

Lincoln Human Resource Management Association





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



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Volume 3, Issue 7

Make Work Work.... for Everyone

We are more alike than different; we can accomplish many things in the workplace to make this a better world for <u>everyone</u>.

July, 2012

Presentations on disability laws and what HR professionals need to know in supporting persons with disabilities in the workforce, by national public speaker and government expert witness, Christine V. Walters, MAS, JD, SPHR.

Keynote Address: Pre-Approved for 1 HRCI General Credit Hour

Disability Laws – What You Don't Know Could Hurt You By Christine V. Walters, MAS, JD, SPHR, FiveL Company

Workshop: Pre-Approved for 2.5 Strategic Credit Hours

Employer Disability Toolkit

By Christine V. Walters, MAS, JD, SPHR, FiveL Company

The first 25 people to register for the workshop will receive Ms. Walters' book, "From Hello to Goodbye: Proactive Tips for Maintaining Positive Employee Relations," published in March 2011 and SHRM's #4 top seller that year!

When:

Tuesday, July 10th, 2012

11:00 - 11:30 Registration

11:30 – 12:00 Lunch & Announcements

12:00 – 1:00 Keynote Session

1:15—3:15 Workshop

Where:

Hillcrest Country Club 9401 East O Street Lincoln, NE 68520



Sponsored By:

The Background Check Company

Parking is **FREE** to all attendees.

Cost:

Luncheon: LHRMA members—\$15

All Other Attendees - \$25

College Student Chapter Members—FREE (must register with Nate Elgert)

Workshop: All Attendees-\$35

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<u>Menu:</u> Buffet includes Parmesan Ranch Chicken, Twice Baked Potato, Fresh Vegetable Medley, Fresh Fruit, Caesar Salad, Fresh Rolls, and an Assortment of Cookies.

<u>Deadline</u>: Register or cancel your registration by: **Noon**, **Friday**, **July 6th**.

Please remember: There is a \$10 fee for late registrations and for no-shows. This \$10 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.

About our Program:

LHRMA is pleased to announce that national public speaker and government expert witness, Christine V. Walters, MAS, JD, SPHR, will be our guest. Ms. Walters was sought out to speak with us on a topic that affects virtually every employer today – that of the growing need to recognize and address the needs of persons with disabilities in the workforce. Social Security Administration estimates that *one in four of today's 20-year-olds will develop a disability before they retire, and a worker is three times more likely to become disabled than to die before retirement*.

Disabilities can come in many different forms – both physical and mental health-related. More often than not, employers cannot "see" these disabilities, but they are very real. A disabling condition can occur at any time in a person's life. There is a movement among our nation's leaders to embrace individuals, our employees, and applicants with disabilities, recognizing the diversity and talents they bring to our workforce communities. Ms. Walters has personally testified at a hearing before the U.S. Senate Committee on Health, Education, Labor and Pensions to explore issues affecting employers in the employment of people with disabilities in America.

Rather than view persons with disabilities as a liability, employers should be concerned about losing the knowledge, experience, and expertise of these workers. Our federal government has made great strides over the last few decades with passing legislation to help protect employees with disabilities. Employers must continue to do their part in playing an important role in raising consumer awareness about this as well as doing their part to support employees with disabilities. Ms. Walters' presentations will address:

12:00 p.m. - 1:00 p.m. Keynote Address Disability Laws – What You Don't Know Could Hurt You Keynote Objectives Will Include:

- Do's and don'ts of dealing with an employee who returns to work after experiencing a temporary or permanent disability.
- Recommendations for the discussion between employee and supervisor about the need for accommodations.
- Examples of low-cost accommodations for common disabilities.
- Documentation of accommodations.

1:15 p.m. – 3:15 p.m. Workshop Employer Disability Toolkit

- The Business Case (Why?)
- Federal, State, and Local Resources (Where?)
- Proactive Strategies for Recruitment and Retention (What and How?)
- Target Populations (Who?)
 - ♦ Older Workers

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- ♦ Veterans
- Persons with Physical/Mental Health Disability
- ♦ Caregivers
- ♦ Other
- Rewards and Recognition (When?)

Workshop Objectives Will Include:

- How employers can encourage persons with disabilities to remain on the job or return to work.
- Support that employers can provide to persons with disabilities.
- Strategies that employers can use to maintain the *quality of work* performed by persons with disabilities.

Ms. Walters understands the critical importance of SHRM chapters forming relationships with national, state, and local associations to educate employers on best practices and lessons learned. We hope you will join LHRMA in learning more about what you can do in this important endeavor.

