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LHRMA
Lincoln Human Resource Management Association

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

July Lunch & Workshop

Workshop on July 10 Features — “Unconscious Bias”

Join us for our workshop on July 10. Joe Gerstandt is a speaker, author and advisor and will present from 12:00—3:00 p.m.

Unconscious Bias

Got Bias? Understanding the New Science of Bias

We have for a long time linked the idea of bias with what kind of a person you are. “Bad people” are biased, and “good people” are not. And while that is a very comforting idea for those of us that consider ourselves to be “good people,” we know enough today about human beings, specifically the human brain, to

know that there is no such thing as a nonjudgmental human being. We are naturally and even automatically judgmental, there is no hatred or fear required. Bias is not necessarily a good thing or a bad thing, it is simply a true thing, and only becomes a problem when we convince ourselves it is not there. Having an accurate understanding of what bias is and where it comes from, allows us to do something about it, to make sure that we are mitigating its impact on our decisions and interactions.

This is an interactive, information-rich and incredibly actionable message.

SHRM
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— SHRM —
SHRM-CP | SHRM-SCP
**RECERTIFICATION
PROVIDER**
2018

**SHRM
EXCEL
2017**

Participants Will:

- Understand what bias is.
- Be introduced to research from the fields of social psychology, behavioral economics and neuroscience regarding the source and impacts of unconscious (or implicit) bias.
- Understand and explore the ways that unintentional bias can undermine individual and group performance in the workplace.
- Leave with individual action items that they can immediately incorporate into their work.
- Be prepared to identify collective opportunities for taking action to reduce the impact of unconscious (or implicit) bias.

Inclusion by Design

While we continue to bring greater diversity into our workforce, we still have a great deal of work to do in delivering an inclusive work experience. At the very root of this disconnect is the reality that inside most

organizations today, inclusion is a vague, abstract idea involving some notions of tolerance and respect. This makes it very difficult to determine what to do towards inclusion and what to measure.

Participants will:

- Leave with a new clarity regarding diversity and inclusion.
- Examine a model of inclusion / exclusion / differentiation / assimilation and use it to assess their own work experience.
- Understand basic organizational and human social tendencies that make inclusion difficult.
- Consider how to start designing and delivering a more inclusive employee experience for themselves and the rest of the organization.

Program Sponsor



ABOUT THE PRESENTER:

Joe Gerstandt is a speaker, author and advisor bringing greater clarity, action, and impact to organizational diversity and inclusion efforts.

Joe has worked with Fortune 100 corporations, small non-profits, and everything in between. He speaks at numerous conferences and summits, and blogs at joegerstandt.com. He is a featured contributor for the Workforce Diversity Network Expert Forum and his insights have been published in Diversity Best Practices, Diversity Executive, HR Executive, and numerous other print and on-line journals. He co-authored the book Social Gravity: Harnessing the Natural Laws of Relationships, and serves on the Intersectional Culture and Diversity Advisory Council for the social networking platform, Twitter.

A strong advocate for resetting the diversity and inclusion conversation, Joe sees this work as poorly understood and often misunderstood. His keynote messages and interactive workshops bring greater clarity, action, and impact to existing and new organizational diversity & inclusion efforts.



WHEN AND WHERE

Tuesday, July 10, Lunch and Workshop 11:00-3:00 p.m. at The Lincoln Marriott Cornhusker Hotel, 333 S 13th St, Lincoln, NE

LUNCH PROGRAM REGISTRATION FEES:

LHRMA members – \$75—includes Lunch and Workshop

All Other Attendees – \$100—includes Lunch and Workshop *plus* a LHRMA Membership from July 2018—December 2018

College Student Chapter Members—FREE (Luncheon attendance is free for SHRM designated student chapter members. Current SHRM designated chapters include: University of Nebraska-Lincoln. Students must register through Jenessa Keiser, College Relations Chair, college.relations@lincolnhn.org for free meeting attendance.)

REGISTRATION DEADLINE

Register by Friday, July 6 at noon.

WELCOME NEW MEMBERS

LHRMA welcomes the following new members:

Barb Spier

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Windcrest Assisted Living
bspier@capitalseniorliving.net

Justin Ellenbecker

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Central Financial Services
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Kayleen Walsh

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Brad Fuchs, SHRM-CP

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Certification Study Group Instructor needed to cover Talent Acquisition, Employee Engagement & Retention and Total Rewards.

