



Lincoln
Human
Resource
Management
Association



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



Volume 8, Issue 2

February, 2017

Lunch Program: QPR Gatekeeper Training
Workshop: Wellness Programs & Legalities

WHEN:

Tuesday, February 14, 2017

11:00 – 11:30 Registration
11:30 – 1:00 pm Keynote Session
1:15 – 3:15 pm Workshop

WHERE:

Lincoln Firefighter’s Hall
241 Victory Lane, Lincoln, NE 68528

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

MENU: Catered by Source Eat Fit: variety of wraps, fruit and veggie trays, dessert
truffles

DEADLINE: Register/cancel your registration by **12:00 noon, Friday, Feb. 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 the Program – QPR Gatekeeper Training

What is QPR?

QPR stands for Question, Persuade, and Refer — 3 simple steps anyone can learn to help save a life from suicide.

The mission of QPR is to save lives and reduce suicidal behaviors by providing innovative, practical and proven suicide prevention training. QPR will train people to recognize the warning signs of a suicide crisis and how to question, persuade and refer someone to help. We believe that quality education empowers all people, regardless of their background, to make a positive difference in the life of someone they know.

What is a Gatekeeper?

According to the Surgeon General’s National Strategy for Suicide Prevention (2001), a gatekeeper is someone in a position to recognize a crisis and the warning signs that someone may be contemplating suicide.

This program has been pre-approved for 1.0 PDC from SHRM and 1.0 General Recertification Hour from HRCI.
The workshop has been pre-approved for 2.0 PDCs from SHRM and 2.0 General Recertification Hours from HRCI.

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Gatekeepers can be anyone, but include parents, friends, neighbors, teachers, ministers, doctors, nurses, office supervisors, squad leaders, foremen, police officers, advisors, caseworkers, firefighters, and many others who are strategically positioned to recognize and refer someone at risk of suicide.

As a QPR-trained Gatekeeper you will learn to:

- Recognize the warning signs of suicide
- Know how to offer hope
- Know how to get help and save a life

Rose Hood Buss, BA

Rose Hood Buss has worked the last 15 years in human services, with the majority of her career working in youth development with direct client services and in purely administrative roles. The last four years she has spent much of her time training school professional and community members on mental health promotion and substance use prevention and intervention. Rose is a trainer for QPR, Adult and Youth Mental Health First Aid. Rose is currently a Prevention Specialist with Region V Systems.

About the Workshop –Wellness Programs: Navigating the New Web of Regulations, Presented by Randal Limbeck and Catherine Cano, Jackson Lewis

This workshop will discuss the patchwork of laws that regulate wellness programs, including the EEOC's recent regulatory revisions. In addition, this program will address how to design a wellness program that complies with these laws.

NEW MEMBERS

Marika Brack

Wellness & Benefits Team Lead
Duncan Aviation
marika.brack@duncanaviation.com

Kara Hawley

Human Resources Generalist
Tenneco
khawley@tenneco.com

Stephanie Miller

Senior Account Manager
Aureus Group
smiller@aureusgroup.com

Christina Uden

Human Resources
Ayars & Ayars
cuden@ayarsayars.com

Allison Burkert

Recruiting Coordinator
Nelnet
allison.burkert@nelnet.net

Chris McGonigle

Human Resources Generalist
Tenneco
cmcgonigle@tenneco.com

Patricia Steinauer

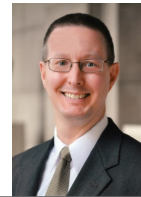
Human Resources Specialist
Rescare
patricia.steinauer@rescare.com

Jamie Wood

Recruiter
Nelnet
jamie.wood@nelnet.net



Welcome! You've joined an outstanding organization!



President's Message

Joel Scherling, LHRMA President



By the time you read this, the Legislature will have been in session for a month and committee hearings in process for over two weeks. There is a host of new senators this year and major changes have occurred in committee leadership. It is a long session this year, so buckle up.

This year, you will find bills on perennial topics such as wage garnishment, workers' compensation and minimum wage. Some bills may reflect new initiatives while others are second and third attempts to get an issue into law. For example, LB 305 (Adopt Paid Family Medical Leave Insurance Act) is a tweaked reincarnation of bills introduced in 2014 and 2016.

