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MAGAZINE™

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Alabama Society
for Human
Resource
Management

Guide to
**Employee
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Companies

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Begins
February 16

2017 U.S. News
Best Lawyers
in **Employment Law**

Jeff Pon,
Ph.D., SHRM-SCP,
**Chief Human Resources
and Strategy Officer**
Society for
Human Resource
Management

2016 SHRM
Pinnacle
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a note from the Editor



Panel discussion on implicit bias in education, the criminal justice system, and the business world at the Implicit (Unconscious) Bias Seminar November 18 at the University of Memphis Cecil C. Humphreys School of Law.

We are proud to welcome the 14 Chapters of Alabama SHRM with its 4000 members to our distribution footprint this month! You can meet the ALSHRM

State Council leadership and the ALSHRM Chapter presidents on Page 6 and 7. *HR Professionals Magazine* is now available in six "SEC" states: Tennessee, Georgia, Alabama, Kentucky, Arkansas, and Mississippi. It is so exciting to continue our expansion with one state each year since our launch in 2011. We are honored to be the media sponsors for each of these states bringing you news and updates about them and covering the state conferences and other events.

What an honor to have Jeff T. H. Pon, Ph.D., SHRM-SCP, Chief Human Resources and Strategy Officer with the Society for Human Resource Management on our cover! I first met Jeff at the SHRMGA State Conference in August last year. Dr. Pon distinguished himself while in Federal Service. He was awarded the prestigious Grace Hopper Award in 2004, eGov Explorers Award in 2004, Federal 100 Award in 2005, 2008 Gold Medal from the Director of National Intelligence, and 2008 Distinguished Service Award from the Administrator for the National Nuclear Security Administration. In January 2006, Dr. Pon was appointed to the Senior Executive Service as the Chief Human Capital Officer for the U. S. Department of Energy. These are just a few of his incredible honors and accomplishments. You can read his entire profile on Page 5.

In our first issue of 2017 we are excited to announce the 2017 U.S. News Best Lawyers in Labor and Employment Law. We invited our sponsors to share their lists as a reference tool for the HR professionals in our footprint who seek advice and counsel in labor employment law issues that arise in their workplace. We are also providing a Guide to Employee Benefits Companies to help you with planning and budgeting for your employee benefits. We hope you find these reference tools helpful throughout the year.

Some of the exciting employment law topics discussed in this issue include an "Overview of the EEOC's Updated Guidance on National Origin Discrimination" by FordHarrison's Robbin Hutton and LaTanyia Walker. We also have an excellent article by Rebecca Murray with Wimberly Lawson on "The Life Cycle of an Employment Discrimination Claim", which will be very helpful to those of you in employee relations. Brenda N. Canale with Littler provided an "Update on the NLRB Persuader Rule." We also have an excellent article by Greg Siskind with Siskind Susser Immigration Lawyers providing insight on "Trump's Immigrations Policies," and how they will impact your workforce in 2017.

The spring SHRM Conferences are just around the corner. Don't miss the early bird registration for the SHRM Employment Law and Legislative Conference in Washington, DC, March 13-15. The 2017 27th Annual SHRM-Atlanta HR Conference will be March 29-30 at the Cobb-Galleria Centre. Early bird rates are now available for the SHRM Annual Conference & Expo June 18-21 in New Orleans.

If one of your New Year's resolutions was to become certified, you will be happy to know that we are offering our next Online HRCI (PHR | SPHR) Certification Exam Prep Class beginning February 16. Please visit our website for registration details.

Mark your calendars to join us January 19 at 2 PM CST for our next complimentary SHRM | HRCI webinar sponsored by Data Facts. We will email you the topic soon. Be watching your email for your invitation!

Best wishes for a happy and prosperous New Year.



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Jeff T. H. PON



Dr. Pon earned his Doctorate in Philosophy and Master of Science Degree in Industrial Organizational Psychology from the California School of Professional Psychology. His undergraduate degree is in Psychology and Human Factors from the University of Southern California. Dr. Pon lives with his wife, Dr. Gillian Pon and their two children, Cordelia and Charlotte in Ashburn, Virginia.

JEFF T. H. PON, PH.D., SHRM-SCP **Chief Human Resources and Strategy Officer** **Society for Human Resources Management**

Dr. Pon has over 25 years of experience in leading organizations and transforming talent management in the private and public sectors. Dr. Pon has co-authored and developed national Human Resource standards with the Corporate Leadership Council, the National Academy of Public Administration, and Booz Allen Hamilton. He is experienced in driving organizational change in challenging domestic and international settings. He has successfully managed large-scale projects requiring cost-effective and innovative solutions to support startup, consolidation, downsizing, and reengineering efforts in both emerging and mature markets. Dr. Pon has demonstrated leadership expertise on strategic and operational issues in a variety of industrial settings. Dr. Pon served as a member of the U. S. Government's Senior Executive Service for six years and is presently active in serving as a Senior Advisor to Government Executives through the Partnership for Public Service.

Previous to joining the Society for Human Resources Management, Dr. Pon was the President and COO of Futures Inc. Futures' mission is to help find the right jobs for returning military, veterans, and their families.

As a Principal at Booz Allen, Dr. Pon served as a strategic human capital management consultant in support of United States Federal Government clients such as: Department of Defense (Personnel and Readiness), Internal Revenue Service, Department of Energy, General Services Administration, Social Security Administration, and the Office of Personnel Management. Key focus areas include: Human Resources Service Delivery Transformation, Shared Services, Strategy Development, Organization Design, Change Management, Process Management, Strategic Human Capital, Learning Systems, Strategic Communications, and Outsourcing.

In January 2006, Dr. Pon was appointed to the Senior Executive Service as the Chief Human Capital Officer for the U. S. Department of Energy. He played a key role improving human capital management – a top priority for the Department. Dr. Pon recognized the challenges facing the organization and championed efforts to increase the level of capability, capacity, and resources for human capital programs by expanding individual and organizational performance accountability as well as developing the organization's workforce planning capability. Dr. Pon helped the Department redeploy a viable workforce pipeline extending to universities, colleges, and high schools. He also established a complex-wide internship and leadership development program. In recognition for his service, Dr. Pon was awarded the Secretary's Distinguished Service Award and the Career Achievement Award.

During 2003-2005, Dr. Pon served as the Acting Director and Deputy Director of eGovernment at the U. S. Office of Personnel Management. Dr. Pon led the first development and implementation of the U. S. Government's Shared Services through ePayroll, USAJobs, eTraining, Enterprise Human Resource Integration, eClearance, and the Human Resources Line of Business. These six initiatives have transformed Federal Human Resources business and has saved taxpayers an estimated \$2.6 billion.

Dr. Pon has distinguished himself while in Federal Service. Dr. Pon was awarded the prestigious Grace Hopper Award in 2004, eGov Explorers Award in 2004, Federal 100 Award in 2005, 2008 Gold Medal from the Director of National Intelligence, and 2008 Distinguished Service Award from the Administrator for the National Nuclear Security Administration.

From 1990 to 2002, Dr. Pon served as an executive in several technology and manufacturing companies. He has helped companies such as Seagate Technology, Burger King, PetCo, Hyperion Solutions, Siemens, HP, Qualcomm, Sempra Energy, William Sonoma, Taylor Made Golf, and Federal Express. ■

Meet the ALSHRM State Council



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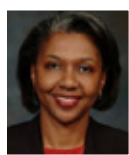
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*No photos available for Cullman and
Tuscaloosa SHRM Chapter.

SHRM Chapters and Councils from 10 States Win Pinnacle Awards for Exceptional HR Programs

The Society for Human Resource Management (SHRM) presented 12 affiliates today with its Pinnacle Award — the highest honor given to SHRM state councils and chapters for highly notable contributions to the human resource profession.

Created in 1991, the award is the highest achievement SHRM state councils and chapters can attain, and it honors programs that exceed the standard activities of SHRM affiliates in enhancing the creation of effective HR management.

Affiliates from Alabama, California, Colorado, Georgia, Illinois, Maine, New Hampshire, New Jersey, Oregon and Texas were presented with the Pinnacle Award during SHRM's annual Volunteer Leaders' Summit, which ends Saturday, Nov. 19.

