

Inside This Newsletter

- 1-3 January Program
- 4 Membership Renewal
- 5 New Members and SHRM Certification
- 6 President's Message
- 7-8 Legal Update
- 9 EAP News
- 10 Wellness
- 11 Board of Directors



January Program & Workshop

Program on January 8 Features — #MeToo Movement and Harassment in the Workplace: How to avoid Headlines and Hard Times (\$\$\$)

Workshop Topic — A Look Back on Significant L&E Developments in 2018 **and What's on the Horizon for 2019**

Join us for our January Program on January 8. Pamela Bourne and Ashley Dugan with Woods & Aitken LLP will present from 12:00 to 2:15 p.m.

About the Presentation

The consequences of the “MeToo” movement have been felt across the nation, from Hollywood to big and small employers. Sexual harassment claims continue to grab headlines and

create liability like never before. All employers must be prepared to prevent and effectively respond to harassment complaints. This presentation will address the effect of the #MeToo movement in the workplace and provide sound HR strategies and best practices for preventing harassment and responding to harassment complaints.



About the Workshop Presentation

“This presentation will be a fast-paced overview of the latest significant labor and employment law developments affecting employers. It will alert you to recent changes you need to know now, and include a discussion on changes to expect in the near future.”



Denver | Lincoln | Omaha | Washington, D.C.

LABOR & EMPLOYMENT

PAMELA J. BOURNE

Omaha (402) 898-7423

Lincoln (402) 437-8523

Cell (402) 881-2044

pbourne@woodsaitken.com



Pamela J. Bourne represents management exclusively on workplace legal issues. Her main focus is on preventative employment law issues. Pam's goal is to help clients prevent employment claims from arising and to advise on HR strategies that will result in a sound defense position should a claim occur.

In connection with this goal, Pam provides day-to-day counseling on a variety of employment issues (e.g., hiring, E-Verify, I-9 compliance, discipline, discharge, performance evaluations, employment-related contracts, FMLA, ADA/AA, harassment, discrimination, wage/hour, state employment laws, and other areas). Pam also prepares and assists clients in developing HR policies and handbooks and conducts training for clients on a broad range of topics (e.g., how to avoid harassment and retaliation claims).

In addition, she frequently defends employers in connection with employment-related claims filed with government agencies. Pam earned both her law degree and Master of Business Administration degree in 2000 from the University of Nebraska. Her educational background allows her to deliver practical, results driven, advice to her clients.

Bar Admissions

- Nebraska
- U.S. District Court of Nebraska
- U.S. Court of Appeals (Eighth Circuit)

Affiliations

- American Bar Association
- Nebraska State Bar Association
- Omaha Chamber of Commerce
- Human Resource Association of the Midlands
- Society for Human Resource Management
- Junior League of Omaha
- Regional Editor for the Bureau of National Affairs
- Facilitator for the 2015 Strategic HR Peer Group

Education

- Juris Doctor, University of Nebraska College of Law
- Master of Business Administration, University of Nebraska
- Bachelor of Science, Business Administration (high distinction), NE Wesleyan University

Woods & Aitken LLP
10250 Regency Circle
Suite 525
Omaha, NE 68114
(402) 898-7400 | main
(402) 898-7401 | fax

Woods & Aitken LLP
301 South 13th Street
Suite 500
Lincoln, NE 68508
(402) 437-8500 | main
(402) 437-8558 | fax

LABOR & EMPLOYMENT
ASHLEY H. DUGAN

 Lincoln (402) 437-8539
 adugan@woodsaitken.com

Woods & Aitken LLP
 301 South 13th Street
 Suite 500
 Lincoln, NE 68508
 (402) 437-8500 | main
 (402) 437-8558 | fax

Ashley H. Dugan joined Woods & Aitken in 2018 after clerking for the firm for two years. As a member of the firm's Labor and Employment practice group, Ashley represents public and private employers in all areas of labor and employment law, focusing on preventative assistance and counseling. Ashley defends employers against claims of discrimination, retaliation, and wrongful termination claims under Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act; non-compete and unfair competition disputes; and wage and hour collective actions under the Fair Labor Standards Act and state wage and hour laws. She also assists and advises clients in developing human resources policies and procedures; investigating discrimination, harassment and retaliation claims; navigating through the interactive process and providing reasonable accommodations; and other employment related issues. She develops employee training materials and provides training to employers on various human resources issues to prevent employment disputes before they occur.

Ashley graduated with highest distinction from the University of Nebraska College of Law and was named to the Order of the Coif. During law school, she was executive editor for the Nebraska Law Review, advised and represented low-income clients as a student attorney in a civil clinical law program, and served as a Judicial Extern for the Honorable C. Arlen Beam of the United States Court of Appeals for the Eighth Circuit. Ashley was also the recipient of numerous awards, including the CALI Excellence for the Future Award in Evidence, the Excellence in Legal Writing Award and Best Brief Award.

