center and Loma Linda University. She has served on numerous nonprofit boards, including the Leadership Foundation of the International Women's Forum, and the Human Resources Planning Society. She has received numerous awards and national recognition for her public policymaking roles and global efforts to promote diversity. Hispanic Business Magazine has recognized her as one of the 80 Elite Hispanic Women and one of the 100 Most Influential Hispanics in the Country. She recently co-authored a book entitled "Leading with Your Heart: Diversity and 'Ganas' for Inspired Inclusion."

She holds B.A. and M.A. degrees from The American University's School of International Service, in Washington, D.C. Ms. Dominguez is also a Fellow of the Advanced Study Program in Public Management of the Massachusetts Institute of Technology. In 2003, she was conferred the honorary degree of Doctor of Humanitarian Service by Loma Linda University.

Upcoming Meetings:

May 10th – Get Your Act Together! – Juggling Elephants by co-author Todd Musig

June 14th – Employment Law

July 12th – Workforce Readiness



President's Message

Mark Pankoke, President



Is HR really a "Dumb Concept"?

A couple of recent HR Daily Advisor articles dealt with the topic of HR as a "Dumb Concept". In case you didn't read the articles, the gist of the arguments made by a prolific writer and blogger, Geoffrey James are:

- "HR is really just a way to make sure employees don't act uppity."
- Dealing with people as "resources" is like dealing with electricity or raw materials
- "HR groups are just spies and shells for management" "Try taking a complaint about your manager to the HR group and see what happens."

As a result of the original article some comments made to HR Advisor included:

- Management often gets smoke and mirrors when what they really need is a mirror.
- HR is self absorbed in their own bureaucracy and could care less about doing the right things.

These comments are at first blush very insulting and disturbing. Upon further review I believe they present us with a challenge. The challenge is to take a look at our HR departments and our organizations and be sure these statements aren't correct there. We should take this as an opportunity to ask others for some real anonymous feedback about how we and our departments are performing. Things may be broken and we don't even know it. This could be a case where our customer's perception is different than ours, but remember their perception is their reality.

We can use this challenge to be sure we are truly acting in ways that are supportive and helpful to our employees while at the same time being a valuable business partner. It is a difficult balance to achieve. As the comment above mentioned, we do need to be of value to our organization by being that "mirror" for management.

I hope all of us can answer the challenge by saying HR is not a "Dumb Concept" and in fact it is an extremely valuable contributor to the overall success of our organization. If we don't think we can say that, we know this is an important area for us to focus and improve. All our organizations should say, HR is alive and well!

— Mark Pankoke

Drawing Winner
Who Says There's No Such Thing as a Free Lunch? Congratulations to **Jill Staberg** from the Nebraska Dept. of Banking and Finance. She will receive free registration at the April 12th luncheon meeting!



*'... but remember
their perception
is their reality.'*

Happy Spring!



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

Legal Update

Break Time for Nursing Mothers Under the FLSA and the New Nebraska Law

By Tara L. Tesmer, Rembolt Ludtke, LLP

The landmark healthcare law signed by President Obama on March 23, 2010, incorporated a new provision into the Fair Labor Standards Act ("FLSA") pursuant to Section 4207 of the Patient Protection and Affordable Care Act of 2010 ("PPACA") requiring employers to provide "reasonable breaks" to nursing mothers. Recently, the Department of Labor's ("DOL") Wage and Hour Division released new interpretations for this break time requirement clarifying and providing specific guidance for employers.

General Requirements: The PPACA requires employers to provide "reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk." Employers are also required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

Time and Location of Breaks: Pursuant to the recent interpretations, the DOL clarified that employers must provide reasonable break times as frequently as needed by the nursing mother, acknowledging that the frequency and duration of breaks will vary. Bathrooms, even if private, are not permissible locations under the Act. Rather, employers must create a permanent or temporary space that is functional for expressing milk. If the space is not fully dedicated to the nursing mother's use, it must be made available when needed. If an employer has no employees who are nursing mothers, the employer has no obligation to create a lactation space.

Compensation: Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. In addition, the FLSA's general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time applies.

Covered Employers: An employee working for an employer covered by the FLSA is entitled to break time to express milk if she is a non-exempt employee under Section 7 of the FLSA, which governs overtime pay requirements. In other words, all employers covered by the FLSA, regardless of the size of their business, are required to comply with the PPACA. However, employers with fewer than fifty (50) employees are exempt from the break time requirement if, and only if, providing the break would impose an "undue hardship" on the employer. For purposes of the PPACA, "undue hardship" is defined as causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business. All employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply. Consistent with the FLSA definition of employee, "any individual employed by an employer" must be counted, including full-time employees, part-time employees, and any other individuals who meet the FLSA definition of employee found at 29 U.S.C. 203(e)(1). While exempt employees have no right to break time under the FLSA, they will find some protection under a newly enacted Nebraska state law.