Here are just a few examples of the legislation that has been introduced:

LB 169	Exempt social security benefits and retirement income from income taxation
LB 173	Prohibit discrimination based on sexual orientation and gender orientation
LB 211	Change minimum wage for persons compensated by tips
LB 261	Adopt the Nebraska WARN Act
LB 305	Adopt Paid Family Medical Leave Insurance Act
LB 354	Adopt the Wage Disclosure Act
LB 372	Provide protection for Family Care Responsibilities Under the Nebraska Fair Employment Practices Act
LB 420	Adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history


Click here for the [full list of introduced legislation](#).

You will want to keep an eye on the bills introduced. Chad Richter, the Legislative Director for the SHRM Nebraska State Council, and his team at Jackson Lewis, do a superb job of keeping us informed of legislative developments at the state and federal level. Click here for their latest [legislative update](#).

Be part of the political process! Monitor a legislative committee hearing, or better yet, testify to provide your point of view. If you are interested in getting involved in legislative affairs, contact VP Lindsay Selig (govt.relations@lincolnhhr.org) who heads up LHRMA's Government Relations efforts.

Bylaws Vote at February Meeting

The board has made some minor updates to LHRMA's bylaws. The changes have been approved by SHRM and must also be approved by a majority of those present at the upcoming February 14th member meeting. A summary of the major changes can be found on our website. [Click here to review the changes](#).

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

Legal Update

EEOC Breaks Silence on Retaliation: EEOC Publishes First Guidance on Retaliation and Related Issues Since 1998

Jordan R. Hasan and Susan K. Sapp, CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.

On August 29, 2016, the Equal Employment Opportunity Commission (the “EEOC”) issued the Enforcement Guidance on Retaliation and Related Issues (“Guidance”).¹ The Guidance addresses retaliation under each of the statutes enforced by the EEOC: Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act (ADEA), Title V of the Americans With Disabilities Act (ADA), Section 501 of the Rehabilitation Act (Section 501), the Equal Pay Act (EPA), and Title II of the Genetic Information Nondiscrimination Act (GINA). The Guidance does not have the force of law. However, the Guidance provides helpful insight into the EEOC’s position regarding retaliation.

The new Guidance replaces the EEOC’s 1998 Compliance Manual section on retaliation. Since the 1998 Compliance Manual, the Supreme Court and lower courts have issued numerous opinions regarding employment-related retaliation. In addition, the number of retaliation claims has almost doubled since 1998. Retaliation is one of the most frequently alleged bases of discrimination. The Guidance can be a resource for employers to help reduce growing retaliation claims.

What is Retaliation?

Retaliation occurs when an employer takes a materially adverse action because an employee was engaged or may engage in a protected activity. The Guidance provides an expansive explanation of each of the three elements that an employee must prove to establish unlawful retaliation. First, the employee was engaged, or may have engaged, in protected activity. Second, the employee suffered an adverse action by the employer. Third, a causal connection exists between the protected activity and the adverse action.

What is Protected Activity?

The Guidance addresses the two methods for demonstrating protected activity. Protected activity includes “participating” in an EEO process or “opposing” discrimination. Participation may include filing an administrative proceeding or lawsuit alleging discrimination or serving as a witness in an administrative proceeding or lawsuit. Employees are broadly protected when engaging in EEO participation regardless of whether the employee has a reasonable, good faith belief that the underlying allegations are, or could become, unlawful conduct. EEO anti-retaliation provisions also make it unlawful to retaliate against an employee for opposing any practice made unlawful under the employment discrimination statutes. Opposition includes explicitly or implicitly communicating a belief that the matter complained of is, or could become, harassment or other discrimination. In contrast to participation, the manner of opposition must be reasonable. The Guidance provides numerous helpful examples of participation and opposition including:

- Filing an EEOC charge of discrimination
- Providing testimony in an EEO investigation
- Complaining or threatening to complain about alleged discrimination against oneself or others
- Providing information in an employer’s internal investigation of an EEO matter
- Refusing to obey an order reasonably believed to be discriminatory
- Resisting sexual advances or intervening to protect others
- Requesting reasonable accommodation for disability or religion

What is Adverse Action?

The Guidance helps to explain the second element of a retaliation claim: material adverse action. An employer cannot take a materially adverse action against an employee because of protected activity. The Guidance provides that “materially adverse” can include action that might deter a reasonable person from engaging in protected activity. Adverse actions commonly include:

- Denial of promotion
- Refusal to hire
- Denial of benefits

(Continued on page 5)

- Demotion
- Suspension
- Termination

Adverse action can also include action that has no tangible effect on employment, such as threatening reassignment or removal of supervisory responsibilities. Once again, the Guidance provides many helpful examples and illustrations demonstrating what does and does not constitute materially adverse action.

