



Lincoln Human Resource Management Association



Vision: Be the go-to resource on people management for the community.

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Volume 5, Issue 10 October, 2014

Program: Social Media Panel: Everything You Need to Know Today
Panel: Gail S. Perry, Randy Hawthorn, and Susan Merwick

WHEN:

Tuesday, October 14th, 2014
11:00 - 11:30 Registration
11:30 - 12:00 Lunch & Announcements
12:00 - 1:00 Social Media Panel

WHERE:

The Isles, 6232 Havelock Avenue, Lincoln, NE
Parking is FREE.

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)

MENU: Pizza buffet and drinks.

DEADLINE: Register/cancel your registration by 12:00 noon, Friday, Oct. 10th.

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:

Social media continues to change the way the world communicates and collaborates. Join Gail S. Perry, Managing Partner at Baylor Evnen, Randy Hawthorne, Executive Director of Nonprofit Hub of Firespring and Susan Merwick, Workplace Consultant/Account Manager for Continuum EAP, who will give us insight on the benefits and risks of social media in today's workplace.

In this session, the panel will share information on topics such as:

- New social media issues that HR needs to be aware of
How social media is impacting communication in the workplace
How you can protect your employment brand using social media
Can social media be used to increase employee engagement in your organizations?
When an employee becomes out of control on social media, what disciplinary action do you take?

This month's program has been Pre-Approved for One General HRCI Credit Hour
The State of NE is hosting an Employer Conference in conjunction with Disability Employment Awareness month. See Page 9 of this newsletter for details on this conference.

(Continued on page 2)

- If your workplace is on social media lock down how do you regulate mobile usage and if you found someone posted during work time from a personal mobile device how should it be addressed?
- Most HR professionals are extremely busy and fear the use of social media will be time consuming. What is recommended as a starting point that takes the least time out of an already busy schedule, but delivers bang for the buck?
- How can social media help save you time or provide you with resources in your role as an HR practitioner

Take home a sample social media policy and get your most pressing social media questions answered in this interactive session. Register today!

### **Gail S. Perry**

Currently, Gail is the Managing Partner at Baylor Evnen. Gail's 25-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.

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.

### **Randy Hawthorn**

As Executive Director of Nonprofit Hub and a Professional Certified Marketer, Randy makes it his mission to help nonprofit organizations implement marketing, fundraising and organizational leadership principles to further their missions.

Randy not only researches and writes on current nonprofit trends, he gets in the trenches and practices what he preaches with several nonprofits in his community. You can see him shoulder-to-shoulder with other community volunteers in activities for the American Marketing Association, Lincoln Community Playhouse, Rotary Club #14, Sheldon Art Association, Community Services Fund, Heartland Big Brothers Big Sisters, TEDx, Leadership Lincoln and Launch Leadership.

For his community service, he's been recognized by the International Festival Events Association as the Volunteer of the Year. Leadership Lincoln has named him the Servant Leader of the Year and Launch Leadership recognized him for outstanding contributions to Nebraska's youth. When he's not helping nonprofits, he mentors students and young professionals, occasionally makes his way to the stage, geeks out on local history and goes on photography adventures.

Previously, Randy oversaw the research and development of marketing products and services for Firespring. As part of his responsibilities, he managed the Firespring brand and was instrumental in designing the culture that garnered the company recognition as one of Inc. Magazine's Top Small Company Workplaces and most recently one of Lincoln's Best Places to Work.

### **Susan Merwick, LCSW**

Susan is a Workplace Consultant/Account Manager for Continuum EAP. She holds a Master's Degree in Social Work from the University of Nebraska – Omaha and is experienced in Conflict Resolution, Work Performance Improvement Coaching, and Drug/Alcohol Assessment Services. She is a trained Critical Incident Stress Debriefing as well as the coordinator of Continuum's EAP network of providers across the United States. Susan's favorite aspect of EAP work is helping companies and managers be the best they can be.



