

Lincoln Human Resource Management Association





This program has been

pre-approved for General

Recertification hours from

HRCI and SHRM.

The workshop has been

pre-approved for Strategic Recertification Hours from

HRCI and SHRM.

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



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Volume 7, Issue 7

July, 2016

Lunch Program: The Role of Emotional Intelligence in Building Cultural Competence in 21st Century Leaders **Workshop:** Leadership for the Tomorrow: Strategic Workforce

Development Solutions

WHEN:

Tuesday, July 12, 2016

11:00 - 11:30 Registration

11:30 – 12:00 Lunch & Announcements

12:00 - 1:00 Keynote Session

1:15 - 3:15 Workshop

WHERE:

The Space—5900 S 58th Street, 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)

Workshop Registration Fee: All Attendees—\$35

DEADLINE: Register/cancel your registration by 12:00 noon, Friday, July 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 & Speaker:

The Role of Emotional Intelligence in Building Cultural Competence in 21st Century Leaders

In a recent study, 85% of executives indicated that Cultural Competence of leaders is an essential competence for their business' future success. Those same executives indicated that it is the most lacking competence. Dr. Helen Fagan has successfully been developing cultural competence in graduate and undergraduate students, as well as leaders globally since 2007.

Most recently she worked with the faculty and staff of six prestigious U.S. universities with campuses are in Education City in Doha, Qatar, utilizing the construct of Emotional Intelligence for Managing Diversity (EID) as the foundational process for developing cultural competence. During this session, participants will learn about the construct, the application of the construct and the outcomes from a variety of environments.

This month's workshop is session 2 of a series of 4 in our Strategic HR Leadership Forum.

Leadership for the Tomorrow: Strategic Workforce Development Solutions

When it comes to leadership development, there are no shortages of opinions or experts. This often leaves us wondering what are the best strategies, activities and programs for our organization. Having an organizationally specific leadership development strategy is critical for outgoing business success. In this session, a discussion will be facilitated to provide attendees with a practical guide on how to examine their current leadership development strategies and provide ideas on how to maximize the success of those strategies.

This series is presented by Danielle Crough, PhD, SPHR, SilverStone Group.

This Program has been pre-approved for 1.5 hours of Strategic Business CREDIT from the HR Certification Institute, and 2.0 Professional Development Credits from SHRM.

Click here for more information on sessions 3 and 4 of our Strategic HR Leadership Forum.

President's Message

Joel Scherling, LHRMA President



I am writing this article on the heels of attending the SHRM 2016 Annual Conference and Exposition. It was held June 19-22 in Washington, D.C. Over 15,000 HR professionals attended, including some from far flung places such as Nigeria. Of course there were also the vendors – over 650 – some with giveaways such as free samples of nuts from Nuts.com, tantalizing bits of grilled meat from our own Omaha Steaks, and others with fun games to entice attendees to stop at their booths.

There were over 200 concurrent sessions from which to choose. Here are some tidbits from some of the sessions I attended.

"Equal Pay" or "Fair Pay"? How to Conduct an EEO Pay Analysis (And Why You Should), Mickey Silberman, Attorney, Jackson Lewis P.C., Denver, CO

- W-2 earnings information and number of work hours for all employees will be an added requirement to the 2017 EEO-1 report. This information will be reported by race and gender in twelve pay bands in ten EEO-1 categories. Similar requirements are expected for the EEO-4 reports required of state and local governments.
- The EEO-1 report due date of September 30, 2017 may be changed to the first quarter of 2018 to allow the use of 2017 calendar year W-2 data.
- Silberman recommended employers conduct their own pay equity analysis under attorney-client privilege to prepare for this major change.

Manager Onboarding: Setting New Leaders Up for Success, Sharlyn Lauby, President, ITM Group, Inc., Fort Lauderdale, FL

- Assess your manager's needs; don't skip this step!
- Use the **ADDIE Model** to plan manager training.
- Check out LinkedIn's "Onboarding in a Box."
- Consider delivering the training in smaller bites of 5-10 minutes (micro learning). See <u>rapidlearning</u> <u>institute.com</u> for a model.
- Too daunting to create a new training program? Consider creating the training in phases or trying a pilot program on a small group to get started.
- Need help with HR metrics to make your case? Take a look at "How to Measure HR Management" by

Jac Fitzenz.