"Winners of this year's Pinnacle Award have shown notable HR leadership through innovative chapter and council programs," said Henry G. (Hank) Jackson, president and CEO of SHRM. "Their projects also offer practical solutions to business challenges facing companies today, such as transitioning military veterans to the civilian workforce and promoting workforce diversity."

Winning programs selected from nearly 70 applications received a \$1,000 prize, given by Paychex Inc., which is the sponsor of this year's Pinnacle Awards.

The 2016 SHRM Pinnacle Award winners are:

Cullman Area SHRM (Ala.)
"CSHRM Human Resource and Management Team Workshop"

Central Valley Human Resources Management Association (Calif.)
"Veterans Job Fair"

Colorado SHRM State Council
"Day at the Capitol: Advocacy Works!"

Mile High SHRM (Colo.)
"2016 HRYP Conference—Professional Networking—Teamwork Makes the Dream Work—#WorkItYP"

West Georgia SHRM
"Compensation and Benefits Survey Improvement"

Chicago SHRM (Ill.)
"Social Media Stewards"

Bloomington-Normal (Ill.) Human Resource Council
"Central Illinois HR Conference: Moving York Workforce to the Next Level"

Central Maine Human Resource Association
"HR Thursdays"

Human Resources State Council of New Hampshire
"Diversity Workforce Coalition"

Garden State Council (N.J.) SHRM
"College Student Chapter Integration"

Portland (Ore.) Human Resources Management Association
"Engaging, Acquiring and Retaining New Members with Three Innovative Member Development Programs"

Lubbock SHRM (Texas)
"Young Professionals Recruitment and Engagement"



2016 PINNACLE AWARD WINNER PROFILES

Cullman Area SHRM (Ala.) – "CSHRM Human Resource and Management Team Workshop"



The chapter created the Human Resource and Management Team Workshop to give chapter members and other HR professionals information to further develop their skills and knowledge of HR. The workshop was held at a local college and students and their professors were able to attend, expanding the SHRM and chapter brand. It generated enough revenue for the chapter to donate \$2,000 each to the SHRM Foundation and the local United Way.

West Georgia SHRM – "Compensation and Benefits Survey Improvement"



The chapter led a collaborative effort to partner with regional chambers of commerce and two other SHRM chapters to produce the first web-based compensation and benefits survey for its region. The survey fulfilled a need that has been present for 15 years in the community: to provide local industries in all sectors data for use in strategic planning and budgeting. The data is used for economic development so that chambers of commerce can recruit companies to the region.

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An Overview of the EEOC's Updated Guidance on National Origin Discrimination

By ROBBIN HUTTON and LATANYIA WALKER

In November 2016, the EEOC issued an updated Enforcement Guidance on national origin discrimination. The Enforcement Guidance was accompanied by a Q & A publication and a small-business fact sheet. The new Guidance provides more detailed information regarding national origin discrimination. More importantly, the Guidance clarifies and, in some ways, expands the areas covered by national origin discrimination. The Guidance also addresses areas that most employers might not consider when making employment decisions. Interestingly, the new Guidance also strays into other areas such as intersectional discrimination, the role of national security in national origin discrimination, and the use of social security numbers as discrimination.

The primary focus of the new Guidance is the clarification and expansion of national origin discrimination. The Guidance defines national origin discrimination as discrimination based on a person's (or his or her ancestor's) place of origin and discrimination based on a person's national origin or ethnic group. For the first time, the Guidance specifically states that national origin discrimination includes discrimination because a person is Native American or a member of a particular tribe. The EEOC also notes that the United States may be the place of a person's origin for the purposes of a national origin discrimination claim.

The Guidance defines "a 'national origin group,' or an 'ethnic group,' as a group of people sharing a common language, culture, ancestry, race, and/or other social characteristics." For example, Hispanics and Arabs would be considered ethnic or national origin groups. The Guidance recognizes that national origin discrimination often overlaps with race, color, or religious discrimination because a national origin group may be associated or perceived to be associated with a particular religion or race. Additionally, the Guidance includes within national origin discrimination conduct that discriminates against a person "because she has physical, linguistic, and/or cultural charac-

teristics closely associated with a national origin group." Also included in the definition is perception discrimination, which is based on place of origin or national origin/ethnic group, due to the belief that an individual (or her ancestors) "is from one or more particular countries, or belongs to one or more particular national origin groups" regardless of whether the person is from that country or identifies with that group. The new Guidance also includes discrimination based on a person's association with someone of a particular national origin and based on citizenship status if it has the effect of discriminating based on national origin.

Intertwined within the national origin discrimination component are English-only policies and "accents." The Guidance states that an English fluency or proficiency requirement is only permissible if it is necessary for the performance of the position for which it is required. Further, English-only policies violate Title VII if they are adopted for discriminatory reasons, such as a bias against employees of a particular national origin. Additionally, the legality of a restrictive language policy that is not applied at all times will depend on whether the employer can show the policy is job related and consistent with business necessity. According to the EEOC, there must be more justification for the policy than that it "merely promote[s] business convenience."

The Guidance also addresses the link between accent and national origin. The EEOC notes that courts should take a "very searching look" at an employer's reasons for using accent as a basis for an adverse employment decision. While an employment decision may legitimately be based on an individual's accent if the accent interferes materially with job performance, the Guidance states that to meet this standard, an employer must "provide evidence showing that: (1) effective spoken communication in English is required to perform job duties; *and* (2) the individual's accent materially interferes with his or her ability to communicate in spoken English."

There are a number of secondary issues addressed in the Guidance. Foremost is “intersectional” discrimination, “which occurs when someone is discriminated against because of the combination of two or more protected bases (e.g. national origin and race).”



There are a number of secondary issues addressed in the Guidance. Foremost is “intersectional” discrimination, “which occurs when someone is discriminated against because of the combination of two or more protected bases (e.g. national origin and race).” The EEOC takes the position that because intersectional discrimination targets a specific subgroup of individuals, Title VII prohibits, for example, discrimination against Asian women even if the employer has not also discriminated against Asian men or non-Asian women.

Other secondary issues addressed in the Guidance arise in the hiring process. First are certain recruitment practices that are prohibited under Title VII, which preclude an employer from relying on word-of-mouth advertising or sending job postings only to ethnically or racially homogeneous areas or audiences, if the practices have the purpose or unjustified effect of excluding people based on national origin. This could possibly include apprenticeship programs that limit participation in the program to individuals who are sponsored by a current group of employees.

Next is the acknowledgment that “in limited circumstances” an employer may justify an employment decision based on a national security requirement. Although the EEOC may not “review the substance of

an Executive Branch security clearance determination or the federally imposed security clearance requirement itself,” the Guidance states that the Commission may review claims involving national security clearance “where the Commission can resolve the matter without considering the merits of a security clearance decision.” *Zeinali v. Raytheon Co.*, 636 F.3d 544, 554-55 (9th Cir. 2011).

Another hiring concern addressed is the policy or practice of screening out new hires or candidates who lack a Social Security number which “implicates Title VII if it disproportionately screens out work-authorized individuals of a certain national origin, such as newly arrived immigrants or new lawful permanent residents, and thus has a disparate impact based on national origin.” Again, the employer must show the policy is job related and consistent with business necessity.

