LHRMA Lincoln Human Resource Management Association

Affiliate of SHRM Society for Human Resource Management

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

Volume 2, Issue 10 October, 2011

October 11th, 2011 Program & Workshop

Luncheon:
Past President Recognition &
401k Fiduciary Responsibilities Got You Spooked?
Presented by Gail S. Perry—Baylor, Evnen, Curtiss, Grimit & Witt, LLP; Kenneth Broman—CFE; Tami Uribe-CFE & CRPC; and Todd Kelley—Central Financial Services

Workshop:
Employee Financial Wellness—Out of the Darkness… and Into the Light!
Presented by Kenneth Broman—CFE; Tami Uribe-CFE & CRPC; and Todd Kelley—Central Financial Services

When:
Tuesday, October 11th
11:00 – 11:30 Registration
11:30 – 1:00 Luncheon*
1:15—2:15 Workshop#
*HRCI Credit has been applied for
#HRCI Credit Pre-Approved

Where:
Isles Reception Hall
6232 Havelock Avenue

Parking: Parking is available on the north side of the building or on the street.

Cost:
Luncheon: LHRMA members—$15
All Other Attendees—$25
Workshop: All Attendees—$15 (One Hour Session Price)

Menu:
Famous Isles Pizza
Salad, Cookies & Soft Drinks

Deadline: Register or cancel your registration by: Noon, Friday, **October 7th.**

About our Program:
Luncheon: 401k Fiduciary Responsibilities Got You Spooked?
Feel like you're throwing in an eye of newt, toe of frog, and a pinch of hocus pocus into your boiling fiduciary cauldron? Do you wish you had a recipe for success that didn't

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haunt you?

As a Retirement Plan Fiduciary, are you aware of your legal responsibilities? Are you satisfying them? The job of a fiduciary is manageable – if you know the recipe and have the right ingredients.

Over the last decade, many retirement plans have horror stories that will send chills down your spine. We want to make sure you don't have these skeletons in your closet. It will be fun, it will be light and it will be spooky! We'll have special awards for "real life" stories from the audience. You'll laugh, wince and be thankful you're not the fiduciary in these situations.

Our presenters Todd Kelley, Ken Broman, Tami Uribe and Gail S Perry, Attorney will clearly show you how to manage the "Fiduciary Fundamentals" and limit your liability. With the ups and downs of the economy, this may become a reality sooner than we'd like it too!

Workshop: Employee Financial Wellness - Out Of The Darkness…And Into The Light!
If you're overwhelmed as a fiduciary with all of the new requirements, fee disclosures and how 401k transparency will affect you in 2012, this one hour CE class is for you! Not only will the instructors, Certified Financial Educators, cover these topics with humor (yes, it's possible to make a financial presentation fun), but they'll also walk you through the basics of how to get your employees engaged and responsible for their own financial wellness and security.

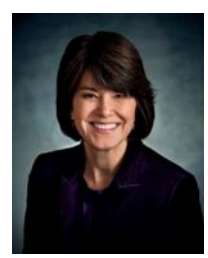
Topics include:
How to limit the financial stress (which is always spooky) that reduces employee productivity.
Help employees gain financial focus…how do my company benefits work for me (so they can stay out of hot water!)
Best practices for employers to provide their employees easy access to the best mix of quality financial programs…kind of like the mixed bag of candy your kids bring home.
Do you have employees [goblins] always needing their paycheck "yesterday". Wouldn't it be nice to get them on track to manage their money better and put their finances at ease?

We have some magic potions brewing that have worked for many. You won't want to miss this witch craft!

We'll cover the necessary material for CE credit and have a good time doing it. Halloween is just around the corner and rumor has it that this could make for a very entertaining presentation. Costumes, plenty of sugar and special rewards for participants will keep you on the edge of your seat for this one hour CE program. Don't miss it!

About our Presenters:

Gail S. Perry - Baylor, Evnen, Curtiss, Grimit & Witt, LLP



Gail's 20-year litigation practice, solidly grounded in personal injury, professional negligence and employment defense for the firm's national, multi-line insurance clients, has expanded to include commercial and employment litigation for private business clients and governmental entities in state and federal courts. She negotiates or brings to trial cases of business gridlock, partnership splits, breach of contract, wrongful employment termination, discrimination and claims for unpaid compensation and benefits.