Look beyond the disability to the individual and their particular strengths and skills. Let's strive for Lincoln to be the "it" community to recognize that the skills of people with disabilities can be properly utilized with today's technology, some creativity, and a willingness to take a chance.

About our Presenter:

Ms. Walters has nearly 25 years' combined experience in management, HR administration, employment law practice, and teaching. She has received national and regional awards, presented at conferences across the country, been engaged as an expert witness for the defense, and testified before U.S. Congressional and state legislative committees and administrative agencies on employment issues. Her book, "From Hello to Goodbye: Proactive Tips for Maintaining Positive Employee Relations," was published in March 2011 and was SHRM's #4 top seller that year!

Ms. Walters demonstrates her commitment to supporting and advancing the needs and interests of the business community and HR profession by serving in a variety of volunteer leadership roles at the national, state, and local levels.

Today, Ms. Walters works as an independent consultant providing proactive human resources and employment law consulting services and training programs doing business as FiveL Company, "Helping Leaders Limit their Liability by Learning the Law."SM

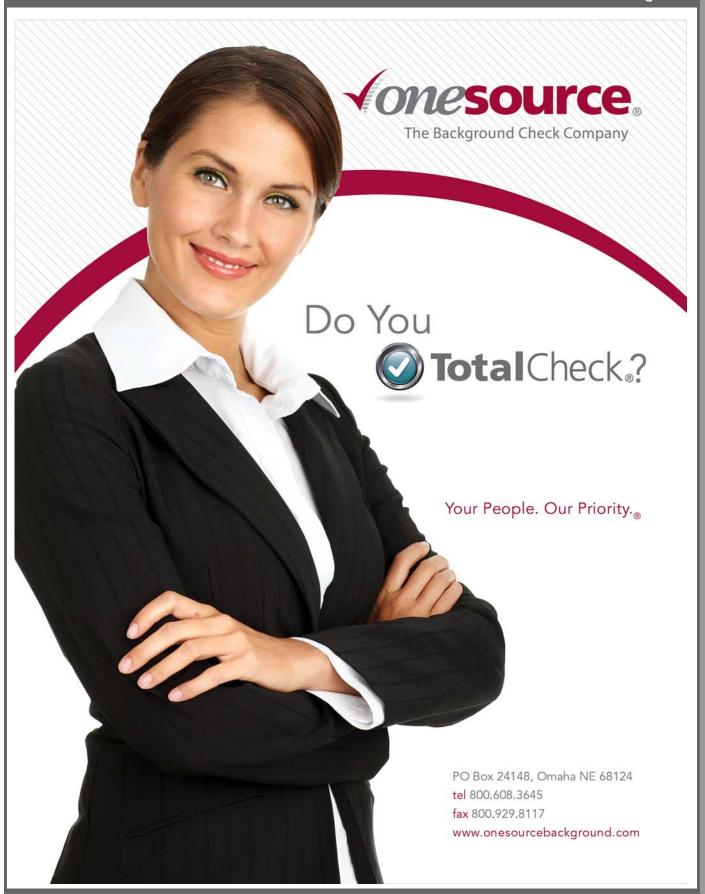
Ms. Walters is licensed to practice law in the State of Maryland.

www.FiveL.net info@FiveL.net

Upcoming Meetings:



August 14, 2012—Chris Hedican from Baird Holm will present a legislative update, and Scott Moore from Baird Holm will do a workshop discussing the importance of lobbying. September—No Meeting. NE SHRM State Conf., Sept. 13—14, CenturyLink, Omaha, NE. October 9, 2012—Program and workshop by Kenexa on Competency & Compensation November 13, 2012—Talent+, TBA December 11, 2012—Member Social, TBA



President's Message

Judy Ganoung, LHRMA President



Just returned from lovely Atlanta! I attended the SHRM Annual Conference. This was my first time attending and what an experience. SHRM does an amazing job in planning and implementing this conference. I heard there were 13,000 people in attendance. The organizing and planning that this conference takes has got to look overwhelming to the team that puts this on.

I attended the conference with several other LHRMA members. It was not their first rodeo so just a real quick shout out to them for not letting me get lost! One woman in our group had step counter (yes, I know they have a technical name but at this very moment, can't think of it). One day we had over 10,000 steps by 2 in the afternoon. Ladies, does anyone have a pen? This is a joke in reference to the freebies provided by the vendors that attend this event. Again, spectacular although I am sure the emails will be pouring in very soon!

