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January Program

Program on January 9 Features “Redefining Worksite Wellness Success - In a Regulatory Environment”

Join us for our January Program on January 9. Craig Johnson, Executive Director, Holmes Murphy & Associates will present from 12:00 to 1:00 p.m.

About the Presentation

When it comes to worksite wellness excellence, employers are taking a close look at what's working and what's not. This industry isn't new anymore; it's learned a lot over the years and

pinned down some critical differences between “conventional wellness” and “clinical risk management.” So how should an employer define worksite wellness success in this environment of unpredictable health insurance shifts and increasing wellness regulations? Should you focus on a financial ROI or a clinical ROI? This presentation will highlight some of today's most effective (and compliant!) strategies.



January Program Details

WHEN AND WHERE

Tuesday, January 9, Program 11:00-1:00 p.m., Hillcrest Country Club 9401 O St., Lincoln

COST

Members - \$15 / Non-members - \$25

REGISTRATION DEADLINE

Register by Friday, January 5 at noon.

MEMBERSHIP RENEWAL



2018 LHRMA Membership Renewals Due Jan. 1

Visit www.lincolnhr.org to renew!

President's Message

By Lindsay Selig, LHRMA President



I hope everyone had a great holiday season and was able to enjoy time with family and friends, as well as, take a break from work.

It is hard to believe 2018 is already upon us, which means that I have the pleasure of serving as LHRMA's President and of course the joy of writing 24 newsletter articles, which I'm greatly looking forward to (or maybe not...).

I want to start by thanking our 2017 board. We have a few members that will be leaving us and I certainly want to let them know that they will be missed; however, as I have told many of them, I know the board is a pretty big time commitment and I appreciate everything they have done for our organization.

As many of you may recall from the November meeting, we have a great incoming board for the 2018 year. I know the individuals outlined below will do a wonderful job. I look forward to getting to know and work with them.

President: Lindsay Selig

Past-President: Joel Scherling

President-Elect: Jamie Mohrman

Treasurer: Maggie Hayek

Secretary: Amy Dorenbach

Membership Director: Justin Schreier

Programs Director: Michele Spadt and Judy Sinner

Workforce Readiness Director: Robbie Seybert

College Relations Director: Jenessa Keiser

Community Outreach Director: Angela Caldwell

Certification Director: Amy Spellman

SHRM Foundation Director: Jessica Reay

Marketing and Social Media Director: Amber Dingwell

This board is ready to take on any of the challenges that 2018 presents. We have actually already kicked off the year with a board orientation and are looking to schedule a strategic planning session before the state leadership conference in January.

Please wish us luck - I'm sure it couldn't hurt.

Take the Lead. Become SHRM-Certified. Enroll in Our Study Group Starting December 1!

HRM’s global HR credentials, SHRM Certified Professional (SHRM-CP®) and SHRM Senior Certified Professional (SHRM-SCP®), offer growth, advancement and recognition.

We are pleased to announce that LHRMA is offering a SHRM-CP/SHRM-SCP study group using the 2018 SHRM Learning System. Our program combines the leadership of an experienced facilitators with learning modules based on the SHRM BoCK and interactive study tools that test your knowledge and decision making skills for comprehensive and effective SHRM certification preparation.



Study Group	Date	Time	Number of Weeks	Location
SHRM Learning System SHRM-CP/SHRM-SCP Study Group	Mondays beginning 2/12/18	5:30-8:30 p.m.	11	Southeast Community College, 66th and O Streets

Register December 1 through January 19 at www.lincolnhr.org!
Contact **Amy Spellman, Certification Chair**, at certification@lincolnhr.org.



Legal Update

The NLRB's New General Counsel is the Gift that Keeps on Giving

By Jayden Pence

Rembolt Ludtke LLP

On December 1, 2017, the newly-appointed National Labor Relations Board ("NLRB") General Counsel, Peter Robb, issued a memorandum, Memo Number GC 18-02 (the "Memo"), that provided insight into his agenda as General Counsel. The Memo suggested Robb would revisit, and likely overrule, several policy decisions issued by President Obama's NLRB.