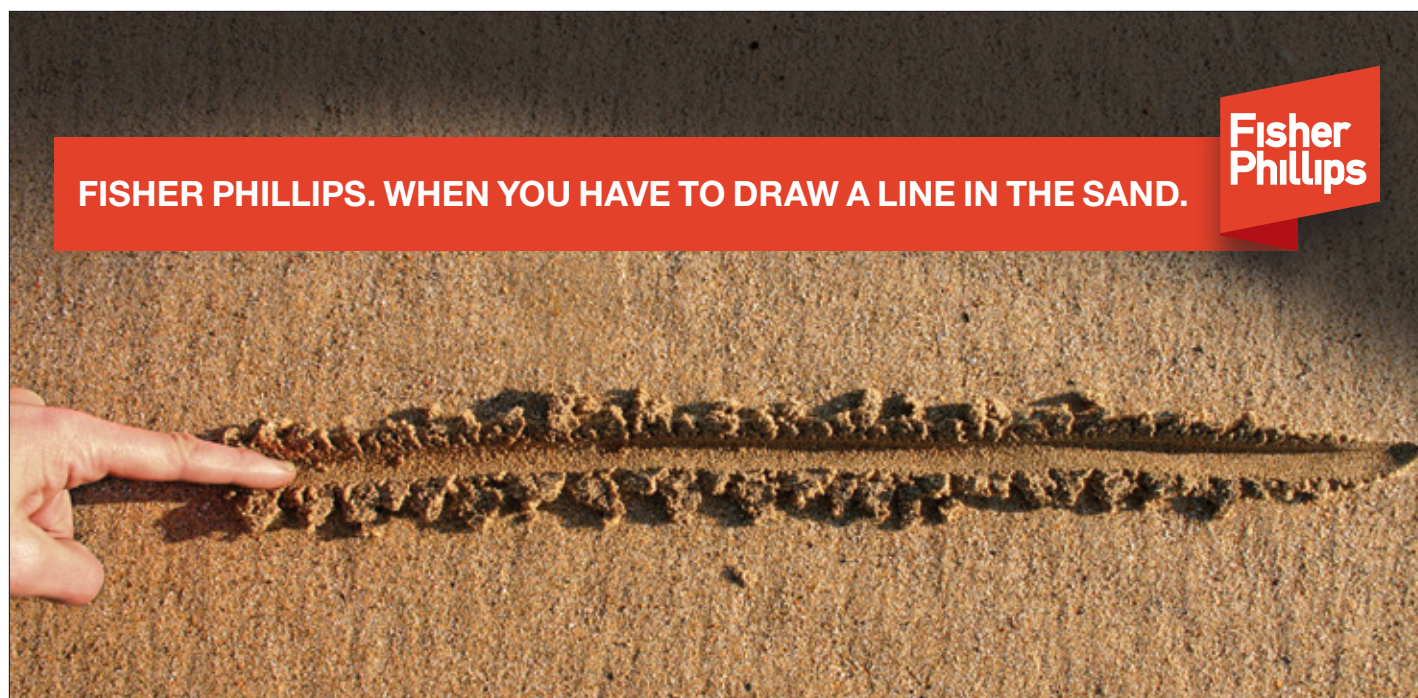
Employers should be aware of the clarifications and expansion of national origin discrimination found in the Guidance as these types of claims will likely remain in the forefront of issues that the EEOC addresses in 2017.




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A close-up photograph of a hand drawing a line in the sand. The line is drawn with a finger, and the sand is light-colored and textured. The background is a solid dark color.

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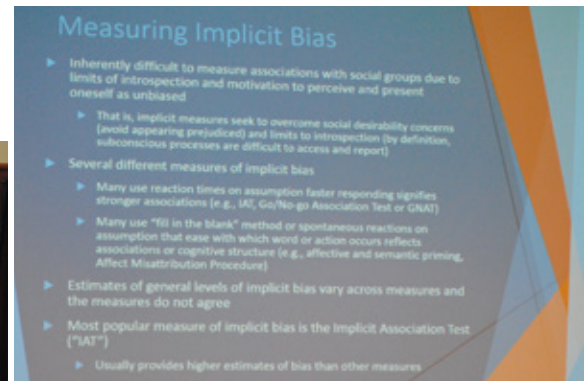
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Scenes from the Implicit (Unconscious) Bias Seminar

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Life Cycle Of An Employment Discrimination Claim



By REBECCA MURRAY

An employment discrimination claim typically results in a lawsuit even if a claim requires administrative filing requirements as a prerequisite. With so much at risk in a high-stakes conflict, what can a Human Resources professional expect as the claim process unfolds? This article presents an outline of some of the administrative procedures and an outline of the litigation process.

ADMINISTRATIVE FILING REQUIREMENTS BEFORE A LAWSUIT IS FILED

When an employee wants to sue an employer, he or she can just go straight to court and file a lawsuit, right? Not always! There may be administrative procedures that must first be satisfied before a lawsuit asserting claims under *federal law* can be filed. Generally these administrative procedures are required for certain discrimination claims such as Title VII of the Civil Rights Act of 1964 (“Title VII”), the Age Discrimination in Employment Act (“ADEA”) and the Americans with Disabilities Act as amended (“ADAAA”).

When an employee accuses an employer of wrongful discrimination under certain *federal laws*, the administrative prerequisites may be satisfied if the employee *timely* files a claim of discrimination with the Equal Employment Opportunity Commission (“EEOC”) or, where applicable, dual-filed with a state agency and the EEOC. A claim filed with the EEOC is referred to as a Charge of Discrimination. The state agency or the EEOC will notify the employer that a Charge of Discrimination has been filed. *Once an employer receives such notice from the EEOC or state agency, the employer should immediately notify its insurance carrier and/or its attorney.* A Response to the Charge of Discrimination must be filed within the time set forth in the notice from the EEOC or state agency. The Response can be prepared by the employer or an attorney on behalf of the employer. Sometimes, the EEOC or the state agency will interview witnesses during the investigation of the employee’s claim of discrimination.

Generally, once the administrative process is exhausted, the employee is allowed to proceed to court on *federal claims* by filing a lawsuit within 90 days of *receipt* of a Dismissal and Notice of Rights letter from the EEOC.

An employee can go straight to court with *state law* claims alleging discrimination in some states, such as in Tennessee under the Tennessee Human Rights Act (“THRA”), without first exhausting the administrative process. A THRA claim must be filed within a year after the alleged discriminatory practice ceases. State law discrimination claims in other states may be different from those under the THRA. State discrimination laws are similar (but hardly ever identical) to the federal laws. Employees may have additional legal claims against an employer under state law.

THE COMPLAINT (LAWSUIT) FILED IN STATE OR FEDERAL COURT

A lawsuit starts when the employee (“plaintiff”) files a complaint in federal or state court. The rules of procedure in state and federal courts are similar but not always the same. The employee must serve the employer (“defendant”) with a copy of the complaint by certain formal methods set forth in the rules of civil procedure or through a waiver by the employer of formal service of process. *Whether the employer is served by formal methods or receives a copy of the complaint with a waiver request, the employer should immediately contact its insurance carrier and/or its attorney. Timing is critical ... the employer must generally file an answer or motion to dismiss within 21*

days (federal court) or 30 days (state court) after service of the Complaint and summons, and failure respond on time can result in a default judgment against the employer. (The waiver procedure has different time limits.)

The complaint will contain factual and legal allegations as well as the damages sought by the employee. The complaint will also specify where the lawsuit is filed, whether the lawsuit is filed in state or federal court and whether the lawsuit is based on state law, federal law, or both. Claims for damages can include back and front pay and other compensatory damages. Punitive damages or liquidated damages may be available depending on the nature of the employee’s claims.

DISCOVERY

Discovery is a pre-trial procedure in a lawsuit in which each party, through the law of civil procedure, can obtain evidence from the other party or parties by means of discovery devices such as a request for answers to interrogatories, request for production of documents, request for admissions and depositions. Requests for production of documents can be quite extensive, including not only paper documents and files, but also emails and text messages, and documents scanned or stored on electronic networks.

The rules of civil procedure under federal and state law have imposed significant preservation responsibilities on the creators and caretakers of electronically stored information and other kinds of records. *The duty to preserve information arises when the employer is notified that the records may be required in either an investigation or lawsuit and the duty is not limited to parties to the suit. You should immediately contact your attorney once you have notice of a discrimination claim by a former or current employee for guidance regarding the preservation of evidence in hard copy and electronically stored formats.*

Destruction or loss of potentially relevant information can have serious consequences in litigation. If a court finds that spoliation (destruction or loss) of potentially relevant information and/or evidence

resulted in prejudice to the opposing party, sanctions may result, up to and including payment of costs and attorney fees or *judgment in favor of the opposing party*. Also, adverse inferences can be drawn from the failure to preserve relevant information and/or documents.

PRE-TRIAL MOTIONS

The most common pre-trial motions are motions to dismiss the complaint for failure to state a claim and motions for summary judgment. These motions are available under state or federal rules of procedure. A motion to dismiss tests the legal sufficiency of the claims asserted in the complaint. A motion to dismiss for failure to state a claim is often used to assert a defense such as the lawsuit is untimely and this is evident on the face of the complaint based on the dates in the complaint. A motion for summary judgment requests that the court grant the employer judgment as a matter of law in its favor because the material facts of the case are undisputed.

Whereas a motion to dismiss for failure to state a claim looks only at whether the allegations of the complaint are sufficient, a motion for summary judgment often requires evidence to show that the material facts are undisputed. Such evidence can be in the form of testimony in depositions, in declarations (if in federal court) or in affidavits.

