

**PO Box 932 Grand Island, NE 68802**  
**[www.cnhrma.org](http://www.cnhrma.org)**

**2010 CNHRMA Executive Board**

**President**

Beth Schuler  
bschuler@hshn.org

**President Elect**

Melissa Karloff  
Melissa\_Karloff@thermoking.com

**Past President**

Scott Jensen  
sjensen@cennecs.org

**Secretary**

Ammie McAlevy  
amcalevy@hshn.org

**Treasurer**

Regina Rathman  
rrathman@sfmtc-gi.org

**Prof. Development Chair**

Terri Hongsermeier  
terri.hongsermeier@cabelas.com

**Membership Chair**

Denise Ferguson  
ddferguson@windstream.net

**Diversity Chair**

Tiffany Ashley  
tiffany.ashley@pramac.com

**Marketing / Public Relations**

Tina Feek  
tinafeek@yahoo.com

**SHRM Foundation Chair**

Jill Smith  
Jill\_M\_Smith@bd.com

**Legislative Chair**

Leslie Smith  
leslie.smith@chiefind.com

**Certification Chair**

Pennie Morgan  
pmorgan@cccneb.edu

**Workforce Readiness Chair**

Mike Henke  
mikeh@associated-staffing.com

**INSIDE THIS ISSUE**

WELCOME LETTER FROM THE PRESIDENT	1
LEGISLATIVE BILLS – UPDATE	2
LETTER FROM SENATOR JOHANNIS	3
FOR YOUR INFORMATION	4
CNHRMA MEMBERSHIP FORM	5

Dear CNHRMA Members,

It is my honor and pleasure to be the President for our Chapter for 2010. This year, the Board of Directors and I are planning to change the format of our programming in order to bring you high quality speakers and information. Instead of our traditional monthly meetings that would last 1-2 hours, we will be offering 4 events that will be at least a ½ day long. The first event will be in March, followed up by July, October (Business Innovation Summit), and our annual meeting in November. We would love to hear from you what topics and/or speakers you would be interested in having at these events.

I hope that this new approach to programming will better fit into everyone's busy schedules and that you find them worthwhile. Watch for e-mails from Denise Ferguson as we will continue to send out information regarding training opportunities in our area. Here is to a great 2010!

Sincerely,

Beth Schuler  
CNHRMA President - 2010

# LEGISLATIVE

## WORKER'S COMPENSATION

On February 8, the Business and Labor Committee scheduled several Workers Compensation bills for consideration and hearing.

**LB780** is reintroduced to expand workers compensation coverage for mental only injuries sustained to emergency personnel. This is a bill which has reduced its scope and the intent would be for Nebraska to slowly expand to mental injury coverage. States that have such provisions experience much higher workers compensation costs. This bill passed in 2007 and was vetoed.

**LB829** is an employer friendly bill and should be supported. Under current workers compensation law, if an employer is exempt from workers compensation coverage, the employer is required to notify every single employee of this lack of coverage. If even one single employee is not notified, every employee is now able to receive workers compensation coverage. This bill would only allow that one employee who was not notified to workers compensation coverage access, not every employee. This bill should be supported.

**LB833** would keep employee workers compensation claims confidential so every plaintiff lawyer in the world doesn't send them an advertisement. This bill should be supported.

**LB846** reduces interest rates in workers compensation awards. This bill should be supported.

**LB963** recognizes the payment of Social Security Benefits in workers compensation awards. Like the three bills above this one, this was drafted by an employer's group for workers compensation equity and should be supported.

**LB1044** is the most dramatic change to workers' compensation in Nebraska. It would change the standard so that the work injury must be the primary factor in the injury and not just a factor. This should be strongly supported.

**LB780** Change Nebraska Workers' Compensation Act provisions relating to personal injuries.

### Independent Contractors Are Now "Employees" For New Hire Reporting Purposes

In 1996, Congress enacted a law called the "Personal Responsibility and Work Opportunity Reconciliation Act," (or PRWORA), as part of Welfare Reform. This legislation created the requirement for employers in all 50 states to report their new hires and re-hires to a state directory. The initial purpose of new hire reporting was to speed up the child support income withholding order process, expedite collection of child support from parents who change jobs frequently, and quickly locate non-custodial parents to help in establishing paternity and child support orders. In response to Congress' mandate, Nebraska adopted the New Hire Reporting Act in 1997. Since that time, employers and/or labor organizations doing business in the State of Nebraska have been required to report the following employees to the State:

- *New employees:* Employers must report all employees who reside or work in the State of Nebraska to whom the employer anticipates paying earnings. Employees should be reported even if they work only one day and are terminated (prior to the employer fulfilling the new hire reporting requirement).
- *Re-hires or Re-called employees:* Employers must report re-hires, or employees who return to work after being laid off, furloughed, separated, granted a leave without pay, or terminated from employment within 20 days of re-hire. Termination of employment does not include temporary separations from employment, such as unpaid medical leave, an unpaid leave of absence, a temporary lay-off or an absence for disability or maternity.
- *Temporary employees:* Temporary agencies are responsible for reporting any employee who they hire to report for an assignment. Employees need to be reported only once; they do not need to be re-reported each time they report to a new client. They do need to be reported as a re-hire if the worker has a break in service or gap in wages from your company.

