



Lincoln
Human
Resource
Management
Association



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Inside this issue:

President’s Message	3
Legal Update	4
EAP Corner	6
Wellness	7
New Members	8
Board of Directors	9



Volume 6, Issue 5

May, 2015

PROGRAM: What are Business Ethics
Presented by Tom McClung

WHEN:

Tuesday, May 12th, 2015
11:00 – 11:30 Registration
11:30 – 12:00 Lunch & Announcements
12:00 – 1:00 Keynote Session

WHERE:

Hi Mark Gold Course
8901 Augusta Drive, Lincoln, NE
Parking is FREE!

COST:

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

MENU: BBQ Beef Sandwiches, Potato Salad, Baked Beans, Dessert & Beverage.

DEADLINE: Register/cancel your registration by **12:00 noon, Friday, May 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:

Luncheon Program: What are Business Ethics

Blind spot, noun | An area in which a person lacks understanding or impartiality. “Ed had a blind spot when he hired his best friend’s company as a vendor even though there were more qualified companies.”

This year the Business Ethics Alliance’s Signature Events programming shines a light on ethical blind spots.

When faced with an ethical dilemma, most of us think we will be able to make the right decision. Yet, we are sometimes not as ethical as we believe we are. In 2015, the Business Ethics Alliance Programs explore the ways we overestimate our ability to do what is right in business and how we act unethically without intent. Join Tom McClung as he defines what are Business Ethics, Ethical Leadership and a case study on ethics. Together we will investigate the nature of ethical breakdowns in the

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(Continued from page 1)

business world, and we will explore how we can all become more ethical in the workplace, bridging the gap between the business people we are and the professionals we want to be.

Workshop:

About our Speaker: Tom McClung

Tom McClung is a native of Ohio where he attended colleges for his bachelors (College of Wooster) and masters (The Ohio State University) degrees. He then earned his doctorate at Michigan State University before moving to Omaha where he has worked since 1974.

Tom's extensive experience in leadership roles has provided him the opportunity to assist individuals and organizations in such areas as adapting to change, handling conflict situations, and making good decisions consistent with planned strategic direction. In addition, he has extensive public speaking experience on topics related to leadership, business ethics, and managing generational differences in the workplace. His management experience has been in such diverse areas as information technology, client services, financial planning/ budgeting, and strategic planning. He has worked in profit, nonprofit, and educational institutions which has included managing start-up operations, strategic growth planning, administrative functions, staff development, and business coaching.

A Workshop was added at the last minute. Please check the website for details at www.lincolnhr.org.



Drawing Winner

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

Congratulations to **Ashley Tobias**
with ServiceMaster.

Ashley will receive free registration
for the May program.



Find us on Facebook.
Become a fan and join
the conversation.

President's Message

Melissa Price, LHRMA President



There are quite a few exciting things happening within LHRMA! I wanted to take the time to compile them and give a brief update on a few things we have going on.

- It's May! This means it is time for our annual SHRM Foundation fundraiser at our May LHRMA meeting. We have some great baskets donated by local companies that we will be raffling off. Please help support the SHRM Foundation by planning to purchase raffle tickets for a chance to win a great basket!

The SHRM Foundation supports HR professionals through scholarships, education and research. You can learn more about the SHRM Foundation and specific benefits it can offer you by visiting <http://www.shrm.org/about/foundation/pages/foundationhome.aspx>

- If you haven't visited LHRMA's website yet, please do. It has been updated!!! The website committee invested a lot of time to converting our old website to the new design. Over the coming months, you will see additional content and features being rolled out too.
- We are always looking for volunteers for committees or board positions. Currently we are looking for someone to join the board as our Treasurer. If you have any interest in this position, future board openings, or joining a committee please reach out to me.
- I would also like to congratulate the 15 companies recognized on April 15th at Lincoln's Best Places to Work luncheon! It was a fantastic event that LHRMA was again able to sponsor. A special thanks to Woods & Aitken who organized the event. A list of the honored companies can be found at <http://www.woodsaitken.com/bptw2015awards/>. Again, congratulations to those awesome companies!

— Melissa Price

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Legal Update

New Standard for Pregnancy Accommodation

Mark A. Fahleson, Esq.

