



Lincoln Human Resource Management Association



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

Volume 2, Issue 7

July, 2011



Happy 4th of July!

July 12th, 2011 Program

Luncheon:

Background Checks - Are They Helping or Hurting?

by Nick Jasa, One Source
and Sam Brown, Community Guest Speaker

Workshop:

Implementing a Legally Sound Background Check Policy

by Mark Schorr, Erickson and Sederstrom

When:

Tuesday, July 12th
11:00 – 11:30 Registration
11:30 – 1:00 Luncheon*
1:15 – 2:15 Workshop* (One Hour Session)
*HRCI Credits have been applied for

Where:

Hillcrest Country Club
9401 East O Street, Lincoln, NE

Parking: FREE

Cost:

Luncheon: LHRMA members- \$15
All Other Attendees- \$25
Workshop: All Attendees – \$15 (One Hour Session Price)

Menu:

Caesar Salad & Fresh fruit
Parmesan Ranch Chicken
Twice Baked Potatoes
Fresh Vegetable Medley
Rolls/Butter
Assorted Cookies
Water, Tea, Coffee

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

About our Program:

LHRMA is pleased to present a unique perspective into all aspects of what an employer should consider when conducting background checks. Join us to learn about important elements to help you ensure the best possible workforce readiness, both from the employer’s perspective, as well as the applicant’s perspective.

The LHRMA Salary and Benefits Survey e-mail invitations will be sent out later this week. If you do not receive this information, please email Kelly Riley (Kelly@clarion-group.net) or call Kelly at 402-540-7130 so that you can verify your email address and receive the salary & benefits survey participation invitation. Thank you.

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We have invited an interesting mix of speakers to shed light on the process of employment background checks. You will hear from a company that provides third-party background checks to better understand what employers are getting when they receive a background check report. We hope to better understand best practices when selecting the types, timing, and criteria for checks.

To better understand the applicant's perspective, we have invited an individual from the community who has experienced firsthand the consequences of a blemished background check and how this relates to employers' choices for job selection.

You will be prompted to discuss your background check practices, social media and hiring policies, and other challenging questions with other HR professionals at your table.

Our one-hour packed workshop will be presented by Mark Schorr, esteemed and respected attorney from the Erickson and Sederstrom law firm. Mr. Schorr will provide guidance on background check risks, public vs. private employer considerations, policy do's and don'ts, and current case law examples.

Luncheon objectives include:

- Nick Jasa, One Source – Just what are you getting when you “run a background check”?
- Sam Brown – “Everybody wins” when given a second chance: a unique inside perspective from our community guest speaker who will describe his challenges and successes as a result of background checks.
- Round table discussion regarding background check policies, practices, and case scenarios.

Workshop objectives include:

- What employers should consider when checking an applicant's social media sites
- Public vs. private employers – know the differences when creating your policies
- Policy do's and don'ts
- Current case studies involving background checks, including social media

Attendees will also be able to access sample background check policies to compare and update their own policies!!

About our Presenters:

Nick Jasa, One Source

Mr. Jasa started in the background screening industry in 2003; he is currently CEO of One Source The Background Check Company. Nick was born and raised in Omaha, NE, and attended the University of Nebraska at Omaha. In addition to background screening, Mr. Jasa has worked in the finance and lending industries. He has seven children including two-year-old twins.

One Source's philosophy is that success for any organization begins with the right people. Since 1981, One Source has helped clients around the country and across a full range of industries hire the right people by providing the most comprehensive pre-employment screening products and services. One Source's vast experience as a background check company, combined with exceptionally fast turnaround time, advantages in pricing, customization, and technology together add up to the best value for our clients.

Sam Brown is our guest community speaker. Mr. Brown is an ex-convict, recovering alcoholic, and cancer survivor. He returned to college at the age of 55 and received his Bachelor's degree in Human Relations while maintaining a 3.91 GPA. Mr. Brown received the National Honors Society Pinnacle Award in 2008. He is a proud member of the Board of Directors at CenterPointe and does public speaking. In 2008, the *Journal Star* profiled his life story. Mr. Brown is striving to be an asset to society while empowering the lives of others.