New Nebraska Law: Recently, the Nebraska legislature passed Legislative Bill 197 ("LB 197"), which ensures mothers are able to breast feed her child in any public or private location where the mother is otherwise authorized to be. State Senator Annette Dubas of Fullerton introduced LB 197 and lawmakers voted 46-0 on March 4, 2011 to pass the bill. Governor Heineman signed LB 197

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Member Changes

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



Board Meeting Recap

- Future programs discussed.
- Board is looking for Marketing and/or Social Media person for special projects.
- May—May Basket raffle. Still looking for basket donations
- Career Expo to be held in fall this year.
- SHRM is now auditing student chapters; may impact our local chapters.

NEW MEMBERS

Anna Seckman
Nebraska Children & Families Foundation
aseckman@nebraskachildren.org

into law on March 10, 2011. The law will become effective in early September of this year. Prior to the passage of LB 197, Nebraska was one of only two states without legal protection for breast feeding.

Lesson: While the recent DOL interpretations helped to clarify some of the questions that arose post-enactment of the requirement for reasonable break time for nursing mothers, courts are increasingly interpreting the reach of the FLSA broadly. Employers should tread the waters carefully and consult with counsel in formulating appropriate policies and practices to ensure they are in compliance with the nursing mother requirements of the PPACA.

Tesmer is an associate attorney with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or tesmer@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.

Coach's Corner

Coaching is a Relationship

By Jane Weddle, M.A. ♦ Weddle Performance Group



Tip: Coaching is about a relationship with the person you are coaching and with yourself. It starts with you noticing or what I like to also refer to is being self-aware.

When you notice confusion, for example, from someone you are coaching, take 100% responsibility for the confusion. Ask yourself what you are doing to contribute to their confusion.

Seek the answer. With the answer, your coaching will improve dramatically.

Example: David is training Nickie about using the computer. David notices Nickie is confused. He assumes that she is not “getting it” and blames her for not paying attention. David becomes frustrated. What if David were to ask himself this self-coaching question: “What might I be doing to contribute to Nickie’s confusion?”

How would that alter his mood? How might it impact the relationship? Might David see that additional patience or clarification on his part would help? “Confusion” or any other assessment of another lives in the eye of the beholder. Take 100% responsibility for what you create and the world will respond.

Coaches help athletes achieve top performance. Today, more and more managers and professionals rely on coaching skills to get top performance from their teams.

Jane Weddle is a Certified B-Coach for Weddle Performance Group. To find out more about the services and products that WPG offers or for more information on other organizational needs, go to www.partnerinperformance.com or call 402-429-5224.

Wellness

Writing a Measurable Wellness Plan

By Lisa Henning, Executive Director
WorkWell, Inc.



In the past article we discussed the importance of using company assessment data to develop a measurable written wellness plan. Now the next step is to implement the interventions/programs that were identified in your wellness plan. The remaining parts of this article will be dedicated to providing best practice ideas from several leading companies in Lincoln and Nebraska.

Nutrition Best Practices:

- Free fresh fruits and vegetables and low fat dairy in break rooms.
- Healthy cafeteria and vending options.
- Policies prohibiting unhealthy catering and outside food.
- Price pointing food so that healthy foods are less expensive.
- Multi-week food incentive challenges.
- Healthy food potluck.

Physical Fitness Best Practices:

- Release time to allow people to participate in fitness.
- Retro-active gym reimbursement based on participation.
- Multi-week fitness challenges.
- Team-based multi-week fitness challenges.
- Partner-based fitness challenges.
- Pre-work stretching.
- Additional lunch break time for fitness.
- Reimbursement for community walks and run.
- Reimbursement for LiveHealthy Nebraska registration.



Weight Management Best Practices:

- Retroactive reimbursement for weight management classes after weight loss has been maintained for at least six months.
- All of the above fitness and nutrition activities.
- Freight scale/team-based weight challenges that focus on healthy weight loss percentage (1-2 pounds per week), not "Biggest Loser" style.
- Healthy cooking classes.
- Discount on health insurance premium if BMI is appropriate weight or if you reduce your BMI by 1 point per year.

Tobacco Best Practices:

- On-site tobacco cessation classes.
- Retroactive reimbursement for tobacco cessation classes after individual has been tobacco-free for at least six months.
- Spouse able to access all benefits related to cessation so that the employee has a supportive home environment.
- Tobacco-free campus policy.
- Pharmaceutical reimbursement for tobacco cessation medication.
- Coverage for cessation counseling.
- 1-800-QUITNOW
- Discount on health insurance premium for non-tobacco users.