LHRMA is seeking a SHRM Certification Study Group Instructor for the Functional Areas of Talent Acquisition, Employee Engagement and Retention, and Total Rewards. This is a two session commitment for the Fall 2018 session tentatively scheduled for November 5th and 12th. As an instructor you will be provided with an instructor version of the SHRM Learning System as well as Power Point Slides that are available for your use. We are looking for an HR Professional that has their SHRM-CP or SHRM SCP with progressive HR experience. Being a Certification instructor counts as 12 PDC's towards recertification. Please contact Amy Spellman at certification@lincolnhn.org for more infor-

LHRMA SHRM Certification Study Group – Register by August 17th

Take the Lead. Become SHRM-Certified.

LHRMA can help.

SHRM'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 now offering a SHRM-CP/SHRM-SCP study group using the 2018 SHRM Learning System. Our program combines the leadership of 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.

This 11 week study group is designed for HR professionals interested in preparing for the SHRM-CP/SHRM-SCP exam, achieving professional advancement and building confidence for addressing today's HR challenges. The Study Group meets on Mondays from 5:30 pm to 8:30 pm from September 10th through November 19th at Southeast Community College's Continuing Education Center.

Registration Fees: **LHRMA Member: \$600 – Includes course registration (\$100), SHRM Learning System (\$500). Non-Member: \$675 – Includes course registration (\$100), SHRM Learning System (\$500), 1 year LHRMA Membership for the remainder of 2018 and all of 2019 (\$75)**

Registration Deadline is August 17th!

For more information or to register visit lincolnhn.org. Please contact Amy Spellman at certification@lincolnhn.org with questions.

President's Message

By Lindsay Selig, LHRMA President



June marked the month of the SHRM national conference. For those of you who have not had the chance to attend - wow, what an experience! 22,000 attendees, 700+ exhibitors, amazing and inspiring keynote speakers and even a little fun entertainment on Tuesday evening.

Jeb Bush, former governor of Florida; Oscar Munoz, CEO of United Airlines; Adam Grant, author and scholar; Sheryl Sandberg, Facebook COO were just a few of the outstanding speakers.

My favorite, however, was by far Adam Grant. He spoke on the topic of selection and the impact it can have in a company culture.

During his presentation, he outlined three selection models used by start up businesses in Silicon Valley. He asked the audience, which one they would use. Like most HR professionals, many answered with hiring for cultural fit. However, what he went on to explain was, while cultural fit is VERY important, it may not be the only thing you want to look at.

When most companies describe what they mean by “cultural fit”, they talk about items such as like-minded people. He pointed out that if everyone thinks the same, you may be missing out on new ideas or different solutions to every day problems. His suggestion was to look at what’s missing within your firm from your culture and select new employees for their skills and thoughts in those areas.

Whether you agree or disagree with his suggestions, it was an interesting and engaging session.

I hope that everyone has the opportunity to attend the SHRM National conference at some point in their career!



Legal Update

Telework – Reasonable Accommodation and Good for Business?

*By Jack L. Shultz and Kramer L. Lyons
O'NEILL, HEINRICH, DAMKROGER, BERGMAYER & SHULTZ, P.C., L.L.O.*

With the ever increasing use of technology in the workplace, more employers are utilizing telework or telecommuting programs with their employees. Many businesses find that telework programs can help attract and retain employees by boosting morale and productivity. Courts have even ruled that allowing employees to work remotely may be a reasonable accommodation under the Americans with the Disabilities Act ("ADA").

The ADA requires employers with at least 15 employees to provide reasonable accommodation for qualified applicants and employees with disabilities. Reasonable accommodation includes any change in the work environment or in the way things are customarily done to enable an individual with a disability to apply for a job, perform a job, or gain equal access to the benefits and privileges of a job. The ADA will not require employers to accommodate a disabled person if the specific type of accommodation will cause undue hardship to the employer. Undue hardship would include significant difficulty or expense to implement or provide the accommodation. Undue hardship is a difficult burden for an employer to prove.