## President's Message

Melissa Price, LHRMA President

I'm in the midst of a huge rollout for a new HRIS system including HR information, payroll, benefits, time and attendance, self-service, leader self-service, applicant tracking, and advanced scheduling...no small feat. The last few months myself and my team have poured hours and hours into configuration decisions, testing, data loads, more testing, communication, more testing, training, and more testing. The last several weeks have been pretty brutal as we prepared to go live.

My friends keep asking me – Why are you putting so much time and effort into this project? Well, the quick answer is that I'm leading the project and responsible for its success. When I think more deeply about that question it is because I feel a sense of loyalty to my organization and team. However, the questions made me think why are some employees so dedicated and others are not. How do we build more and more employees that are so dedicated they will put in the effort to make something as successful as possible?

I found an article from Strategies Blog that discusses employee loyalty and found a few interesting pieces that I believe are worth sharing –

- People like being part of something bigger. They want to know the vision and that they are working towards something extraordinary. All too often leaders and organizations don't share the ultimate vision and how the employee plays a part in that. Working towards that vision gives the individual pride in their work.
- Respect and gratitude is a must. Without it the individual's mindset is changed to "Why bother? What's in it for me?"
- Having authentic leaders in you organization builds loyalty. This means having leaders who are seen as trustworthy, dependable, and genuine by employees. Individuals want to be loyal to a leader that they truly believe in.

It is important for me to give a quick shout out this month to some extremely loyal people of LHRMA. In October LHRMA celebrates Past-Presidents of the organization. We recognize them at the October luncheon to thank them for their service and leadership that they have provided. Each of them have shaped the direction of LHRMA and furthered our organization. We know that this volunteer job requires a lot of time and effort. We appreciate what you have done for LHRMA and your loyalty to our organization!

—Melissa Price



### Upcoming Programs and Workshops:

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

### The Anti-Bullying Legal Movement: What Employers Need to Know Even Before Anti-Bullying Legislation is Enacted

by Kara J. Ronnau, Cline Williams Wright Johnson & Old Father Law Firm

Workplace bullying, commonly defined as the repeated, health-harming mistreatment of someone by another in the workplace, has garnered considerable attention in recent news.<sup>i</sup> The flood of attention comes on the cusp of the 2014 Workplace Bullying Survey (2014 Survey) conducted by the Workplace Bullying Institute (WBI) and published in February 2014. The 2014 Survey found a staggering 27% of Americans have been bullied at work, while 21% of Americans have witnessed workplace bullying, and 72% of Americans are aware that bullying occurs in the workplace.<sup>ii</sup>

The 2014 Survey defined workplace bullying as abusive conduct that is (1) threatening, humiliating, or intimidating, or (2) work interference – sabotage – which prevents work from getting done, or (3) verbal abuse. The 2014 Survey asked survey participants to consider only the “most serious forms of bullying” when responding to the survey questions.<sup>iii</sup> Bullying differs from hostile environment harassment claims because in hostile environment claims the harassment has to be based on the person's membership in a protected class.

Despite the significant public awareness surrounding workplace bullying, respondents to the 2014 Survey were clear that employers fail to appropriately react to abusive conduct in the workplace. Indeed, 72% of employer reactions either condone or explicitly sustain bullying; while less than 20% take actions to condemn or eliminate workplace bullying. The two most common responses from employers were to deny or discount the bullying reported or witnessed as 25% of survey participants signified that their employers denied and failed to even investigate complaints of bullying, while 16% of survey participants stated that their employers did not consider the impact of workplace bullying to be serious.<sup>iv</sup> The inadequate employer response to reports of workplace bullying may correlate with the fact that 56% of the time, bullying occurs from the top-down, meaning the perpetrator held a higher rank in the company than the person bullied.<sup>v</sup>

