

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

Volume 2, Issue 6

June, 2011



June 2011 Program

Presented by Jackson Lewis LLP

Luncheon:

I-9s - The Good, The Bad, & The Ugly
By Amy Peck

Workshop:

Disability Leave Management Trio
By Susan Schneider & Jill Poole

When:

Tuesday, June 14th
11:00 – 11:30 Registration
11:30 – 1:00 Luncheon*
1:15 – 3:15 Workshop*

*HRCI Credits have been applied for

Where:

Firefighter's Hall
241 Victory Lane, Lincoln, NE

Parking: FREE

Cost:

Luncheon: LHRMA members- \$15
All Other Attendees- \$25
Workshop: All Attendees – \$35

Menu:

Catering by Grisanti's:
Lasagna & Chicken Penne Pasta
Salad & Bread
Assorted Gourmet Desserts
Soft Drinks, Tea, Water, Coffee

Deadline: The deadline to register or cancel your registration is by: Noon, Friday, **June 10th.**

About our Program:

LHRMA is excited and fortunate to have three local experts from Jackson Lewis LLP address our most requested topics this month:

Luncheon: I-9s - The Good, The Bad, & The Ugly

- ◆ Top I-9 mistakes: how to improve your I-9s in one day
- ◆ Top tips on how to fix problematic I-9s
- ◆ Top tips on managing the I-9 purge process
- ◆ Top audit issues



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Workshop: Disability Leave Management Trio

- ♦ Explore the relationship between Workers' Compensation, the Family Medical Leave Act and the Americans with Disabilities Act.
- ♦ Discuss "hot topics" of the day, including how to handle irregular attendance, extended leave, return from leave and evaluating a medical condition.
- ♦ Interactive discussion regarding what may be a reasonable accommodation in various scenarios

About our Presenter:

Amy Peck is Of Counsel with Jackson Lewis LLP in Omaha, Nebraska.

Ms. Peck is one of 19 elected Directors to the 12,000 member American Immigration Lawyers Association (AILA). She currently serves on the AILA National Verification Liaison Committee, the AILA Comprehensive Reform Committee, and is a founding member of the Global Migration Action Group. She is the immediate past Chair of the AILA National Executive Office for Immigration Review (EOIR) liaison committee (2008-10), and served as a member of the AILA inter-agency committee (2007-2010). Ms. Peck also served as Chair of the Strategic Planning Committee for the AILA (2008-09) and served on the Spring Conference committee (2008-10). She was chosen as the editor of the AILA Midyear Conference materials in 2010. Ms. Peck is the past Chair of the AILA Privacy Office/ FOIA liaison committee (2006-08), and past Chair of the Immigration and Customs Enforcement (ICE) liaison committee (2004-06). She is past chair of the AILA Iowa-Nebraska chapter (2001-03), and previously served as its treasurer (1999-2000). Ms. Peck received the President's Award for Worksite Compliance in 2008 and has received the top AV rating by Martindale-Hubbell Law Directory, and has been listed in the *US News* "Best Lawyers" report, and a "Top Lawyer" in *Omaha Magazine* in 2010.



Jill L. Poole is an Associate with Jackson Lewis' Omaha office, where she represents management in all aspects of employment litigation. Ms. Poole earned her B. A. degree from the University of Nebraska-Lincoln and her J. D. degree from University of Nebraska College of Law.

Ms. Poole has a vast amount of trial experience, and she has represented employers in various areas of employment litigation, including wrongful termination, employment discrimination, class actions, retaliation cases and breach of employment contracts. Ms. Poole regularly advises clients on employee discipline, layoffs, reductions in force, human resource policies, leave management and disability matters.



Susan M. Schneider is an associate with Jackson Lewis' Omaha office, where she represents management in all aspects of employment litigation. Ms. Schneider earned her B.A. degree from the University of Nebraska-Omaha and her J.D. degree from the University of Nebraska College of Law. Ms. Schneider graduated from law school with a program of concentrated study in labor and employment law.