Rembolt Ludtke LLP

Adopted in 1978, the Pregnancy Discrimination Act makes it clear that Title VII's prohibitions on sex-based discrimination include discrimination on the basis of pregnancy, childbirth and related medical conditions. While most employers understand and abide by this requirement, many employers struggle with understanding their legal obligations to accommodate pregnant employees with work restrictions. Now, the United States Supreme Court has weighed in, and the answer is less than helpful for management.

On March 25, 2015, a divided Supreme Court announced its decision in *Young v. United Parcel Service, Inc.* (U.S. No. 12-1226, 135 S.Ct. 1338). Therein, Peggy Young was a part-time morning driver for United Parcel Service (UPS). When she became pregnant, her doctor advised her that she should not lift more than 20 pounds. UPS, however, required drivers like Young to be able to lift up to 70 pounds. Young was covered by a union collective bargaining agreement (CBA) that obligated UPS to give temporary work assignments to CBA-covered employees who are unable to perform their regular jobs because of *on-the-job injuries*. Unless an employee suffered an on-the-job injury, the stated policy of UPS was to permit light-duty accommodations only where "an employee has a qualifying disability within the meaning of the ADA which prevents him/her from being able to perform some aspect of his/her job." Thus, UPS's policy was that an employee who is unable to perform an essential function of the job would be required to take a leave of absence (if the inability stemmed from something off-the-job). UPS did not offer light duty to any employee--male or female--who had a medical condition not related to work, pregnancy included. As a result of the CBA and these policies, UPS told Young that she could not work while under a lifting restriction. Young was placed on unpaid leave and eventually lost her employee medical coverage. After she gave birth, Young returned to work.

In 2008, Young filed a lawsuit against UPS alleging the company discriminated against her by not placing her on light duty work when she became pregnant. UPS contended that it complied with the law because it provided light duty work only in certain situations. UPS argued that its decision not to provide an accommodation to Young was non-discriminatory because it followed a company policy that did not take an employee's pregnancy into account.

Agreeing with UPS, the federal trial court dismissed Young's case, and the dismissal was affirmed by the U.S. Court of Appeals for the Fourth Circuit, which concluded that UPS had not violated the Pregnancy Discrimination Act because it had a "pregnancy-blind policy" that was a "neutral and legitimate business practice" on its face.

However, the Supreme Court vacated the lower court decisions and sent the case back for further proceedings. A divided 6-3 Court held that an employer may violate the Pregnancy Discrimination Act if it fails to offer a pregnant employee with work restrictions the accommodations it makes available to other, nonpregnant employees "similar in their ability or inability to work." According to the Court's majority, a pregnant employee may raise a disparate treatment claim if she can show the employer's policies placed a "significant burden" on pregnant workers, such as evidence the employer "accommodates a large percentage of nonpregnant workers while failing to accommodate a large percentage of pregnant workers." The Court concluded that Young could possibly show UPS accommodated most nonpregnant employees with lifting restrictions while "categorically failing to accommodate pregnant employees with lifting restrictions." She might also show UPS's multiple policies for accommodating nonpregnant employees with lifting restrictions, but not pregnant employees with the same restrictions, aren't "sufficiently strong," so a jury reasonably could infer intentional discrimination, the court said.

(Continued from page 4)

Takeaways: In *Young*, the Supreme Court adopted a new analysis for claims arising under the Pregnancy Discrimination Act. Specifically:

- An employee can establish a case of pregnancy discrimination on its face by showing that “she belongs to the protected class, that she sought accommodation, that the employer did not accommodate her, and that the employer did accommodate others ‘similar in their ability or inability to work.’”
- If an employee meets that requirement, the burden shifts to the employer to articulate a legitimate, non-discriminatory reason for its treatment of the employee. The court added, “that reason normally cannot consist simply of a claim that it is more expensive or less convenient to add pregnant women to the category of those (‘similar in their ability or inability to work’) whom the employer accommodates.”
- After the employer articulates a legitimate, non-discriminatory reason, the employee has another chance by showing (a) that the employer’s policies impose a “significant burden” on pregnant workers; and (b) that the employer’s legitimate, non-discriminatory reasons are “not sufficiently strong” to “justify the burden, but rather—when considered along with the burden imposed give rise to an inference of intentional discrimination.”

