



Lincoln
Human
Resource
Management
Association



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Volume 5, Issue 8

August, 2014

Program and Workshop: Affordable Care Act

Presented by: Randy Limbeck, Attorney, Jackson Lewis, P.C.

WHEN:

Tuesday, August 12th, 2014
11:00 – 11:30 Registration
11:30 – 12:00 Lunch & Announcements
12:00 – 1:00 Keynote Session
1:15 – 3:15 Workshop

WHERE:

The Cornhusker Hotel, 333 S 13th Street, Lincoln, NE
Parking downtown at a city garage will be validated.

COST: Program Registration:

LHRMA members—\$15
Guests / All Other Attendees—\$25
College Student Chapter Members—FREE (You must register with Jenessa Keiser, College Relations Chair)

Workshop Registration:

All Attendees—\$35

MENU: California Chicken Sandwich – grilled chicken breast with Monterey jack cheese, sliced ham, sliced red onion, tomato and spinach on a honey wheat roll; served with pasta salad, coffee, tea, cookies and brownies.

DEADLINE: Register/cancel your registration by **12:00 noon, Friday, Aug. 8th**.

REMINDER: 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.

About Our Program and Workshop:

During lunch, Randy Limbeck will present on the Current Status of Health Care Reform (ACA)—an overview of the transitional rules and where health care reform is headed. After lunch Randy will present a detailed workshop on the final ACA regulations issued by the IRS in February and March of this year. The workshop will include the final employer shared responsibility (“play or pay”) regulations, what larger employers must do to provide coverage that meets ACA’s requirements, methods employers can use to determine which employees need to be offered

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coverage, the recently issued reporting regulations, and how penalties will be calculated if the requirements aren't met. In addition, Randy will discuss how employers need to determine if they are large enough for the requirements to apply to them; when and how the rules will apply; how full-time and part-time employees are counted; and how related companies affect the employee count.

The 2014 Nebraska State Conference, HR Heroes!, is fast approaching!!!

Make sure to register soon [here](#).

Get Connected to the latest Conference info by using the links below: We are planning to regularly communicate information about the conference through these social media sources and need your participation.



Volunteers Needed!

For those of you, who have volunteered for past conferences, thank you very much! If you are interested in volunteering again, please let Carmen Wiles, Volunteer Chair, know. For those who haven't volunteered in the past, consider volunteering this year. The conference dates are Thursday and Friday, September 11 & 12 at the Century Link Center in Omaha. Good news, parking is free for conference attendees and/or volunteers.

Volunteer Duties

1. Greeter – Day 1 (7:30 – 8:30) Direct and greet guests as they arrive.
2. Greeter – Day 2 (7:00 – 7:45; 7:45-8:30) Direct and greet guests as they arrive.
3. Registration table – Day 1 (7:30 – 9:00) or Day 2 (7:30 – 8:30)
4. Help exhibitor set-up – Day 1 (8:00 – 9:30) More help is needed during these hours to assist and direct exhibitors to the exhibit hall.
5. Help exhibitors take-down – Day 1 (6:30 p.m. – 7:00 p.m.) or Day 2
6. Speaker introduction & breakout room monitoring – Day 1 or Day 2
7. SHRM Foundation Table –monitor the items, answer any questions. – Day 1 or Day 2
8. Keynote Book Signing – help keynote speaker sell their book and items, if needed - Day 1 or Day 2.
9. Deliver lunches to the exhibitors (Day 1 only)
10. Reception Ushers (Thursday, September 11 from 5:00 p.m. - 6:30 p.m. – Exhibitor Hall) - Day 1.
We would like Chapter Presidents serve as ushers if possible.

If you are interested please email Carmen Wiles, Volunteer Chair, carmen.wiles@nreca.coop and let her know your preferences and she will try to accommodate them. **Deadline to respond is August 15th.**

1. Which day(s)
2. What time(s)
3. Which duty(s)

President's Message

Melissa Price, LHRMA President



How do we become superheroes for our organizations? I believe that the answer probably looks different for everyone. However, I believe a couple components to it are making sure that we are asking the right questions and coming up with innovative solutions that help propel the business forward. It's that simple, right? Knowing how overwhelming and difficult that can be, consider this...