Prior to attending law school, Ashley graduated summa cum laude with a degree in Business Administration with an emphasis in management from the University of Nebraska at Kearney. During this time, she worked as a Litigation Assistant for Buckle, Inc.

Bar Admissions
 Nebraska

Affiliations
 Nebraska State Bar Association

Education

- University of Nebraska-Kearney, B.S. Business Administration (summa cum laude)
- University of Nebraska College of Law, J.D. (highest distinction)

January Program and Workshop

WHEN AND WHERE

Tuesday, January 8, 11:15—2:15 p.m. at the Lincoln Firefighters Reception Hall, 241 Victory Lane, Lincoln, Nebraska

REGISTRATION FEES:

Lunch Program Registration Fee: LHRMA members – \$15

All Other Attendees – \$25

Workshop Registration Fee: All Attendees—\$15

College Student LHRMA Members

**Luncheon attendance is free for SHRM designated student chapter members. Current SHRM designated chapters include: University of Nebraska-Lincoln. Students must register through*

MEMBERSHIP RENEWAL



2019 LHRMA Membership Renewals Due Jan. 1

Visit www.lincolnhr.org to renew!

WELCOME NEW MEMBERS

LHRMA welcomes the following new members:

Kevin Workman, SPHR, SHRM-SCP
 HR Director
 Nebraska State Patrol
 Workman.kevin@gmail.com

Renga Samy
 Team Lead
 Netzealous
 Renga.samy@netzealous.com

Barb Rocke
 Accounting Dep
 Ameritas Life Insurance Company
 brocke@ameritas.com

Kelsey Spence
 Human Resources Administrator
 Kawasaki Motors Manufacturing Corp
 Kspence@lcn-kffmg.com

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

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 offering a SHRM-CP/SHRM-SCP study group using the 2019 SHRM Learning System. Our program combines the leadership of an experienced facilitator with learning modules 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	Mondays beginning 2/11/18	5:30-8:30 p.m.	11	Southeast Community College, 66th and O Streets

Register January 1 through January 18 at www.lincolnhhr.org!
 Contact **Amy Spellman, Certification Chair**, at certification@lincolnhhr.org.

President's Message

By Lindsay Selig, LHRMA President



Happy New Year! With the start of 2019 upon us, I wanted to share a couple thoughts with you.

First, I wanted to take the opportunity to thank the 2018 board. It's been a great year and I have enjoyed working with every one of these individuals!

For the most part our board will remain the same going into 2019, with the exception of a couple individuals. Michele Spadt and Judy Sinner will be stepping down from the Programs Co-Chair role and Cindy Mefford will be stepping into this role.

I know from past experience that planning of educational events is not always an easy task, so I want to thank Michele and Judy for their dedication to making our LHRMA lunch events wonderful! I also want to welcome Cindy to the board. She will do an outstanding job and will keep our organization moving forward. I look forward to working with you, Cindy!

Secondly, I know the New Year is also a time that many start making resolutions for the upcoming year - new goals to reach or challenges to overcome. As I was thinking about my article for this month, I figured, why couldn't we as HR professionals set up professional resolutions. Why can't we set a "work goal" or face a "work challenge" head on in 2019? Something to move the HR profession or our company forward.

So here's my challenge to you. Develop a HR resolution for 2019, write it down, share it with a co-worker and then start working to get it complete by this time next year. Stuck for ideas? Don't worry! I recently came across this article: [13 New Year's Resolutions for HR Professionals](#) – take a look I'm sure it will help!

Thank you for once again reading through my crazy ideas! ☐ Cheers to the New Year! I look forward to seeing many of you at our meeting on January 8th.

Legal Update

DOL Ends 2018 with Silence on Overtime Changes (and 2 New Opinion Letters)

By Mark A. Fahles
Rembolt Ludtke LLP



July 2015 may seem like a long time ago. That's when the Obama Administration issued notice of its intention to dramatically change the overtime requirements under the federal Fair Labor Standards Act (FLSA). However, a couple of things happened in late 2016 that shoved the FLSA changes into the storage closet: an order from a Texas federal judge and the election of Donald Trump. Since then, employers have been anxiously waiting to see whether the Trump Administration would dust off the FLSA overtime changes and propose its own version. Although the Trump Department of Labor has clearly been working on its own FLSA changes, 2018 ended with no proposal.

However, that may all change this month. In the fall of 2018 the DOL held listening sessions across the country on the salary threshold requirement for the "white collar" overtime exemptions and the DOL's regulatory agenda set a January 2019 target for releasing its proposal. Information gleaned from the listening sessions indicates the DOL may consider different regional salary levels, simply adjust the salary requirement of \$23,660 based on inflation since 2003, or eliminate it all together.