Specifically, the Memo instructs the NLRB's Regional Offices to submit cases that involve "significant legal issues" to the NLRB's Division of Advice. Robb signaled that he would ask the NLRB to overturn numerous hot-button Obama-era Board precedents. Robb lists 15 separate legal issues requiring submission to the NLRB's Division of Advice, including, those cases include:

- Cases involving concerted activity where the employee engaged in "obscene, vulgar, or other highly inappropriate conduct."
- Cases involving employee handbook rules prohibiting disrespectful conduct, use of employer trademarks and logos, use of cameras and recording devices in the workplace, and confidentiality of workplace investigations.
- Cases requiring employers to allow employees to use their email systems to engage in protected concerted activities under Section 7 of the National Labor Relations Act.
- Cases broadening the circumstances under which witness statements must be disclosed to a union.
- Cases involving the application of *Weingarten* rights (the right to have a representative present during investigative interviews that may result in discipline) in various settings, including the range of permissible conduct by union representatives during investigative interviews and the application of *Weingarten* in the drug testing context.
- Cases requiring employers to offer to bargain with the union before imposing discretionary discipline where the union and employer have not executed an initial collective bargaining agreement
- Cases finding joint employer status based on evidence of indirect or potential control over the working conditions of



another employer's employees

Robb also rescinded 7 prior General Counsel memos, including a memo that barred employers from including several seemingly innocuous policies in employee handbooks, such as "Be respectful of others and the Company." The Obama Board prohibited these policies on the grounds that they could chill employees from exercising their rights to engage in concerted, protected activity.

Two weeks after Robb issued the Memo, the Board demonstrated that it was ready, willing, and able to follow through. On December 14 and 15, the Board repudiated three of the Obama Board's most employee-friendly decisions, including much discussed decisions about joint employer status (*Hy-Brand Industrial Contractors*) and employer workplace rules and policies (*The Boeing Corporation*).

Legal Update (continued from page 5)

In *Hy-Brand Industrial Contractors*, the Board overruled *Browning-Ferris Industries*, 362 NLRB No. 186 (2015), thereby returning to the pre-*Browning-Ferris* standard that governed joint-employer liability. In *Browning-Ferris*, the Board held that two entities are joint employers under the NLRA where the second employer exercises indirect control over another **entity's employees, or where the second employer has reserved rights of control, even if unexercised.** In *Hy-Brand*, the Board returned to former, and more employer-friendly, standard—two or more entities will be deemed joint employers under the NLRA if there is proof that one entity has *exercised* control over essential employment terms of **another entity's employees and has done so directly and immediately** in a manner that is not limited and routine.

In *The Boeing Corporation*, 365 NLRB No. 154 (Dec. 14, 2017), the Board overturned the prior Board's decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), in which the Board broadly held unlawful rules which **employees could "reasonably construe" to prohibit their right to engage in concerted, protected activity.** In *Boeing*, the Board explained that the *Lutheran Heritage* "reasonably construe" **standard entails a "single-minded consideration of NLRA-protected rights, without taking into account any legitimate justifications**

associated with policies, rules and **handbook provisions."** *Boeing* establishes a two-part analysis evaluating: (1) the nature and extent of the potential impact of the rule on NLRA rights; and (2) legitimate justifications associated with the rule.

What does this mean for employers?

Reassess Business Relationships.

If you have avoided certain business ventures due to potential joint employer liability, now is the time to reassess whether that option is still viable. Looking through the *Hy-Brand* lens, conduct a risk/reward assessment. Can this venture be pursued without exercising direct control?

Review Policies and Procedures.

Several policies and rules found unlawful under the **Obama Board's reading of the NLRA** are now permissible and may be reinstated into employer policies, including employee handbooks. *Boeing* substantially increases an **employer's right to implement policies brought about by legitimate justifications.**

Robb's employer-friendly agenda coupled with the Board's willingness to overturn Obama-era precedent should leave employers feeling optimistic about what 2018 will hold.

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 lhrma0048@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

Pence is an attorney with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or jpence@remboltlawfirm.com. This article is provided for general information purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to consult with their attorney.

Thinking for Success in Leadership

Success in leadership begins with how a leader thinks. There is a direct connection between how a manager or supervisor thinks, and how they approach dealing with an employee or situation.

For example, if a supervisor thinks optimistically about an employee's performance problem (i.e., "with some additional support and training, this employee will probably improve their performance"), they will tend to spend time providing the kind of guidance and training that it takes to bring about the desired improvement in performance. On the other hand, if the supervisor thinks negatively about the employee in question (i.e., this employee is not a productive contributor"), they will likely not put in the time and effort it takes to bring about improvement.