Ms. Schneider regularly represents management in various aspects of employer/employee relationships including advising employers on wage and hour issues, discipline and discharge of employees and defending state and federal administrative charges and litigation.

**Upcoming Meetings**

July – Workforce Readiness – Background Checks & Second Chances

August – Government Relations

September – No LHRMA Meeting - SHRM State Conference

President's Message

Mark Pankoke, President



HR Metrics – Rocket Fuel or Pogo Stick

You are probably thinking, what the heck is he talking about, rocket fuel or pogo stick? Basically HR metrics can be the rocket fuel to move us forward (or up) very quickly and efficiently or it can be like a pogo stick, kind of interesting but of little value as a way to move ahead.

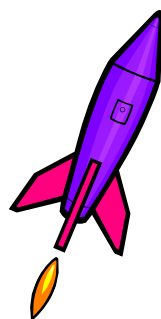
Measuring the results in HR can often be a frustrating, controversial and even difficult task. The first article discussing this topic appeared 33 years ago in Personnel Journal. How far have we come? Do you have a system of HR metrics in place? How effective have they been in moving you forward? Can those metrics be rocket fuel or are they just an interesting pogo stick?

In a current article in Talent Management, Jac Fitz-enz, says “HR’s traditional sublimated position is the result of three deficiencies. One is a lack of knowledge or interest in the business. Two is a failure to use quantitative data in communicating with management; and three is an inability to persuade or sell their ideas or needs.” Two of these three “deficiencies” can be eliminated by using appropriate metrics. Jac also says that at this time well over half of HR functions do not measure anything except perhaps a very simple HR expense ratio.

With a well developed set of HR metrics we can use that data to communicate with management. After all, the language of business is often numbers. The trick of course is to have the right metrics. Meaningful metrics can provide those important numbers that will fit with your business. Talk with your management, look at the things your HR function does that are of most importance to your organization and use that information to develop or refine metrics that will be valuable to you and your organization.

With those metrics in hand we can sell our ideas, plans for the future and strategies to make our organizations even stronger. The numbers often will go much further than saying, my years of experience tell me... As an example, if we can say the result of this new hiring process has decreased our first year turnover by 25% with a payback of 6 months, executives will likely sit up and take notice.

I leave you with this challenge. Don't have a “pogo stick” HR metrics system, develop one that can “rocket” you, your department and your organization forward. It is your opportunity for the taking.



— Mark Pankoke

Drawing Winner

Who Says There's No Such Thing as a Free Lunch? Congratulations to **Nate Elgert** from Aureus Group. He will receive free registration at the June 14th luncheon meeting!



Board Meeting Recap

- One person interested in Marketing Director position
- SHRM is looking for 3% membership increase this year for each chapter
- Celebrate Lincoln is June 10-11 this year.
- Workforce Readiness met with LPS administrators to partner with in 2012 event.
- Doane student approved for scholarship.
- Certification—no distance learning option for fall—only spring sessions due to high cost of facility.
- Need to look at new options to achieve Silver Excel award this year.



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Legal Update

They're Back—SSA Resumes Sending No-Match Letters

By Keith Prettyman, Woods & Aitken, LLP

Effective April 6, 2011, after a four-year break, the Social Security Administration (SSA) has resumed sending so-called, “no-match” letters to employers. These letters advise employers that the Social Security number (SSN) for certain employees does not match SSA records.

These letters have not been issued since 2007 when a federal court issued a preliminary injunction which prevented Homeland Security from implementing a rule that would have made employers liable if they failed to follow prescribed steps in responding to a no-match letter and the employer continued to employ an unauthorized alien.

The new version of the letter does not include the warning that a failure to take action in response to the letter would be evidence of the employer’s constructive knowledge that it was employing an unauthorized worker.

The letter states:

This letter does not imply that you or your employee intentionally provided incorrect information about the employee’s name or SSN. It is not a basis, in and of itself, for you to take any adverse action against the employee, such as laying off, suspending, firing or discriminating against the individual. Any employer that uses the information in this letter to justify taking adverse action against an employee may violate state or Federal law and be subject to legal consequences. Moreover, this letter makes no statement about your employee’s immigration status.