While "no news is good news" for employers on possible changes to the overtime requirements, some news was also good news as the Trump DOL continued its reinstated practice of issuing opinion letters providing guidance to employers for issues arising under the FLSA. The DOL issued two FLSA opinion letters on December 21, 2018.

The first opinion letter dealt with a fairly esoteric question of whether the FLSA's minimum wage, overtime and child labor requirements apply to members of a religious organization whose members gather in small communities, give all of their personal property to the community when joining, and then work in the community to sustain themselves and others in the community. The work for some members included working in two onsite ventures that generated income for the community, including a venture that makes wood furniture for children and schools. The DOL concluded that the religious organization members were not covered by the FLSA for several reasons.

The second opinion letter—submitted on behalf of a company that provides home health aide services to clients in their homes--will generate broader interest. The background for the opinion letter provides that some of the company's employees travel between client locations during the workday. To calculate weekly pay, the company multiplies an employee's time with clients by his or her hourly pay rate for such work. The company then divides the product by the employee's total hours worked, which includes both the client time and the travel time. The company guarantees that the quotient meets both federal and state minimum wage rate requirements. According to the company, "[a] typical standard rate of pay is \$10.00 per hour with a client including travel time," and that "[i]f any employee works over 40 hours (total paid hours and [travel] time) in any given workweek, they are paid time and a half for all time over 40 hours at a rate of \$10.00."

Legal Update (continued from page 7)

In analyzing the minimum wage issue, the DOL noted that the FLSA requires that covered, nonexempt employees receive at least the federal minimum wage for all hours worked. If the employee's total wages for the workweek divided by compensable hours equal or exceed the applicable minimum wage, the employee has been paid in compliance with the FLSA. The DOL concluded that the plan as presented complies with the FLSA's minimum wage requirements.

On the overtime issue, the DOL iterated that the FLSA also requires that covered, nonexempt employees receive overtime compensation of at least one and one-half times their regular rate of pay for time worked in excess of 40 hours per workweek. Generally, to determine the regular rate of pay, an employer divides the employee's "remuneration for employment" (subject to the exclusions in 29 U.S.C. § 207(e)) by the total hours worked for the workweek. Here the DOL opined that plan could violate the FLSA's overtime requirements since employees with an hourly rate greater than \$10 would be shorted on pay. According to the DOL, "[i]f the employer always assumes a regular rate of pay of \$10 per hour when calculating overtime due, then the employer will not pay all overtime due to employees whose actual regular rate of pay exceeds \$10 per hour. Neither an employer nor an employee may arbitrarily choose the regular rate of pay; it is an 'actual fact' based on 'mathematical computation'." However, for those employees whose actual regular rates of pay are less than \$10 per hour, the plan satisfied the FLSA's overtime requirements since "an employer may choose to pay an overtime premium in excess of the statutorily required amount."

The opinion letters may be found at <https://www.dol.gov/whd/opinion/guidance.htm>.

LESSONS:

The issue of raising the salary threshold for the FLSA's "white collar" overtime exemptions is far from dead. Although it is highly unlikely that the Trump DOL will propose an increase as radical as the one proposed by its predecessor (recall it would have gone from \$23,660 to \$47,476), it is clear that in the coming days we are likely to see proposed changes to the overtime salary threshold requirements.

If you haven't finished your 2019 "to do" list, you might want to consider adding a "wage and hour audit" to your tasks to be completed. Once more is known on the new salary thresholds, proactive employers should consider reviewing all of their payroll policies practices to ensure they are in compliance.

Fahleson is an attorney with the Lincoln-based law firm of Rembolt Ludtke LLP and may be reached at (402) 475-5100 or mfahleson@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.

The Importance of Stress Management

The impact of employee stress

Stress has been called the “health epidemic of the 21st century” by the World Health Organization and is estimated to cost organizations across the United States up to \$300 billion a year. One recent survey reported that nearly half of all workers suffer from moderate to severe stress while on the job.

High levels of employees stress can increase an organization’s health care costs. Physicians suggest that stress is the cause of illness in more than 70 percent of all visits to a family doctor. In addition, stress accounts for 30 percent of all disability claims.

Stress also hurts productivity. Studies show that stress undermines employee decision making, planning, and motivation. In addition, high levels of stress can be a causal factor in conflict between co-workers. Finally, a significant amount of employees report missing work days due to the stress in their lives.

A focus on stress management can produce significant results

Through a focused stress management initiative that can be delivered in partnership with an EAP program, an organization can begin to mitigate the negative impact that stress is having on their workforce and enhance employee well-being and performance on the job.

