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LHRMA
Lincoln Human Resource Management Association

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

October Program

Program on October 9 — Surprise, Surprise, Surprise!!!

Join us for our October Program on Tuesday, October 9 at Hillcrest Country Club. Cara A. Kirsch, Vice President of Group Benefits from SilverStone Group will be presenting from 12:00—1:00 p.m.

About the Presentation

What would happen if you walked into an all employee meeting and you had a gift box for each employee? In that gift box was a new and innovative way of offering employee

benefits? Offering employee benefits that employees value is the backbone to a solid recruiting strategy and there are new strategies that are emerging that are gaining traction. With the goal of creating a long-term relationship with employees, many employers are creating unique programs. In this session, we will discuss emerging employee benefit trends that are helping employers to attract and retain talent.

SHRM
Foundation
★ 2018 CHAPTER CHAMPION ★

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

**SHRM
EXCEL**
2017

WHEN AND WHERE

Tuesday, October 9, Lunch and program 11:30—1:00 p.m. at Hillcrest Country Club, 9401 O Street, Lincoln, NE

LUNCH PROGRAM REGISTRATION FEES:

LHRMA members – \$15 All Other Attendees – \$25

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@lincolnhhr.org for free meeting attendance.)

REGISTRATION DEADLINE

Register by Friday, October 5th at noon.

LHRMA Past Presidents

Each year, we honor the past presidents of the chapter by inviting them to be our guests at a chapter meetings. This year, they will be honored at the November meeting. We appreciate their service and ongoing dedication to the chapter.

Judy Backhaus

Toni Beyer

David Bornholdt

Nancy Conway

Mary Crook

Rebecca Ferguson

Chris Gantz

Jim Geist

Jane Goertzen

Bob Hanrath

Ruth Jones

Patricia Kant

Laurie Kortum

Linda Larsen

Chris Lloyd

Cathy Maddox

Lovie Magruder

Chris Matousek

Kent Mattson

Doug McDaniel

Cindy Mefford

Robert Murphy

Ray Oepping

Mark Pankoke

Melissa Price

Trish Reimers

Joseph Ruschetti

Joel Scherling

Georgia Schmitt

Sally Schneider

Harvey Schwartz

Dennis Seaman

Jerry Sellentin

Linda Shafer

Judy Sinner

Connie Soucie

James Spangler

Michele Spadt

Peggy Storm

Cheryl Vavra

Dick Whitcomb

Carmen Wiles

WELCOME NEW MEMBERS

LHRMA welcomes the following new members:

Carsen Kuehl
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Yasufuku USA
cekuehl@gmail.com

Emilee Urbanek
People Operations (HR) Specialist
Infogressive
Urbanek.emilee@gmail.com

Codie Meehan
Director of Human Resources
The Lincoln Marriott Cornhusker Hotel
cmeehan@thecornhusker.com

Alisha Gubbels
Senior Financial Accounting Manager
Crete Carrier Corporation
agubbels@cretcarrier.com

Donna Nissen
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Lee Douglas Interiors
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Pam Benner
Director of People Services
Nelnet
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President's Message

By Lindsay Selig, LHRMA President



I was recently asked to speak to a college class about the HR profession and it got me thinking – how does one end up in the HR profession or any career for that matter?

I've always been intrigued by how people chose the careers they did (maybe why I landed in HR). Was it all based on individual strengths? Did they just have an outstanding role model? Did they simply land in the right place at the right time? Or was it some combination of all of the above?

Having asked this question of many people over the course of my career, I have found that each person has their own individual circumstance and story. I love to hear each one, so don't ever hesitate to stop me at a monthly meeting and share yours!

But back to the HR profession – whether you followed your strengths or just somehow landed in your role – you have chosen a great path! Did you know that according to the Bureau of Labor Statistics, employment of human resources managers is projected to grow 9 percent from 2016 to 2026. That is faster than the national average.