Mark M. Schorr, Attorney at Law - Erickson and Sederstrom

Attorney at Law Mr. Schorr is a member of the Labor Relations Council of the Nebraska Chamber of Commerce & Industry, and is also an appointed member of the American Bar Association's Committee on Development of the Law under the National Labor Relations Act. He has been listed for many years as one of the leading attorneys in Nebraska by Chambers USA-America's Leading Lawyers for Business. He is also currently listed as one of the Great Plains Super Lawyers 2010, published by Minnesota Law and Politics Magazine. Mr. Schorr has also been recognized for several years as one of the top labor and employment law specialists in America, in previous and the latest edition of Super Lawyers-Corporate Counsel Edition.



Nick Jasa



Mark Schorr

President's Message

Mark Pankoke, President



It Just Makes You Think

Wow, I just returned from attending the June LHRMA meeting and workshop! I was again amazed that things you think you know or seem simple are often more complicated and trickier than you think. It just makes me think and hopefully it makes you think too.

One of the biggest values of being a LHRMA member is the educational programming opportunities each month. Topics that sound as old hat as discussing an I-9 for an hour can be so rewarding and leave you saying "let's talk about this some more". Admittedly some of this is because the presenter is good, with interesting stories, a little humor and a great deal of expertise. Another part of it is just that feeling of learning and being reminded about things we may have known and forgotten. Today's meeting on I-9s was a good example of this. Things that we may do many, many times in the course of a year still require a high degree of diligence, accuracy and thoroughness. It is good to be reminded of why we do these things. If not, as the speaker reminded us, we could end up in the "big house" and I don't think she meant grandma's house on the farm.

My point is that all of us in HR need continuing education. We need to think. We need to be challenged. We need to be trained. We need to be reminded. Thankfully we belong to an organization, LHRMA, that does an outstanding job of this. Month in and month out, we are fortunate to have good programming that can educate those who are new to the profession, as well as serve as a reminder to others who are more experienced.

Future meetings will focus on a variety of topics, including, background checks, legislative issues and leadership. Each of those topics will likely be very thought provoking as both changes in approaches for each topic and basic principles that we may have forgotten are addressed. This month's meeting made me realize again, I want to be at the meetings to see what those new things are and be reminded about those basic things I may know or may have forgotten. Sign me up! I am ready for the next meeting.

If you haven't been to a meeting lately I challenge you to attend and see if the speaker/topic/information doesn't "make you think". If you are a regular attendee, I'll bet you agree that the meetings do make you think.

— Mark Pankoke

Drawing Winner
Who Says There's No Such Thing as a Free Lunch? Congratulations to **Jerry Lee Jensen** from the Nebraska State Patrol. She will receive free registration at the July 12th luncheon meeting!



Board Meeting Recap

- Membership committee will be meeting with other local professional groups
- Special Interest Group—first session July 21st on Social Media Recruiting.
- Juneteenth Celebration—LHRMA's diversity committee will have booth
- Fall Certification Study Group—books are ordered
- Marketing/Social Media—still need to recruit committee members.



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

Legal Update

Is it Confidential if the Employee Told Us About It?

By Mark A. Fahleson, Esq., Rembolt Rudtke, LLP

Most employers understand that employee medical information should be given confidential treatment so as to prevent potential claims under the Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA) and various state law privacy protections. But what happens when the employee is voluntarily disclosing his or her medical information? A recent federal district court case brought by the federal Equal Employment Opportunity Commission (EEOC) sheds light on a covered employer's obligations under the ADA and serves as a helpful reminder why "name, rank and serial number" is the appropriate response to an inquiry on one of your former employees.

In *EEOC v. Thrivent Financial for Lutherans*, 2011 WL 2444060 (E.D.Wis. June 15, 2011), Gary Messier was employed as a temporary programmer by Omni Resources, Inc. Omni assigned Messier to work at Thrivent pursuant to a contract between Thrivent and Omni. On November 1, 2006, Messier did not report for work at Thrivent, which caused Thrivent to contact Omni. Messier's supervisor at Omni e-mailed Messier:

Gary,

Give us a call, and give [your Thrivent supervisor] a call. We need to know what's going on. [Thrivent] called here looking for you.

Later that same day Messier sent a lengthy e-mail response to Omni and Thrivent stating that he had been "in bed all day with a severe migraine" and detailing various medical issues and treatment arising out of a major car accident in 1984. Messier quit his job with Omni on December 4, 2006, and began looking for other work. Messier suspected his former supervisor at Thrivent was providing a negative reference, causing Messier to hire a reference-checking agency. A representative of this agency called Messier's supervisor at Thrivent, who disclosed information about Messier's migraine condition to the representative.