Gail's litigation skills include an eye for negotiation leverage throughout the litigation process. She is a certified mediator and acts as a consultant to a national insurance client to review and troubleshoot complicated or high-risk litigation with the goal of managing risk and eliminating surprise. She puts a premium on humor, compassion and reality as tools in court, in mediation and in advising clients on difficult personnel issues to avoid litigation.

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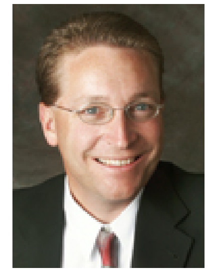
Gail says she is especially proud of Baylor Evnen's support for the success of women partners and associates (more than a third of the firm's partners are women) and its charitable support of Cedars, Lighthouse, and Fresh Start, Nebraska non-profits serving children, at-risk teens and women reentering the work force.

Kenneth Broman, CFE – Central Financial Services



A life-long resident of Lincoln and a graduate of the University of Nebraska Lincoln, Ken has developed a discipline for hard work, conservative values and attention to detail. Beginning in 1992, Ken started his financial service career with a local bank and quickly moved into a trust department with an emphasis in investment management, employee benefit administration and client education. He has received the designation of Certified Financial Educator and is licensed with FINRA completing the series 7, 63 and 66 licenses. He also carries licenses with the State of Nebraska Department of Insurance for life and health. As an independent Investment Advisor Representative with Ameritas Investment Corp., Ken is focused on serving clients with unbiased solutions tailored to meet their unique needs with solid financial fundamentals.

Todd Kelley - Central Financial Services

Todd is a lifelong Nebraska resident, growing up in Lincoln and currently resides in Bennet, NE with his wife, Suzanne and black lab, Boone. After graduating from the University of Nebraska Business College, he was employed at IBM. He went on to serve as President and partner of two small companies, a printing and computer consulting firm and advertising agency. This provided significant insight into how a small business works, the challenges a small business owner faces and the importance of protecting the income producing capacity of key employees. He holds the FINRA Series 66 and 7 licenses, as well as Life and Health Insurance licenses. Todd also serves as an adjunct instructor for the University of Nebraska, Business College – Finance Department teaching Personal Financial Planning and Retirement Planning courses.

Tami Uribe, CFE, CRPC - Central Financial Services

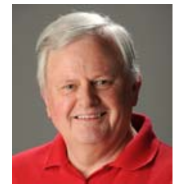
Tami is proud to be a life-long resident of Lincoln and a graduate of the University of Nebraska-Lincoln. She has been active in the financial services industry since 1998, and she enjoys educating and working with individuals and businesses on their financial needs. Tami has received the Certified Financial Educator designation and holds FINRA Series 65, 7, 24 and 63 licenses, as well as her Life/Health/Sickness and Accident Insurance licenses. She is also a Chartered Retirement Planning Counselor, a designation received through the College of Financial Planning. Tami is an active member of her community and is married with two children.

Securities and Investment advisory services offered through Ameritas Investment Corp. (AIC). Member FINRA, SIPC. AIC and CFS are not affiliated.

Upcoming Meetings

November – Name Tag Scott presents – The Approachable Leader

December – Member Social and Volunteer Recognition



President's Message

Mark Pankoke, President

Three Dog Night Knows HR

At the risk of dating myself I am hopeful that most of you know that Three Dog Night was a popular rock and roll group of the 60's and early 70's. One of their most popular songs was titled "One". The first line of the lyrics says "One is the loneliest number that you'll ever do". I think many HR professionals can say with certainty that this is often true for them. How often do you need to take an unpopular stand that leaves you as alone as the Lone Ranger without Tonto?

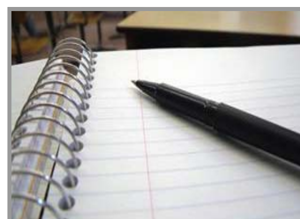
Most of you know what I mean about these lonely decisions. It may be a situation where a top manager wants to fire an employee right after they had a very positive performance review and have no documented warnings in their file. It may be when someone wants to hire their neighbor's nephew even though he doesn't really meet the requirements for the job. It also could be that request for a special raise putting an employee outside the pay band for that position, based on the fact that they are really a great employee and the manager wants to reward them. There are likely many other issues you can think of that fit the same criteria, decisions or stances on situations that makes us feel like we are the loneliest number.