- Making disparaging remarks about the employee to others or in the media
- Making false reports to government authorities
- Threatening reassignment
- Scrutinizing work or attendance more closely than that of other employees, without justification
- Removal of supervisory responsibilities
- Taking or threatening to take a materially adverse action against a close family member of the employee

What is Sufficient Evidence of Causal Connection?

Retaliation is established when a causal connection exists between the adverse action and the employee's protected activity. The Guidance states that the causation standard requires the evidence to show that "but for" a retaliatory motive, the employer would not have taken the adverse action. The Guidance also addresses certain evidence the EEOC will consider to support a finding of retaliation. Evidence may include:

- Suspicious timing
- Verbal or written statements
- Comparative evidence from other similarly situated employees
- Falsity of the employer's proffered reason for the adverse action
- Inconsistent explanations

The Guidance also provides facts that may defeat a claim for retaliation. The facts include:

- Employer being unaware of protected activity
- Poor performance by the employee
- Inadequate qualifications for position sought
- Qualifications, applications, or interview performance inferior to the selectee
- Negative job references
- Misconduct
- Reduction in force, or other downsizing

What is Interference under the ADA?

In addition to retaliation, the Guidance addresses "interference" under the ADA. The ADA prohibits "interference" with the exercise or enjoyment of ADA rights, or with the assistance of another in exercising such rights. The Guidance notes that "interference" under the ADA is broader than retaliation. Courts have found that it is unlawful to coerce, intimidate, threaten, or interfere with an employee's exercise and enjoyment of ADA rights.

Employer Take-Aways

The EEOC suggests that employers should maintain a written, plain language anti-retaliation policy. Employers should also consider implementing anti-retaliation training. In response to an EEO allegation, an employer should provide information to all parties and witnesses regarding the anti-retaliation policy, how to report an alleged retaliation, and how to avoid engaging in it. The EEOC suggests that employers should provide guidance to managers and supervisors on how to avoid actual or perceived retaliation, as well as access to a resource for advice and counsel on managing a potential situation. Finally, having legal counsel or an EEO specialist review employment actions and ensure compliance can greatly reduce potential retaliation claims.

Employers should review their policies, practices, and employee training concerning retaliation and ADA interference in light of the Guidance. Employers can implement the EEOC's suggestions to help reduce the risk of retaliation violations.

COMMUNITY OUTREACH

Show Your Coworkers Some LOVE!

On February 14, we celebrate Valentine's Day! We all have our own way of celebrating with our friends and family, but what about at work? When thinking of Valentine's Day in the workplace, we thought of how we could show our coworkers some love (in an appropriate manner, of course) and of the book, *How Full is Your Bucket?* by Tom Rath and Donald O. Clifton.

The theory as described by Rath and Clifton (2004) is that each of us has an invisible bucket. The invisible bucket is constantly emptied or filled, depending on what others say or do to us. When our bucket is full, we feel great. When it is empty, we feel awful. Each of us also has an invisible dipper. When we use that dipper to fill other people's buckets – by saying or doing things to increase their positive emotions - we also fill our own bucket. However, when we use that dipper to dip from others' buckets – by saying or doing things that decrease their positive emotions – we diminish ourselves.



Rath and Clifton (2004) note that the full bucket gives us a positive outlook and renewed energy, makes us stronger and more optimistic. An empty bucket poisons our outlook, saps energy, and undermines our will. Every time someone dips from our bucket, it hurts us. Therefore, we face a choice every moment of every day: We can fill one another's bucket, or we can dip from them. It is an important choice – one that profoundly influences our relationships, productivity, health, and happiness.

An easy way to fill someone's bucket in the work place is through recognition and praise. Individuals who receive regular recognition and praise:

- Increase their individual productivity
- Increase engagement among their colleagues
- Are more likely to stay with their organization
- Receive higher loyalty and satisfaction scores from customers
- Have better safety records and fewer accidents on the job.

So, what do you have to lose? Why not show your coworkers some love, increase productivity, and renew your own energy!

Rath, T., & Clifton, D. O. (2004). *How full is your bucket?: positive strategies for work and life*. New York: Gallup Press.