If the motion to dismiss or the motion for summary judgment addresses all the claims in the complaint and the court grants the employer's motion to dismiss or motion for summary judgment, the case is dismissed.

TRIAL, POST-TRIAL MOTIONS AND APPEAL

If the pre-trial motions are not granted or only partially granted by the trial court, then the case proceeds to trial. The rules governing the trial phase are somewhat different than those governing the discovery phase. Both sides have to comply with the scheduling orders, rules of evidence and local

rules of the court. Before trial, it may be necessary for the parties to prepare exhibits, submit jury instructions, file motions to exclude evidence, etc. There are numerous important tasks in preparing for trial and they can be critical. Preparing witnesses for testimony and cross examination, preparing questions for prospective jurors, preparing a well-crafted opening statement to the jury, and preparing the closing argument based on the testimony at trial are just a few examples of the detailed work involved.

Once the trial is over, there are post-trial motions that may be filed by the losing party. After these post-trial motions, there may be an appeal. Appellate cases have life cycles of their own but address only the legal issues raised by the party that appeals. A right to appeal is limited in time by state and federal rules of appellate procedure. If the trial court's decision is not appealed, the judgment of the trial court becomes final and the case is over. If the plaintiff/employee is the prevailing party, the plaintiff/employee may also be entitled not only to damages awarded by the court or jury, but also attorneys' fees and costs. If the defendant/ employer is the prevailing party, the defendant/employer will be entitled to certain costs as provided by statute but rarely attorneys' fees.

It should be noted that very few cases actually go to trial. Pre-trial motions may be granted or mediations and/or settlement discussions may occur voluntarily at the outset of the case or during the course of the litigation and result is resolution of the employee's claim.

Disclaimer- This article is for informational purposes only and does not provide legal advice. Readers are advised to seek legal advice regarding the issues raised in this article.

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Underneath the SPARKLE

What the Candidate is Hiding CAN Hurt You

By SONYA WEATHERS

Brighter. Shinier. Better. Untrue.

As New Year's Eve festivities fade and 2017 rolls in, it's important to note that job applicants are still stretching the truth or outright lying to get jobs. It is estimated that about half of job seekers are embellishing their resumes in hope of landing a position. This practice could be an attempt to keep an unsavory past or present from ever being noticed by employers. Overlooking them could be detrimental to your company.

The prevalence of pre-employment screening practices may lull HR professionals into thinking they are immune to being negatively affected by new hires. The truth is, key pieces of the applicant's background could still be missed.

Not identifying crucial information on a candidate during the hiring process can have numerous negative consequences to the employer. The candidate may not be qualified for the job, may be hiding a criminal history, or may have a drug addiction. These issues can potentially result in costly turnover, client loss, and even negligent hiring lawsuits.

Failing to find key applicant information is, unfortunately, easy. Here are four ways HR managers can deal with a candidate's unsavory aspects of their past.

You don't dig past the sparkle. Background screening works most effectively when the initial information is truthful and accurate. An applicant who submits partial or incorrect information (fake job references, fraudulent degrees, phony references) on their resume and application can send the screening process down the wrong path. We have seen many candidates who try to leave off an entire city they lived in, because they were trying to keep the employer from running criminal checks in that area! The result of incomplete or inaccurate information can cause employers to miss information that is integral to making a good hiring decision.

You only check out one part of the applicant. An incomplete screening process is apt to leave gaping holes in the applicant's background check. A few examples of this are when employers only check a national criminal database, fail to follow up on references, education verifications, or employment verifications, and take the applicant's word for the type of experience they offer. Important negative information that will potentially impede the new hire's ability to perform the job could be missed.

You don't verify the candidate's claims. Sure, you may ask a few questions about the applicant's previous role, background, and qualifications, but that doesn't mean you receive straight answers. Not following up and asking in depth questions about references, education and job history, or not checking far enough back into the applicant's background may lead to not seeing the 'big picture' during the hiring process.

You are blinded by a good story. A well-dressed, smooth speaking applicant who has all the right answers is tempting. After all, it's much easier on the front end to believe you have the right candidate and forego the trouble and expense of a background check all together. Lax or inconsistent screening policies are detrimental to companies! That same seemingly perfect candidate could have a doozy of a skeleton in his or her closet. Even if the applicant seems like a great fit, perform the due diligence of a background check to make sure that charming personality and polished persona isn't hiding something.

HR professionals need to acknowledge that job applicants frequently exaggerate or fabricate their job history and qualifications. Take proactive steps to ensure there's nothing in their background that will end up harming the company. Background screening is a key component of efficiently accomplishing this goal.

Making a comprehensive screening process effective should be top priority for businesses large and small. Here are five easy-to-implement background screening do's and don'ts that HR Professionals can employ to make sure they look at the true picture:

1 DON'T assume that one search does

it all. Remember, only searching one part of an applicant's history leaves gaps that could be dangerous during the hiring process. *Ex: the applicant may have no criminal history, but be faking his job history.* The screening process should be multi-faceted, and cover different areas of a candidate's professional career and personal life, where applicable.

2 DO complete a criminal check.

Criminals frequently move cities or states to try to cover up past criminal history. Check every place that the applicant has lived, worked, or studied. Make certain you don't miss any of their past addresses by ordering a social security search, which shows every city that the social security number has been associated with.

3 DO combine other verification checks.

Make sure to order relevant employment and education verifications. These will help pinpoint issues in the potential employee's work history, gaps in employment, or faked degrees, if there are any.

4 DO make sure to search far enough

back. Checking out a person's history of performance is one of the best ways to predict his or her future performance and behavior. Go back 7 years for criminal checks, and 2 years for employment checks.

5 DON'T try to do it yourself or hire on

price. Your background check report is only as thorough and accurate as the company that compiles it for you. Hire a reputable employment screening company to perform your background checks. Companies that are well established, accredited by the NAPBS, and keep private investigators on staff are your best choices. They will know how to ask the questions that dig for the full truth. These companies will not be the cheapest, but uncovering even one unqualified or dangerous hire will be worth the expense.

Being aware that many applicants are trying to hide past mishaps is a good start toward arming yourself with the tools you need to make the best, most productive hiring decision. Make sure you have a pre-employment background screening policy in place to protect your company from bad hires, turnover, decreased productivity, and theft.

Sonya Weathers,
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• REMEMBERING •

DONNA SMITH GALCHUS

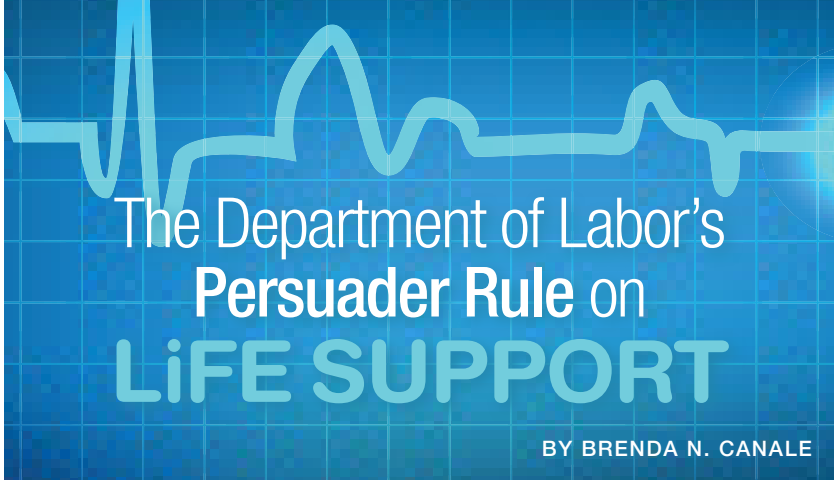
It is with heavy hearts that Cross, Gunter, Witherspoon & Galchus, P.C. announces the passing of colleague and friend, Donna Smith Galchus.

Donna was a founding member of CGWG where she practiced labor and employment law and immigration law. She was a loving mother, wife, and friend whose integrity earned her respect with clients and high regard within the legal community.

Her strong work ethic and involvement within the legal profession and community were hallmarks of her personality. She will truly be missed by all who knew her.