The general and breakout sessions were phenomenal with speakers such as Tom Brokaw, Malcolm Gladwell, Jim Collins, and Condaleeza Rice. Wow, truly inspirational and thought provoking. The presenters and topics brought in for the general sessions were timely in terms of topics and issues happening in the human resource area right now. One of the speakers that presented at the Annual Conference is Christine Walters who will be presenting at this month's LHRMA meeting. This will be an informative presentation and we are pleased to have a speaker of this caliber presenting to our group.

I hope this letter finds you all well and enjoying your summer. It has already been a hot one so hopefully you are staying in the shade or enjoying a cool beverage by some nice cool water somewhere.

Enjoy your summer and see you at the LHRMA meetings!



Legal Update

New Nebraska Job Reference Bill Becomes Effective on July 19—Are You Ready? By Mark A. Fahleson, Rembolt Ludtke LLP

Six months ago Gas & Go terminated Sally Jones for yelling at and using profanity towards a customer. Now Sally Jones has applied for employment with Stop & Pump, and Stop & Pump's HR manager has contacted Gas & Go wanting a job reference and wanting to know if Sally Jones really did voluntarily quit as she stated on her employment application.

As Gas & Go's HR manager, what do you do?

Thanks to a new Nebraska law that becomes effective on July 19, 2012, employers and human resource professionals may breathe a little easier when deciding whether to respond to reference requests and what kinds of information to provide.

This past legislative session the Nebraska Unicameral passed and Governor Dave Heineman signed into law LB 959. This legislation--long sought by the employer community—attempts to provide some degree of immunity for employer disclosure of information about current or former employees to a prospective employer.

The basics of the new law are:

1. <u>Written Consent Required</u>. In order to obtain the immunity from liability extended by LB 959, the former employee must give written consent for the disclosure of the information.

The consent must be: (a) on a separate form from the employment application; <u>or</u> (b) on the employment application provided the consent is in **bold** letters and in larger typeface than the largest typeface in the text of the application form. In addition, the consent shall state, at a minimum, language such as the following:

I, [APPLICANT], hereby give consent to any and all prior employers of mine to provide information with regard to my employment with prior employers to [PROSPECTIVE EMPLOYER].

The consent must be signed <u>and</u> dated by the applicant, and is only valid for 6 months after the date it is signed.

- 2. <u>Limited Information to be Disclosed</u>. LB 959 permits employers to disclose the following information about a current or former employee to a prospective employer:
 - A. Dates and duration of employment;
 - B. Pay rate and wage history on the date of receipt of the written consent;
 - C. Job description and duties;
 - D. The most recent written performance evaluation prepared prior to the date of the request <u>and</u> provided to the employee during the course of employment;
 - E. Results of drug/alcohol tests administered within 1 year prior to the request;
 - F. Threats of violence, harassing acts, or threatening behavior related to the workplace or directed at another employee;
 - G. Reasons for separation and whether the separation was voluntary or involuntary; and
 - H. Eligibility for rehire.

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- 3. <u>Truthfulness Still Required</u>. Employers complying with the new law are presumed to act in good faith, but any legal immunity conferred by the law is lost if it can be shown that the employer disclosed false information the employer knew was false or acted with malice or disregard for the truth.
- 4. <u>No Obligation to Provide Information</u>. The new law expressly states that it does not require an employer to disclose employment history to any prospective employer. Thus, employers may still decline to respond reference requests provided they are consistent in their declination to respond.

LESSON: LB 959 is not a panacea for all of the risks inherent in disclosing information about former employees. I recently tried a jury trial in Nebraska under facts similar to those in the hypothetical set forth above. While the jury ruled in favor of my client (the former employer accused of giving a defamatory reference), the trial court declined to dismiss the case prior to trial and the litigation cost the former employer thousands of dollars in fees, expenses and lost productivity. It is unlikely the protections found in LB 959 would have eliminated the need for a jury trial since the claim was the employer knew its statement as to why the former employee was terminated (*i.e.*, yelling at and using profanity towards a customer) was false or the employer acted with reckless disregard for the truth. Time will tell how Nebraska courts interpret LB 959 and how much protection it extends to employers.