The EEOC filed suit against Thrivent, alleging the disclosure of Messier's medical information to potential employers violated the ADA. Section 102(d)(4)(A) of the ADA prohibits employers from making disability-related inquiries "unless such . . . inquiry is shown to be job-related and consistent with business necessity." Medical information obtained from such inquiries is subject to the ADA's confidentiality protections. Most courts have concluded that the ADA's confidentiality requirements do not protect medical information that is voluntarily disclosed by the employee because it's not acquired as a result of a medical inquiry.

The EEOC contended that if the employer initiates the inquiry—even if the inquiry doesn't expressly ask for medical information—then any employee response containing medical information is entitled to protection. The district court disagreed, and entered judgment in favor of Thrivent. As the court explained, "an employee's disclosure is voluntary [and therefore not protected under the ADA] if the disclosure is not preceded by any request or demand for medical information by the employer. Which party initiates the conversation that leads to a disclosure is not relevant; which party initiates or requests the employee's actual disclosure of medical information is determinative."

Lesson: The *Thrivent* case helps employers distinguish between what is and what is not protected confidential information under the ADA. It is important to note that while Thrivent appears to have escaped liability under the ADA, it still faces potential liability under state privacy laws given the unauthorized disclosure to a third-party potential employer. Had Thrivent simply followed a strict policy of no response or limited response (name, dates of employment, positions held) to the reference checking agency, it could have avoided paying thousands of dollars in attorneys' fees defending against the EEOC's lawsuit and possibly those yet to come.

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**Plan now for LHRMA's
upcoming Certification
Study Group
Aug. 15 thru Nov. 14.**

The group will meet every Monday evening (except on Labor Day and Halloween when it will meet the following Tuesday) 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.

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With the adoption of the recent amendments to the ADA, the federal EEOC has commenced a series of lawsuits seeking to expand the boundaries of the ADA. Employers need to be especially vigilant in maintaining the confidentiality of employee medical information and adopting and following a policy as to who will respond to inquiries on former employees and how they will respond. The remedies available to a prevailing employee under the ADA are significant. An ounce of prevention in this regard will literally save pounds of headaches, attorneys' fees and potential damage awards.

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

Announcing LHRMA's first SPIG!



A SPIG is a Special Interest Group. This is a group of people interested in a general topic being brought together for the purpose of discussing ideas, thoughts and questions relating to a general topic. LHRMA has decided to try this concept with Recruiting. If you have an interest in recruiting and are available on July 21, please join us. An email from LHRMA will be sent in early to mid July with an opportunity for you to tell us you plan to attend.

Here are some particulars:

Recruiting SPIG

July 21, 7:30 – 8:30 a.m. (Coffee provided)
Madonna Rehabilitation Hospital, Lau Room
Facilitator – Jason Lauritsen
Initial Discussion topic – Social Media and Recruiting

We hope to see you then. Put it on your calendar now.



Member Changes

Deborah Marshall
debbmarshall@yahoo.com

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

NEW MEMBERS

Marcia Cash
HR Coordinator
Lincoln Electric System
mcash@les.com

Nicole Mirau
Director of Human Resources
Back to the Bible
nicolem@backtothebible.org



New Members: Marcia Cash, Kaelen Reverse, and Dorothy Ramsey.

EAP Corner

Stress Doesn't Take a Vacation

Lesla Deeker, SPHR, Consultant / Trainer

Best Care EAP

Summer's finally here! We're looking forward to vacation, backyard barbecues, lazy afternoons by the pool, and the opportunity to de-stress from our jobs.

Unfortunately, stress doesn't take a vacation.

Stress is defined as a normal physical response to events that make you feel threatened or upset your balance in some way – it's the body's way of protecting you and preparing you to fight or flee for survival. But when you don't need to fight or flee for your life, the preparations your body makes (those normal physical responses) go to waste, and then they lay waste to your health!

There is a strong and well-documented association between stress and disease. The negative health implications of unmanaged stress have been proven in multiple research studies including studies on risk and treatment of stroke, gastrointestinal ailments, depression, and pain. The American Medical Association has estimated that as many as 75% of doctor visits are stress-related.