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The Department of Labor's Persuader Rule on LIFE SUPPORT

BY BRENDA N. CANALE

The Labor-Management Reporting and Disclosure Act's (LMRDA) Reporting Requirements

The LMRDA is a federal statute that, among other things, contains reporting provisions that require unions to disclose information about their structure and financial condition. It also contains public reporting provisions for employers and individuals who are “persuaders,” that is, individuals who engage in activities intended, directly or indirectly, “to persuade employees to exercise or not exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing.” The LMRDA also includes an “advice exemption” from the reporting requirements outlined above. For many decades, the advice exemption has been interpreted by the Department of Labor (DOL) to permit employers to obtain legal advice without incurring reporting obligations so long as the consultant providing advice does not directly deliver or disseminate persuasive materials to employees, the employer has the ability to reject or modify persuasive material prepared by the consultant, and there is no “deceptive arrangement” between the employer and the consultant.

The Department of Labor's (DOL) “New” Rule

On March 23, 2016, the DOL announced a new rule stating for the first time that advice intertwined with persuader activities would trigger the reporting obligations under the LMRDA for both the employer as well as the “consultant” providing the service. This new rule greatly expanded reporting obligations and included, as an example, a requirement that reports would be required where a consultant provided material or draft communications to an employer for dissemination or distribution to employees “with an object to persuade.” Further, the DOL noted that a consultant “revising employer-created materials, including edits, additions, and translations” with “an object” to “enhance persuasion, as opposed to ensuring legality” would be another example of an activity that would trigger the reporting obligation.

Although the final rule became “effective” April 25, 2016, it was only scheduled to apply to arrangements and agreements and to payments made on or after July 1, 2016. Shortly after the Persuader Rule's publication, several associations and other entities filed three lawsuits against the DOL, seeking to enjoin the rule. One lawsuit, filed by Littler Mendelson, PC, was filed in Arkansas. The remaining lawsuits were filed in Texas and Minnesota.

The Texas District Court Nationwide Injunction Blocking the DOL's Persuader Rule

On June 27, 2016, just before the July 1, 2016 date the Persuader Rule was set to practically come into effect, the District Court for the Northern District of Texas issued a nationwide injunction enjoining the Rule. The judge presiding over the lawsuit considered the following four factors in deciding whether to enjoin the persuader rule: 1) the likelihood of the plaintiffs' success on the merits on the issue of the Rule's unlawfulness; 2) the threat of irreparable harm to the plaintiffs if the injunction was not granted; 3) the balance between that harm and the injury that granting the injunction would inflict on the other parties; and 4) the public interest.

In granting the preliminary injunction, the judge determined that the plaintiffs were likely to succeed on several arguments, including that the Rule exceeds the DOL's authority under the LMRDA; the Rule is arbitrary, capricious, and constitutes an abuse of discretion; the Rule's reporting requirements are inconsistent with and undermine the attorney-client privilege

and the confidentiality of the attorney-client relationship, the Rule violates free speech and association rights protected by the First Amendment to the U.S. Constitution, the Rule is void for vagueness and therefore, in violation of the due process clause of the Fifth Amendment to the U.S. Constitution, and the Rule violates the Regulatory Flexibility Act. The judge also ruled that the plaintiffs established that the Rule will cause irreparable harm and that the DOL will suffer no harm from the “delay[ed] implementation of an invalid rule.” Finally, the judge found that a preliminary injunction serves the public interest because it will ensure that employers “will continue to have access to necessary legal counsel,” and an injunction will “protect confidential relationships and protect constitutional rights.”

In August 2016, the DOL appealed the judge's preliminary injunction to the U.S. Court of Appeals for the Fifth Circuit. Before that court could issue any ruling, however, the district court issued an order on November 16, 2016, granting plaintiffs' motion for summary judgment, and permanently vacating the rule. Final judgment was entered in December 2016, and the Court of Appeals dismissed the appeal from the preliminary injunction as moot. The decision by the Court of Appeals does not preclude the Labor Department from appealing the district court's now-final judgment, but at present it is unknown whether either the current administration or the Trump administration will further pursue the Rule. In the meantime, the Texas court's injunction remains in effect nationwide.

The Minnesota District Court's Decision Not to Enjoin the Rule

In other pending litigation seeking to enjoin the Rule, a Minnesota district court on June 22, 2016, denied a request to enjoin the Persuader Rule. The court, however, expressly stated its view that the Persuader Rule conflicts with the advice exception to the LMRDA. Following issuance of the Texas court's nationwide summary judgment vacating the rule, the Minnesota court entered a stay of further proceedings, declaring that further litigation of the rule's merits “would be a waste of judicial resources.” The judge further stated that “there is significant reason to believe that the new administration will withdraw the persuader rule – or at least decline to defend the validity of the persuader rule in its current form.”

The Arkansas district court, where the third case is pending, entered a similar stay of proceedings pending further developments.

Based on the status of the pending litigation and anticipated views of the new administration, it is likely that employers no longer need to be concerned about the “new” Persuader Rule and its reporting requirements for the foreseeable future; however, observers will continue to watch further steps by the DOL, if any, in coming months.

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"I am always surprised that we are known in places like New York, Chicago and Los Angeles, and even do business in Europe and Asia, but we still have yet to connect with companies in our own backyard," said Brad Federman, Chief Operating Officer of FHSG.

With a track record of over 20 years, FHSG has become a trusted and valued partner to its clients, working side by side, offering expert, objective advice to help solve some of the most complex people issues in corporate America. FHSG creates inclusive and productive workplaces, provides quality coaching and training and crafts customized human resources solutions.

FHSG recently announced that in January 2017, the Memphis, Tennessee office will be moving to a

larger space to expand its operations in Memphis. FHSG has grown significantly in size because of the addition of The Centre Group's consultants and the growth of our absence management and training practices.

Federman said, "The move will help FHSG continue to grow the business and help the firm serve its clients better. The new office will be a collaborative and open space to support our culture and interaction with clients."

FHSG is proud to invest in the mid-south region and sees real opportunity to assist organizations in its region further. Within the past year, the firm has more than doubled in size.

The company's management consultants have unmatched expertise and experience working with clients of various sizes and types, ranging from Fortune 500 companies to emerging growth businesses. Its impressive book of clients includes household names such as American Airlines, FedEx, Macy's, Hilton, Amtrak, Delta Airlines, Jones Lang LaSalle, Sherwin Williams, Morgan Lewis, Arkansas BlueCross BlueShield and St. Jude Children's Research Hospital.

When asked what makes the company stand out against its competitors, Federman mentioned its Client Service Philosophy as one reason, stating, "I am excited about the possibilities as we add some of the best talent available. We will continue to focus on delivering on our client service philosophy, which acts as a foundation regarding how we work with our clients."

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KERSTIN NEMEC

President

Med-Enroll, Inc.

Kerstin Nemec is the President of Med-Enroll, Inc.; a provider of insurance screening and enrollment services.

Kerstin spent 5 years with ADP's Tax Credit Business; 5 years overseeing GE's Wholesale Mortgage Business and 12 years with KPMG as a partner, controlling their Tax Credit Business.

Kerstin is active in the community, chairing KPMG's 9/11 rebound efforts, was active with Girls, Inc. in Dallas and initiated two "Women in Leadership" mentoring programs in New York and Los Angeles.

Outside work, she spends quality time with her family including her husband, two English Bulldogs, and her daughter who she adopted from China.



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TIM NORWOOD

Executive Vice President

Med-Enroll, Inc.

Tim Norwood is Executive Vice President of Med-Enroll, Inc. and is dedicated to providing clients with cost-effective business solutions to reduce the soaring cost of healthcare facing companies today. He has over 20 years of experience with state/federal tax credits, regulatory compliance, and employee screening. Tim has worked with thousands of clients – from small businesses to Fortune 100 companies. Previously, Tim was Vice President of Sales at ADP.

Tim has stayed active in the community, serving as President of the Greater Florence Chamber of Commerce, President of Florence County Progress, and Chairman of the Pee Dee Area Boy Scouts.



JEANNE J. FISHER, CFP®, CPFA, MBA
Financial Advisor, Retirement Plan Specialist
ARGI Financial Group

Jeanne Fisher is passionate about financial wellness. Jeanne is a qualified plan advisor and a member of ARGI's corporate benefits education team. She helps companies design and manage 401(k)s and other employer-sponsored plans as part of a financial wellness package.