Some things to consider as this new law takes effect:

- A. Be consistent in how you respond to reference requests on former employees. Inconsistent treatment may give rise to claims of retaliation or discrimination;
- B. Carefully follow all of the steps identified above; establish an internal audit procedure to ensure compliance;
- C. If you don't already, provide employees with copies of their written performance evaluations and have them acknowledge receipt of such;
- D. Release only truthful information, the veracity of which can be established by documents in your possession (e.g., dates of hire, pay rates).
- E. Don't forget your obligations under other laws that may come into play, such as the Americans with Disabilities Act and Health Insurance Portability and Accountability Act.

Fahleson is a partner with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfahle-son@remboltlawfirm.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.



Board Meeting Recap

- Brian Willet will be filling in for Amanda Henry while she is on maternity leave this fall.
- Fall Certification Class study session will run from August 20—November 13, 2012. We will not offer long-distance learning this session.
- LHRMA's Diversity Committee will be participating in Lincoln's Juneteenth Celebration.
- Mark Pankoke is working on putting together a matrix to monitor LHRMA's activities.
- Updated LHRMA directory is now posted on the website under the Members tab.
- LHRMA will participate in the Back to School drive at the July meeting. Supplies will be distributed to students the first week of August this year.
- Workforce Readiness committee is working hard putting together the July program and workshop. National speaker Christine Walters will be here.
- Government Affairs committee is working on the August legislative meeting. Chris Hedican and Scott Moore from Baird Holm will be presenting the program & workshop.

Wellness

Less Stress—How Businesses Can Help Employees Manage Stress

David Humm, WorkWell – Worksite Wellness Lincoln Lancaster County Health Department

Commuting by bicycle has never been more popular and encouraging your employees to bike to work can easily be part of your company's overall "green" strategy or simply a way for your employees to stay fit. The most notable benefit is the reduced strain on the environment. However, by taking an extra step in asking your employees to ride a bike to work, your company will have pride knowing that it's also contributing to the physical health and well-being of the employees that participate. In fact, biking to work is associated with less sickness absence. The more often people bike to work and the longer the distance traveled, the less they call in sick. After studying seven major variables, the National Center for Health Statistics stated that physical activity is one of the few factors that have a statistically significant effect on absenteeism. Bike commuting can also boost workplace morale. Employees tend arrive more energized and work with lower levels of stress. In general bike commuters tend to be more physically fit, thus reducing their risk of heart attack and stroke by 50% (World Health Organization). That's good news given the increasing illness and healthcare costs. Sedentary lifestyles are contributing to record levels of obesity and premature death from heart disease, stroke, diabetes, and other weight-related health problems. Active living is part of the solution.

This is a great time for businesses to support employees to bicycle. The City of Lincoln has made significant improvements over the last several years to improve bicycling in the community. Just a few of the major improvements include installing bike racks on all city busses, publishing new trail maps color-coordinated to match new trail signage, extending routes of many trails, and recently opening the new Jane Snyder Trails Center at 20th and Q Street. In addition, in the coming year the City plans to re-stripe existing bike lanes and construct approximately 6.5 miles of new bike trails. There are a number of local resources for bicycling information including many clubs. Along with many other partners, the City has collaborated to promote programs to encourage the public to ride their bicycle by offering bike rides in the summer, offering classes that teach how to safely ride and commute on a bicycle, and events like Trail Trek, Biketacular, Bike to Work Week, the Commuter Challenge, and Streets Alive.

If your business wants to get more involved, bike commute challenges are <u>effective at normalizing bicycling</u>. Whether run internally or by an advocacy group mentioned above, these friendly competitions provide incentives for people to learn from each other about how to make use of local resources.

To find out more about biking and possibly becoming a "Bicycle Friendly Business" contact Mike Heyl at the Lincoln-Lancaster County Health Department, mheyl@lincoln.ne.gov or 402-441-3889.



Drawing Winner

Who Says There's No Such Thing as a Free Lunch?
Congratulations to
Joanne Bartels with Company
Care. Joanne will receive free registration for the July program.

EAP Corner

Have Fun at Work!

Lesa Deeker, SPHR, Consultant/Trainer Best Care Employee Assistance Program

"An increasing body of research demonstrates that when leaders lighten up and create a fun workplace, there is a significant increase in the level of employee trust, creativity and communication -- leading to lower turnover, higher morale and a stronger bottom line." From The Levity Effect: Why It Pays to Lighten Up, by Adrian Gostick and Scott Christopher

Yes, it's true. Fun at work is not just a way for employees to be happier and have greater morale; fun contributes to greater productivity and better bottom line results. Research from the Great Place to Work Institute shows that employees in companies from Fortune's "100 Best Companies to Work For" overwhelmingly respond that they are working in a "fun" environment. How can you create more fun and perhaps contribute to better bottom line results for your organization? Read on for fifteen tips to get you started on your path to having fun at work!

