



Lincoln
Human
Resource
Management
Association



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Volume 3, Issue 3

March, 2012

March Program & Workshop Improv(ing) Your Workplace

A LHRMA/ASTD Duad with improv group Lyp Schtick
Sponsored by **Celebrity Staff**
Speakers Paul Durban and friends from Lyp Schtick

When:

Tuesday, March 13th, 2012
11:00 – 11:30 Registration
11:30 – 12:00 Lunch & Announcements
12:00 – 1:00 Keynote Session
1:15 – 3:30 Workshop

Where:

Center for People in Need
3901 N 27th Street
Lincoln, NE
Parking is **FREE** to all attendees.

Cost:

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

Menu:

Pasta Bar: Penne Pasta, Cheese Tortellini, Creamy Alfredo Sauce, Marinara Sauce,
Beer Cheese Sauce
Beef Meatballs
Sausage & Peppers
Steamed Vegetables
Garden Salad
Cheesy Breadsticks
Assorted Desserts

Deadline: Register or cancel your registration by: **Noon, Friday, March 9th.**

Please remember: There is a \$10 fee for late registrations and for no-shows. This \$10 fee is in addition to the regular registration fee. Please try your hardest to register on time, as late registrations and no-shows make it difficult on everyone involved.

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About our Luncheon:

The initial 1-hour presentation by Lyp Schtick is entitled “Improvisation in the Workplace.” Learn how to get the most out of your employees and your business by honing in on your improvisational and communication skills. Encourage innovation and brainstorm new ideas with your workforce, and identify hidden talents within your employees that could move your business to the next level.

Stick around after the presentation for a 2-hour, hands-on workshop with Lyp Schtick where you’ll participate in improv games and exercises that will help you and your business take the stance that settling for the bottom line simply isn’t enough. Find the courage to think imaginatively and not be afraid to fail. Discover new team-building exercises to help build trust, active-listening and problem-solving skills, and better communication. Don’t miss out on this unique opportunity. It’s a day you most certainly won’t forget!

At the Luncheon....

Improv(ing) Your Workforce

- ♦ Paul Durban and other members of Lyp Schtick will work with members to improve improvisational and communication skills.
- ♦ The workshop to follow will help members to think outside the box, and get their employees to actively participate in making the business better.

About our Presenters:

The foundation of improvisation is built upon trust, cooperation and commitment. These are also critical components that every successful business needs to breed an atmosphere of teamwork, communication and creativity.

Lyp Schtick has developed an entertaining, yet quite comprehensive, workshop for businesses to maximize the creative potential of employees and provide fun, interactive tools to help participants develop innovative ideas and solutions in a safe, collaborative environment.

This isn’t your daddy’s workshop! The day is filled with interactive games, laughter and surprises. You won’t find any boring slide presentations or hug therapy sessions. We believe the most effective method to absorb and retain information is to roll up your sleeves and dive in!



Upcoming Meetings

April 10th – Diversity Meeting



Find us on Facebook.
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the conversation.

President's Message

Judy Ganoung, President



It is almost March. Doesn't that get us a little closer to Spring? I realize we have had a calm winter, but I am still ready for nicer weather. Plus, spring means no more sweaters and wool, which means it is time to start shopping for your spring and summer wardrobes! I've got a little shopping trip planned for April, can you tell I'm excited? Anyway, here is a hint for the coming season: COLOR!

Okay, on to LHRMA business. The Board was to meet in February to do its strategic planning and decide on goals and initiatives for 2012. I had promised in my February letter that I would review that planning process and the highlights with you in my March letter. Well, the board met on February 1 to accomplish this task; however, we had so many great discussions and ideas brought up that we didn't finalize the initiatives and goals. I know I keep saying this, but the members on this board absolutely ROCK! The final step in formalizing the initiatives will happen at the March 7 board meeting. I promise you will get a full report in next month's letter.

Let's see, what else happens in March besides preparation for spring and the LHRMA initiatives? There is St. Patrick's Day on the 17th! Here are a couple of old Irish proverbs that I think everyone can relate to, "Lose an hour in the morning and you'll be looking for it all day." No one knows this more than HR professionals. Here is another one: "There's nothing so bad that it couldn't be worse."