At ARGI, Jeanne works with a team of focused specialists that help provide clarity for individuals and businesses through comprehensive, integrated financial services. These include:

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CAMMIE SCOTT

President/Owner,
LUTCF, REBC, RHC, CLTC, SPHR and ChHC

CK Harp & Associates, LLC

Cammie Scott is President and Owner of CK Harp and Associates and has over 18 years' experience in assisting corporate clients. She obtained her Master of Science in Industrial Engineering (MSIE) from the University of Arkansas holds the following professional designations: Life Underwriter Training Council Fellow (LUTCF), Registered Health Underwriter (RHU), Registered Employee Benefits Consultant (REBC), Certification in Long Term Care (CLTC), Chartered Healthcare Consultant (ChHC) and a

Senior Professional in Human Resources (SPHR). She is uniquely positioned to offer solutions to her clients that drive employee retention and satisfaction, ensure regulatory compliance, and promote client success, sustainability and profitability.

Cammie has spoken to national professional associations, employee groups, non-profit organizations and service clubs, and has talked at several colleges and universities. She is the 2017 ARSHRM Conference Chair.



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2017

Health Plan Budgeting for the New Year: POINTS TO CONSIDER

By KEN BOWEN

Setting and maintaining a budget for an employer's health plan often can be straightforward, but it can also be quite complex, depending on how the plan is funded. For employers with a fully insured health plan, budgeting tends to be simpler with less moving parts. However, employers with a self-funded health plan have many items to consider and, as the plan fiduciary, bear significantly enhanced regulatory responsibility. We will explore several important things to consider when setting budgets under both funding types.

FULLY INSURED HEALTH PLAN BUDGETING

Under a fully insured arrangement, the carrier will generally set the premium rates for the employer's applicable benefits and policy year. After the rates are set, the employer must determine the appropriate level of contribution to apply towards those premium rates in an attempt to meet the plan's financial/budgetary goals. Because employer-sponsored benefits are generally a high priority when hiring new employees and retaining current employees, great care must be taken to ensure the contribution structure meets the need of the employees while tracking with the financial goals of the health plan.

With the advent of the Affordable Care Act (ACA), employers must also consider "grandfathered" status when determining appropriate contribution rates for their employees. Changes in employer/employee contributions can result in the plan losing "grandfathered" status if a large enough change is made when compared to the contributions in place as of March 23, 2010. Grandfather status cannot be regained, and may not be applicable at this point, depending on plan changes made since the enactment of this provision.

Also part of the ACA, the Employer Shared Responsibility Provision established a penalty for any health plan not providing "affordable" coverage for their employees also known as "Pay or Play." For 2017, an "affordable" health plan is one in which the employee's required contribution for the lowest cost, self-only coverage does not exceed more than 9.69% of the employee's household income for the year. Since household income is essentially impossible for employers to track, the IRS allows the use of three safe harbors to calculate affordability based on quantities known to the employer, such as rate of pay, W2 wages, or general federal poverty level guidelines.

One additional item for an employer to measure is the relativity between contributions if multiple plans are offered to their employees. In general, most plans set their contribution structure between plans to match or be similar to the actuarially justified difference in the premium rates between the plans. If the plan contributions are shifted too much one way or the other, the plan can create a situation of adverse selection within the resulting employee enrollment. This can cause shortfalls in employee contributions to the plan and substantial operating losses to the health plan.

SELF-INSURED HEALTH PLAN BUDGETING

In addition to the items listed for fully insured health plans, employers with a self-funded health plan have several additional items they must contemplate when setting a budget. Under a self-funded arrangement, it is generally the responsibility of the plan fiduciary (i.e., the employer) to set the premium rates. This is done through careful analysis of the plan's historical claims and fixed costs, which results in a forward looking cost projection to the new plan year and utilize applicable industry trends and updated fixed costs.

The fixed costs are a combination of the carrier's or third party administrator's administration costs and the reinsurance carrier's premium for the applicable reinsurance coverage. Administration costs generally include the fees associated with claims processing, care management, COBRA administration, network fees, etc. Reinsurance premiums generally cover the purchase of specific stop-loss and aggregate coverage for the health plan, and the premiums are based on the amount of coverage purchased. The amount of coverage and type of contract purchased is determined through the analysis of historical claims, premiums, reimbursements and the employer's appetite for risk.

The overwhelming majority of a self-funded plan's expenses comes in the way of medical and pharmacy claims. Using industry accepted underwriting protocols to trend and project claims is vital for the accuracy of the projection. Inaccuracy when projecting claims costs can result in improper rate calculation, inappropriate contribution levels and substantial operating losses to the plan. Optional benefit plans can also be modeled to calculate the effect on projected claims costs.

The last couple of items to consider under a self-funded health plan budget process are also a product of the Affordable Care Act. For the past several years, the Transitional Reinsurance Fee has been a considerable fee that must be added to the expenses of the health plan, as well as the annual budget process. The great news is that 2016 is the last year this fee was applicable; so health plans do not have to budget for this fee in 2017 or beyond. However, the Patient Centered Outcomes and Research Institute (PCORI) Fee is still applicable and should be included in the budget process.

As you can see, regardless of your health plan's funding type, there are many points which must be weighed and considered when setting a health plan's budget. Regions Insurance has the experienced analysts and consultants ready and available to assist you with every step in the process.

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Ogletree Deakins is one of the largest labor and employment law firms representing management in all types of employment-related legal matters. Premier client service, as outlined in the firm's Client Pledge, is one of the firm's top priorities and a cornerstone of its core values. *U.S. News – Best Lawyers*® "Best Law Firms" has named Ogletree Deakins a "Law Firm of the Year" for six consecutive years. In 2017, the publication named Ogletree Deakins its "Law Firm of the Year" in the Labor Law - Management category. Ogletree Deakins has more than 750 attorneys located in 49 offices across the United States and in Europe, Canada, and Mexico. The firm represents a diverse range of clients, from small businesses to Fortune 50 companies.

ATLANTA



GREG HARE is the Office Managing Shareholder of Ogletree Deakins' Atlanta office, where he represents employers in all aspects of labor and employment law. Hare assists companies with human resources and employment-related litigation matters, including wrongful termination claims, sexual harassment, employment discrimination, employment contracts, trade secrets, and non-compete agreements.



MARGARET CAMPBELL is a shareholder in Ogletree Deakins' Atlanta office, where she practices employment, litigation, and labor law. An all-around labor and employment lawyer, Campbell provides counsel in complex and collective action litigation, whistleblower investigations, and litigation including Sarbanes-Oxley and Dodd-Frank cases, appellate practice, and restrictive covenant law.



PATRICK CLARK is a shareholder in Ogletree Deakins' Atlanta office, where he concentrates his practice on advice and litigation in all areas of employment law. Clark regularly represents clients in the healthcare industry, but also has experience with insurance, paper/building products, and publishing companies.



CRAIG CLELAND, a shareholder in Ogletree Deakins' Atlanta office, defends employers in litigation—including class and collective actions—and counsels them in risk management and compliance. In addition to defending employers in litigation, Cleland serves as a mediator and settlement counsel in complex or difficult cases.



HOMER DEAKINS is the Chairman Emeritus of Ogletree Deakins and former Managing Shareholder. Deakins has extensive experience in all aspects of labor relations law, including handling some of the largest and most highly publicized union elections in the United States on behalf of employers.



DARA DEHAVEN is a shareholder in Ogletree Deakins' Atlanta office, where she advises and advocates for management. DeHaven helps clients develop, implement, and monitor employment policies, practices, and preventive maintenance programs to ensure regulatory compliance and assist in dealing with employment matters before they reach litigation.



KEVIN HISHTA is a shareholder in Ogletree Deakins' Atlanta office, where he represents employers in federal and state courts, including class actions and franchise and independent contractor misclassification litigation. Hishta's practice also includes working with clients on preventative planning to avoid disputes and litigation.



DAVID JONES, a shareholder in Ogletree Deakins' Atlanta office, engages in a nationwide practice representing employers in matters involving occupational safety and health. Much of his practice includes serving as a senior strategic advisor to clients on workplace fatalities, catastrophic accidents, and OSHA inspections.



ROBERT SANDS is a shareholder in Ogletree Deakins' Atlanta office, who has extensive experience representing retail, manufacturing, healthcare, public sector and non-profit clients. Sands regularly handles employment litigation in federal and state courts, as well as investigations and hearings before federal and state administrative agencies.