As much as we may feel alone, let's look at some more lyrics from the song that may help us out in this situation, "No is the saddest experience you'll ever know, Yes, it's the saddest experience you'll ever know". These lyrics likely seem a little confusing but I think I know what they mean, at least in the context of these HR situations. When we say no to someone who wants very badly to do something, we may feel a little sad that we can't support something they feel very emotionally invested in, such as firing an employee who has upset them. However, if we were to say yes, when we know it is the wrong thing to do, we will likely feel every bit as sad. In fact we will likely feel sad for days or even weeks for giving in and not "doing the right thing". Yes can be the saddest experience you'll ever know.

The point of all this is we in HR may sometimes feel alone or sad by what we need to do, but it is so important that we remember to have the courage to be sure we are advocating that the right thing be done. The right thing may be different from what others see or feel because of the law, fair treatment of all employees or any number of other reasons. We must as Three Dog Night says in another of their popular songs, "Easy to be Hard", realize it needs to be in some situations, "Easy to say no". We need to be courageous and say "no" when it is the right thing to do. Three Dog Night must have been a band made up of HR Professionals.

They do know HR!

— Mark Pankoke



Board Meeting Recap

- Finances are on track
- Judy is working on 2012 Board member election
- LCOC Small Business Network booth was a success.
- Board will look at regular vs. associate memberships
- Career Fair with LPS is still on hold due to LPS fire
- Wreath Sales for SHRM Foundation has had a positive response
- 15 participants in fall HRCI study group
- Nov. SPIG—Best Practices in Recruiting
- December Social—Dec. 13; location TBD; evening

SHRM EXCEL AWARD SILVER CHAPTER

Legal Update

NLRB Gone Wild

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

The regulatory bravado of federal administrative agencies ebbs and flows depending upon which political party is in control of the White House. Judging by recent actions of the federal National Labor Relations Board (NLRB)—the regulatory body charged with enforcing the National Labor Relations Act (NLRA)--this agency must be feeling ***really*** confident.

Case in point: in recent days an NLRB administrative law judge ruled that a non-union charitable organization violated the NLRA when it terminated 5 employees for off-duty Facebook comments in response to a co-workers criticism of their work.

In *Hispanics United of Buffalo, Inc.* (NLRB ALJ No. 3-CA-27872, Sept. 2, 2011), the employer HUB was a New York nonprofit social service provider whose employees were not represented by a labor organization. Lydia Cruz-Moore was hired by HUB in May 2010 as a domestic violence advocate. Cruz-Moore became critical of the work of her co-workers and announced her intention to take her complaints to HUB's executive director. In response, a co-worker posted a Saturday morning message on her personal Facebook page stating "Lydia Cruz, a coworker feels that we don't help our clients enough at HUB I about had it. My fellow coworkers how do u feel?" HUB employees commented on the Facebook page, with one chiming in "What the f… Try doing my job I have 5 programs," and another "What the Hell, we don't have a life as is, What else can we do???" Cruz-Moore complained to HUB's executive director about the Facebook postings, and the executive director fired the 5 employees who posted negative comments on the personal Facebook page, telling them they had harassed Cruz-Moore in violation of HUB's zero tolerance policy against harassment and possibly caused Cruz-Moore to have a heart attack. The 5 employees challenged their terminations by filing an unfair labor practice charge with the NLRB alleging they were terminated for engaging in concerted activity protected by Section 7 of the NLRA.

After a full hearing, the administrative law judge found that the terminations violated Section 7 of the NLRA, which gives union and non-union employees the right "to engage in other concerted activities for the purpose of . . . other mutual aid or protection" reasonably related to terms and conditions of employment. This is generally referred to as "protected, concerted activity." The administrative law judge likened the Facebook posts to employee communications "around the water cooler" and declared that it did not matter that the Facebook comments were not directed to HUB management. Rather, the Facebook posts amounted to a conversation about the employees' concerns about work, and therefore were protected. The terminated employees were awarded backpay and HUB was ordered to reinstate the employees to their prior positions.

LESSON: While it is likely that the *HUB* decision will be appealed to the NLRB and possibly beyond, this decision is simply the latest in a series of recent NLRB actions that demonstrate the agency is full of vim and vigor and ready to make life difficult for all private-sector employers, union and non-union alike.

For example, on August 30 the NLRB released its final rule implementing a new posting requirement. Effective November 14, 2011, nearly all private-sector employers (union and non-union) are required to display a new workplace poster advising employees of their rights under the NLRA. The notice includes information about employees' NLRA rights (such as the right to join a union, bargain collectively, discuss wages and benefits, and to strike and picket), examples of unlawful conduct, and information on how to contact the NLRB.