The 2014 Survey concluded that the majority of the American public wants legislative protections against workplace bullying.<sup>vi</sup> This conclusion is not alarming given that over the past decade twenty-six states have introduced anti-bullying legislation aimed at prohibiting mistreatment in the workplace.<sup>vii</sup> Notably, in 2014, Tennessee became the first state to enact an anti-bullying related law.<sup>viii</sup> While the Tennessee anti-bullying law only applies to public-sector employers, many consider the anti-bullying law to be a success in the anti-bullying legislation campaign and a step in the right direction.<sup>ix</sup>

Although the anti-bullying bills introduced in various states are not identical, the bills introduced thus far have remained consistent.<sup>x</sup> This is in large part due to the fact that the “Healthy Workplace Bill,” originally authored by David C. Yamada is frequently used as the template by state lawmakers who have introduced anti-bullying legislation.<sup>xi</sup> The Healthy Workplace Bill recognizes that workplace behavior is an issue for employees and employers alike, and endeavors to protect both parties.<sup>xii</sup> The Healthy Workplace Bill prohibits employers from subjecting employees to an abusive work environment and contains examples of abusive conduct in the law such as the “repeated verbal abuse; verbal; non-verbal, or physical conduct that is threatening, intimidating, or humiliating in nature; or the sabotage or undermining of an employee’s work performance.”<sup>xiii</sup>

The Healthy Workplace Bill provides that in order to sustain a claim of abusive conduct, a plaintiff would have to prove that the acts and or omissions of the employer were such that that a reasonable person would find the conduct abusive based on the severity, nature and frequency of the conduct. The Healthy Workplace Bill also provides that a single act will not ordinarily be enough to establish a claim for abusive conduct.<sup>xiv</sup> In deciding what constitutes “abusive conduct” it may be instructive to examine precedent established under hostile work environment cases in which a plaintiff has the burden to prove that the harassment was “severe or pervasive”.<sup>xv</sup>

(Continued on page 6)

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Similar to anti-discrimination laws, the Healthy Workplace Bill includes anti-retaliation protections in order to shield employees who have notified employers from retribution of what the employee considers to be an unlawful employment practice.<sup>xvi</sup> The anti-retaliation protection would protect the employee who believes he was the victim of workplace bullying as well as extend to employees who “testified, assisted, or participated in any manner” in the investigation of the workplace bullying.<sup>xvii</sup>

Employers should be aware that the Healthy Workplace Bill would impose vicarious liability on the employer, in addition to the liability imposed on the offending person or persons.<sup>xviii</sup> Additionally, the offending person may assert an affirmative defense that he or she acted in violation of the anti-bullying law at the direction of the employer, under the actual or implied threat of an “adverse employment action,” in an effort to shift the offender’s liability to the employer.<sup>xix</sup>

Even though the Healthy Workplace Bill is not enacted in any state (other than Tennessee in the context of public-sector employers and employees), employers should consider proactively implementing a workplace bullying policy to communicate to all employees, including supervisors, managers, and other highly ranked office personnel, that bullying behavior will not be tolerated. The workplace bullying policy should provide a definition of bullying and detail the ramifications and the impact of violations on the offending employee’s continued employment.

Any such workplace policy should also include a procedure for reporting workplace bullying that is confidential and easy for the target or witness of bullying to maneuver. Like with all employment policies and procedures, in order to be effective, the workplace bullying policy must be consistently enforced for it to have the intended impact in the workplace. The true test of a workplace bullying policy will be the employer’s reactions to reports of workplace bullying and the overall enforcement of the policy. To be effective in this area, employers should train employees on how to respond to reports of bullying, how to monitor for bullying behavior, and how to enforce policies and procedures consistently and accurately.