The importance of developing a more positive attitude

Our attitude consists of how we think, how we feel, and the behavior that results.

Like in the example above, a supervisor who practices positive thinking (i.e., "our problems are temporary", "if we put in enough effort, our performance will improve", etc.), will typically feel encouraged and motivated. These positive thoughts and feelings will help to drive constructive management behavior that can improve outcomes.

Responding positively to challenging circumstances is important

As we all know, supervisors often face difficult situations. It comes with the territory. Although we can't change many of the circumstances that confront us (i.e., budgetary constraints, lack of upper management support, etc.), we can control how we think and respond to them. By choosing to think more constructively about our circumstances - even the most challenging ones - we'll improve our resilience and maintain the motivation it takes to lead our team effectively.

Staying upbeat also improves staff morale

Supervisors who stay upbeat in challenging circumstances can also have a significant positive impact on the morale of their team. Even if nothing specific can be done to change a negative situation, a supervisor can provide encouragement by committing continued support to their staff (i.e., "I'm here for you" or "we'll get through this together"). This type of support can help many of the individual team members to stay positive and productive during difficult times.

Greg Brannan, Deer Oaks EAP Services

Wellness News

Up and Active



Up and Active to Boost Productivity

How much of the day does your staff spend **sitting**? **If they work in an office, odds are it's probably a lot.** Even when they don't work in an office setting, it is often difficult to achieve the recommended amount of exercise set by the physical activity guidelines. For adults, 150 minutes (2 hours and 30 minutes) of moderate intensity aerobic physical activity each week are recommended.

Getting active, such as walking, during the workday is directly related to workplace satisfaction and performance. Physical activity is known to:

- Increase blood flow to the brain which improves concentration, memory, and decision making
- Better regulate sugar and fat metabolism which helps increase energy levels
- Reduce stress through the release of endorphins that relieve pain and improve mood. (Centers for Disease Control and Prevention, 2012; Berkowitz, 2014)

There are many ways employers can motivate their employees to get up and move during the **work day, even if they're stationed behind a desk.** One way is to organize walking meetings with co

-workers. Find a safe route, grab a mobile device to dictate notes, and get going! Walking while talking increases the flow of oxygen to the brain which stimulates creativity and heightens productivity.

Another easy way to get steps in is to park farther away and take the stairs up to the office. Your team can benefit from getting a little extra fresh air at the start of their day and their heart will appreciate the mini workout. This simple adjustment may only add minutes to their commute while equipping them with a multitude of health benefits.

Utilize a lunch hour to take a walk, stretch, and do simple calisthenics such as push-ups, sit-ups, jumping jacks, squats, yoga or tai-chi. These simple exercises will get their blood pumping so your team can feel refreshed, reenergized, and ready to take on the rest of the day.

Increasing physical activity during the workday may seem daunting at first, but will become second nature after experiencing the health benefits. It also provides a great social outlet during the work day. Grab a coworker and get moving together!

For a copy of the Walk It Guide, more resources regarding physical activity in the workplace, or enhancing your worksite wellness program, please contact Lisa Henning, Director of WorkWell at 402.483.2511 ext. 109.



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

www.lincolnhr.org

SHRM Local Chapter #0048



Board of Directors



PRESIDENT
Lindsay Selig, SHRM-SCP, SPHR
HR Officer
First State Bank
president@lincolnhr.org



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



PRESIDENT ELECT
Jamie Mohrman, PHR
HR Generalist
Kidwell
402.817.3494
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

Photo Coming Soon

MEMBERSHIP
Justin Schreier, PHR
Director of Business Dev.
IReviewCloud
membership@lincolnhr.org

Photo Coming Soon



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

Photo Coming Soon

COMMUNITY OUTREACH
Angela Caldwell
Branch Manager
ManpowerGroup
communityoutreach@lincolnhr.org

Photo Coming Soon

SECRETARY
Amy Dorenbach
HR Generalist
Complete Children's Health
secretary@lincolnhr.org

MARKETING/SOCIAL MEDIA
Amber Dingwell, SHRM-CP
HR Generalist
Nebraska Book Company, Inc.
marketing.sm@lincolnhr.org



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

Photo Coming Soon

WORKFORCE READINESS
Robbie Seyber
workforce.readiness@lincolnhr.org

Photo Coming Soon

TREASURER
Maggie Hayek
HR Coordinator
Lincoln Surgical Hospital
treasurer@lincolnhr.org



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