The SHRM Nebraska State Conference is coming up quickly – September 11th & 12th at the CenturyLink Center in Omaha. The topic? HR Heroes. Information about the exciting conference is already available and registration is open. The conference includes keynote speakers Ryan Estis, Scott Carbonara, Cathy Newton, Skip Weisman, and Marty Clark. They will be covering topics from communication to engagement to unleashing your superhero and lots in between.

If you haven't attended before consider going this year, at least for one of the days. The conference not only provides education and national speakers close to home but also provides great opportunities to network with other human resource professionals from across the state. Finally, a place where I like to spend time is the exhibitor hall that encompasses great vendors to partner with that can make our jobs run a little smoother or allow us to focus on the aspects we are passionate about.

Make sure to go to www.shrm-ne.org for the latest information and to register.

I hope to see you at the conference in September!

—Melissa Price



Upcoming Programs and Workshops:

Sept. 11 & 12—2014 SHRM NE State Conference

Oct. 14—Social Media Panel @ The Isles

Nov. 11—Aligning Values & Beliefs with that of our Organization with Paula Pace @ Lincoln Firefighter's Hall *** Program has been pre-approved for HRCI credit

Dec. 9—December Social @ Grata

Legal Update

Executive Orders Protect LGBT Employees of Federal Contractors; IRS ACA Subsidy Regulation Reversed and Upheld on the Same Day

by Bob Evnen, Woods & Aitken LLP

LGBT Protections for Employees of Federal Contractors

Executive Order 11246, issued on September 24, 1965, by President Lyndon Johnson, prohibits certain federal contractors from discriminating against applicants and employees on the basis of protected characteristics, and to “take affirmative action” to assure that such discrimination does not occur in any attribute of employment (for example, recruitment, hiring, promotion, demotion, transfer, recruitment, layoff, termination, and pay rates). This Executive Order has been amended several times since it was first issued.

On July 21, 2014, President Obama issued an amendment to the Executive Order. Under the amendment coverage was broadened to include discrimination based on sexual orientation and gender identity. (The Executive Order already, for many years, has prohibited discrimination based on “sex.”)

The order does not define either of the new terms. Gender identity was defined in the Senate version of the Employment Non-Discrimination Act (“ENDA”), which would have prohibited such discrimination by nearly all employers but was not enacted. ENDA defined gender identity as “the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual’s designated sex at birth.” ENDA was passed in the Senate but not in the House.

Further guidance is to be forthcoming in ninety days by which time the Secretary of Labor is directed to propose regulations and implement the requirements of the Executive Order as amended.

ENDA contained exemptions based on religious beliefs. Those exemptions were not included in the Executive Order, although other religious-based exemptions that were amended into the Executive Order in 2002 remain.

In general, the provisions of Executive Order 11246 apply to federal contractors and first tier subcontractors who have contracts worth more than \$10,000 in any year. Non-construction contractors and first tier subcontractors with 50 or more employees and contracts of \$50,000 or more are required to develop affirmative action compliance programs. Construction contractors are required to engage in affirmative action in accordance with regulations adopted by the Secretary of Labor.

In a statement accompanying the announcement of the amended Executive Order the White House noted that 90 percent of Fortune 500 companies have adopted policies prohibiting discrimination against gays and lesbians. The statement also noted, however, that these policies rarely cover transgendered employees. The reach of the Executive Order is substantial in its own right: the White House reports that nearly 20 percent of the workforce is employed by covered federal contractors.

ACA Subsidy Reversed. ACA Subsidy Upheld. Both on the Same Day.

The Affordable Care Act (“ACA”) provides tax credit subsidies in graduated fashion to reduce the cost of health insurance premiums for those who buy coverage through the exchanges and whose incomes are between 100 percent and 400 percent of the poverty level.

Section 1311 of ACA places responsibility on the states to establish exchanges, but under the Constitution the

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Congress cannot require states to establish them (because Congress cannot require states to implement federal laws). Section 1321 of the ACA requires the Secretary of HHS to “establish and operate such Exchange within” a state that is either unable or unwilling to set one up itself.

In at least two places the ACA states that the subsidies are available only for those who purchase their policies on exchanges established by a state under Section 1311.