Addressing the issue of stress is critical for you personally if you want to live a healthier and longer life, and also professionally if you are in any way responsible for the health and wellbeing of the employees in your organization.

Fortunately, there are many simple practices you can implement to help you better manage the stressors in your own life and encourage employees to better manage their stressors, as well.

The most important key to managing stress is to identify your stressors. Causes of stress will be different for each individual. People, events, values, and priorities, are all potential sources of stress. Take a few minutes and write down the issues that you are struggling with and that have been causing you stress for some time.

When you have identified your stressors, examine your list to see if there are common denominators among your stressors. Categorize your stressors according to those common denominators. Do most of your stressors have to do with people? Are they more often in your work role or in your personal life?

What stressors can you control or influence?

Now that you have a list of what is causing you stress and have categorized them, you are ready to use that list and your categories to help determine where to focus your stress management efforts. Will you work on your relationships or on setting boundaries with particular people? Will you reexamine your priorities or re-organize your schedule? Do you need to resolve a conflict between your goals and where you are actually spending your time?

Once you have identified and prioritized the actions you can take to address those stressors, you may want to use some of the following coping techniques:

1. **Let it go.** If a stressor is something you can't control or influence, let it go. You are only adding to your stress when you try to change something you have no control over.
2. **Reframe.** Make a conscious effort to view the situation from a new perspective. Try to find the lesson or even the humor in the circumstances.
3. **Journal.** Writing down your thoughts and feelings helps you release the negative energy that causes you stress. Research has shown that people who keep journals have healthier immune systems than people who don't.
4. **Make time for hobbies and take your vacation.** Devoting time to activities you enjoy can balance

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out the stress in your life. People who regularly take time for leisure activities and take vacation of at least a full week each year have been shown to lead longer lives and are better able to handle stressful situations.

5. **Build and maintain connections.** A strong social network of friends and family offer you protection against the negative effects of stress.
6. **Exercise.** Exercise has many beneficial effects, including ridding your body of the chemicals it produces when you are under stress. If your stressors don't require you to fight or flee for your life, you need to exercise!
7. **Deep breathe.** Taking slow, deep breaths is fast, simple, and easy and one of the best things you can do on a daily basis to relax and control your stress. As you deep breathe, try closing your eyes and thinking of people and places you enjoy. It's like taking a mini-vacation away from your stress!
8. **Find what works for you.** Just like the things that cause stress are different for everyone, the techniques that help to manage stress are different for everyone, too. Create your own list of techniques and put them into practice.
9. **Seek professional help.** If you are having difficulty coming up with solutions to address the particular stressors in your life, your employee assistance program provider can help. EAP professionals can provide an important outside perspective on your situation and offer you guidance on how to approach and better manage your individual stressors.

Remember, your Employee Assistance Program provider is a resource for confidential, professional support and assistance in handling stress. When your employees are experiencing the negative effects of stress, remind them of this valuable benefit and recommend that they call your EAP.



The Salvation Army and The Lincoln Human Resources Management Association Help Kids Go Back To School

The following items are recommended:

Backpacks	No. 2 pencils
Colored Pencils	Pencil Sharpener
Erasers	Ballpoint Pens
Highlighters	Notebooks
Loose Paper	Rulers
3-Ring Binders	Folders
Scissors	Calculators
Index Cards	Zipper Notebooks

Please bring your donations to the **August** LHRMA meeting.
Thank You!



Wellness

Evaluating a Successful Wellness Program—It's More than Health Plan Premiums

By Lisa Henning, Executive Director
WorkWell, Inc.

One of the biggest misunderstandings of the effects of a corporate wellness program is that wellness programs decrease the cost of insurance. As a wellness council director, that is what most companies want to see when they get involved with WorkWell. Unfortunately, it does not take me long before we talk reality and focus on what we can control at the company level. The fact remains that wellness is a long journey. It is a marathon – not a sprint. Our local corporate leaders, Duncan Aviation and Lincoln Industries, have been doing wellness for a very long time and continue to struggle with their health insurance costs. Yes, they have made a dramatic impact. Their costs are much lower than the industry average and they are keeping increases lower than the community, state, and national averages, BUT, realistically, not every part of health care costs is in their hands. They do not set the price at medical offices. They do not set the price at hospitals or the cost of medical equipment. They do not control natural disasters that impact insurance rates across America.

