



Lincoln
Human
Resource
Management
Association



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Volume 6, Issue 12

December, 2015

December Program: Best Places to Work in Lincoln Panel, Followed by Annual Social

WHEN:

Tuesday, December 8th, 2015
3:30 – 4:30 Panel Discussion
4:30 – 8:30 Annual Social

WHERE:

Del Ray Ballroom
817 R Street, Lincoln, NE 68508
Parking in a city garage will be validated!

COST:

This entire event is FREE, but we do ask you to register so we can plan for food accordingly.

MENU: Appetizers will be free; Drink tickets will be handed out at the door.

About Our Program:

For the past few years, Woods & Aiken has sponsored the Best Places to Work in Lincoln recognizing those who have excelled in creating outstanding cultures and places to work. The Best Places survey uses confidential employee information to measure workplace engagement.

Founder of the Best Places to Work in Lincoln, Pamela Bourne, of Woods & Aiken, will host a panel of CEOs or designees, who have achieved outstanding results in the engagement of their workforce. In this session, participants will learn the strategy and tools for producing an engaged and productive workforce from these outstanding organizations:

- Assurity
- Firespring
- Five Nines
- HBE
- Madonna
- Stonebrook Roofing

After the panel discussion, we will have our annual social where you can mingle and catch-up with your fellow HR professionals.

Inside this issue:

President's Message	2
Legal Update	3
Wellness News	4
BPTW in Lincoln	5
EAP Corner	6
New Members	7
Board of Directors	8





President's Message

Melissa Price, LHRMA President

Happy Holidays! We hope that you can celebrate the season with us on Tuesday, December 8th for our Holiday Social. In addition, this year we will have an education piece right before the social. It will be a panel with Best Places to Work winners sharing some of their successes and give you additional information on the survey process. More details in the newsletter or on the LHRMA website.

Since it is the end of the year it gives me the opportunity to reflect on what LHRMA accomplished in 2015. We had a great Board of Directors and many, many, many volunteers that made our successes possible. Some of the highlights for 2015 include –

- Rolling out our new vision and mission
- Upgrading and updating our website
- Sponsoring Lincoln's Best Places to Work
- Transitioning our certified members to the new SHRM-CP and SHRM-SCP, as well as, successfully changing our study group to the new certification materials
- Completing an extensive survey of our membership to drive future initiatives in response to our members' needs
- Continuing our dedication to the profession by supporting the SHRM Foundation through a successful May Basket event
- Final stages of updating our bylaws (which you will hear more about in January)
- Welcomed and successfully transitioned responsibilities to 3 new board members
- Fantastic educational programming again
- And many more...

Making LHRMA a great organization isn't possible without our volunteers. We always take the month of December to recognize individuals that volunteer for LHRMA. Thank you so much if you have given your time this year to LHRMA! We know how time is so valuable. Volunteers will be recognized at our December Social as well. If you are interested in being a volunteer next year, please do not hesitate to contact me and I connect you with the right individuals.

Finally, December 2015 marks my final month as President of this incredible organization. Thank you for guiding me and letting me learn along the way. This organization not only has helped me professionally but has given me the opportunity to meet some incredible people. I really appreciate the last 2 years that I have been granted the privilege of leading this organization.

-Melissa Price-

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Legal Update

Timing of Final Overtime Rule Release; Impact on Small Employers

Bob Evnen

Woods & Aitken LLP

As I wrote in this column this summer, in July the U.S. Department of Labor proposed increasing the salary floor from \$455 per week to \$970 per week (or \$50,440 per year) in order to establish a white collar exemption under the Fair Labor Standards Act. The proposed rule would more than double the current floor. Under the proposed rule any employee who is paid less than \$970 per week would have to be paid overtime regardless of the employee's duties.

Additionally, the Department intends to adopt some sort of automatic escalator of the salary floor amount, but it has not decided how to calculate the escalator. The Department proposed no changes to the exempt duties test but hinted that, in a future rulemaking, it might decide to relax the duties test.

The sixty-day comment period on the proposed rule closed on September 4, 2015. More than 290,000 comments were received by the Department. This is unsurprising in light of the impact of the proposal. Before the final rule can be issued, the Department must review and consider the comments. Last month the Solicitor of Labor announced that the final rule is not expected to be published until late 2016.