The ADA does not require employers to implement and maintain a telework program. However, if an employer does maintain such a program, it must provide equal access a disabled employee. Further, reasonable accommodation could include modifying or waiving certain provisions of a telework program to accommodate a person's disability so to allow that person to work from home. Even if the employer does not

maintain a telework program or allow employees to work from home, reasonable accommodation may include allowing an employee to work remotely from home.

In order to determine if an employee may need to work at home as a reasonable accommodation, the employer and employee should engage in a flexible "interactive process." This process starts by the employee notifying the employer that he/she has a medical condition that will require a change in working requirements and conditions. The employer and employee then discuss why the disability may require the person to work from home. If it is unclear whether the person's medical condition is a "disability" as defined under the ADA, the employer may request information about the employee's medical condition. The parties are free to discuss other accommodations which may allow the person to remain on the workplace full-time.

Once it is determined that some accommodation will be required, the employer should review the essential job functions of the disabled employee. These essential job functions are the duties and tasks fundamental to the performance of a specific job. If an essential job function is not possible to be performed at home, telework would not be a reasonable accommodation. If, however, only minor job duties could not be performed at home, telework may be a reasonable accommodation. If another minor



duty not currently performed by the employee could be done at home, an employer may reassign duties to the disabled worker to allow them to work from home. Clearly, the essential functions of some jobs cannot be performed at home. For example, food service providers, manual laborers and truck drivers cannot perform the essential duties of their job from home.

In determining the feasibility of having an employee work from home, employers should consider their ability to supervise the employee and whether any parts of the job require special equipment or tools that are not practical to be located in a home. Additional considerations should be made as to whether the job requires face-to-face interaction with other co-workers or customers, and whether the employee would need immediate access to documents and other materials stored at the physical workplace. An employer should not deny an employee's request to work from home merely because a job requires some contact with other employees.

If an employer determines that some of the essential job functions will require working at the workplace, consideration should be given as to whether the job may be done part time at the employee's home and part time at the workplace. If an employee is working at home as a reasonable accommodation to a disability, the

Legal Update (continued from page 6)

employee should only work at home to the extent that his/her disability requires. Some disabilities may require working on only a few days a week, while others may require limited hours of work each day. Certain situations may require an employee to work from home on an as needed basis, but this should be done only if it does not cause undue hardship to the employer.

An employer is not obligated to adopt an employee's preferred or requested accommodation and may offer alternate accommodations so long as they would be effective. Certain reasonable accommodations may include adjustments or modifications to the workplace which may enable a disabled employee to perform his or her job there. It is important to note that not all jobs can be performed at an employee's home through a telework program.

A recent case out of the Sixth Circuit Court of Appeals held that telecommuting may be a reasonable accommodation under the ADA when the employee is able to perform the essential functions of the job and the request was only for a short time. In *Mosby-Meachem v. Memphis Light, Gas and Water Division*, No. 17-5483

(6th Cir. 2018), an in-house attorney requested to work from home for ten weeks while she was on bedrest due to pregnancy complications. Her employer denied the request based on its policy that attorneys must be in the office from 8:30 a.m. to 5:00 p.m. during the workweek. However, employees, including attorneys, often telecommuted for work. The employer argued that physical presence was an essential function of the attorney's job. The attorney was able to show, however, that she could perform the essential functions of her job remotely and that she had worked remotely for a two week period in a previous year. The jury, finding that the employer failed to engage in the interactive process, awarded the attorney \$92,000 in compensatory damages and \$18,184.32 in back pay.

When these situations arise in the workplace, employers should evaluate each accommodation on a case by case basis, consider the essential functions of the job, engage in the interactive process, and determine the length of time requested. Employers should frequently review their job descriptions so that they accurately

reflect the essential functions of each position. This can assist the parties when engaging in the interactive process.

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 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 and klyons@ohdbslaw.com.

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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 internships available. Take advantage of this great resource—you can't beat the price!

Worker 360° - Innovative Risk

Total Worker Health® (TWH) is a term you may have heard more about over the last year, but what does it really mean in practice and why should you care? As a safety professional, when I hear the word health, sometimes the blinders go on. “Oh, that’s a wellness thing, that’s not my job.” What I have been learning is that focusing purely on compliance does not move the needle on the impact of safety to the bottom line of organizations.