WILLIAM (BILL) STEINHAUS, a shareholder in Ogletree Deakins' Atlanta office, defends employers in state and federal courts, including claims of discrimination, wage and hour actions, and restrictive covenants/trade secrets enforcement. Steinhause also counsels employers engaged in union avoidance and represents them before the NLRB and in collective bargaining.

MEMPHIS



THOMAS HENDERSON is the Office Managing Shareholder of Ogletree Deakins' Memphis office. For more than 30 years, Henderson has represented management in employment and labor matters, including defending discrimination and harassment lawsuits, class actions, FMLA claims, ERISA and benefit claims, and trade secret and unfair competition matters.



DONNA FISHER is of counsel in Ogletree Deakins' Memphis office, where she represents management in labor and employment matters. With an emphasis on advice and preventative activity, Fisher assists clients with management training programs, internal investigations, affirmative action programs, preparation of employee handbooks, and internal policies.

NASHVILLE



TOM DAVIS is a shareholder in Ogletree Deakins' Nashville office and co-chairs the firm's Traditional Labor Relations Practice Group. Davis assists clients in maintaining union-free work environments through cutting-edge, positive employee relations programs and creative leadership education. Davis also helps unionized employers develop and maintain constructive relationships with the union representing their employees.



KEITH FRAZIER, a shareholder in Ogletree Deakins' Nashville office, represents management in the area of labor and employment law with an emphasis on employment litigation, including collective actions under the FLSA and the ADEA. Frazier has also handled more than 40 arbitrations arising under collective bargaining agreements.



JONATHAN HARRIS, a shareholder in Ogletree Deakins' Nashville office, represents employers in a wide variety of employment-related matters. Harris has experience handling EEOC charges and defending employers in lawsuits brought by the EEOC, including matters where the agency has asserted systemic claims on behalf of multiple claimants.



JOHN HARRISON, a shareholder in Ogletree Deakins' Nashville office, devotes his practice exclusively to the representation of employers in matters of personnel policies and practices, labor and employment litigation, wage-hour compliance, and other workplace issues.



TIM PALMER is a shareholder in Ogletree Deakins' Nashville office, where he represents employers in employment litigation and general civil litigation in state and federal courts. Palmer's practice focuses on the defense of employment litigation including discrimination claims, defense of personnel actions, and defense of employee benefit disputes.



RICHARD PARKER, a shareholder in Ogletree Deakins' Nashville office, represents private employers in a broad spectrum of industries, including automotive, steel, chemical, transportation, and pharmaceuticals. Parker has handled scores of unfair labor practice charges, labor arbitrations, discrimination cases, and collective bargaining agreements in numerous industry settings.



ELIZABETH (LIZ) WASHKO is the Managing Shareholder of Ogletree Deakins' Nashville office and the co-chair of the firm's Pay Equity Practice Group. Washko represents management in a wide variety of employment matters both at the agency level and in litigation, including discrimination, harassment, retaliation, FMLA, and FLSA cases.



RICHARD CARRIGAN, a shareholder in Ogletree Deakins' Birmingham office, represents employers in state and federal courts, as well as before administrative agencies. Carrigan provides practical advice on matters across the labor and employment law spectrum to help clients avoid litigation and prepare if litigation ensues.



LUTHER WRIGHT is an of counsel attorney in Ogletree Deakins' Nashville office. Wright has significant experience in the areas of labor and employment law, corporate business litigation, and complex litigation, including class and collective action lawsuits. Wright also has a thriving practice focused on day-to-day client advice and supervisor/employee training.



CHRIS DEERING, a shareholder in Ogletree Deakins' Birmingham office, assists employers in successfully avoiding and defending a broad range of employment-related claims. Deering's practice focuses on employment discrimination, wrongful discharge, retaliation and harassment, whistleblower issues, restrictive covenants, wage-hour matters (including class and collective actions), and workplace safety.

BIRMINGHAM



GORDON BLAIR, a shareholder in Ogletree Deakins' Birmingham office, represents management in workplace-related matters, ranging from administrative proceedings to federal litigation. Blair regularly represents colleges and universities, contractors, healthcare providers, manufacturers, and retailers in construction, tort, and contract litigation.



HARRY HOPKINS, an of counsel attorney in Ogletree Deakins' Birmingham office, has extensive experience in all aspects of labor law, which includes representing employers during union election campaigns and before the National Labor Relations Board. Hopkins has participated in the negotiation of more than 500 labor agreements.



BRIAN BOSTICK is a shareholder in Ogletree Deakins' Birmingham office, where he represents employers in employment-related litigation in both federal and state courts. Bostick has successfully represented management before numerous administrative agencies such as the Equal Employment Opportunity Commission, the Department of Labor, and the Mine Safety and Health Administration.



SCOTT KELLY is a shareholder in Ogletree Deakins' Birmingham office, where he provides practical solutions for federal contractors and subcontractors across the United States to comply with the ever-changing affirmative action obligations imposed by doing business with the federal government.



CARIN BURFORD, a shareholder in Ogletree Deakins' Birmingham office, represents management in employment-related litigation concerning claims of discrimination, harassment, retaliation, unemployment compensation, wage and hour, and workers' compensation. Burford regularly provides training on issues such as employee discipline, harassment and workplace violence prevention, litigation avoidance, and workplace policies.



PEYTON LACY, JR. is an of counsel attorney in Ogletree Deakins' Birmingham office, where he defends individual and class employment litigation cases in both federal and state court, handles traditional labor law matters for employers, including negotiation and arbitration, and counsels employers on preventive measures in both areas.



JAMES PENNINGTON is the Managing Shareholder of Ogletree Deakins' Birmingham office, where he represents employers in a wide range of labor and employment law matters, including administrative agency charges, federal and state court litigation, union campaigns, and collective bargaining.



DAVID WARREN, JR. is a shareholder in Ogletree Deakins' Birmingham office, where he represents employers in the employment and labor law field, with an emphasis on litigation prevention counseling and employment litigation defense.

RIDGELAND



TIM LINDSAY, a shareholder in Ogletree Deakins' Jackson office, routinely offers guidance to employers in an effort to avoid potential problems and costly litigation in the labor and employment arena. When matters must be litigated, Lindsay has defended employers against claims involving state and federal employment laws for more than 30 years.



ROBIN BANCK TAYLOR is a shareholder in Ogletree Deakins' Jackson office, where she defends employers and management in employment-related disputes, including disputes involving allegations of discrimination, harassment, retaliation, wrongful discharge, failure-to-accommodate, FMLA interference, non-competition and non-solicitation covenants, trade secret, and other related state and common-law claims.



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The focus of our practice at *Wimberly Lawson Wright Daves & Jones, PLLC* is primarily on labor and employment Law for management, together with general liability and workers' compensation defense, for businesses and professionals, insurers, and governmental entities. We have offices throughout Tennessee, and serve clients both nationally and internationally. Our attorneys use a number of preventive and cost-effective methods to maximize employee benefit dollars as well as avoid costly legal problems. Our attorneys also sponsor and present a wide array of conferences and seminars every year, including our annual *Labor Relations & Employment Law Update Conference*. The Firm has been recognized for various coveted rating awards including: **U.S. Top Ranked Law Firms** by Fortune Magazine; **Best Law Firms** by U.S. News & World Report; and **Martindale Hubbell Peer Review Rated Award** by Martindale-Hubbell.



EDWARD H. TRENT is a Member of the Knoxville office, which he joined in 2011. His practice includes labor and employment law defense litigation and practice before governmental agencies, as well as preventative counseling and training for HR personnel. Ed also works with churches on employment law, child protection, and religious liberty issues. He received his law degree from Duke University School of Law and has an *AV Preeminent*® Rating from Martindale-Hubbell. Since 2011 he has also been recognized by his peers for inclusion in *The Best Lawyers in America*® for Employment Law/Management and Litigation/Labor & Employment, and he was named as **LAWYER OF THE YEAR** in 2016. Ed is Board Certified in Labor & Employment Law by The Florida Bar.



