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LHRMA
Lincoln Human Resource Management Association

AFFILIATE OF
SHRM[®]
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

Free December Social

Join us for our FREE December Social on Tuesday, December 11 at The Local. We will enjoy drinks, appetizers and celebrate another great year. Plan to join us from 4:30 p.m.—7:00 p.m.



SHRM
Foundation
★ 2015 CHAPTER CHAMPION ★

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

**SHRM
EXCEL**
2017

December Social Details

WHEN AND WHERE

Tuesday, December 11, 4:30—7:00 p.m. at The Local, 2755 Jamie Lane, Lincoln, Nebraska

REGISTRATION FEES:

FREE

REGISTRATION DEADLINE

We still ask you to register by Friday, December 7th at noon.



2019 LHRMA Membership Renewals Due Jan. 1

Visit www.lincolnhhr.org to renew!

SHRM Recertification Discount

SHRM is offering a deal for SHRM members and chapter members to recertify with a discount prior to Dec 31st

SHRM membership plus LHRMA membership is a perfect combination. But for you, as a SHRM-certified professional, tis the season to snag a good deal.

Act now! Don't let your credential expire!

We are nearing the end of the year and this is a perfect time to complete your To-Do-List and submit your SHRM Recertification application. As a member of your SHRM Chapter, we are pleased to share an exclusive code for \$15 off the SHRM Recertification fee for all applications submitted on or before 31 December. Don't delay! Take advantage of this time sensitive \$25 off promotion and recertify your SHRM-CP or SHRM-SCP credential. Please use code CHAPTER25 when prompted on the payment page of the Recertification Application.

WELCOME NEW MEMBERS

LHRMA welcomes the following new members:

Laura Rice, PHR
Corporate Development/HR
Epic Wellness
laura@epicwellnessvt.com

Katie Davis
HRIS & Benefits Coordinator
Union Bank & Trust
Katie.davis@ubt.com

Samantha Fox
Sr. Administrative Assistant & Travel
Specialist
LI-COR Biosciences
Sami.fox@licor.com

DeAnna Pillen
Human Resources Generalist
Kidwell
dpillen@kidwellinc.com

Jennifer Shadle
HR/Payroll Manager
Greater Omaha Express
jshadle@greateromaha.com

Nicole Nath
Human Resources Generalist
State of Nebraska
Nicole.nath@nebraska.gov

LHRMA is pleased to recognize the following human resource professionals who earned their SHRM credentials during the Spring\Summer Exam Window (5/1/2018 – 7/15/2018):

Lori Droud, SHRM CP

Reid Rauterkus, SHRM CP

Tamra Walz, SHRM SCP

Sarah Zach, SHRM SCP

SHRM Certification includes taking an exam to show mastery of the SHRM body of knowledge and participating in approved continuing education opportunities to keep the designation. SHRM Certification is a symbol of professional achievement.

LHRMA offers a SHRM Certification Study Group twice a year to assist HR professionals in obtaining their certification. If you would like more information about SHRM Certification or LHRMA's Certification Study Group please go to www.lincolnhhr.org or contact Amy Spellman at certification@lincolnhhr.org.

President's Message

By Lindsay Selig, LHRMA President



Hard to believe it is December already! I love this time of year, the lights, the family time, the magic seen through the eyes of little kids. However, I know for a lot of HR professionals (including myself), this time of year is very stressful – benefits open enrollment; compensation review; annual performance reviews, etc. This all, in addition to personal/family commitments.

According to an article by SHRM, modern workers feel stressed on the job, and the stress is taking a toll on their sleep, health, relationships, productivity and sense of well-being.

So what can we do?!

I recently had the opportunity to attend the SHRM Volunteer Leaders conference in Washington DC. At that event, there was a speaker who discussed this very topic. One question he put forward to help manage stress was to ask yourself – will this stressor be a problem in 9 hours, 9 days, 9 months? If the answer is no to all of those, then you need to go easy on yourself and try to move forward.