• Lauby's HR blog recommendations:

• Her own: <u>www.hrbartender.com</u>

• Talent Management and HR: <u>www.eremedia.com</u>

• Jonathan Segal, Legal issues: <u>duanemorrisinstitute.com</u>

The Art of Managing Workplace Conflict, Morgan Hembree, Leadership Consultant, Integrated Leadership Systems, Columbus, OH

- Use the ABCD model to diagnose conflict: (1) Activating event [what's happening]; (2) Belief system [how we see the world]; (3) Constant emotions [how I feel about it] behavior]; and (4) Dependent behaviors [how we react].
- If the discussion is going nowhere, try this mediation technique, "What I hear him/her saying is..."
- If a discussion isn't working, try having the employees write down the issues.
- Positive reinforcement is the best way to change behavior. Be specific, recognize the behavior soon after it occurs, and do it in front of other employee; they will want the recognition, too!
- "How To" of Assertiveness: (1) Describe the behavior; (2) Explain how it makes you feel; and (3) Offer possible solutions.



Exempt? Independent Contractor? Understanding and Avoiding the Perils of Misclassification, Brenda Kaspar, Partner, Kaspar & Frank, LLP, Pittsburgh, PA

- Roughly 20% of employees in an organization should be classified as exempt.
- Your contractor is an employee if (s)he does the same work as an employee or supervises employees.
- A true contractor does what the company doesn't do. Contractors are usually paid on a project basis (rather than by the hour), have a federal tax identification number and their own insurance, and pay their own employment taxes.
- Uber and Lyft have had recent judgements against them even though their drivers, in many cases, appear they would qualify as independent contractors.
- Consider the Economic Realities Factors (from the FLSA) and the IRS 20-Factor Test (§87-41, Categories of Evidence Test) in making assessments. Communicate any recommended changes via attorney-client privilege.
- Avoid having an individual categorized as both a contractor and an employee in the same tax year, as it's a red flag for the IRS.

Onboarding, Inboarding and Appreciation: How to Drastically Improve Retention, Engagement and Results, Kevin Ames, Director of Speaking & Training, O.C. Tanner, Salt Lake City, UT

- Switch from onboarding approach to one of engagement. Introduce your new employee to other employees who make a difference in the mission of your organization. Connect new people to your purpose.
- Inboarding Connecting existing employees anew to the organization's purpose.
- Validate the qualities that you see in successful, productive employees.
- Appreciation The most important thing a manager or company can do to cause an employee to produce great work.

If you've never attended SHRM's national conference, or if it's been a while, put it on your bucket list for 2017. The conference consistently offers top-notch professional development on a wide range of topics. Plus, you can earn a whopping number of recertification credit hours (14 this time). I hope to see you next year at the SHRM 2017 Annual Conference and Exposition, June 18-21 in New Orleans.

Legal Update

Are You Prepared for a Transgender Employee?

Jack L. Shultz & Kramer L. Lyons, Law Clerk

O'NEILL, HEINRICH, DAMKROGER, BERGMEYER & SHULTZ, P.C., L.L.O.

An issue that has been impossible to miss over the last year is the treatment and accommodation of transgender individuals. As employers, you should be thinking about how to handle the treatment of transgender employees, as well as how to handle training and concerns with your other employees. This is a politically and emotionally charged issue and there are no easy answers that will satisfy everyone, so what should you do?

Several government agencies as well as the President have all made clear their positions on the treatment of transgender individuals. Specifically regarding employers of transgender employees, the Equal Employment Opportunity Commission (EEOC) and the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) have stated their positions with respect to the issue.