Community Outreach Committee:

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

Wellness News

Putting Heart Health First

Megan Ksionzek

Madonna Fit for Work

Heart disease is the leading cause of death for men and women in the United States. Every year, 1 in 4 deaths are caused by heart disease, but that doesn't mean you have to go down that path. Although people may lack the power to change risk factors- such as family history or age- there are key prevention steps you can take to reduce your risk. There is never an age too young to start adopting a healthy lifestyle- it all starts with today!

Heart disease prevention tips:

Don't smoke or use tobacco

Using any kind of tobacco is one of the most significant risk factors for developing heart disease. When it comes to heart disease prevention, no amount of smoking is safe. Smokeless tobacco and second hand smoke are also not safe and can increase your risk of heart disease. The good news- the sooner you quit using tobacco, you decrease your chance of heart disease.

Exercise for 30 minutes at least 3-5x per week

Regular, daily exercise can reduce your risk of heart disease. Physical activity can help you control your weight and reduce your chances of developing other conditions that may strain your heart, such as high blood pressure, high cholesterol, and diabetes.

Eat a heart healthy diet

Two examples of heart-healthy food plans include the Dietary Approaches to Stop Hypertension (DASH) and the Mediterranean diet. Focus on a diet rich in fruits, vegetables, whole grains, and healthy fats from plant-based sources. Eating two servings of fatty fish (such as salmon) a week can help to reduce your risk of heart disease. Following a heart-healthy diet also means keeping an eye on how much alcohol you consume. If you choose to drink alcohol, do so in moderation- it's better for your heart.

Maintain a healthy weight

Being overweight causes a lot of strain on the heart, especially if you carry excess weight around your midsection- that increases your risk of heart disease specifically. Excess weight can lead to conditions that increase your chances of heart disease (such as high cholesterol). To find out if you are at a healthy weight for your age and gender you can calculate your body mass index (BMI). Do keep in mind BMI does not take muscle mass into account.

Get enough quality sleep

Sleep is one of the most nourishing things we can do for our bodies, but so many of us don't get enough of it. People who don't get enough sleep have a higher risk of obesity, high blood pressure, heart attack, diabetes, and depression. Most adults should strive to get 7-9 hours of sleep per night. Make sleep a priority in your life. Start by making a sleep schedule, keeping your bedroom dark and quiet, and avoid eating or drinking 1-2 hours before bed to prevent frequent trips to the bathroom.

Manage your stress

It has been suggested that stress triggers inflammation- leading to heart disease, but it hasn't been proven. However, stress does cause some people to act in ways that increase their risk for heart disease. When stressed, people often turn to comfort foods high in fat and cholesterol- contributing to artery damage, causing heart attacks and strokes. Stress can also lead us into other heart-damaging behaviors such as smoking and drinking high levels of alcohol. Breaking this connection is a matter of relieving stress and managing unhealthy habits.

Get regular health screenings

High blood pressure and high cholesterol can damage your heart and blood vessels, but without testing for these values you wouldn't know whether you have these conditions. Regular screenings can tell you what your numbers are and whether you need to take action.

For more information on heart health contact Megan Ksionzek with Madonna Fit for Work at mksionzek@madonna.org or call 402-434-5937. I look forward to hearing from you soon!

EAP Corner

7 Tips to Becoming a More Effective Leader

Kelly Ann Ethridge, MA

Best Care EAP

Don't want to worry about managing people? Make managing easier by using these 7 key leadership tips! You and your organization will benefit as a direct result.

1. **Delegate wisely**

Most bosses feel the need to control every little going on in their departments. You don't need to. Delegate the responsibility for completing assignments as well as the authority to get things done.

2. **Set goals**

Everyone needs goals to strive for. Set specific and measurable goals with your employees. Continue to monitor their progress toward achieving them. Set mid-year meeting as a check-in and offer help as needed.

3. **Communicate**

It's almost impossible to over-communicate. Ongoing communication may be difficult to do at first, but, keep your employees informed. Hold team meetings and provide feedback often. Once you get employees the information they need to do their jobs quickly and efficiently, you'll see increased productivity and know it was well worth the effort.

4. **Make time for employees**

Put your work aside for a moment. Look away from your email, put down your smartphone and focus on the person standing in front of you.

5. **Recognize achievements**

The good news is that there are many things you can do to recognize employees that cost little or no money, and only take a few minutes to accomplish. Write a quick thank you note when you see them going above and beyond. Positively reinforce completion of goals in team meetings.