Nevertheless, the IRS adopted a regulation that makes the subsidies available to anyone in the designated income range who purchases a policy on the exchange, regardless of whether the exchange was established by a state or by the federal government.

This IRS regulation is the subject of four federal lawsuits. The lawsuits challenge the legitimacy of the regulation because it does not limit the subsidies to state-established exchanges. Two of those lawsuits were decided by two different U.S. Circuit Courts of Appeals on July 22, 2014.

The first decision was issued by a three judge panel of the U.S. Court of Appeals for the District of Columbia Circuit, which decided, 2-1, that the regulation was invalid because it contradicted the plain meaning of the ACA.

The second decision was issued by a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit (located in Richmond, Virginia). The Fourth Circuit panel found the ACA ambiguous on this point, concluding that the ACA language might mean that the federal government was to establish state exchanges for states that did not establish state exchanges. The Fourth Circuit panel went on to hold that the IRS regulation was a reasonable exercise of its authority in the face of an ambiguous provision. The Fourth Circuit also went to great lengths to describe the dire consequences if it reached a different result.

The next step for both cases is a request that the cases be heard before a full panel of Court of Appeals Judges. Expect that to be requested and granted in each case. Eventually these cases could wind up in the U.S. Supreme Court, but it is too early to predict that. If the full panels of both circuits decide that the IRS regulation is OK, it is less likely that the Supreme Court will take the case, but then there are two more cases coming up in the pipeline.

The impact of these cases is enormous. Thirty-six states, including Nebraska, did not establish exchanges and so have exchanges established by the federal government. An estimated 4.7 million people are receiving subsidies on the federal exchanges pursuant to the IRS rule that was challenged in the lawsuits.

In addition to the impact on the subsidies themselves, employees who have qualifying incomes but are not eligible for subsidies will not be subject to penalties. And because these employees will not be eligible for subsidies, their employers will not be subject to penalties for failing to provide them with “affordable coverage.”

The uncertainty surrounding this issue is reportedly creating problems in the insurance markets as well, since the coverage mandated by the ACA is very expensive to provide and many people won't buy the coverage in the absence of the subsidy.

Right now there is little to be done by employers other than waiting out the storm. The final word on the IRS regulation probably won't be known for another year.

Bob Evnen is a partner with Woods & Aitken LLP in Lincoln where his practice focuses on advising and representing employers in labor and employment law issues.

CONGRATULATIONS!

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

- **Crystal Booker, PHR**
- **Karen Bulling, PHR**
- **Carin Byleveld, PHR**
- **Kellie Graham, SPHR**
- **Karen Gray, PHR**
- **Becky Hamilton, PHR**
- **Jamie Mohrman, PHR**
- **Angela Reynolds, SPHR**
- **Barb Schlickbernd, PHR**
- **Robert Seybert, PHR**

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 find out more about the exams, visit www.hrci.org. If you would like to more information about LHRMA's Certification Study Group visit www.lincolnhn.org or contact Amy Spellman at certification@lincolnhn.org.

WELCOME NEW MEMBERS

Jenna Brester
Human Resources Coordinator
The Cornhusker, A Marriott Hotel
jbrester@thecornhusker.com



Welcome!
You've joined an outstanding organization!



Drawing Winner

Who Says There's No Such Thing
as a Free Lunch?

Congratulations to
Karen Yelden with
The Nebraska Bankers Association.
Karen will receive free registration
for the August program.

Jobs, Jobs and More Jobs!

If you are an employer with an employee that is a current LHRMA member, then you can post your HR-related job opening on our website for **FREE!** Just email Kathy Harper at lhrma0048@yahoo.com.

If you are looking for a human resource position, then check it out!
Go to <http://lincolnhr.org/blog/hr-job-openings/>

This is also an excellent resource for students who are seeking an HR position or for companies to advertise if they have summer internships available. Take advantage of this great resource—you can't beat the price!

EAP Corner

Conflict in the Workplace—What's Your Style?

Kelly Ethridge, Account Services
Best Care EAP

Workplace conflict is an unavoidable consequence of everyday life. Some employees are magnets for conflict, while others manage to avoid tangles with co-workers on a regular basis. Eventually however, everyone has run-ins with someone on the job. Managers can spend anywhere from 25-60 percent of their time working through employee conflicts.