Emotional Health Best Practices:

- Enrollment in an employee assistance program.
- Incentive programs to encourage appropriate sleep.
- Financial reimbursement for enrichment classes at place of worship or non-credit classes at community college.

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- Tuition reimbursement.
- Incentive programs to encourage quality family time and stress management.
- Presentations and workshops on stress management, time management, and financial wellness.
- Multi-week incentive programs in financial wellness or stress management.
- On-site massage therapy.
- On-site relaxation room.
- On-site Yoga classes.

These are just some of many potential ideas for your company. As you can see, it is very important to balance physical, emotional, and spiritual wellness. Our next newsletter will be dedicated to policies and supportive environments for a successful wellness program.

For further questions about WorkWell or the above article, please contact Lisa Henning at lhennig@lincoln.ne.gov.

EAP Corner

Domestic Violence: Tips for Managers and HR

Kari Hasemann-Herbert, LCSW, CEAP

Directions Employee Assistance Program ♦ Lincoln, Nebraska

Recently, our community had a tragic reminder of the severe consequences of domestic violence. It is a crime that affects millions of employees and their family members each year. It is estimated that domestic violence costs U.S. companies 4-5 billion dollars annually in lost work time, increased health care costs, higher turnover, and lower productivity. Anyone can be a victim of domestic violence; however, women are 13 times more likely to be abused. Let's review some information regarding domestic violence.

Some warning signs of domestic abuse are obvious, while others are more subtle. Victims may:

- Come to work repeatedly with injuries, explained or unexplained;
- Have increased absenteeism or tardiness issues (coming to work early or a need to leave early; staying at work later to avoid going home; being late or absent while waiting for injuries to heal);
- Receive many upsetting personal phone calls, faxes or visits;
- Wear unseasonable clothing (to conceal injuries);
- Show a marked decrease in job performance;
- Disclose that they are in an abusive situation.

When an employee discloses to you that she or he is in an abusive situation, or if you suspect that one of your employees is impacted by abuse:

- Express your concern for the employee;
- Listen and believe what the victim tells you about the experience;
- Let the employee know that domestic violence is never acceptable and that it is not their fault;
- Involve the person in developing safety measures and a plan;
- Encourage the employee to seek assistance through the EAP;
- Provide protective services in the workplace, such as security personnel walking the employee to her or his car, secure entries, offering to alter the employee's work schedule or location, encourage them to change-up their routines of where they park, exits they use, encourage them to consider someone who could provide some temporary transportation for them to and from work, if possible;
- Respect the individual's confidentiality.

It is best to avoid doing the following:

- Don't tell a victim what to do, or that she or he should leave the abuser – a victim of abuse is generally at greatest risk when she or he leaves the relationship;
- Don't try to counsel an employee – abusers often respond with further abuse if they learn that their victim has told other people about what has been happening;
- Don't lose patience if the victim leaves and then returns to the abuser;

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- Don't try to be a bodyguard;
- Don't be judgmental.

If you are concerned that an employee may be committing acts of domestic violence, it may be appropriate to:

- Seek assistance from internal resources within the company (Human Resources, Security, Executive Management);
- Let the person know that they cannot use company time or resources to solve domestic conflict issues;
- Encourage the employee to seek assistance.

Your employee assistance program is available to assist in situations of domestic violence. Please call for consultation and assistance. Directions EAP (402) 434-2900 or (800) 563-8201

New LHRMA Opportunities

If you are interested in working with the LHRMA Board and are interested in marketing and social media outreach, we have an opportunity for you.

The LHRMA Board has decided to have a Special Appointee begin operating as a Director of Marketing/Social Media. Whoever takes on this position will not be an official voting Board member at this time, as this will require a change to our By-laws. We would like this position to attend Board meetings and help define the position and begin operating with a newly forming committee to help LHRMA improve our marketing and outreach efforts. We hope to 1) increase our exposure to aid in bringing in new members and 2) expanding our value to existing members through the use of social media.

If you are interested in the Director role, please email Kathy Harper at lhrma0048@yahoo.com for an application form. We would love to consider your application.

For those of you not sure about the lead role but are interested in joining this "new committee", please let Kathy know of your interest as well. We will need a few good committee members to support this new effort.

Please consider these opportunities and choose to become involved!

Mark Pankoke
President, LHRMA

Jobs, Jobs and More Jobs!

**Do you have one to advertise or are you looking for one?
CHECK OUT OUR WEBSITE—<http://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 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.lincolnhr.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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SHRM local chapter #0048



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We're on the web!
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