What companies in wellness can see are changes in absenteeism, productivity, worker's compensation. I try very hard to encourage businesses to focus their attention on these measurements. I spoke earlier about the savings Lincoln Industries experienced by having a mandatory pre-work stretching program. The cost savings was primarily due to a change in their worker's compensation rating.

Absenteeism is a huge cost to business. In a school or health system environment which has to cover staff shortages with subs, overtime, or temporary employees, the cost of an absent employee can be double or triple the cost of daily operations if the scheduled employee was not sick. Absenteeism is tricky to measure. Many businesses offer paid time off and do not track sick leave. While this is a great thing for culture, it is a killer on the wellness measurement side of things. Even so, self report studies have shown some remarkable results. For example, at one health system, they asked employees to report whether or not they had a flu shot, got sick with the flu, or remained healthy. Those that received the flu shot were absent two fewer days than those that did not get the flu shot during the months of November – March. This is a rather large health system, so the calculation of savings looked something like this:

# receiving the flu shot	1862
X two days/16 hours (salary and benefits @ \$35.00 per hour)	\$560.00 per person
Total savings in lost work time (1862 x \$560)	\$1,042,720.00
Investment in flu vaccine (\$20 pp x 1862)	-\$37,240.00
Total net savings in absenteeism	\$1,005,480.00

This study did not take in to account the cost of sub or overtime personnel. Even though this is not a highly scientific study, you get the idea. Take a look at many other areas that can be impacted by healthy lifestyles. Wellness is not purely measured by the change in health insurance.

For more information about developing a successful wellness program, contact Lisa Henning at WorkWell, 402-441-8049.



PHR/SPHR Certification

LHRMA is sponsoring a Certification Study Group beginning August 22, 2011 and ending November 14, 2011 to aid HR professionals in the preparation for the next PHR/SPHR certification examination period of December 1st – January 31st. These sessions are held on Monday evenings from 5:30pm – 8:30pm (except on Labor Day and Halloween when they will be held the following Tuesday) at Nebraska Book Company.

Enrollment Fee: \$65 for LHRMA members or \$100 for non-LHRMA members

THIS PROGRAM IS DESIGNED FOR:

Professionals desiring a review course in preparation for the HRCI Certification Exam. To earn the PHR or SPHR designation, the candidate must have the appropriate experience and education requirements found on the HRCI website (http://www.hrci.org/2011_Exam_Eligibility/). Individuals applying for the PHR/SPHR Certification Exam must submit their application with payment to HRCI by the appropriate deadlines. Any questions regarding the Certification Exam or eligibility should be directed to HRCI. HRCI's Certification Handbook can be accessed online at www.hrci.org.

CERTIFICATION COURSE INSTRUCTIONAL FORMAT AND MATERIAL:

The Certification Course uses a lecture format that encompasses the six functional areas that make up the test specifications.

- Strategic Management
- Workforce Planning & Development
- Total Rewards
- Human Resource Development
- Employee & Labor Relations
- Risk Management

The Certification Study Group has been extremely successful in the past with a 90% or higher exam pass rate. Our expert instructors are certified practitioners in Human Resources and are able to provide both practical and technical expertise to participants. The “Official PHR & SPHR Certification Guide” written by HRCI will be provided to all participants.

The core text for the certification study group is “Human Resource Management” (13th edition) by Robert L. Mathis and John H. Jackson. You must purchase the textbook **on your own**. The textbook and study guide are available at the SHRM store (www.shrm.org). Prices are listed below. You must be a SHRM member to get the best rate. Other sources may be Amazon, Textbooks.com, or a college bookstore. If purchasing a used book, be sure to purchase the **13th edition**.

- Human Resource Management (Mathis & Jackson) \$181.95/\$208.95
- Text plus Study Guide \$190.95/\$210.95
- Study Guide only \$32.95/\$34.95

If you would like to be involved in the study group, please click the “enroll now” button above to register for the group. For more information about certification, exam dates, and exam locations, visit the [HRCI](http://www.hrci.org) website. Any questions or concerns about the study group or exams can be addressed to [Melissa Price](#), Certification Director.

Jobs, Jobs and More Jobs!

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

CHECK OUT OUR WEBSITE—<http://www.lincolnhhr.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.lincolnhhr.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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We're on the web!
lincolnhhr.org