Employers, thus, are advised not to take any adverse employment action against an employee based solely on a no-match letter. However, neither should employers ignore the letters. SSA provides an explanation of what an employer must do in response. A sample SSA no-match letter is found at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0900901050>. Also, be advised that the IRS is authorized to assess penalties on employers for failure to provide correct information on a Form W-2 and for failing to make corrections. Penalties can be up to \$100 per incorrect W-2.

Finally, the Department of Justice (DOJ) has issued guidelines for responding to SSA no-match letters. (www.justice.gov/crt/about/osc/htm/SSA.php). These guidelines provide:

- The employer should not use the receipt of the SSA no-match notice alone as a basis to terminate, suspend, or take other adverse action against the employee.
- Based on the SSA no-match letter alone, the employer should not re-verify the employee’s employment eligibility by asking the employee to complete a new Form I-9 or by asking the employee to produce specific documents to address the no-match.
- Based on the SSA no-match letter alone, the employer should not require the employee to provide a written report of SSA verification, as such verification may not be obtainable.

The DOJ guidelines advise employers to provide workers a “reasonable period of time” to resolve discrepancies. Unfortunately, there are no statutes, regulations or guidelines that define this term. The DOJ advises that it depends on “the totality of circumstances.”

Given the above, employers know they cannot ignore these no-match letters but they have precious little guidance on how much time they should give employees to resolve discrepancies and what guidance, if any, employers can give employees.

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.



Member Changes

Kendra Knauss
kknauus@hotmail.com

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

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Kaelen Revene
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2011 Salary & Benefits Survey

Each year, LHRMA conducts an annual Salary and Benefits Survey for LHRMA member organizations. The survey will be conducted again this year according to the following timeline:

Wednesday, June 22: Survey invitation will be sent out to all LHRMA members (only one member from each organization should complete the survey).

Friday, July 15: Survey responses due.

Friday, September 30: Survey will be available online; hard copy reports will be mailed the following week

If you do not receive the e-mail invitation to participate in the survey, please contact Kelly Riley at Kelly@clarion-group.net. (Kelly Riley conducts the survey for LHRMA).

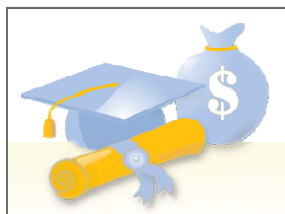
We encourage all LHRMA member companies to participate in order to provide the most comprehensive results possible. Please keep in mind that only positions with 5 or more respondents will be included in the survey results. Therefore, the more organizations that participate, the greater overall survey results can be provided.

Please feel free to contact Lou Ann Manske, Director Human Resources at Madonna Rehabilitation Hospital (lmanske@madonna.org) if you have questions regarding the survey.

SHRM Student Chapter News

Congratulations to Megan Rotherham, recipient of the \$500 M. David Osterhout Human Relations scholarship for the 2011-2012 school year! Megan is a senior Business Administration major at Doane College in Crete and is active in multiple extracurricular activities on campus, including the college's SHRM student chapter, of which she will serve as President during the upcoming school year.

Megan's plans after graduation are to attend law school where she will focus on Business Law. Congratulations again to Megan!



EAP Corner

Life Lessons from a Marathon Experience

Tricia L. Branchaud, LMHP, CEAP

Directions Employee Assistance Program, LLP ♦ Lincoln, Nebraska

When I was contemplating what topic I wanted to focus on for this month's LHRMA article, my mind continued to wander to an awe inspiring life experience I had when I took part in my first ever marathon experience. I remember reading that a person can best write about their OWN experiences. So, I decided to reflect on my recent marathon experience for the life lessons that were abundantly present.