The EEOC has settled several lawsuits against employers of transgender employees over the last few years. While no federal law directly prohibits discrimination based on sexual orientation or gender identity, the EEOC has used Title VII of the Civil Rights Act of 1964 which prohibits "sex" discrimination and harassment to pursue these lawsuits. From these cases, it has become evident as to what the EEOC expects out of employers.

The EEOC recommends that employers include gender identity in non-discrimination and no-harassment policies. This policy should generally provide that discrimination or harassment against transgender individuals will not be tolerated whether the behavior comes from employees, customers, clients, or anyone else. Employers should also conduct annual training on avoiding discrimination based on any protected class including gender identity, gender dysphoria, and sex stereotyping. The training should be mandatory for all employees. Further, managers, supervisors and others who work in a human resource capacity are encouraged to undergo more extensive training on these issues.

Your employees should refer to a transgender employee as their identified gender and use their gender-identified name. Employees who deliberately refer to another employee's biological gender or original name would be discriminating against and harassing the transgender employee. This discrimination could result in a lawsuit against both the employee and the employer.

When an employee requests that the employer change the employee's records to reflect a different gender or name, the EEOC's position is that the employer should do as requested. The employer should do so without asking for medical records or other requests in an attempt to probe into the employee's medical details. While the EEOC's position is not clear with respect to a request to verify that an employee's legal name has changed, this is presumably allowed so to avoid issues with the IRS and the Social Security Administration. However, even if a transgender employee has not legally changed their name, they should still be referred to by their identified name in day to day employment conditions.

With respect to restroom use, the EEOC simply requires an employer to allow the trans-

gender employee to use the restroom which is "commensurate with their gender identity" without any limitations. Again, an employer is not entitled to request any medical records proving gender-reassignment therapy or surgery.

Further, an employer's health benefits plan should not have exclusions based only on sex or gender dysphoria. As an example, if the benefit plan provides for hormone therapy for any other type of medical condition, the plan should also provide hormone therapy for an employee going through a gender reassignment process.

Similarly directed at employees, OSHA has formally published their position in a release titled, "A Guide to Restroom Access for Transgender Workers." OSHA takes the position that "bathroom restrictions can result in employees avoiding using restrooms entirely while at work, which can lead to potentially serious physical injury or illness." Therefore, OSHA states that all workers should be permitted to use the restroom that corresponds with their gender identity. Employees may also choose to use a single-occupancy gender-neutral restroom but should not be required to use such restroom. OSHA, along with the EEOC, states that employees should not ask for verification or legal documentation in order to have access to gender-appropriate facilities.

In July of 2014, President Obama signed Executive Order 13672 extending protection in hiring and employment to transgender individuals. Specifically, it prohibits discrimination on the basis of gender identity by federal contractors in both hiring and daily employment conditions. While this order is only binding on federal contractors, it demonstrates that the position of the White House is similar to the EEOC and OSHA. There are also many states that have enacted transgender specific laws and regulations.

Employers should use caution and be cognizant of this issue as the EEOC has been diligently prosecuting these types of discrimination cases. While no federal law directly prohibits discrimination or harassment of transgender employees, the EEOC and OSHA have found other ways to successfully penalize employers. Some states may also have laws or regulations directly prohibiting discrimination and harassment of transgender employees. If an employee has stated that they now identify with a different gender and have a new name, the employer should accept the employee's declaration. The employer's other employees should also be trained to avoid discrimination and harassment of their transgender coworkers.

Editor's Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the authors of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The authors of this article, Jack L. Shultz and Kramer L. Lyons, Law Clerk, can be contacted at 402/434-3000, or at O'Neill, Heinrich, Damkroger, Bergmeyer & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, jshultz@ohdbslaw.com.

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EAP Corner

Tips for Working More Effectively with Difficult Employees Greg Brannan, Director of Business Development & Training Consultant Deer Oaks EAP Services

As every manager knows, some employees are more difficult to work with then others. More difficult to manage individuals can take extra time and effort, be less cooperative, and often a source of frustration for their supervisor.

Of course there are many reasons that an individual employee can be difficult to manage. Some are due to temporary circumstances or stressors (i.e., a personal issue that the employee is dealing with), and others are ongoing and appear to be driven by the employee's personality (chronic negativity, self-centeredness, etc.).