HR professionals are needed in essentially all industries. This is why it's a position that seems to remain in demand. SO if you have ever doubted or considered changing your career path, you may want to reconsider.



Legal Update

EMPLOYMENT PRACTICES LIABILITY INSURANCE: WHAT EVERY EMPLOYER SHOULD KNOW

By Susan K. Sapp, Cline Williams



Recent media reports, including an article in the *Omaha World Herald*, confirm that employers are increasingly seeking insurance coverage for employment-related claims. Although this insurance has existed for years, it has become more prevalent in the wake of the #MeToo movement. The market for policies covering sexual harassment, discrimination, and unfair termination accusations—commonly referred to as employment practices liability insurance (“EPLI”)—is projected to grow to \$2.7 billion by 2019. Still, a minority of companies carry such coverage. As demand grows, employers should be aware of the unique features of EPLI coverage and prepare to negotiate favorable policy language. We hope the following information will aid your efforts.

ABOUT EPLI

Employers purchase EPLI to supplement general liability insurance and cover claims related to employment practices brought by current and former employees. Generally, EPLI provides coverage for claims of unlawful discrimination in hiring, promotions or terminations, sexual harassment, wrongful termination, and retaliation. These policies may also cover defamation, invasion of privacy, breach of employment contract, and negligent hiring or supervision. EPLI typically does not cover claims arising from bodily injury and workers compensation issues, wage and hour violations, and some federal statutes including, for example, the National Labor Relations Act (NLRA), the Occupational Safety and Health Act (OSHA), and the Employee Retirement Income Security Act (ERISA). EPLI coverage protects companies and their directors, officers, and employees.

While EPLI can be an important part of your organization’s risk management strategy, protecting against costly litigation expense and potential liabilities, EPLI is no substitute for preventative business practices that minimize the risk of lawsuits, such as thorough documentation, conducting accurate employee evaluations, updating employee policies, and promptly investigating workplace complaints.

PAYING FOR EPLI

Like other types of insurance, the cost of EPLI depends on a variety of factors specific to your business and risk management goals. EPLI policies are subject to a “retention”, (i.e., deductible) that the employer must meet for judgments, settlements, attorney’s fees, and other covered expenses. Larger companies are generally subject to larger retentions because they are exposed to greater risk and insurance companies do not want to handle minor claims. Additionally, retention amounts will likely increase in proportion with the number of claims brought.

Although large companies are more likely to purchase EPLI, smaller companies should also consider obtaining such coverage, as they can be more vulnerable to the expenses of litigation. Keep in mind, however, that not all EPLI policies are the same. It is important to consult your insurance broker and employment defense attorney regarding costs associated with your policy, and self-insurance may be a better option if the retention is too high.

Legal Update (continued from page 5)

COVERAGE CONSIDERATIONS

In a lawsuit for an employment-related claim, your insurer will control litigation and pay for the legal costs associated with defending your organization. This process and the costs covered differ depending on your policy. When reviewing EPLI, you should discuss the following with your employment defense attorney:

- When and how you must report claims to the insurer;
- Whether the policy is written on a claims-made basis, meaning coverage is triggered when a claim is made against the employer during the policy period;
- Whether the policy prohibits or limits your organization's ability to settle claims and the size of potential awards;
- Coverage of damages, including front pay, back pay, and emotional and mental distress;
- Careful review of definitions in the policy, including:
 - Broadening definitions of "harassment" and "discrimination",
 - Eliminating "oral demands" from the definition of "claim", and
 - Including independent contractors, temporary and seasonal employees, and prospective employees in the definition of "employee";
- Whether to purchase additional coverage for certain statutory violations, such as Fair Labor Standards Act (FLSA) wage and hour claims; and
- How to include a choice of counsel provision (discussed below).

Discussing these subjects is important to ensure your EPLI policy promotes your organization's risk-management goals.