- 1. **Fun catches on** Keep a recognition box full of prizes next to your desk, a Gumby figure for someone who has shown flexibility, sunglasses for someone who has a bright idea, etc. "Dollar" stores are a great resource for inexpensive trinkets.
- 2. **"Fun" shui it!** Create customized organizational systems that work for you. Colorize your file folders, paper clips/post-it notes.
- 3. **Surround yourself with things that make you smile** -Bring in family or pet photos; Surround yourself with bright colors and fresh flowers.
- 4. **Incorporate laughter into your culture** Grab their attention with a funny story; add a joke or cartoon of the week to your newsletter.
- 5. Create a commuter kit Stock your car with soothing music or audio books.
- 6. **Send out sweet sensations** Put a candy dish on your desk. It encourages people to drop by and gives you a chance to catch up and take the pulse of your people. Give a Nestle Crunch Bar to someone who's under a deadline, Lifesavers to someone who's been helpful, or Skor for the ones who made their targets. You get the idea!
- 7. **Location, location** Have a meeting in a different location other than the conference room, i.e. at a coffee shop, outside at a park, standing up, in a car with the sunroof open or at the open tailgate with cool refreshments, etc.
- 8. **Fairing well** For your wellness/health fairs invite different vendors that offer free backrubs or provide yummy nibbles from a health food store.
- 9. FUN feedback and kudos Send small tokens or personal notes of appreciation and "encourage-mints!"
- 10. **Perks to perk-up your workday** Onsite extras to offer ways to make the workday more enjoyable, i.e. sponsor a mid-week treat at 2:30 pm on a Wednesday, arrange for onsite dry cleaner drop-off and pick-up, or a traveling car wash.
- 11. They say it's your birthday! Arrange a monthly or quarterly day/time for workers to celebrate their birthdays. Have the birthday people supply their favorite treats and cake for the party.
- 12. **Music soothes the soul!** Bring in your iPod and listen to music during the workday. It can boost creativity and increase productivity.
- 13. **Be the one for fun!** Champion the cause for creating an enjoyable workplace. Your laughter is contagious, so let them hear you roar! Good moods are infectious!
- 14. Form special interest groups People like to gather and share stories and experiences; form a walking/running club or start a book club.

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15. **Become a fanatic for humor** – Turn-up your "lighten up" radar and seek out the funny! Use an upbeat screensaver or subscribe to a daily humorous tip to start the day.

You can experiment with these fifteen tips, adapt them to your work environment, or come up with completely new ideas to encourage more fun and enjoyment in your workplace. And remember, when you or your employees are having difficulty finding the fun in work or life, your company EAP is a great resource to help regain perspective and enjoyment. Call us today.

Interested in earning your PHR/SPHR Certification?

The Lincoln Human Resource Management Association (LHRMA) is hosting a fall study group to assist HR professionals in preparing for the PHR or SPHR certification exam.

When: August 20, 2012 – November 13, 2012

Group meets every Monday evening from 5:30~p.m.-8:30~p.m. (Except for Labor Day and Veteran's Day when we will meet on Tuesday)

Where: Nebraska Book Company, 4700 S. 19th St., Lincoln, NE

Register: Via the LHRMA website (<u>www.lincolnhr.org</u>) by August 13, 2012

Exam Window: December 1, 2012 – January 31, 2013

Fall 2012 Certification Study Group Registration Fees

\$75 & LHRMA Member Rate

\$130 & Non-LHRMA Member Rate

Save on These Value-Added Packages!!!

Not a LHRMA member? Become one to qualify for a \$55 discount on the study group fee.

Are you a LHRMA member but not a SHRM member? Become a SHRM member at a reduced rate and qualify for a \$50 discount on the PHR or SPHR testing fee.