This new requirement falls on the heels of the NLRB's April 2011 filing of an unfair labor practice charge against Boeing Aircraft for making the business decision to establish a production line at its non-union facility in South Carolina rather than at one of its unionized facilities in Washington, something the NLRB al-

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leged was discriminatory against unions. The NLRB's actions in the Boeing case caused the U.S. House of Representatives to vote on September 15, 2011, to strip the NLRB of its authority to order an employer to close or relocate a workplace. While the House bill is unlikely to make it thru the Senate, the legislative action demonstrates growing concern that the NLRB has become a governmental agency gone wild.

Private-sector employers (union and non-union) should prepare for the NLRB's new posting requirement, and would be well advised to consult with their legal counsel to review their policies and practices so as to ensure compliance with the NLRA and the increasingly aggressive NLRB.

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

EAP Corner

What You See is What You Get

Kari Hasemann-Herbert, Directions EAP, LLC

-*"Life is largely a matter of expectation." - Horace*

Are you aware of the Pygmalion Effect? Is it happening in your workplace? Here's an example: A supervisor at a store berates one of the cashiers: "Could you move any slower?" The employee said nothing, but by the time the next few customers in line were up, she was in fact working more slowly. Apparently, the answer was "yes", she could move more slowly.

Clearly, that wasn't the supervisor's intent. The manager was experiencing the "Pygmalion Effect". In a Gallup Leadership Institute study, the Pygmalion Effect (or Self-fulfilling Prophecy Effect) is stronger than most leaders would think. In fact, this effect is one of the greatest of any of the leadership development tools, and fairly easy to implement!

In the study, half of the leaders were told they would be working with exceptional groups of people – better, smarter, more motivated than the rest. The other half of the leaders were told nothing at all about their teams. In reality, the teams were randomly selected and no better or worse in their make-up. But the leaders approached their groups with the preconceived notions they were given by the study team. And, in the end, the teams' actual performances were substantially different and consistent with what the leaders were initially told. The "superstars" performed like superstars. The other group performed like an average group.

According to Bruce Avolio in High Impact Leader (2006), "The so-called smarter or more motivated groups do better if the leader believes they are smarter or more motivated. Ironically, by creating the ruse, the largest intervention effects were obtained, compared to all other methods." Not only did the "better team" perform at a higher level, but the participants on that team came to believe that their own skills were raised to a higher level. Morale and production is boosted – what would that be worth in your organization?

Reviewing the Pygmalion Effect is a very good reminder that the way we treat our "human resources" really does make a difference and will have a direct impact on their belief and motivation and ultimately, our business results. What leaders think consciously or unconsciously about their teams will be communicated and the employees will raise or lower their performance to meet those expectations. Let's get busy putting the Pygmalion Effect to work for us in our work settings. Remember, <u>What You See is What You Get!</u>

Need assistance with ideas regarding motivation and positive expectations for your staff and teams? Improving morale? Assistance with team building and creating a "Superstar" culture where you work? Your EAP can help! We're just a phone call away!

-Adapted from D. Dennis (2006, June 4). Expectation motivation. *The Leadership Edge,* 3(4).

LHRMA - Special Interest Group - Benefits

Wednesday, October 26
7:30 – 8:30 a.m.

FREE!

Discussion Topic: Benefit Communication Best Practices

- Do You Have Charlie Brown Benefits?
- Do Employees Hear "Wah Wah Wah"?

Join your fellow HR benefit specialists to discuss benefit communication best practices and hear from subject matter experts about tips to make your company's upcoming open enrollment and year-round communication a success!

Facilitated by:
Midlands Financial Benefits
William Pearson - Consultant
Josette Dalton - Director Of Employee Benefits

Where:
Madonna Rehabilitation Hospital
5401 South St., Lau Conference Room

Cost: **Free**
Breakfast snacks and coffee will be provided

Online registration opens October 12th thru October 24.

NEW MEMBERS

Samantha Parker
HR Coordinator
Nebraska Bookstore Company
sparker@nebook.com

MEMBER CHANGES

Sheryl Wright
New Lifetime Member

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

Wellness

Can Wellness Programs Really Work in a Small Business Setting?

By Michelle Willet, Small Business Coordinator
WorkWell, Inc.