6. **Think about lasting solutions**

Many problems are solved quickly without looking at a lasting solution that may take longer to develop. Don't treat the symptom. Solve issues using common sense and step back to assess frequently to make sure decisions are working for the long-term benefit for all.

7. **Don't take it all too seriously**

Successful leaders make their organizations fun places to work. Instead of having employees who look for every reason to call in sick or to arrive to work late or go home early, organizations that work hard and play hard end up with a more loyal, energized workforce.

Are you ready to focus on being the best leader you can be in 2017? Our management training could be just what you looking for! For more information and/or to register, call (402) 354-8000 or (800) 801-4182.

For more information on the schedule for 2017, email eap@bestcareeap.org or check out our website at www.bestcareeap.org.



BEST CARE
EMPLOYEE ASSISTANCE PROGRAM

Free Webinar on Revised I-9

Dave Basham, an I-9 and E-Verify subject matter expert who works in the U.S. Citizenship and Immigration Office, is offering a free webinar on the revised I-9 form, which became effective 1/22/17.

The webinar is available on the two dates below. No registration is required.... simply logon through Adobe Connect about 15 minutes prior to the start time.

- **Wed, Feb 15th @ 2:00 p.m. CST**
- **Thu., Feb 16th @ 9:00 a.m. CST**

To join the meeting:

<https://uscisconnect.connectsolutions.com/shrmregions/>

Conference Number: (Toll Free): 1-866-928-2008

Participant Code: 887183#

If you have never attended an Adobe Connect meeting before test your connection: https://uscisconnect.connectsolutions.com/common/help/en/support/meeting_test.htm

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://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!



Drawing Winner

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

Congratulations to
Raylene Jones with
Mid-American Union Conference.
Raylene will receive free registration
for the February program.



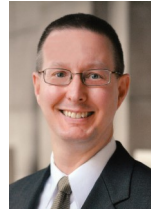
Lincoln Human Resource Management Association
PO Box 81066
Lincoln, NE 68501-1066

www.lincolnhr.org

SHRM local chapter #0048



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lincolnhr.org



PRESIDENT
Joel Scherling, SHRM-CP, PHR
HR Administrator
NE Dept. of Education
402.471.4736
president@lincolnhr.org



PAST PRESIDENT
Melissa Price, SHRM-CP, PHR
Director of Human Resources
PenLink
402.421.8857
pastpresident@lincolnhr.org



PRESIDENT ELECT/ GOV'T RELATIONS
Lindsay Selig, SHRM-SCP, SPHR
HR Officer
First State Bank
govt.relations@lincolnhr.org



PROGRAMS
Judy Sinner
Fiscal & HR Director
Disability Rights Nebraska
402.474.3183
programs@lincolnhr.org



PROGRAMS
Michele Spadt, SHRM-CP, PHR
Chief HR Officer
Lincoln Surgical Hospital
402.484.9016
programs@lincolnhr.org



MEMBERSHIP
Jamie Mohrman, PHR
HR Generalist
Kidwell
402.817.3494
membership@lincolnhr.org



MARKETING/SOCIAL MEDIA
Kelly White, SPHR
Asst. Director of Employee
Relations/Sr. HR Facilitator
University of Nebraska - Lincoln
marketing.sm@lincolnhr.org



CERTIFICATION
Amy Spellman, SHRM-CP, PHR
HR Assistant Director
NE Dept. of Education
402.471.5027
certification@lincolnhr.org



COMMUNITY OUTREACH
Shannon Rowen, SHRM-SCP
Asst. Professor of Practice
University of Nebraska—Lincoln
402.472.3097
communityoutreach@lincolnhr.org



SECRETARY
Kellie Graham, SPHR, SHRM-SCP
Director of Human Resources
Complete Children's Health
402.327.6002
secretary@lincolnhr.org



COLLEGE RELATIONS
Jenessa Keiser, SHRM-CP, PHR
Director of Human Resources
Lincoln Surgical Hospital
402.484.0823
college.relations@lincolnhr.org



WORKFORCE READINESS
Kim Michael, SHRM-CP, PHR
Director of Operations & HR
Region V Systems
402.441.4350
workforce.readiness@lincolnhr.org



TREASURER
Laurie Gyhra, SHRM-CP, PHR
HR Representative
State Farm Insurance
402.327-5341
treasurer@lincolnhr.org



SHRM FOUNDATION
Jessica Reay, PHR, SHRM-CP
Senior HR Generalist
Crete Carrier Corp.
402.479.7074
shrmfoundation@lincolnhr.org