While the *Young* decision suggests that employers may still be allowed to accommodate some groups of employees without accommodating pregnant employees, the burden just got a lot higher. Employers are strongly encouraged to review their accommodation policies and practices in light of *Young*. At a minimum, employers shouldn't automatically reject pregnant employees' accommodation requests, but rather should engage in an interactive process not unlike what is required under the ADA. In addition, proper training of supervisors and HR professionals on how to respond to requests for accommodation from pregnant employees is critical.

Fahleson is an attorney with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfahleson@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.

4851-0445-5459, v. 1

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 lhurma0048@yahoo.com.

If you are looking for a human resource position, then check it out!
Go to <http://lincolnhhr.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

Part 1 of 2: Managing Difficult Conversations at Work

Kelly Ann Ethridge, M.A.

Best Care EAP

Whether you're telling a client the project is delayed or presiding over a troubled performance review, difficult conversations are an inevitable part of management. How do you find the right words when you are in the moment? How can you manage the exchange so that it goes as smoothly as possible?

PART 1:

- **Change your mindset-** When you know a "difficult" conversation is coming up, try "reframing" it in a positive way. *Example*, you are not giving negative performance feedback, you are having a constructive conversation about development.
- **Breathe-**The more calm and centered you are, the better you will be at handling difficult conversations. Take regular breaks and practice mindful breathing. This will help you focus and give you capacity to absorb any blows that might come your way. *Example*, if a colleague comes to you with an issue that you know might lead to a hard conversation, excuse yourself, get a cup of coffee and collect your thoughts.
- **Plan the conversation; don't read from a script-** Jot down notes and key points before your conversation. Know what you want to say. Plan but be prepared to be flexible with your plan. Your language should be simple, clear, direct and neutral.
- **Acknowledge the other's perspective-** Don't go into the conversation with a myway-or-the-highway attitude. What is the problem? Express your interest. Listen to the other's words and tone and take time to process it. Look for overlap between your point of view and the other person's-paraphrase what you are hearing back to the other party.

Need to refresh your management techniques? Our boot camps could be just what you looking for! The following sessions are coming up in the next few months!

MANAGEMENT BOOT CAMP*

May 21 OR Aug. 13/\$169 PP

CONFLICT MANAGEMENT BOOT CAMP*

Sept. 17/\$169 PP

*ceu credits now available for an additional cost

Location: Center Pointe Building, 9239 W. Center Road, Second Floor, Omaha, NE

All sessions are from 9 am – 4 pm.

To register, call 800 666-8606 and ask for Kelly Ethridge
or send an email to EAP@bestcareeap.org.

For more detailed information, visit our website at www.BestCareEAP.org.

Wellness

Fight Fatigue with These Energy Boosting Tips

By Kelli Kennel, MS, RDN, LMNT, Corporate Wellness Developer

Madonna Fit for Work

Are energy crashes a daily occurrence? Rather than reaching for a cup of coffee or a candy bar, use these strategies to help you stay energized all day.

Rise and Dine. After not eating all night, your tank is on empty! Eating breakfast will refuel your body and mind with energy for the day ahead. Eat your morning meal within two hours of waking, and aim to include at least three of the food groups at breakfast. For example, try Greek yogurt mixed with whole grain cereal and blueberries or cook oatmeal in low-fat milk and, then mix in a diced apple and dash of cinnamon.

Eat on Schedule. Waiting too long between meals will cause your energy levels to plummet, not to mention make you cranky. However, eating consistently throughout the day – every three to five hours – will keep your brain and body fueled. This could be five to six mini-meals or three meals and two snacks, whichever best suits you.

Fill Up on Filling Nutrients. Carbohydrates and protein are two nutrients that should be included in every meal and snack. Nutrient-rich carbs (whole grains, beans and legumes, fruit, starchy vegetables, and low-fat milk or yogurt) are the body's preferred source of energy, so when you restrict them, you wind up feeling lethargic – and grumpy! Protein slows down digestion, which helps sustain your energy and keep hunger at bay. Good sources of protein include lean meat, poultry and seafood, eggs, low-fat dairy, beans and nuts.