What is your conflict style? **Avoid, Accommodate, Collaborate, Compromise or Confront?** We all generally default to one or two primary conflict resolution styles. How well you understand conflict resolution can have a direct impact on your career path. Here are 10 ways to help you deal!

1. **Count to 10...or 100**
Don't let emotions get the best of you. Take your time when responding to potential conflict.
2. **Let everyone speak**
Your ears are your best tools you have in resolving conflict quickly and with minimal anxiety.
3. **Choose your battles**
Come out with guns blazing in every conflict situation and you are likely to find yourself surrounded with unsympathetic co-workers.
4. **Avoid gossip**
Gossip can lead to bad blood and a lot of unnecessary office anguish.
5. **Use business-like language**
Exploding with anger and harsh words is a sure way to make a bad situation worse.
6. **Don't personalize or internalize disagreements**
Just like you, people have bad days and say things they don't mean. Try not to take every disagreement personally.
7. **Repeat your opponent's words aloud**
Listen carefully. You may find you identify with some of the challenges they face.
8. **Be open to compromise**
Be willing to compromise and you can get away from the hassles of arguing and back to more productive work!
9. **Find a mediator**
If your efforts to resolve fail, you may need to bring in a third party to help mediate.
10. **Expect conflict**
Recognize that it's impossible to avoid conflict entirely. When managing conflict, make sure both sides are satisfied with the outcome to avoid the possibility of a flare up later.

*The take away here is **learning to deal with conflict in a productive way**. Don't let disagreements gather momentum and turn into major crises. Instead, address them ASAP. **Want to learn more about managing or practice productive conflict resolution skills?** Attend Best Care's *Management Boot Camp* coming up on October 16, 2014 or *Conflict Resolution Boot Camp* November 4, 2014. For session and rate information, send an email to Kelly.Ethridge@BestCareEAP.com.*

Ongoing conflict is stressful. Contact your EAP professional counselor for individual, confidential support. Don't have an EAP? Best Care EAP provides confidential, professional support and guidance to client organizations and their employees. For more information, contact Brigette Porro at 402-354-8000 or Brigette.porro@bestcareeap.org.

Wellness

Health and Wellness
Amy Schlichting, MS
Madonna Fit for Work

You know you should strive to be active throughout the day, but unfortunately, some sitting is inevitable. Here are a few tips to keep your body moving:

At Work

In addition to stretching throughout the day, you can:

- Place a piece of paper under your feet and slide your feet back and forth (use your hamstrings) or side to side (use your hips and inner thighs).
- Bring your heels off the ground, push-up from your toes, and perform calf raises.
- Place your hands on your desk and do push-ups or hold a plank position.
- Use your chair (if your chair has wheels, lock them or make sure it is in a secure position so it doesn't roll) to perform dips.

At Home Watching TV

Instead of running to the kitchen during commercials, try some of these moves instead:

- Try to hold a plank through a commercial. When you conquer one commercial, try to hold through another...eventually you'll be able to plank the entire break!
- Use the couch for something other than sitting—put your feet on it while doing push-ups or planks, or use it as a target as you do body-weight squats—get low enough so that your bum touches it before standing back up.
- If watching sports gets you motivated, train like an athlete. Start by performing “fast feet” sitting down, then build up stamina to do it for 30-60 seconds standing up.
- Try this core circuit during a commercial break—perform an exercise during a commercial, and when the next commercial starts, move to the next exercise: crunches, reverse crunches, back extensions, glute bridges, bicycle crunches.

At a Presentation

Okay...You can't move around too much—you don't want to distract the presenter, and you need to focus on the material, but here are some things you can do while sitting still to keep you energized:

- Focus on good posture. Sitting tall and keeping your belly button pulled to your spine will strengthen your core. In addition, squeeze your shoulder blades towards your spine.
- In addition to calf raises, you can squeeze your inner thighs together and hold for a few breaths, relax, and repeat. You can also do this with your glutes.

For more information about healthy lifestyle tips and corporate wellness initiatives, call Amy at (402) 434-5937.



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We're on the web!
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