Whether these challenges are temporary or long-term in nature, below are several tips for working more effectively with a difficult to manage individual:

- Be extra prepared for the interactions To minimize the stress of interacting with a challenging individual, make a point to pick the right time and place to talk. Make sure that you're in a good place mentally and emotionally if you're not, put off the conversation if possible. Be sensitive to the mood of the employee as well. If they seem upset or agitated, it's probably also wise to pick a different time to talk.
- <u>Take a positive approach</u> Although it's human nature to minimize contact with individuals that are
 harder to work with, try not to avoid these employees. That can make things worse. They need your
 time and attention. Try to stay positive and encouraging as you interact with them. Optimism can be
 contagious some of it will rub off on the employee and potentially help them to become a more cooperative and productive team member over time.
- Be more of a coach than a boss Instead of using a directive management approach when interacting, introduce the task, problem, or performance to be discussed and ask the employee for their input. This approach helps many individuals to feel more valued and respected which can lead to them being more engaged in the work and easier to deal with.
- Thoughtfully respond, instead of emotionally react When you're confronted by a difficult to manage individual, discipline yourself to stay calm emotionally so you can respond thoughtfully. If you find yourself getting overly emotional, consider putting off the conversation if possible.

Deer Oaks is a leading national provider of EAP and Work/Life services that enhance employee health, morale and productivity.

For more information, contact Greg Brannan at (301) 829-0364 or gbrannan@deeroaks.com.



Wellness News

Breastfeeding Support at the Worksite Nicole Osborne, WorkWell Coordinator WorkWell

In Nebraska, 77.4 percent of moms return to work within a year after childbirth making Nebraska the fifth highest state in the country for return to work moms¹. With three quarters of our moms returning to their jobs usually between six and twelve weeks after giving birth, breastfeeding support at the worksite is a necessary component to every wellness program.

Companies are greatly impacted by supporting breastfeeding moms. The US Department of Health and Human Services toolkit, *The Business Case for Breastfeeding*, states that companies supporting breastfeeding can see a more productive workforce, lower health care costs, decreased absenteeism, increased loyalty, decreased turnover, greater job satisfaction and morale, and recruiting benefits.

The impact is not just on companies. It is estimated that if just 60% of babies in Nebraska were exclusively breastfeed for the first six months, there would be a \$51,000,000 annual reduction in health care costs². The recommendation for breastfeeding from the American Academy of Pediatrics is exclusive breastfeeding for the first six months with continuation for a year or longer.

One of the top four reasons women discontinue breastfeeding before the recommendation is from issues with returning to work including poor communication of support, inadequate space available, work schedule issues, and low supervisor support. The Nebraska Fair Employment Practice Act (LB 627) went into effect last August making it mandatory for companies of 15 or more employees to offer reasonable accommodations for break time with appropriate facilities other than a bathroom to breastfeed or express milk.

Companies can support return to work mothers in many ways before and after she returns by creating a breastfeeding policy, offering guidance to educational and local resources, and developing a supportive cultural and physical environment. Many initiatives around creating or improving your lactation program can come at little to no cost.

For guidance in improving lactation support at your worksite, download a copy of the *Nebraska's Guide to Lactation Support at Work* toolkit by going to nesafetycouncil.org/lactation. This toolkit provides employers with information on the benefits to supporting breastfeeding, easy initiatives to implement at your worksite, additional resources for employers, and online and local resources to pass directly on to mom.

Contact Tonya Vyhlidal, the Director of WorkWell, today at 402-483-2511 ext. 109 for more helpful resources on worksite wellness.

- 1. Nation's Working Mothers Increase 800% Over Last 150 Years. (n.d.). Retrieved April 04, 2016, from http://blogs.ancestry.com/ancestry/2014/05/08/nations-working-mothers-increase-800-percent-over-last-150-years/
- 2. Bartick, M., & Reinhold, A. (2010). The burden of suboptimal breastfeeding in the United States: A pediatric cost analysis. Pediatrics, 125(5), e1048-e1056. doi:10.1542/peds.2009-1616 and Brown, P. (2015). Lactation Consultants: Value & Impact. Nebraska Breastfeeding Coalition Webinar, June.