Stay Hydrated. One of the most common side effects of dehydration is fatigue. Keep your body functioning at top notch by drinking plenty of fluids throughout the day. How much is enough? Divide your weight by two—this is how many ounces you should try to drink each day. Water is the best choice, but all fluids, including coffee, unsweetened tea and low-fat milk count toward your quota.

Get Moving. While moving sounds counterintuitive to fight fatigue, research has shown that just 10 minutes of activity, like walking or stretching, can boost energy levels for up to two hours.

Get More Shut Eye. It will be tough to operate at peak energy if you're not getting snoozing enough. Most adults need seven to nine hours each night. If you fall short of this, start going to bed 15 minutes earlier, and then build on that every few days until you reach the magic number where you are feeling more energetic, mentally and physically, during your day.

Submitted by Kelli Kennel MS, RDN, LMNT, Corporate Wellness Developer for Madonna Fit for Work. For more information about healthy lifestyle tips and corporate wellness initiatives, call Kelli at (402) 434-5939.

Book Your Hotel Today for the SHRM NE Conference —**Hilton Omaha—Connected to the Qwest via skywalk**

1001 Cass St

Omaha, NE 68102

Room rate is \$139 + applicable taxes (Limited quantities)

Deadline for reservations at this rate is August 5, 2015

Reservations can be made by calling general reservations at 1-800-HILTONS or the hotel directly at 402-998-3400 and mention you are staying in the NE SHRM block and give the group code "SHR".

Courtyard by Marriott Omaha Downtown/Old Market101 S. 10th Street

Omaha, NE 68102

Room rate is \$99 + applicable taxes (Limited quantities)

Deadline for reservations at this rate is August 5, 2015.

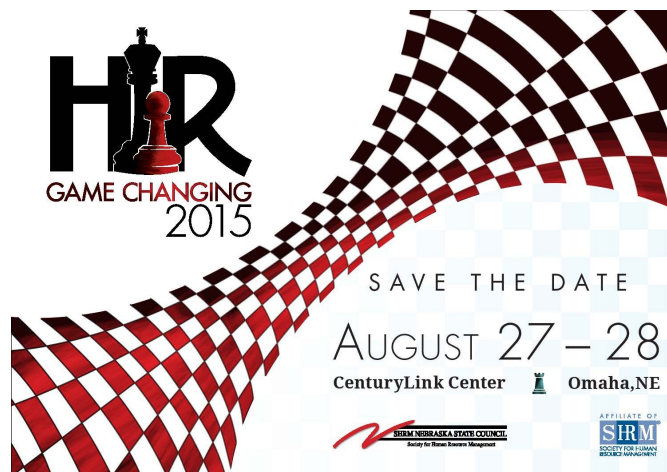
Reservations can be made by calling 800-321-2211 and reference the SHRM Nebraska State Conference Room Block Courtyard by Marriott Omaha Downtown/Old Market or book directly by using the following link:http://www.marriott.com/meeting-event-hotels/group-corporate-travel/groupCorp.mi?resLinkData=SHRM%20Nebraska%20State%20Conference%5Eomacy%60SHRSHRA%6099.00%60USD%60false%608/26/15%608/28/15%608/5/15&app=resvlink&stop_mobi=yes**Hilton Garden Inn - Omaha Downtown/Old Market**

1005 Dodge Street

Omaha, NE 68102

Room rate is \$99 + applicable taxes (Limited quantities)

Deadline for reservations at this rate is July 27, 2015.

Reservations can be made by using the online link, http://hiltongardeninn.hilton.com/en/gi/groups/personalized/O/OMADMGI-SHR-20150826/index.jhtml?WT.mc_id=POG and entering the group code "SHR". Attendees may also make reservations by calling the hotel directly at 877-782-9444 or 402-341-4400 and asking for the "SHR" group room rate.**WELCOME NEW MEMBERS****Niki Cunningham**

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**Welcome!**



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SHRM local chapter #0048



We're on the web!
lincolnhr.org

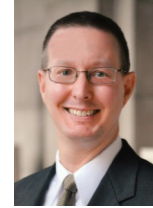
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