First and foremost I relearned the valuable lesson that in order to achieve a goal in life, one must set a goal. And that each person's goals need to fit their own particular abilities, interests, time, energy and needs. Of the 10,000 individuals who signed up for the Lincoln Marathon, there were probably thousands of individual goals. For me, the goal was to finish. The half marathon. Safely. Without injury. And to have fun doing it. I am happy to say that I accomplished my goal. There were others whose goals included achieving a certain time result. For some that meant beating their own personal time. For others it meant winning. For some, it meant finishing in the time frame that would qualify them for other more prestigious marathons. One woman that I found myself jogging next to for a few blocks had a completely different type of goal. She was, as I called it, "running her pain". She shared that her husband left her in January and she had spent every month since then running in a half marathon somewhere, trying to work through her grief. For all of these people, their goals made sense to THEM. Their goals were important to THEM. I am willing to bet that every single person who arrived by 6:45 am on that crisp Sunday morning at the UNL Coliseum hoped to achieve their personal goal in some fashion. Or, more importantly, they were willing to TRY.

Another marathon lesson was reflected in a bystander who yelled out as we were about to cross into Memorial Stadium to the 50th yard line finish – "the pain will go away in a few days but your pride of accomplishing this will last forever". It is the lesson that **all** important goals in life require some degree of pain – be it physical, mental and/or emotional. The truly important things in life do not come free. I doubt that anyone arrived on May 1 without having put in hours and hours of training, preparing, anticipating. The beginning of the race was just the culmination of weeks and months that had come before.

I also learned about the absolute necessity of other people in one's life. We need other people. It boggles my mind to think of the hundreds, maybe thousands of volunteers who were behind the scenes organizing, and were at the scenes making sure that 10,000 runners' needs were met. There were countless Lincolniters lining the streets cheering, clapping, encouraging. There were smiling faces handing out glasses of water and Gatorade. People with their speakers blaring music that spurred the runners on. One lady had lined her driveway with May baskets in styrofoam cups for runners to take. People held up signs with their friends' and loved ones' names. Scores of police men and women directed traffic so that we could run uninterrupted through intersection after intersection. Runners were joking with and encouraging each other. The camaraderie was palpable. And it was wonderful. The lesson spoke out over and over – that it is during the tough times that the help and support of other people is invaluable. That we are all in this together. That we need each other. That it is rewarding to help and encourage others.

The marathon was also a lesson in motivation. That what motivates one person is different than what motivates another. That the most effective motivators are internal. I know some who signed up for the race due to peer pressure and not a personal desire. Those people dropped out and did not arrive on May 1. Some of the reasons that effectively motivated runners in the marathon included running for health reasons, for weight loss, hoping to achieve a particular score or placement, running for stress management and mood elevation, running to be a role model to one's children, a desire to increase self esteem, or wanting to be part of a fun event. All of these motivations are valid. Some are not better than others. What is important, I

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believe, is to find the motivation necessary to achieve one's goal.

So, in spite of some aches and pains and a tinge of regret that I "didn't try harder", I feel great about my marathon "life experience". And I encourage those of you reading this to continue to set your own personal goals, find motivation to reach them, let others help you along the way, and try, try, try. **Never** give up.

Consider using your EAP to help you with goal setting, motivation and encouragement. And have fun running the race of life!!

Diversity

A Business Imperative

By Angela Caldwell, Manpower

There is a whole untapped source of workers available to employers. Traditionally, these groups have not been on the radar screen for employers looking to fill needed positions. With the changing demographics and talent/skills mismatch, employers will risk serious disruption to their productivity and profitability if they do not begin to engage these individuals in their recruitment process. Many of these individuals, with the appropriate re-skilling and/or up-skilling, will fill the positions *and* increase a company's Diversity efforts. Here are some compelling statistics:

- By 2050, Latinos will grow to 103 million (about 25% of the population)
- Today, 43 million Americans have one or more physical or mental disabilities and the number is increasing.
- From 2011, 10,000 baby boomers will turn 65 every day for the next 19 years. (source: Pew Research Center)

With 45 million new entrants in the global job market annually – most of them young – 300 million new jobs will be needed between now and 2015 to keep pace with the growth in the labor force. (source: Recovering from the crisis: A Global Jobs Pact, adopted by the International Labor Conference at its Ninety-eighth Session, Geneva, 19 June 2009)

That means we have to utilize everyone who is willing and able to work, including people of color and different ethnicities, immigrants, people with disabilities, as well as young workers and mature workers, among others. Diversity is more important than ever before!