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<sup>i</sup>Randi Melnick, *Understanding Workplace-Bullying Legislation*, American Bar Association (August 13, 2014), available at <http://apps.americanbar.org/litigation/committees/employment/articles/summer2014-0814-understanding-workplace-bullying-legislation.html>;

Nancy Collamer, *Can Boomers Stop the Bullying at Work?*, Forbes (August 25, 2014), available at <http://www.forbes.com/sites/nextavenue/2014/08/25/can-boomers-stop-the-bullying-at-work/>;

Yuki Noguchi, *States Consider Bills to Crack Down on Workplace Bullies*, NPR (May 27, 2014), available in article or audio segment at <http://www.npr.org/2014/05/27/311889777/states-consider-bills-to-crack-down-on-workplace-bullies>.

<sup>ii</sup>Gary Namie, PhD, Research Director, Workplace Bullying Institute, *2014 WBI U.S. Workplace Bullying Survey* (February, 2012), available at <http://www.workplacebullying.org/wbiresearch/wbi-2014-us-survey>.

<sup>iii</sup>*Id.*; Monique Gougisha Douchette, *Workplace Bullying Institute Releases 2014 Workplace Bullying Survey Results: Employer’s Perspective*, American Bar Association (May 15, 2014), available at [http://www.americanbar.org/content/newsletter/groups/labor\\_law/ll\\_flash/2014/apr2014/bully.html](http://www.americanbar.org/content/newsletter/groups/labor_law/ll_flash/2014/apr2014/bully.html).

<sup>iv</sup>*Namie supra* note 2.

<sup>v</sup>*Id.*

<sup>vi</sup>*Id.*

<sup>vii</sup>Melnick *supra* note 1.

<sup>viii</sup>Adam Rubenfire, *First State Workplace Bullying Law Has Few Fans* (June 20, 2014), Available at <http://blogs.wsj.com/atwork/2014/06/20/first-state-workplace-bullying-law-has-few-fans/>

<sup>ix</sup>*Id.*

<sup>x</sup>*Namie supra* note 2.

<sup>xi</sup>Yamada, David, *Workplace Bullying and American Employment Law: A Ten-Year Progress Report and Assessment*, Comparative Labor Law & Policy Journal, Vol. 32, No. 1 (June 12, 2010) available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1908465##](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1908465##); See also the Healthy Workplace Bill, available at <http://www.healthyworkplacebill.org/about.php>.

<sup>xii</sup>*Id.*

<sup>xiii</sup>*Id.*

<sup>xiv</sup>*Id.*

<sup>xv</sup>*Id.*

<sup>xvi</sup>*Id.*; *Namie supra* note 2.

<sup>xvii</sup>*Id.*

<sup>xviii</sup>*Id.*

<sup>xix</sup>*Id.*

## SHRM Foundation Fundraiser

Once again LHRMA is offering fresh Minnesota balsam fir gifts for the LHRMA SHRM Foundation Fundraiser. This year we are offering two new items! For each item sold, \$13 goes to the Foundation.

The last day to order is October 28th.

### Item Information:

- Size: All wreaths are 25". The centerpiece is 18" with a white, real wax, LED candle.
- Delivery: The prices below include delivery to the lucky recipient the first week of December.
- Conservation Efforts: Balsam trees are not cut down; only the tips of the branches are used, which regenerate in 3 years. The nursery will plant a tree seedling in the honor of each gift recipient.

An order form must be completed for each item ordered. Each order form is UPC coded, and also includes a greeting card for you to write your own personal message. (Do not remove the card from the order form. The company will remove the card and include it with your item when they complete your order.)

These florist-grade items make excellent corporate gifts for your clients or employees, gifts for the hard to buy for, and gifts for friends and family out of state. You may even want to buy one for your own home!

Contact Denice Sears, LHRMA SHRM Foundation Officer, at 402-797-2312 or [hmandas@windstream.net](mailto:hmandas@windstream.net).

October 28th is the last day to order. Payment by cash, check or credit card.