In 2009, the Nebraska Legislature passed LB 288, which amended the New Hire Reporting Act to include independent contractors in the definition of Employee. Employers are reminded that they are required to report all independent contractors hired on or after January 1, 2010, to the State of Nebraska within 20 days of hire. While the statute does not define the term independent contractor, the Nebraska New Hire Website notes the following: "Per IRS, the general rule is that an individual is an independent contractor if you, the person for whom the services are performed, have the right to control or direct only the result of the work and not the means and methods of accomplishing the result." There is no minimum threshold for reporting (unlike the IRS regulations covering payments in excess of \$600) so employers should report ALL independent contractors who perform service and who are compensated for those services, no matter how small the payment. It is also worth noting that the Nebraska Department of Labor and the Nebraska Department of Revenue combined their contractor registry databases effective January 1, 2010, as well. This combined database, coupled with the new reporting requirements of independent contractors, has already resulted in employers receiving tax lien and child support notifications for independent contractors. Given all of the scrutiny on independent contractor status, the inclusion of the term "independent contractor" within the definition of employee creates potential hazards for employers who hire independent contractors. Employers should be cautious about how they fill out any requests for information they receive from the State of Nebraska to ensure that they comply with the law while not inadvertently calling into question the independent status of the contractor. We anticipate that the state will work through these issues and a number of other unanswered questions about how it will attempt to recover child support from independent contractors through businesses that engage them.

\*Thank you to Scott S. Moore and David J. Kramer – Baird Holm LLP, for providing CNHRMA with this information.

# Letter from Mike Johanns – U.S. Senator for State of Nebraska

Dear Nebraskans,

This year, I am proud to host the [Nebraska Breakfast](#), a 67-year tradition that brings together the state's Congressional delegation and Nebraskans visiting Washington, D.C. The breakfast was started by Senator Hugh Butler in 1943 and is the longest-running state gathering of elected officials and constituents on Capitol Hill. It gives Nebraskans a chance to speak informally with the elected officials who represent them in Washington.

The breakfast will be held most Wednesdays Congress is in session at the Senate Buffet in the Dirksen Senate Office Building on First Street and Constitution Ave, NE. The breakfast will begin at 8:00 a.m., but guests are encouraged to arrive as early as 7:30 a.m. to purchase breakfast (a-la-carte) and visit with fellow Nebraskans. Reservations can be made through my Tour Coordinator by clicking [here](#) or by calling any one of the Nebraska delegates' offices.

Sincerely,



## 2010 Nebraska Breakfast dates:

February 10, 24  
March 3, 10, 17, 24  
April 14, 21, 28  
May 5, 12, 19, 26  
June 9, 16, 23, 30  
July 14, 21, 28  
September 15, 22, 29

## THE NEBRASKA BREAKFAST

The Nebraska Breakfast, now in its sixth decade, is the oldest and only ongoing state gathering for constituents on Capitol Hill. **Every Wednesday morning** from 8 a.m. to 9 a.m. when the House and Senate are both in session, Nebraskans visiting the nation's capital can meet and visit with their Nebraska Congressional Delegation.

This year, the breakfast will be held in the new Capitol Visitors Center (CVC). The entrance is at 1st and East Capitol Streets, just to the east of the Capitol. The breakfasts will take place in the South Meeting Room of the CVC restaurant. For groups larger than this room's capacity, the breakfasts will move to the south area of the restaurant itself. The program begins at 8:00 a.m., but you are welcome to come as early as 7:30 a.m. to purchase breakfast (a la carte). There is no dress code, but please review the list of prohibited items before coming to the CVC: <http://www.visitthecapitol.gov/Visit/Visitor%20Safety%20and%20Policies/>.

To get to the breakfast: Once you get through security at the main entrance at 1st and East Capitol, walk down the stairs to Emancipation Hall (main lobby) of the CVC. From Emancipation Hall, walk in the direction of the information desks. On your left, you will see a large entrance that says, "Restaurant" above it. Walk through this entrance to the restaurant area where the Nebraska Breakfast is being held.

**Reservations are recommended** but not required. Please contact a member of the Nebraska Congressional Delegation to make reservations. Contact information for Nebraska Delegation members can be found on the Nebraska page of this website.