Daylight Savings Time begins March 11. Be sure to change your clocks and remember to SPRING ahead. Most everyone likes it when the time changes, and it feels like we gain some extra daylight to do all the things that need to be done. Now I will have to get my "things to do list" going.

I have saved the best occasion for last. Employee Appreciation Day is March 2, 2012. Of course we all know that we should try to appreciate our employees on a regular basis and not just once a year. We should take time to notice and appreciate what staff are doing, especially when they are doing it well. Take a moment to point out and recognize someone or something that adds to your company or even to your day. The act will make a positive difference for the person as well as your company. Feeling appreciated lifts people up not only personally, but also within the company. It is normal behavior to point out the negatives. Why is that?

Practice appreciation by starting with yourself. Visit the SHRM website for ideas on how to recognize your employees. So in closing, show your employees how much you appreciate them and think of an appropriate way to recognize their efforts on March 2nd. And, as your LHRMA board president, I want you to know that I appreciate you and all you do as members of LHRMA.

— Judy Ganoung

Drawing Winner

Who Says There's No Such Thing as a Free Lunch? Congratulations to **Kelly Riley** with Clarion. She will receive free registration at the Mar. 13th program.



Board Meeting Recap

- LB959 did not advance; most likely will re-draft and present again.
- LHRMA's SHRM member count is up 1.99%
- Will mail invoices to all outstanding membership renewals
- HBE will present financial review at March board mtg
- 32 participants for spring certification study group
- Will have basket raffle in May to benefit SHRM Foundation
- Discussed upcoming SPIGs
- Discussed upcoming SHAPE changes

Legal Update

Venting and Gripping vs. A Call for Collective Action

By Erin L. Ebeler, Woods & Aitken, LLP

In the March 2011 *LHRMA Resource*, we authored an article discussing one of the very first “Facebook firing” cases to come before the National Labor Relations Board (“NLRB”). Since March 2011, however, the NLRB has been very busy addressing additional Facebook firing cases. For instance, in August 2011 and January 2012, the NLRB’s Office of General Counsel issued two reports purporting to summarize almost 30 separate cases that had come before the NLRB pertaining to social media policies and employee termination/disciplinary issues relating to social media. Generally speaking, the decisions of the NLRB come down to the central issue we warned about in March 2011: the NLRB believes that employee conversations on Facebook about the terms and conditions of employment are protected, concerted activity under the NLRA, and employer policies regarding social media must make clear that they will not be used to limit employees’ Section 7 rights.

However, the decisions described by the General Counsel are far from clear on what types of policies will comply with the National Labor Relations Act. Moreover, until these decisions work their ways through the court/appellate processes, we likely will not know the true scope of an acceptable social media policy and whether the NLRB’s restrictive position can be enforced. Generally speaking, though, employers should consider the two main points when drafting and enforcing social media policies and when taking disciplinary action against their employees in connection with social media postings:

- I. Do your social media policies make clear that you do not intend to infringe on employees’ Section 7 rights under the National Labor Relations Act?** The NLRB has ruled that a “savings clause” will not be effective at limiting the effect of language that can otherwise be interpreted as “chilling” employees efforts to discuss the terms and conditions of their employment through platforms such as Facebook.

That stated, savings clauses making clear that an employer does not intend to violate or enforce a savings clause in a manner to limit employees’ efforts at concerted activity are still important and should be included in your policies. At a minimum, such statements can be useful to demonstrate attempted good faith and to buttress enforcement practices that do not impinge on employees’ Section 7 rights. However, the cases itemized by the General Counsel also make clear that the NLRB believes it important include examples of acceptable and unacceptable activities to avoid a finding that a policy “chills” employees’ concerted activities through social media.

For example, one of the NLRB cases stated that a company policy against “discriminatory, defamatory, or harassing web entries about specific employees, work environment, or work-related issues on social media sites” was unlawfully broad. The basis for that conclusion was the NLRB’s view that broad terms such as “defamatory” would apply to discussions about work-related issues and would apply to protected criticism of the employer’s labor policies or treatment of employees. Further, the employer had actually disciplined employees for Facebook discussions pertaining to working conditions.