[Click here to go to the LHRMA website to order online.](#)



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# Wellness

## Stress is Number One Health Concern and Cause to Quit a Job

Jackie Varicak, CWWS  
WorkWell

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In a recent 2014 Worksite Wellness Survey published by the Nebraska Department of Health and Human Services and completed by over 1,300 businesses across Nebraska, stress was cited as the number one health concern over obesity, heart disease, and other chronic conditions in the workplace. According to an April 2014, Randstad Engagement study of 2,257 American workers, stress was found to be the number one reason why people would quit their jobs. The top three specific areas of stress selected by employees were excessive work load, difficult working relationships, pay and opportunity for advancement which were cited as the most likely reasons employees would leave their job.

Overall, stress is caused by many factors including increased workloads, poor work life balance and constant connectivity. Stress that is not addressed can lead to low productivity, low employee morale, poor family life and increased negative health outcomes. Common health issues where stress is a contributing factor are heart, lung, diabetes, obesity and mental problems.

According to Jim Link, chief HR officer at Randstad North America, ““It’s crucial for managers to understand there is not a one-size-fits-all approach to addressing the problem of stress in the workplace, and some employees are more susceptible to stress than others,” Link said. “The good news about workplace stress is that it can be managed, especially when employers provide support – and that starts with being well-connected to your workers. Companies can impact employee stress by communicating regularly with workers to identify their concerns and establishing wellness programs that make healthy stress management a top priority across the organization.” (Cited from apaexcellence.org, Sept. 10, 2014)

The APA Center for Organizational Excellence shares several tips to alleviate workplace stress. Communicate often to employees, gauge their stress levels and work to diminish pressure before it affects morale. Encourage camaraderie, connecting with others creates a better environment, set aside time for employees to socialize. Promote wellness and give employees access to programs that help relieve stress. Set an example, healthy stress management starts at the top, negative energy from a boss trickles down. And empower employees, feeling out of control is one of the most stress-inducing triggers, allow staff to take ownership of their work and give them as much control as possible.

WorkWell provides a wellness program to teach individuals how to have a healthy lifestyle through a strengths based approach including the areas of sleep, food, mood and exercise. When individuals have a problem with any one of these areas such as not getting enough sleep, having poor nutrition, are emotionally and mentally drained, or do not get enough exercise they are less likely to handle stress well and can become even more stressed. Because the program utilizes a strengths based method a one-size-fits-all approach is eliminated and flexibility is established within the workforce. For questions and more information on the healthy lifestyle program contact WorkWell Director Tonya Vhyldal at 402-483-2511 ext. 109 or email her at [tvhyldal@nesafetycouncil.org](mailto:tvhyldal@nesafetycouncil.org).





## Save the Date

THE STATE OF NEBRASKA IS HOSTING AN EMPLOYER CONFERENCE IN CONJUNCTION WITH DISABILITY EMPLOYMENT AWARENESS MONTH.

- Date: Wednesday, October 15  
 Where: 1526 K Street (lower level) Lincoln, Nebraska or via live web stream  
 When: 8:00 am—12:00 pm  
 Cost: Free  
 Parking: On your own (a list of parking options in downtown Lincoln will be provided upon registration)

### SCHEDULED SPEAKERS AND EVENTS

LORI WARDLOW, Nebraska/Western Iowa VA Health Care System & PEGGY REISHER, Brain Injury Association of NE

JOHN WYVILL, Executive Director of Nebraska Commission for the Deaf and Hard of Hearing

JILL FLAGEL, Director of Faculty and Staff Disabilities Services at University of Nebraska at Lincoln

CORINNE HOLTZ, Assistive Technology Project

DARLA ATKINSON, Employment Specialist at Nebraska Vocational Rehabilitation

CONNIE DALY, Commission for the Blind & Visually Impaired

A panel discussion featuring currently employed persons with disabilities.

TO REGISTER, PLEASE CONTACT NIKKI AT 402-471-4469 OR [NICOLE.MOEDER@NEBRASKA.GOV](mailto:NICOLE.MOEDER@NEBRASKA.GOV)  
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for the October 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 [lhurma0048@yahoo.com](mailto:lhurma0048@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!



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