\$125	Join LHRMA & get reduced study group rate	LHRMA membership at \$50, plus LHRMA member rate of \$75 for study group registration fee (reg. \$130 for non-members)
\$194	Current LHRMA members – Join SHRM at a reduced rate AND get a reduced rate on test	LHRMA member rate of \$75 for study group registration fee, plus Discounted SHRM membership of \$119 (reg. \$180), plus Reduced rate on PHR/SPHR test (savings of \$50)
\$227	Join LHRMA, get reduced study group rate, AND join SHRM to get reduced rate on test	LHRMA membership at \$50, plus LHRMA member rate of \$75 for study group registration fee (reg. \$130 for non-members), plus Discounted SHRM membership of \$119 (reg. \$180), plus Reduced rate on PHR/SPHR test (savings of \$50)

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Fall 2012 Certification Study Group Registration Info (continued)

<u>Format/instructors</u>. The Certification Study Group has been extremely successful in the past with a 90% or higher exam pass rate. The study group uses a lecture format that encompasses the six functional areas (strategic business management, workforce planning and development, compensation and benefits, human resource development, employee and labor relations, and risk management) that make up the exam specifications. 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.

<u>Textbook</u>. 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 and study guide **on your own**. They are available at the SHRM store (<u>www.shrm.org</u>), Amazon.com or college bookstores. If purchasing a used book, be sure to purchase the **13**th **edition**.

<u>Exam eligibility requirements</u>. To earn the PHR or SPHR designation the candidate must meet the <u>experience</u> <u>and education requirements</u>, which can be found on the <u>HRCI website</u> (www.hrci.org). Individuals applying for the PHR/SPHR Certification Exam must submit their application with <u>payment</u> to HRCI by the appropriate <u>deadline</u>. See <u>HRCI's Certification Handbook</u> for more information about the exam. Any questions regarding the Certification Exam or eligibility should be directed to HRCI.

<u>Study group registration</u>. If you would like to be involved in the study group, please visit the <u>LHRMA website</u> and click "PHR/SPHR Certification" link on the left side of the screen to register. Payment of the study group fee can be made online or by sending a check to: LHRMA, PO Box 81066, Lincoln, NE 68501-1066.

Questions about the study group may be addressed to LHRMA's Co-Certification Directors:

Amy Spellman Joel Scherling 402.471.5027 402.471.4736

amy.spellman@nebraska.gov joel.scherling@nebraska.gov





The Salvation Army and LHRMA Help Kids Go Back To School

The Salvation Army and St Luke UMC are collecting new backpacks and school supplies to help students in Lincoln get ready to go back to school this August.

The following items are needed:

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 July 10th LHRMA meeting. The Salvation Army will distribute the backpacks and supplies on Tuesday August 7th from 4-7pm. Contact Barb Benes with any questions.

2012 LHRMA Salary and Benefits Compensation Survey

It is that time of year when LHRMA conducts its annual Compensation and Benefits Survey. LHRMA will again be using the services of Clarion Group, Inc. to collect and summarize the data, and produce a summary report of the results.

Survey Invitations will be sent out to each LHRMA member on Monday, June 4. Please note that even though every member will receive the invitation, only one response from an organization with a LHRMA member will be accepted.

The survey will be open through Friday, June 29, which allows survey participants four weeks to complete the survey.

This year's survey will be similar to past surveys with some additions to the benefits section including questions regarding including % in addition to \$ co-pay for insurance; an expanded section on differentials; questions regarding long term care insurance, short term disability insurance, and long term disability insurance; and questions regarding tobacco-free workplace and incentives to be tobacco free.

The final summary report is available to participants for only \$50. (The final summary report is made available only to the contact person provided on the survey.) This is an excellent value for any organization. Members not participating in the survey can also purchase the survey for \$300.

Last year we had 56 companies that participated in the survey. The companies represented many industries, both profit and not-for-profit, from the Lincoln/Lancaster area. This year we would like to have 75 participants. Help us reach this goal by completing the 2012 LHRMA Compensation and Benefits survey. If you have not participated before, we encourage you to be a part of this year's survey.

If you have any questions about the survey, please contact Kelly Riley (Kelly@clarion-group.net; 402.540.7130) or Lou Ann Manske, LHRMA Survey Chair (Imanske@madonna.org; 402.483.9588).

WELCOME NEW MEMBERS

Paul Lytle

President Bedient Pipe Organ Company pdl33@aol.com

Sarah Malcolm

Senior Staffing Coordinator Express Employment Professionals sarah.malcolm@expresspros.com Susan Rocker

Director of Career Development Doane College susan.rocker@doane.edu



Welcome! You've joined an outstanding organization!

Member Change

Kendra Knauss HR Coordinator Ponca Tribe of Nebraska kknauss@hotmail.com

Congratulations to our May Basket Winners from the May Meeting!





Lincoln Human Resource Management Association PO Box 81066 Lincoln, NE 68501-1066

www.lincolnhr.org

SHRM local chapter #0048





We're on the web! lincolnhr.org



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