However, in that same case, the NLRB upheld a revised policy which prohibited comments about co-workers, supervisors, or the employer that are “vulgar, obscene, threatening, intimidating, harassing, or a violation of the Employer’s workplace policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status or characteristic.” The NLRB stated that this revised policy would not be interpreted by reasonable employees as prohibiting protected Section 7 activity relating to workplace conditions. Further, the NLRB emphasized that the new policy had not been used to limit Section 7 activity.

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Thus, this case sets forth a very limited policy that would be enforced by the NLRB; however, that policy is so limited as to be of little value to many employers. The case also makes clear that actual enforcement practices will be considered in interpreting the language of a policy.

- 2. Is the problematic posting griping and venting, or “preliminary concerted activity?”** Far and away, the vast majority of cases discussed by the General Counsel are those cases addressing griping and venting as opposed to concerted activity discussing the terms and conditions of employment.

To the extent that the employee is simply discussing a bad day that the employee had at work or a specific disagreement that the employee had with a supervisor, the posting likely does not constitute protected activity by the National Labor Relations Act. Employees in those cases generally did not discuss the posting at issue with other employees, other employees did not comment or “like” the postings, and there was little to no indication that the posting itself was an outgrowth of collective employee concerns which had been previously discussed.

However, postings that surround overall payment practices, that stem from in person employee-to-employee communications about working conditions, or that seek to induce action by co-employees will likely be considered protected activity. Indeed, the general tone of the General Counsel’s report indicates that the NLRB will lean toward finding that a posting is protected activity.

In reality, there is a very fine line between protected activity and “griping” that is fuzzy at best. Therefore, in responding to postings, employers must carefully evaluate whether the comments indicate collective action by employees, whether the posting constitutes a call for action, and whether the posting reflects a continuation of other concerted activity. All of these criteria are extremely fact intensive and demonstrate the need for careful investigation and action.

- 3. Some of the NLRB’s decisions conflict with guidance from other governmental agencies.** As the use of social media has ballooned, numerous government agencies ranging from the Federal Trade Commission to the Securities and Exchange Commission have dipped their toes in issuing guidance regarding employee use of social media and employer oversight of that use. Many of those other entities have encouraged the use of policies which do things such as requiring an employee to state that the opinions stated are their own and not that of his or her employer. Yet, the NLRB held in at least one case that “requiring employees to expressly state that their comments are their personal opinions and not those of the Employer every time that they post on social media would significantly burden the exercise of employees’ Section 7 rights to discuss working conditions and criticize the Employer’s labor policies, in violation of Section 8(a)(1).”

In the end, it will likely take court action to resolve the permissible breadth of social media policies and the tension between the conflicting guidance being issued by the different regulatory bodies. Therefore, employers should carefully review their social media policies and enforcement practices. In doing so, they must weigh the risks associated with a policy that may be overbroad (according to the NLRB) against the risks associated with having no policy or a policy that does not address the underlying concern for which social media policies were first created: mitigating potential damage caused by employees through the use of a media format that reaches your customers, your competitors, and other employees.

EAP Corner

Spring Cleaning is not just for Houses

Lesla Deeker, SPHR

Best Care EAP

March is a great time for “Spring Cleaning” and for ridding our homes of the clutter and grime we have accumulated over the cold winter months. We think of opening windows to replace stale indoor air with fresh. We think of changing out our closets from heavy winter clothing and bringing in lighter garments for the coming warmer weather.

“Spring Cleaning” concepts can also be applied to ridding ourselves of stale ideas and routines that no longer fit and are preventing us from leading more satisfying and rewarding lives.

Clear Out The Clutter: Is your mind filled with clutter and too much on your “to-do” list?

The first step in ridding your mind of clutter is to get clear on your priorities. Set aside some time to think about your vision of how you would like to be living your life. When you have a clear vision of what you want, whether it is a more manageable daily routine, time for enjoyable activities with family and friends, or greater professional achievement, use that vision to help you examine your “to-do” list. Figure out which activities will help move you closer to your vision. Then make the choice to toss out, or reassign where possible, any of those items that don’t fit your priorities.