A stress management initiative can include the following components:

- An executive presentation to educate the organization’s leaders on the damaging effects that high levels of stress and change are having on their workforce;
- A presentation for supervisors & managers to give them a greater awareness of how stress and pressure is impacting their team;
- A series of seminars or webinars to educate and empower employees to better manage their stress, keep their lives in balance, and increase coping skills & resilience;
- Ongoing promotion of the EAP services available to employees and their family members who are dealing with stress.

A focus on stress management can go a long way towards improving employee wellness, reducing the absenteeism & healthcare costs associated with stress-related illness, and improving overall organizational productivity.

Greg Brannan, Deer Oaks EAP Services

How to Make and Stick to a New Year's Resolution

New Year's Resolutions come and go, yet most of the habits we aim to change are still with us. Chances are, you, your coworkers, or your friends and family plan to make a resolution this year. It is well known that many resolutions are centered around health and wellness goals, such as losing weight, working out more, or changing your eating habits. Improving your health status has many benefits not only for yourself, but also for your company through medical claims and safety incidents. Sticking with a New Year's Resolution can be hard, so we want to provide a few tips to help you be successful.

We've all heard about goal setting when making a behavior change. Goal setting can be an essential element to reaching and sustaining your resolution. Making your goals S.M.A.R.T. (Specific, Measurable, Attainable, Relevant, and Time-Bound) can lead to even more success by ensuring that you have a plan. Setting a S.M.A.R.T. goal often leads to success, but some individuals still fail. Can you think of a time you planned out a goal and it wasn't successful for you?

When setting a S.M.A.R.T. goal isn't enough to successfully reach your resolution, where do you turn?

First, ask yourself why you chose your goal. Whether it is to lose weight or better manage your time, did you select **your goal because you WANT to change, or because it's what you feel you are SUPPOSED to do? What are your reasons?** Do you find yourself setting the same resolution over and over?

Finding the reasons why you chose your resolution can be an eye-opening, and possibly emotional experience. These reasons are referred to as your motivators. Your motivators are your rock and can keep you going during the times that you want to give up. Having a high level of motivation and knowing your motivators can keep you going past the initial excitement of your goal to follow through and sustain your resolution.

To better understand your current level of motivation, rate yourself on a scale of 1-10 how motivated you are to reach **your goal. If it's a lower number, ask yourself if you should switch your resolution or make it more attainable. A low level of motivation can typically lead to goals fizzling out or never actually participating in anything you set out to do. If you still want to keep your goal, ask yourself what you could do to increase your score. Focus on what you have control over to increase your motivation.**

Another important question to ask yourself is how confident you feel that you can reach your goal. Rate yourself again on a scale of 1-10 **your confidence level. If it's a lower number, ask yourself why it is so low and what you could do to increase your score. Often, our confidence is low because of previously unsuccessful attempts in the past. If this is true for you, ask yourself how this time will be different.**

Levels of motivation and confidence are often overlooked when setting a resolution. Take these two items in **consideration this year when setting yours. Don't forget about other tried-and-true ways to help insure your success such as:**

- Make a plan to reach your goal: Specific, Measurable, Attainable, Relevant, Time-Bound.
- Find an accountability partner to work on the same goal together.
- Tell others about your goal to keep you accountable.
- Educate yourself in areas you may be lacking.
- Make sure you have the proper equipment/resources necessary.
- Budget your time accordingly to complete the tasks necessary to reaching your goal.



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
402.858.1701
president@lincolnhr.org

**Photo
Coming
Soon**

PROGRAMS
Cindy Medford
Eastmont Towers
402.486.2221
programs@lincolnhr.org



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



MEMBERSHIP
Justin Schreier, PHR
Director of Business Dev.
IReviewCloud
402.817.3479
membership@lincolnhr.org



PRESIDENT ELECT
Jamie Mohrman, PHR
HR Generalist
Kidwell
402.817.3494
govt.relations@lincolnhr.org



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



MARKETING/SOCIAL MEDIA
Amber Dingwell, SHRM-CP
HR Generalist
Nebraska Book Company, Inc.
402.421.0080
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
Angela Caldwell
Branch Manager
ManpowerGroup
402.501.8160
communityoutreach@lincolnhr.org



SECRETARY
Amy Dorenbach
HR Generalist
Complete Children's Health
402.327.6003
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
Robbie Seybert, Esq., MBA, PHR,
SHRM-CP
Director, of Employee Relations
Lincoln Public Schools
402.436.1571
workforce.readiness@lincolnhr.org



TREASURER
Maggie Hayek
HR Coordinator
Lincoln Surgical Hospital
402.484.9035
treasurer@lincolnhr.org