You can make more friends in two months by becoming interested in other people than you can in two years by trying to get other people interested in you.

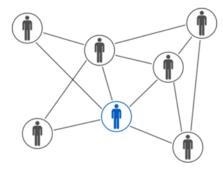
Dale Carnegie

COMMUNITY OUTREACH: *Growing through Networking*

When was the last networking event that you attended? Do you recall how many people you spoke with that you didn't know at the event? What were your common interests after meeting and speaking with them? Do you still maintain contact with that person?

Active networking is vital to career growth. When we speak of growing through networking, oftentimes networking is confused with selling. Networking is actually about building long-term relationships and a good reputation over time. It involves meeting and getting to know people. These connections that are created define moments in the future where you can assist, in addition, who can potentially help you in return.

Your network includes everyone from friends and family to work colleagues and members of groups to which you belong. Regularly networking within your industry and discipline can set you up well to progress in your career. Networking is about sharing, not taking. It is about forming trust and helping one another toward goals. Regularly engaging with your contacts and finding opportunities to assist them helps to strengthen the relationship.



Here are some of the key benefits of networking:

- Strengthening Relationships
- Fresh Ideas
- Raised Profile/Reputation
- Access to Opportunities
- New Information
- Advice and Support

How do I start networking?

- Start Small the idea of approaching people you don't know can be intimidating. Begin your networking efforts by seeking out familiar faces, such as relative and friends. A logical next step is to connect with individuals who graduated from your college. Your alumni network can be a gold mine of connections.
- Eliminate Perceptions Inexperienced networkers often apologize when asking for an individual's help because they see networking as an imposition, not as an exercise in relationship building.
- Ask a Question Joining a group engaged in conversation can often times feel awkward. The best way to engage is to pose a question to the group after getting the gist of conversation. For someone who is more quiet in nature, asking a question can assist in communication and is a much easier way to engage, rather than entering in with an opinion.
- Listening One of the most profound points that Dale Carnegie makes in "How to Win friends and influence people" is to listen. People love to talk about themselves. As HR Professionals, we define a great characteristic as that of being a good listener. If you can get people to discuss their experiences and opinions, listen with sincere interest, you can have a great conversation without saying much at all.

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- Business Cards –It is important to always have business cards handy. This is an effective way for
 you to leave your name behind as a reference to remember who you are.
- Use the person name People love to hear their own name. When you meet someone use the person's name in conversation wherever you are able to squeeze it in without making it feel forced or awkward. This is a win-win moment where you can instill in your memory their name and they feel comfortable.
- Do what you love, love what you do Tap into your passions! Joining local organizations like LHRMA and attending events that you are passionate about is far easier to meet people when you are speaking about things that you love. The advantage of engaging in activities you enjoy with other people is that it makes your conversation that much easier.

While there are a number of ways to start networking, perhaps one of the most cost efficient and successful is by joining a local organization or attending a local event within Lincoln.

Lincoln Professional Organizations and Events

Organization/Event	Website
Lincoln Human Resources Management Association (LHRMA)	www.lincolnhr.org
Professional Networking Group (PNG)	www.pnglincoln.com
Lincoln Young Professionals Group	www.lincolnypg.com
Lincoln Chamber of Commerce	www.lcoc.com/programs-and-events.com
Lincoln Independent Business Association	www.liba.org
Great Plains Trails Network	www.gptn.com
Toastmasters	www.toastmasters.org (Various clubs available based on location)
American Business Women Association	www.abwalincoln.org
International Association of Administrative Professionals – Cornhusker Chapter	www.cornhuskeriaap.org
Linked-in	www.linkedin.com
Networking Events, Lincoln, NE	https://www.eventbrite.com/d/nelincoln/ networking/
Kiwanis Clubs in Lincoln	www.kiwanis.org (Various chapters available based on location)
RISE (A Series for Women in Business)	www.riselincoln.org

Three Top Reads to assist in Growth through Networking:

- How to Win Friends and Influence People Dale Carnegie
- Never Eat Alone Keith Ferrazzi
- Winning with People John Maxwell







Community Outreach Committee:

Shannon Rowen, Maggie McPherson, Lynn Friesen, Dana Buss, and Angela Caldwell

LHRMA Board Member Profile

Community Outreach: Kellie Graham

Where did you grow up?