Wash Away The Grime: Are you bogged down by negative thinking?

Tap into the power of positive thinking and clean up your attitude. You have more control over your thoughts than you may think and how you think has a profound effect on how you feel both emotionally and physically. Challenge your negative thoughts and replace them with more realistic and positive thoughts. Negative thoughts often take the form of exaggeration or hyperbole. When you have a negative thought, stop and ask yourself if what you are thinking is true. Often, when we consider them rationally, those negative evaluations are wrong. So spring clean those negative thoughts with more positive interpretations.

Freshen The Air You Breathe: Are you feeling stale and unhealthy from being cooped up during the long dark winter?

Time for some fresh air! Taking care of yourself needs to be a top priority. Get outside and enjoy the longer days and the “extra” daylight in the evenings. (Daylight Saving Time begins March 11.) Changing up your routines and incorporating more physical activity should be easier now that the temperatures are warming and the sun shines longer. You know the drill: Exercise, eat right, get plenty of rest. This advice is the same year round.

Swap Out Your Heavy Attire For Lighter Wear: Are you holding on to old habits even though you may have outgrown them and they don’t fit you anymore?

Routines can be comfortable. But when they become ruts, it’s time to make changes. Start small by picking one change you want to make and figure out what you would do instead. It will be easier to let go of some old habits if you have something to look forward to in its place. For example, instead of watching television right after dinner, take a walk with your family or a friend or find some other enjoyable or productive activity.

Spring is a great time to clean! What are you going to do to “Spring Clean” your life?

Remember, when you need it, your Employee Assistance Program is a resource for confidential, professional support and assistance for you as well as for your company’s employees. EAP counselors have experience in helping clients make successful changes in their lives and overcome old or unproductive habits that keep people from experiencing the joys in life. Call your EAP for support and remind employees of the valuable benefit they have in the EAP.

NEW MEMBERS**Ande Arterburn**

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Welcome!

You have joined an outstanding organization!

Changes:**Denice Archer**

Recruiter, Wesleyan Advantage
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Congratulations!

Congratulations to the following newly certified Human Resource Professionals who obtained their certification during the December/January exam window:

- ◆ Jackie Boller, PHR
- ◆ Kaylea Dunn, PHR
- ◆ Nicole Gross, PHR
- ◆ Laura Peterson, SPHR



Jackie Boller, PHR, Nicole Gross, PHR, Laura Peterson, SPHR

Please take time to congratulate those who passed. The certification exam is a difficult exam because it covers a wide variety of human resource issues. The pass rates for the exams are generally 65% for those taking the PHR (Professional in Human Resources) and 55% for those taking the SPHR (Senior Professional in Human Resources). Human Resource Certification is the symbol of professional achievement. Beyond experience and education, the PHR or SPHR designation signifies that you have mastered the HR body of knowledge. Certification also provides:

- ◆ National recognition of your professional achievement;
- ◆ An aid for career advancement;
- ◆ A reminder to peers and co-workers of your professional achievement through the use of your certification designation on business correspondence.

Certification exams are administered via computer during two testing windows each year, May 1st thru June 30th and December 1st thru January 31st. To request a certification handbook or find out more about the exam, visit www.hrci.org. If you would like to more information about LHRMA's Certification Study Group visit www.lincolnhhr.org or contact Joel Scherling or Amy Spellman at certification@lincolnhhr.org.



New LHRMA Members attending the January meeting:

Barbara Boggs and Bonnie Otte



In February, we recognized our college student chapters. UNL had several attend.

Back Row: Alex Cerveny, Chelsey Charlton, Julis Agonor, Megan Voichoski and Matt Kittrell
Front Row: Jack Yunker, Brooke Sullivan, Kyndell Colgrove, and Lacey Stazzoni.



New LHRMA Members attending the February meeting:

Angie Reed, Hannah Fagan, Amy Ortega-Lopez, Becky Hamilton, Karen Bulling, Tami Ocken, Melissa McCoy, and Denice Archer.



**Lincoln Human Resource
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