The Nebraska Breakfast originated in 1943. It was the idea of U.S. Senator Hugh Butler, who wanted to meet informally each week to discuss legislation with other Members of the Nebraska Congressional Delegation. Members of the Nebraska Delegation began inviting guests to the weekly gatherings, and soon a tradition was born. Today, all Nebraskans visiting Washington, D.C., and their guests, are welcome to attend the Nebraska Breakfast.

# FOR YOUR INFORMATION...

## MAN POWER WEBINAR

Join Manpower on Wednesday, February 24 from 12 – 1 p.m. EST; 11 a.m. – 12 p.m. CST; 10 a.m. – 11 a.m. MST; 9 a.m. – 10 a.m. PST, as we host a complimentary webinar entitled,

### What's New and What's Next in Employment Law for 2010

Despite the fact that it's put on by an attorney, this webinar is both educational and entertaining. As a Chief Legal Officer for a company that employs five million employees worldwide and as a former partner in a major employment law firm, Mark Toth has learned a few things about workplace law over the years.

It's a new year and a new administration and lots of interesting things are happening in the world of employment law. Mark will update you on all the latest developments and then give you a glimpse of what may be coming next. Along the way, he'll provide plenty of tips and tools to help you stay out of legal hot water.

To get a taste of what the webinar will be like, please check out Mark's blog – or *blawg* – at [www.manpowerblogs.com](http://www.manpowerblogs.com). Enjoy!

After your participation in this webinar, you will obtain:

- Up-to-the-minute information on the latest employment law developments
- A peek into the future of employment law
- Tips and tools on everything from hiring to firing
- Practical solutions based on real-life examples

Click on the link below to register for this event and learn about other upcoming webinars. [us.manpower.com/webinarseries](http://us.manpower.com/webinarseries)

**DISCLAIMER:** This presentation and the materials are provided for informational purposes only and should not be considered legal or HR advice. Please consult your HR or Legal representative before using or implementing any of the processes or information contained herein.

This program has been approved for 1 recertification credit hour toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI). Please be sure to note the program ID number on your recertification application form. For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org).



## CNHRMA MEETINGS/EVENTS

FEBRUARY – NO MEETING

## INTERNSHIPS

internships! If anyone has any HR summer internship opportunities available, please contact Tiffany Ashley at [tiffany.ashley@pramac.com](mailto:tiffany.ashley@pramac.com)

## E-VERIFY LUNCH AND LEARN LECTURE

*Managing Employer Compliance in the age of E-Verify & LB403*

### Sponsored By:

Nebraska Department of Labor  
Grand Island Economic Development Corp.  
Grand Island Chamber of Commerce

***Plan to attend this no cost informational presentation on E-Verify for employers.***

**Tuesday, February 16<sup>th</sup>, 2010**  
**11:30 a.m. – 1:00 p.m.**

**Department of Labor**  
**1306 W. 3<sup>rd</sup> Street,**  
**Grand Island, NE**

Presented By: David Zaritzky Brown – Managing Partner,  
Brown Immigration Law, LLC – Lincoln, NE

Please bring your questions!!!  
Lunch is provided!!!

RSVP by 5 p.m.  
Thursday, February 11<sup>th</sup>, 2010

**Seating is limited.**

**Contact: Randy Kissinger**  
**Workforce Development**  
**308-385-6300**  
[randy.kissinger@nebraska.gov](mailto:randy.kissinger@nebraska.gov)

Do you know of someone in your organization that maybe interested in joining CNHRMA? Pass this newsletter on to them and ask them to fill out the membership application!!!  
Feeling "tech-savvy?" You can also fill the application out online at [www.cnhrma.org](http://www.cnhrma.org) and click on the Join Now button!!!

## ***CNHRMA 2010 MEMBERSHIP INFORMATION***

The information provided will be listed in CNHRMA's Membership Directory.

***NAME***

***CERTIFICATION***

\_\_\_\_ *PHR*    \_\_\_\_ *SPHR*    \_\_\_\_ *NONE*

***COMPANY***

***JOB TITLE***

***ADDRESS***

***TELEPHONE***

***FAX***

***E-MAIL ADDRESS***

**Annual CNHRMA Membership fee is \$40, for non-SHRM Members.  
Annual CNHRMA fee is \$20 for SHRM Members.**

***Are you a National SHRM Member?    \_\_\_\_ Yes    \_\_\_\_ No***

Please indicate your SHRM membership number in the box above (if applicable)  
Please return this completed form and annual membership payment to:

CNHRMA  
PO Box 932  
Grand Island, NE 68802-0932  
[www.cnhrma.org](http://www.cnhrma.org)

CNCNHRMA Executive Committee Use Only

Please indicate dues were:  
 Paid on the following date \_\_\_\_\_ by cash or check (note check#) \_\_\_\_\_

CNHRMA Executive Committee Member Initials: \_\_\_\_\_

AFFILIATE OF