There are many misperceptions about Diversity: Diversity is about affirmative action plans and quotas; Diversity is about political correctness; Diversity is about the EEO laws, protected classes and legal compliance; Diversity is confined to issues of race and gender.

What Diversity is really about is understanding differences to achieve strategic business advantages; understanding Diverse customers to tap emerging and Diverse markets; valuing employees' differences to maximize innovation; and inclusion, dignity, respect, justice, fairness, and economic opportunity.

If you are visionary in the world of work and have already planned for these changes by implementing a diversity-focused recruiting and retention plan; some important keys and tips to consider:

What policies, practices, and ways of thinking within your organizational culture have differential impact on different groups? What organizational changes should be made to meet the needs of a diverse workforce as well as to maximize the potential of all workers? Most people believe in the golden rule: treat others as you want to be treated. The implicit assumption is that how you want to be treated is how others want to be treated. But when you look at this proverb through a diversity perspective, you begin to ask the question: what does respect look like; does it look the same for everyone? Does it mean saying hello in the morning, or leaving someone alone, or making eye contact when you speak?

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We may need to consider focusing on the individual. We may share similar values, such as respect or need for recognition, but how we show those values through behavior may be different for different groups or individuals. How do we know what different groups or individuals need? Perhaps instead of using the golden rule, we could use the platinum rule which states: "treat others as *they* want to be treated." Moving our frame of reference from what may be our default view ("our way is the best way") to a diversity-sensitive perspective ("let's take the best of a variety of ways") can help you to manage more effectively in a diverse work environment.

The facts are clear: For countries and companies to flourish, previously untapped diverse talent pools must play a larger role in the workforce. **Employers must recalibrate their mindsets** to consider new types of candidates, who may not meet all of the job specifications but who have the capacity to be up skilled. We can't be fooled by unemployment rates as it relates to available talent – already there is an oversupply of labor and an undersupply of talent. We can avoid crisis mode if we move now to address the barriers that traditionally discouraged companies from participating. Create an environment of engagement, inclusion and accountability through robust training, recruitment, retention, mentoring and career development programs. Your business will be rewarded with a pipeline of skilled, diverse talent that will reflect in your communities and translate to your bottom line.

Innovative work practices must embrace the true meaning of diversity and what it brings to an organization - to expand the labor pool and win in the changing world of work!

May Basket Raffle Results

LHRMA's annual May basket raffle to raise funds for the Society of Human Resource Management Foundation was a great success! Ticket sales from the May meeting raised \$493 for the SHRM Foundation. Even during these difficult economic times, the following sponsors chose to contribute a basket and support the HR profession:

- Artisan Salon and Esthetics - \$50 Facial and hair care products
- Blue Cross/Blue Shield of Nebraska - Golfers caddy with insulated golfer's tote/beverage cooler, golf balls & tees, water bottle, hand towel and umbrella.
- Continuum - relaxation basket with lotions, shower gels and other pampering products
- Madonna - 3 seasonal door art pieces
- Lincoln Industries - festive dip bowl/board
- Nebraska Book Company - Husker football memorabilia
- Nebraska Wesleyan - NWU book bag filled with a t-shirt, coffee mug, padfolios, and jump drive
- Southeast Community College - jump drive, coffee mug, candy, book, note pads, picture frame
- Novartis - Summer fun - drink boxes, flotation device
- Friend of LHRMA - Victoria's Secret lotion and shower gel
- Eastmont Towers - bread, cookies, muffins, sweet rolls and scones from Eastmont Tower bakery.

A HUGE **THANK YOU** to our basket donors, as well as everyone who purchased raffle tickets!

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](mailto:Melissa.Price@lhrma.org), 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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