The later the final rule is issued, the closer it will be to the end of President Obama's term. Most commentators assume that the effective date of the regulation will be prior to the end of his term. So, the later that the final rule is issued the less time employers will have to come into compliance. Some commentators believe employers will have as little as thirty days to comply before the final rule goes into effect.

Compliance here will be tricky as a practical matter. We won't know the salary floor amount until the final rule is published. In light of the volume of comments, if the Secretary of Labor makes no change in the proposed amount, extensive litigation is sure to follow. Will the Secretary take the potential for litigation into account when finalizing the rule? Perhaps the Department will increase the amount from the current level but not as high as the \$970 per week in the proposed rule. It is very difficult to prepare for the change without knowing the floor amount.

Of course, this is a good time to evaluate employee duties to reach a conclusion about whether employees are performing exempt duties. At the proposed floor, however, duties won't matter for a large number of previously exempt employees. Their salary will not satisfy the new floor and thus will preclude exempt status regardless of their duties. There are, however, other payroll strategies for addressing this change.

If a final rule is put into effect just before President Obama leaves office and a Republican succeeds him, if the final rule adopts the same salary floor stated in the proposed rule it seems likely that the final rule will be suspended. Even if a Democrat succeeds President Obama, it is not out of the question that a court may enjoin the effectiveness of the rule.

This creates serious practical challenges for employers. Coming into compliance will be very hard to unwind if the rule is suspended or enjoined.

Meanwhile, the House Committee on Small Business held a hearing on October 8 concerning the impact of the proposed rule on small businesses. Federal law requires that the Department evaluate the impact of the rule on small business. In the proposed rule, the Secretary wrote that small business nationwide will incur direct expense of up to \$186.6 million to come into compliance and will incur wage increases of \$561.5 million. The Secretary estimates that the rule will impact 211,000 small businesses.

The adequacy and accuracy of the Secretary's analysis of the impact on small business has been called

(Continued on page 4)

into question. Apparently there is a case to be made that the impact will be much greater than what the Secretary reported in the proposed rule.

Moreover, in anyone's book the rule will pose a substantial burden on small businesses. For that reason, federal law also requires that the Secretary examine alternatives to the rule that would lessen the burden on small businesses. The Secretary determined that there would be a significant economic impact on a substantial number of small businesses, but failed to propose or report consideration of any alternative.

The House Committee hearing focused on these problems. Testimony was taken from representatives of the National Restaurant Association, the National Association of Homebuilders and the National Retail Federation, among others. Reports of the hearing will be sent by the Committee to the Secretary.

Employers are advised to consider a strategy now for handling the timing and substance of the rule when it is ultimately adopted late in 2016.

Wellness News

What Treatment is the More Cost-Effective—Has Better Patient Satisfaction & Improves Population Health?

Dr. Randy McCracken

McCracken Chiropractic Clinic

A new study in the Journal of Manipulative and Physiological Therapeutics 2015 Sep;(7):477-83 reveals what type of care is more cost effective, provides better patient satisfaction, and improves population health. This is important if payers and policy makers are to understand chiropractic care vs. standard medical care for certain musculoskeletal conditions. The study revealed the average per-patient costs and less likely to be satisfied were significantly lower when seeing a doctor of chiropractic first.

Combine these findings with another study in 2010 JMPT 2010;33:640-643 revealed "paid costs for episodes of care initiated with a DC were almost 40% less than episodes with an MD." We are finally seeing a distinct advantage to seeing a doctor of chiropractic.

Also look at the article @ [web@http://www.chironexus.net/2013/05/journal-of-the-american-medical-association-use-chiropractic-for-back-pain-before-resorting-to-surgery/](http://www.chironexus.net/2013/05/journal-of-the-american-medical-association-use-chiropractic-for-back-pain-before-resorting-to-surgery/) regarding the AMA recommendation that patients seek chiropractic for conservative back-pain treatment before taking more invasive measures.

Wishing All A Merry Christmas & A Healthy Happy New Year!

For more information on reducing your company's healthcare costs, on-site chiropractic care, wellness programs, or stress reduction, call Dr. Randy McCracken at 402-421-2277 or e-mail: drmcracken@windstream.net.

Dr. McCracken offers over 39 years of experience in healthcare.



IS YOUR COMPANY ONE OF

Lincoln's

BEST PLACES TO WORK?