NEGOTIATING FAVORABLE POLICY LANGUAGE: CHOICE OF COUNSEL

Perhaps the most important language in your EPLI policy is a choice of counsel provision. Most policies provide that the insurer will select your defense counsel. This means you could lose the right to choose which lawyer or law firm will represent you for employment-related claims. Instead, the insurance company would designate a pre-approved law firm and/or attorney(s) called "panel counsel" to defend you.

Panel counsels are usually comprised of insurance defense attorneys or employment attorneys from large, national firms. Unfortunately, an insurance company's panel counsel may not be your best choice because the attorneys may not be as familiar with your organization's particular policies and practices or the underlying facts of the dispute, they may not have sufficient employment law experience, or you may lack trust in their judgment, which only personal experience with each other can provide.

The best way to ensure that your counsel of choice can defend your employment-related claims is to include a choice of counsel provision designating a law firm for you to work with in your EPLI policy. Your policy may refer to this process as requesting a rider, accommodation, or endorsement. If your business has an established relationship with an attorney or firm, choosing your own counsel is critically important to defending your organization. Making this designation is no more expensive than using panel counsel, as the policy likely places a cap on attorney's fees.

Legal Update (continued from page 6)

Additionally, designating your counsel of choice as your pre-selected counsel does not bind you to use the firm, but only creates the option.

Although insurers are more likely to approve your choice of counsel at the outset of policy negotiations, they may still be willing to allow other representation after claims have been brought. By designating your counsel of choice, you ensure that you will be represented by a firm that is familiar with your organization's unique needs to provide the best defense for your employment-related claims.

Although EPLI is no substitute for proactive, preventative business practices, it can be an important part of risk management as organizations face increased employment-related claims. Communicate with your employment defense attorney to ensure the inclusion of favorable policy language that meets your needs and includes a choice of counsel provision.

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The Importance of Emotional Intelligence at Work

The Importance of Emotional Intelligence at Work

The ability to manage our emotions at work is an important skill for every employee. Unmanaged emotions can lead to overreactions, poor judgment, and unprofessional behavior in the workplace.

Characteristics of Emotional Intelligence

Employees with emotional intelligence have common characteristics such as emotional self-awareness (the ability to know what you're feeling), the ability to rationally respond to strong emotions (the ability to think before reacting, etc.), and a tendency to use emotion for self-motivation (i.e., use fear of failure to take positive action to improve the situation).

Those with Well-Developed Emotional Skills are More Successful at Work

Research shows that individuals with well-developed emotional skills have greater success at work. For example, The Center for Creative Leadership found that the primary causes of failure in executive leaders involved deficiencies in emotional competence. Their studies showed that two primary reasons for failure on the job are the inability to work well on a team, and having poor interpersonal relationships

Individuals with emotional intelligence succeed because they get along well with their colleagues. They're sensitive to the feelings of others, giving them the ability to tactfully and skillfully interact with those who are upset. They also tend to handle conflict well, because they can stay in control even when they're feeling powerful emotions like frustration, fear, or anger.

The Habits of Emotionally Intelligent People

People with high levels of emotional intelligence do things, and approach relationships differently. Travis Bradbury, co-author of *Emotional Intelligence 2.0*, has analyzed the data from the million-plus people TalentSmart has tested in order to identify the habits

that set emotionally intelligent individuals apart.

He lists these habits below:

- They're relentlessly positive
- They have a robust emotional vocabulary
- They're assertive
- They're curious about other people
- They forgive, but they don't forget
- They won't let anyone limit their joy
- They make things fun
- They are difficult to offend
- They quash negative self-talk

How to Enhance Your Emotional Intelligence

All of us can learn to more consistently practice the habits outline by Bradbury, and increase our emotional intelligence. Below are several practical strategies you can use to enhance your emotional intelligence skills:

Practice positive thinking – Positive thinking leads to more positive emotions. For example, looking at a problem as temporary and not the end of the world will help you to feel hopeful and optimistic.

Stay aware of what you're feeling throughout the day – When you're aware that you're feeling a strong emotion, you can manage the emotion instead of having it manage you which can lead to overreacting, making poor decisions, etc.