Behavioral actions cause 95 percent of safety incidents and injuries. These are not intentional actions to violate safety policies, but rather natural habits of human behavior and errors in risk analysis of situations, environments, and even personal health. As humans we take risks every day. We drive cars, drink diet soda, stand on a chair to reach the top cabinet in the kitchen, and take hundreds of other risks. We know there is a risk of death from car accident, cancer and/or heart disease from food and drinks we consume, and injuries from falls or other short cuts we take, so why do we do these things? We analyze risk (most of time without consciously thinking) and make decisions based not on the risk of potential negative consequences, but rather on the reward received.

Worker 360°, or the TWH concept, recognizes this basic human behavior and challenges us to make changes in our personal risk analysis. By being aware that we are making these risk decisions, most of the time without true analysis of the potential consequences, we will improve our overall health and reduce our risk of incidents. Our behavior is driven by the fact that the potential negative results of these decisions doesn’t always happen, or doesn’t happen immediately, giving us a

false sense of security to continue doing things as we have always done them until it is too late.

How do we break this cycle and how will it impact your organization? It starts with making people think! What risks are they taking every day without analysis? Teaching your organization to properly analyze and prevent risk will help them to change their behaviors inside and outside of work, improving their health and wellness as well as reducing incidents and injuries that impact their abilities to do their jobs. All of this affects the bottom line through improved productivity, decreased absenteeism, lower health and worker’s comp insurance costs, and improved innovation in our processes and products. Once we slow down and think twice about these risks to our health and safety, we may find less risky alternatives that give us comparable rewards. We will still drive our cars, but we will wear our seatbelts and put our phones down. We may still drink diet soda, but in moderation. We will take the extra few minutes to get a ladder or step stool to reach that top cabinet, rather than stand on the chair. **Why? Because the worst-case scenario is just not worth it when we really think about it.**

Happy and healthy employees are proven to be more productive and have less absenteeism than those who are not. They are also less likely to have injuries and/or recover quicker from any injuries incurred. The common thread is risk analysis. These employees focus on themselves 360°, as a whole person. As organizations we must encourage our employees (our greatest assets) to take care of themselves just as we would expect them to care for the other assets.

**Heather Vanover, Director of Workplace Services
Nebraska Safety Council**

Successful Approaches to Difficult Employee Conversations

Misunderstandings, disagreements, and even occasional conflict are a normal part of every manager's relationship with their employees. Since the quality of manager – employee relationships is a key factor in employee morale and productivity, how a manager handles difficult conversations with their staff members is a crucial part of their success as a leader.

Don't rush through difficult conversations

Any conversation that is highly emotional, where the stakes are high, or are in any other way stressful to either the manager or the employee are going to be challenging. It's important for managers to realize that these conversations need to be approached carefully and skillfully and should not be rushed through. Because leaders are typically very busy, there is often a tendency to have brief, rushed conversations that can be ineffective and even damaging to the employee – manager relationship.

Prerequisites to a successful conversation

It's important to choose the right time and place to have the conversation. If the topic to be discussed is potentially stressful, be sure to allocate enough time. 15 minutes is a good rule of thumb for a conversation that has potentially stressful content. If a manager doesn't have at least 15 minutes to allow the employee to discuss the topic thoroughly with them, it's better to choose a different time for the interaction. Remember also to choose a location that's comfortable for both you and the

employee. Your office may not be the best place. A neutral location like a coffee shop might be more comfortable for the employee.

Effective approaches

Once you've chosen the right time and place, below are some tips for having an effective conversation with the employee:

Speak the truth respectfully – always remember to be respectful as you interact with the employee. Even if you disagree with them, do it respectfully. The employee may not get what they want from the conversation, but if you're respectful to their opinions, etc., they'll typically still see you as a supervisor who's trying to be reasonable and fair.

Seek first to understand, then be understood – Let the employee go first in the conversation. Hear them out. Don't interrupt as they express themselves. Dale Carnegie Training says that a caring manager is the key to having an engaged employee. There's no better way to demonstrate caring than by listening well to your employees.

Take a positive approach – Go into the conversation being as positive as possible. Even if you have to discipline the employee for a performance problem, try to do it in a constructive, positive way. Be encouraging (i.e., "we all make mistakes" or "let's see this situation as a growth opportunity"), to help the employee remain hopeful and motivated to move forward.



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