Lincoln, Nebraska

When you reminisce about your childhood, what is one of your favorite memories?

When Santa Clause called our house on Christmas Eve to talk to me and my four siblings and told us he made a stop at the bar to talk to our Dad so he would be a bit late.

Describe your first car. It was a 1976 Buick

LeSabre. It was a beat up beast with many dents and scratches that needed one



quart of transmission fluid every two days or it got stuck in reverse. My brother sold it to me for \$50 when he joined the army.

How would people who know you well describe you?

Funny, smart, independent, tenacious, nerdy.

Tell us about your family.

I have been married for 17 years to Dennis Graham, and have one son, Spencer, who will be a senior at Lincoln High. I have four siblings.

Outside of work, what do you enjoy doing?

I love being a sports mom – going to all the events and getting to know the students who are friends with my son, and the other parents.

What are your favorites?

Cookies – The Cookie Company's chocolate cookie with chocolate chips

Meal – Steak (medium)

Candy – Snickers Bar

Book – To Kill a Mockingbird

Music - Contemporary, hip-hop, 80's

TV show – Grey's Anatomy

Movie – Terms of Endearment & Steel Magnolias Favorite day off – Read and binge on Netflix

Tell us about your current position.

I am the Director of HR at Integrated Life Choices. ILC employs about 460 employees in six cities in Nebraska and the Denver area with plans to expand in Texas. I oversee all HR functions for the company

including recruitment, retention, payroll, employee relations, safety, compliance, and benefits.

How long have you worked in the field of HR?

17 years.

What's your educational background?

I earned a Bachelor's Degree in Organizational Communication.



Kellie Graham

What kind of work did you do to get through college?

I worked full-time in HR while I put myself through college, going to Doane at night and on weekends from 2002-2008.

What certifications do you hold?

SHRM-SCP, SPHR, and Level One Certified Investigator.

In what area of HR do you consider yourself an expert?

Recruitment, compensation and classification, employee relations, and training.

How did you come to a position in the field of HR?

While working as a manager of McDonalds, I performed many of the HR functions. After looking for work with more stable hours, I was hired into a long-term care company as the HR Director and Safety Coordinator.

One thing I would do, given more time is... Take a vacation somewhere on a hot, sunny beach.

If you could retire tomorrow, and money was

no issue, what would you do?

Give money to the homeless and help them find jobs.

What is your biggest HR challenge right now? Learning about benefits and ACA requirements.

What advice would you give to those new to the HR field?

Be a "sponge," don't be afraid to ask questions, and

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(Continued from page 10)

always ask, "What else can I do for you?"

The thing I think has most influenced the field of HR of late is...

Technology and changing regulations.

Tell us about the funniest thing that has ever happened to you at work.

On my last day at Good Samaritan my co-workers filled my office full of balloons, rearranged my key board to spell "I love you" in the middle, put grease on the doorknobs and dressed Resuscitation Annie in a hospital gown and wig with a big sign on her that said "hire me."



LHRMA Secretary

(Contact: secretary@lincolnhr.org)

Q. What does the LHRMA secretary do?

A. Records and maintains the records of the Association including board meeting minutes, assists with key initiatives (e.g., strategic planning, compensation survey), annually reviews chapter policies and procedures and recommends revisions to the board, and produces an annual report of major activities.

NEW MEMBERS

Shelby Brown

Recruitment & Employee Engagement Specialist Kidwell, Inc. sbrown@kidwell.us.com

Jill Robertson

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Lori Thomas

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Welcome! You've joined an outstanding organization!





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