Over the past few months, you may have seen the series of articles about how to develop a wellness initiative in your company. However, if you are in HR at a small business, the mere thought of taking on such a project is probably daunting. We'll admit it: Larger businesses are much more likely to have a wellness program than smaller ones. Small companies usually do not have adequate time or the resources to dedicate to a wellness program. However, having healthy employees is particularly important in a small business, where the poor health of just one employee can disturb overall productivity. *All companies*—regardless of size—can benefit from having healthier employees and all businesses can offer something that helps employees become healthy. In fact, while small businesses typically lack the large budgets dedicated to wellness by larger companies, there are some unique advantages that small businesses have when starting a wellness program. These include ease of communication among employees and the existence of a tight-knit culture where even one person can have a positive effect on the entire company. Several small businesses have been able to leverage these advantages, along with strong leadership support, to create successful wellness programs in their organizations. These companies have experienced a wealth of benefits such as increased morale, increased productivity, decreased absenteeism, lower workers' compensation rates, and some have even been able to negotiate smaller increases in their health insurance costs. Their employees are healthier and have an improved quality of life.

Over the past few months, we have been meeting with representatives from small businesses in Lincoln to guide the development of a new program focused specifically on implementing worksite wellness in small businesses. Most of the companies had employees interested in a wellness program, but there was little staff time and a limited budget to dedicate to developing one. Although these barriers seem daunting, there are ways to overcome them. For example, accessing turnkey resources can minimize the amount of staff time needed to plan and carry out your wellness efforts. There are health risk assessments, newsletters, wellness presentations, activities, incentive programs and challenges that have been proven effective and are available locally. To keep costs low, many policy and environmental changes that can support a healthy culture at your worksite can be enacted for free, such as offering fruit and low-fat muffins instead of donuts at early morning meetings. With a limited budget, another thing to keep in mind is how you will monitor the effects of your program. Careful, planned evaluation of your success can help not only justify the budget dedicated to the wellness program, but may be used to help negotiate rates with health insurance companies. By offering wellness programs, local businesses can help their employees lead happier and healthier lives. And that is something we can all celebrate.

For more information about creating a wellness program for a small business, call Michelle Willet at 402-441-5538.

SHRM Foundation News:

Evaluating Human Resources Programs

The SHRM Foundation co-published a groundbreaking book offering readers a systematic method for enhancing the value and impact of HR and supporting its emerging role as a strategic organizational leader. *Evaluating Human Resources Programs: A 6-Phase Approach for Optimizing Performance* provides a practical framework for adjusting and realigning strategies across all types of HR programs.

The authors outline a proven six-phase process that will maximize the likelihood of a successful HR program evaluation, including real-world techniques, strategies, and examples to illustrate their recommended steps and actions. This guide offers consultants and professionals an invaluable resource for understanding and implementing a successful evaluation that will have a meaningful impact on their organizations' HR programs and strategic outcomes.

To order a copy of *Evaluating Human Resources Programs*, visit the SHRM Store online (www.shrmstore.shrm.org).

Membership Renewals

Watch your email for membership renewal information in October. The LHRMA membership cost will remain the same at $50.00 per member. Payments are Due by December 31st.

SHRM Membership Special

Don't Forget—From October 1 through November 30, 2011, you can join SHRM for only $119.00!! This is a **$61 savings** from the regular rate. This special rate applies to LHRMA members who have never been members of SHRM, or who have let their membership lapse for longer than one year. (This special rate does not apply to regular renewals.) Check out all of the advantages to help you grow in your profession at www.shrm.org or email shrm@shrm.org. SHRM applications may be downloaded from the SHRM website, or you can contact Amanda Henry at membership@lincolnhr.org for one.

Complete the application and mail it with your $119.00 check, made out to SHRM, to: LHRMA, PO Box 81066, Lincoln, NE 68501-1066. Once we receive it, we will send a $61 LHRMA check for the difference with your application and payment on to SHRM.

Do not mail the application directly to SHRM. We will do that for you.

Jobs, Jobs and More Jobs!

FREE!

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!

LHRMA

Lincoln Human Resource Management Association
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www.lincolnhr.org

SHRM local chapter #0048

AFFILIATE OF SHRM SOCIETY FOR HUMAN RESOURCE MANAGEMENT

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We're on the web!
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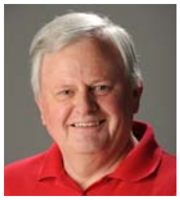
Board of Directors



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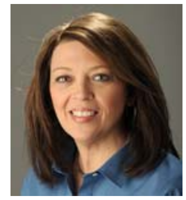

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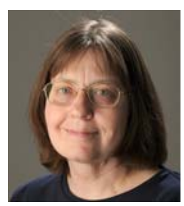

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