This echoes many of the same tips that Web MD lists to help manage stress. Below are their top 10 tips. (For more information on these items, please visit: <https://www.webmd.com/balance/guide/tips-to-control-stress#3>.)

- Exercise
- Relax Your Muscles – such as stretching
- Deep Breathing
- Eat Well
- Slow Down
- Take a Break
- Make Time for Hobbies
- Talk About Your Problems
- Go Easy on Yourself
- Eliminate Your Triggers

I hope these tips help make your year end and holiday season more enjoyable and less stressful! Happy holidays!



Legal Update

NO-FAULT ATTENDANCE POLICY UNDER THE FMLA EXAMINED

By Jerry L. Pigsley
WOODS & AITKEN LLP



Do you have a no-fault attendance policy? Are you subject to the Family and Medical Leave Act (“FMLA”)? On August 28, 2018, the U.S. Department of Labor’s Wage and Hour Division (“WHD”) issued an opinion letter on “no-fault” attendance policies and roll-off of attendance points under the FMLA.

FMLA COVERAGE FOR EMPLOYERS

The FMLA allows eligible employees to take up to 12 weeks of unpaid leave from their employment if they meet certain statutory requirements (works for a covered employer, worked for the employer for at least 12 months, worked at least 1250 hours for the employer during the 12 month period immediately preceding the leave, and works at a location where the employer has at least 50 employees within 75 miles). A private sector employer is covered by the FMLA if it employs 50 or more employees in 20 or more workweeks in the current or preceding calendar year. An employee is considered to be employed each working day of the calendar week if the employee works any part of the week. A public agency, including a local, state, or federal government agency, regardless of the number of employees it employs, is a covered employer under the FMLA. A public or private elementary school, regardless of the number of employees it employs, is a covered employer under the FMLA.

NO-FAULT ATTENDANCE POLICY

The employer’s no-fault attendance policy reviewed by WHD effectively freezes, throughout the duration of an employee’s FMLA leave, the number of attendance points that the employee accrued prior to taking his or her leave. Employees accrue points for tardiness and absences. Employees do not accrue points for certain absences:

1. FMLA;
2. Workers’ Compensation;
3. Vacation; and
4. Other specified reasons.

An employee is automatically discharged if he or she accrues eighteen points. Points remain on the employee’s record for 12 months of active service. An employee’s points are extended for the duration of his or her FMLA leave. So, when an employee returns from FMLA leave, he or she has the same number of points that he or she accrued prior to the leave and the points remain on his or her record for more than 12 months. The same is true for other types of leave for which the employees do not accrue points, such as workers’ compensation-related leave.

FMLA RESTRICTIONS ON ATTENDANCE POLICIES

Employers are restricted from “discriminating or retaliating against an employee . . . for having exercised or attempted to exercise FMLA rights.” 29 C.F.R. §825.220(c). Employers cannot consider “FMLA leave as a negative factor in employment actions” and must provide an employee who takes FMLA leave with the same benefits that “an employee on leave without pay would otherwise be entitled to [receive].”

Legal Update (continued from page 5)

Id. Accordingly, “FMLA leave [cannot] be counted under no-fault attendance policies,” meaning employees cannot accrue points for taking FMLA leave under a no-fault attendance policy.” Id., see also WHD Opinion Letter FMLA 2003-4, 2003 WL 25739620 (July 29, 2003). Employers can have “‘no-fault’ attendance policies . . . as long as points are not assessed for employees who are absent due to any FMLA qualifying reason” Id.

NO ENTITLEMENT TO SUPERIOR BENEFITS

The WHD in its opinion letter stated the “FMLA does not, however, entitle an employee to superior benefits or position simply because he or she took FMLA leave.” In addition, an employee “may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave.” 29 C.F.R. § 825.215(d)(2). An employee is also not entitled to additional benefits or payments that are contingent on achieving a specified goal that the employee was unable to achieve because he or she took FMLA leave. An employee’s entitlement to benefits (other than group health benefits) is “determined by the employer’s established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).” 29 C.F.R. § 825.209(h).