Think before you speak – When you're feeling highly emotional, it's important to take a step back and think rationally so that you don't overreact emotionally and say something you'll regret later.

Have compassion for your others – Having the ability to put yourself in someone else's shoes, and have empathy for what they are going through will motivate you to care about them.

Don't take things personally – Accept the opinions of others without getting defensive and thinking that you have to argue. Just respect that it's their opinion – even if you don't agree.

Greg Brannan, Deer Oaks EAP Services, 301.829.0364

The Impact of Chronic Disease: A Worker 360° View

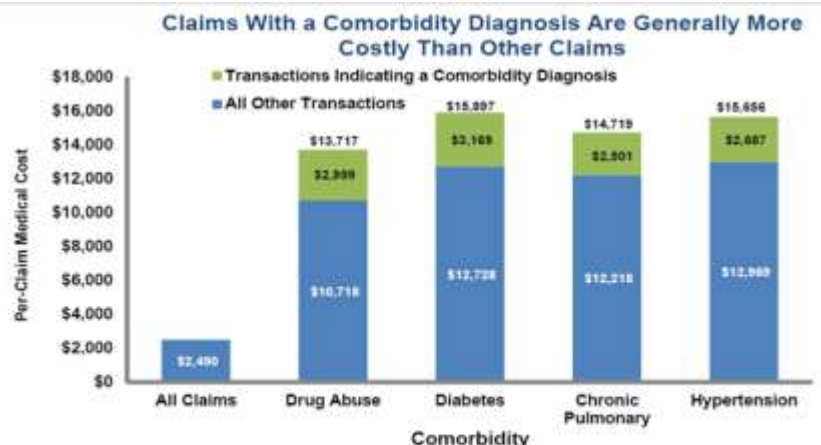
All too often companies look at the cost of health benefits and limit their wellness program to benefitted employees. The Nebraska Safety Council takes a broader look at the value of a Total Worker Health Program, which we call Worker 360°. Keep in mind that to truly make a change in health and safety outcomes, you must impact the entire workplace culture. What if a front-line supervisor is not on the benefit plan? Are they exempt from wellness and safety? In this article, we will look at how health impacts injury and recovery.

In a ten-year study by the National Commission on Compensation Insurance, four chronic conditions were reviewed to see if there was a direct impact on cost. What they found was telling to say the least. Individuals that had a chronic disease or used drugs often cost between 500%-800% more per injury than someone without one of these conditions. When diving into the root cause of some of the challenges with these conditions, we find these people did not heal as fast as someone without a chronic condition. Keep in mind that this study is now more than 10 years old and medical inflation has impacted these figures.

Workers compensation is relatively black and white. In Nebraska, employers have seven calendar days to return an injured employee to work to keep the claim from being factored into their workers compensation insurance rate. As with a speeding ticket, insurance carriers deem the employer a larger risk and the injury is factored into the insurance MOD for three years. While many employers have been made aware of this with early return to work options, most employers and insurance consultants are still not understanding that prevention of health issues and elimination of safety risks may have prevented the injury all together.

Employers are also not equating the cost of these injuries to production. The OSHA calculator is a simple way to calculate the amount of production needed to recover from a cost of an injury (<https://www.osha.gov/dcsp/smallbusiness/safetypays/estimator.html>). For example, a strain in a company with a 3% profit margin is estimated to cost \$2.3 million in profitability to recover from the cost of that one injury.

We want to help impact not only your bottom line, but your entire culture to improve overall worker quality of life. The Nebraska Safety Council and WorkWell merged five years ago to emphasize the Worker 360° model, where we look at your workforce from all angles.



Injury Years 1996 through 2007
Relative Service Years 1 through 4
All Claims includes claims with and without a comorbidity diagnosis
A claim is considered to be a comorbidity claim if its first comorbidity diagnosis occurs within 12 months after injury
Analysis based on sample data provided by carriers for all US states and DC except ND, OH, WA, WV, and WY



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