Sponsored by:



Key Dates:

Event Nominations and Registration:

November 2, 2015 -
January 6, 2016

Online Survey:

January 11, 2016 -
February 12, 2016

Awards Celebration:

April 20, 2016

Winning companies profiled in Lincoln Journal Star:

April 24, 2016

Find out by participating in Lincoln's Best Places to Work competition!

Woods & Aitken LLP would like to invite you to participate in the 2016 Best Places to Work in Lincoln survey, which measures employee satisfaction and engagement in the workplace.

All winners are determined exclusively on the basis of their employees' responses to an Employee Engagement Survey developed and confidentially administered by Quantum Workplace. Participation is FREE, but the results are invaluable

Nominate your company before **January 6, 2016**.

www.bptw.com/lincoln

Questions?

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EAP Corner

Avoid Holiday Hiccups: Tips for Inclusive and Joyful Celebrations in the Workplace

Valerie Williams, LMHP
Continuum



There are many reasons and occasions for employees to gather and celebrate throughout the year, whether it's birthdays, special accomplishments, or anniversaries. Having opportunities for employees to acknowledge special milestones or just have informal time away from usual work responsibilities can strengthen office morale and peer relationships. Planning holiday gatherings at work may bring up special challenges in being mindful of diverse cultural traditions and ensuring celebrations are inclusive and enjoyable for everyone.

Think ahead

It may help to create a committee of volunteers to handle specific duties, such as ordering food or assigning a potluck menu. Just be sure this doesn't interfere with normal responsibilities. Others may want to decorate or help with activities, arranging for small gifts or party favors. Having a calendar and checklist system to prioritize and organize tasks will keep planning on course and ensure no critical details are overlooked. Also decide if celebrations will be offsite or at work, or if any special ritual/tradition of your group will be emphasized.

Look for warning signs of increased stress

In a poll of 600 full-time employees, Accenture's HR Services found that 66% of the respondents reported additional stress at work during the holidays. The pressure to acknowledge the holiday season often begins as early as October. People can be overwhelmed by personal responsibilities, disappointed by unrealistic expectations and worrying about money, aside from the tension and anxiety to stay productive and meet end of year deadlines. Watch for signs of increased stress like irritability, lateness, and absenteeism, overt changes in performance or withdrawal. Take an empathic approach and acknowledge to the employee what you have observed.

Be flexible

There is a lot of anticipation built into the holidays, though it takes a lot of energy and planning to balance obligations at home and work. Consider giving employees more flex time options, or adopt a more relaxed dress code for the season; even these seemingly simple gestures can ease stress.

Just say No-el.

Allow that some people may opt out of celebrating. In a 2014 SurveyMonkey poll asking what people really think about workplace parties, 58% of respondents enjoy holiday parties "a little to moderate amount" and 14% do not like celebrating holidays at work at all. Though holidays are perceived to be a time of joy, they can also bring sadness. Some people may feel obligated to "go through the motions" at company gatherings, dreading the holiday season or are private about their religious beliefs and practices, and may choose not to participate. Some folks may really enjoy the social mingling while others would be content to get a bonus rather than attend another work function. Perhaps it is more appropriate to offer individual recognition rather than hosting a group engagement.

Remember, holiday stress is time limited

By putting these ideas into practice, you can help your employees navigate the holiday season with less stress, and maybe even a little more jolly. Continuum EAP wishes you a safe and joyful season!

Enhancing Human Potential

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Welcome!

You've joined an outstanding organization!

Meet Your 2016 LHRMA Board Members

Certification – **Amy Spellman**
Community Outreach – **Shannon Rowen**
Past President – **Melissa Price**
President-Elect/Gov. Relations – **Lindsay Selig**
Secretary – **Open**
Treasurer – **Laurie Gyhra**

College Relations – **Jenessa Keiser**
Marketing/Social Media – **Kelly White**
President – **Joel Scherling**
Programs – **Judy Ganoung** and **Michele Spadt**
SHRM Foundation – **Denice Sears**
Workforce Readiness – **Kim Michael**



Drawing Winner

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

Congratulations to **Kathy Vandenberg**
with the State of Nebraska.
Kathy will receive free registration
for the January program.



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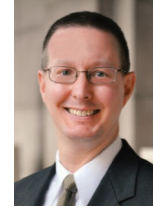
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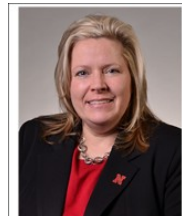
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