ROLL-OFF OF ATTENDANCE POINTS

WHD stated “[r]emoval of absenteeism points is a reward for working and therefore an employment benefit under the FMLA.” The employer’s policy of freezing the number of accrued points during FMLA leave causes the employee neither to lose a benefit that accrued prior to taking the leave nor accrue any additional benefit to which he or she would not otherwise be entitled. Thus, WHD found such a practice does not violate the FMLA, as long as the employees on equivalent types of leave receive the same treatment. However, if the employer counts equivalent types of leave as “active service” under the no-fault attendance policy – meaning the employer counts such leave towards the 12 months necessary to remove points – then the employer may be unlawfully discriminating against employees who take FMLA leave.

SUMMARY

A LHRMA member’s no-fault attendance policy that effectively freezes, throughout the duration of the FMLA leave, the number of attendance points that the employee accrued prior to taking his or her leave does not violate the FMLA, provided it is applied in a nondiscriminatory manner. This WHD opinion letter provides guidance to LHRMA members on how to construct or review a current no-fault attendance policy so it does not run counter to the FMLA.

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 author 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 author of this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpigsley@woodsaitken.com, or at Woods & Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.

Holidays are a Great Time For Leaders to Express Gratitude

The holiday season is a good time to count our blessings and give thanks for the many good fortunes in our lives. Try and recall the person or persons who have helped you in your career. Who are they? What exactly did they say or do that made a difference in your life?

Consider writing them a note or giving them a call. Express the gratitude you feel and let them know how they made a difference in your life. Expressing gratitude has been known to help people feel better about themselves and improve their overall outlook.

Gratitude has a ripple effect. When expressed to others it builds trust and camaraderie. Others know you value them and are more likely to value you in return. Consider returning the favor to those who have helped you by helping those who look to you for leadership. Gratitude can be used to teach and support others in their career development.

Combine gratitude with feedback. Providing employees with frequent, specific feedback can be a powerful teaching and management tool. Preface feedback with “I want to thank you for...”

“I want to thank you for clearing your calendar so we could make our Friday deadline.” This is an example of specific feedback combined with gratitude. Compare it to the more general, *“Thanks for working hard.”*

Gratitude teaches employees to feel confident about the choices and decisions they have made. It lets them know when they are on track and that their efforts have made a difference.

Use gratitude to learn from adversity. Assist employees in examining the problems they face and being grateful for the lessons learned. Those lessons are experience builders. Ask the question, *“What lessons or takeaways can we glean from this event?”*

Expressing gratitude is really the art of noticing — noticing what others do and how it affects their work and those they work with. By putting more emphasis on leading with an attitude of gratitude we can build confidence in others, improve productivity, foster innovation and develop positive relationships at work.

A few years from now, many of us won't remember the gifts we received this holiday season. However, making time to express your gratitude to those around you can have a far more lasting effect.

To you and yours, Continuum EAP wishes you the happiest of holidays.

Peer-Reviewed Study Shows Sitting Continues to Cause Health Problems!

“In a recent peer-reviewed study, scientists at UCLA asked subjects to complete reports on their own sedentary behavior. These reports were then compared with MRIs of the subjects’ brains. The result: There was a link between excessive sitting and a reduced thickness in the medial temporal lobe of the brain, the region responsible for memory and certain forms of perception.

Perhaps this connection shouldn’t come as too much of a surprise, since previous studies have associated physical inactivity with diminishing brain cells, and regular aerobic exercise has been shown to increase brain volume. But this latest research appears notable for the link it establishes with this specific region of the brain, and the serious consequences it implies for how sitting may impact memory, especially as we age. Essentially, too much time on your bum may lead to impaired episodic memory — the ability to remember autobiographical events. For all the comforts sitting affords us, it may not be worth this steep price down the road.”

See the full article by Sarah Garone @ <https://www.brit.co> › Lifestyle › Health

For more information on reducing your company’s health care costs, on-site chiropractic care, wellness programs, stress reduction based upon 40+ years of experience call Dr. Randy McCracken at 402-421-2277 or e-mail: drmcchiro@gmail.com





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