G. GERARD JABALEY is Regional Managing Member of the Knoxville office. His primary practice areas are defense-oriented and include workers' compensation, employment law, and human resources counseling and training. He obtained his law degree from The Cecil C. Humphreys School of Law at the University of Memphis. Gerard is a member of the Knoxville Bar Association and has served both on the CLE Committee and as Co-Chair. He is also a member of the Employment Law Sections of the Tennessee and American Bar Associations, and the Litigation Section of the American Bar Association. Gerard has an *AV Preeminent*® Rating from Martindale-Hubbell. Since 2016 he has also been recognized by his peers for inclusion in *The Best Lawyers in America*® for Workers' Compensation Law-Employers.



KAREN G. CRUTCHFIELD is a Member in the Knoxville, Tennessee office of the Firm. Her law practice focuses on the defense of general civil litigation for businesses and employers, including contracts, construction, premises liability, products liability, professional liability, environmental and workers compensation claims. Karen received her law degree from the University of Tennessee College of Law in 1994. She was selected to participate as a delegate to the OECD-NEA Nuclear Law Program in October of 2013, received the ETLAW *Spirit of Justice Award* in 2014, and received the Tennessee Supreme Court *Attorney for Justice Award* in 2014 and 2015. She has been listed in the *Best Lawyers of America*® since 2016 in the area of Workers' Compensation Law-Employers. In 2016, she was also named to The Fellows of the American Bar Association, which admits only 1% of U.S. lawyers to its ranks.



FORDHARRISON

FordHarrison is a U.S. labor & employment law firm with more than 200 attorneys in 29 offices, including four affiliate firms. The firm is committed to adhering to the FH Promise, which guides how the firm delivers legal services and works with its clients. FordHarrison attorneys represent employers in labor, employment, immigration and employee benefits matters. Through its global practice group and membership in the global employment law firm alliance, Ius Laboris, FordHarrison provides multinational companies with a broad range of services related to labor and employment law throughout the world. For more information, visit fordharrison.com and iuslaboris.com.

TENNESSEE



LOUIS P. BRITT, III represents private and public employers in a broad range of labor relations and employment matters. He is experienced in complex and class action litigation and has tried cases in state and federal courts across the country. He received his J.D. from Tulane University Law School.



HERBERT E. GERSON focuses his practice on traditional labor and employment issues both local and international. He devotes much of his practice to counseling clients on avoiding employment discrimination claims and developing a positive work environment. He earned his J.D. from Emory University School of Law.



THOMAS J. WALSH focuses his practice on civil litigation, and has successfully handled hundreds of summary judgments and appeals, including those resulting in landmark employment discrimination decisions by the U.S. Supreme Court and by various federal and state appellate courts. He earned his J.D. from the University of Virginia School of Law.



CHARLES ("BUD") V. HOLMES has over 30 years of experience representing private and public sector management in a wide variety of employment-related matters. Bud previously served as Senior Assistant City Attorney for the City of Memphis, advising the City in employment-related matters. Bud earned his J.D. from the University of Tennessee.



FRIDAY, ELDREDGE & CLARK, LLP

Friday, Eldredge & Clark, LLP serves business, non-profit, governmental and individual clients in Arkansas and across the United States. It is one of the oldest law firms in Arkansas and has been the largest Arkansas based law firm in the state for nearly 50 years. Friday, Eldredge & Clark, led my managing partner J. Shepherd Russell III, has offices in Little Rock, Fayetteville and Rogers, Arkansas. The firm has been ranked in *U.S. News – Best Lawyers* "Best Law Firms" list regionally in 41 practice areas. Additionally, Friday, Eldredge & Clark has the most tier 1 rankings in the state and the most tier 1 rankings in Litigation – Labor and Employment in Arkansas. For more information about Friday, Eldredge & Clark or the attorneys, visit www.fridayfirm.com.



CHRISTOPHER HELLER works primarily in the areas of Commercial Litigation, Labor and Employment Law and Education Law. The majority of his practice consists of trial and appellate work. A partner in the firm, he represents businesses in employment, contracts and civil rights matters as well as other areas. Chris is listed in *The Best Lawyers in America* for Commercial Litigation, Bet-the-Company Litigation, Labor and Employment Law and Education Law and was named Lawyer of the Year 2014-2016 in Little Rock. Chris has been selected by attorney peers for inclusion in *Mid-South Super Lawyers* since 2012.



KHAYYAM M. EDDINGS is a partner in the Labor and Employment Litigation Practice Group where he counsels employers in all aspects of the labor and employment laws. Khay represents school districts throughout Arkansas. His practice includes the representation of clients in state and federal courts, before administrative bodies such as the Financial Industry Regulatory Authority and before arbitrators. Khay was named Lawyer of the Year 2017 in Little Rock for his work in Employment Law – Individuals and in Education Law by *The Best Lawyers in America*. He has been listed by *Best Lawyers* since 2010.



DANIEL L. HERRINGTON is a partner in the Labor and Employment Relations Practice Group and proactively works with his management clients to help ensure their employment decisions can withstand legal scrutiny. Dan has successfully defended those decisions before state and federal agencies and courts and has extensive experience in litigating covenant not to compete and trade secret cases. For his work in labor and employment law, Dan is ranked in *Chambers USA: America's Leading Lawyers*, *Mid-South Super Lawyers* and *The Best Lawyers in America*. He was named by *Best Lawyers* as Lawyer of the Year 2016 in Little Rock.



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MICHAEL S. MOORE is a partner in the firm's Labor and Employment Practice Group with an emphasis on employment discrimination defense. He specializes in litigation of discrimination cases, wage-hour matters, sexual harassment, wrongful discharge, FMLA and employee and supervisor training. Mike has extensive experience before the EEOC and the Wage-Hour Division of the United States Department of Labor, as well as litigation experience in both federal and state courts. He

is top-ranked by *Chambers USA: America's Leading Lawyers for Business* and is also acknowledged in *The Best Lawyers in America* and in *Mid-South Super Lawyers*.



ELIZABETH ROBBEN MURRAY

heads the firm's Labor and Employment Practice Group and serves on the firm's Management Committee. Her litigation experience is extensive and includes matters such as product liability, natural gas litigation, discrimination law suits, covenants not to compete, commercial contracts and trade secrets misappropriation. Betsy also represents clients in matters regarding legislation, initiated acts and constitutional amendments. Prior to joining the firm, Betsy

clerked for United States District Judge William Overton. She is listed in *The Best Lawyers in America* for Bet- the-Company Litigation, Commercial Litigation and Employment Litigation.



MARSHALL S. NEY serves as an advisor and litigation counsel to businesses and school districts in most types of complex, commercial disputes, civil rights cases and employment claims. His experience is extensive and includes class action litigation, non-competition agreements, trade secrets, corporate dissolutions, discrimination suits, business contracts, education law, teacher fair dismissal claims and special education law. Marshall was named lawyer of the year in 2013 in *The Best Lawyers in America* for his work in

Litigation – Labor and Employment and continues to be recognized by *Best Lawyers*, *Super Lawyers* and *Americans' Top 100 Attorneys*.



OSCAR E. DAVIS JR., Of Counsel, practices in the area of labor and employment law, representing employers and managers. He has extensive experience representing and advising clients with regard to the National Labor Relations Act, the Americans with Disabilities Act, the Family Medical Leave Act, the Occupational Safety and Health Act, the Equal Employment Opportunity Act and the Wage and Hour Act. Oscar has been listed since 1995 in *The Best Lawyers in America* for Employment Law -

Management and in *Mid-South Super Lawyers* since 2006.



FREDERICK S. URSERY'S, Of Counsel, practice is focused on litigation for clients in a broad variety of industries. He is a Fellow in the American College of Trial Lawyers and previously served as its state chair. He is the past president of the Arkansas Chapter of the American Board of Trial Advocates. Fred is listed in *The Best Lawyers of America* for Personal Injury Litigation, Labor & Employment Law and Railroad Law. He was recently recognized as one of Arkansas's Top 50: *Mid-South Super Lawyers*.

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WRIGHT LINDSEY JENNINGS

Wright Lindsey Jennings' Labor and Employment team has management-oriented practices addressing all aspects of the employee/employer relationship. The team has extensive experience litigating and arbitrating employment and civil rights claims, in addition to state law claims. Our attorneys defend clients in multi-plaintiff, collective action and class action lawsuits, as well as Department of Labor and EEOC investigations. WLJ's team provides advice and counsel to clients regarding a variety of day-to-day matters, such as employment agreements and disciplinary issues, and represents clients in labor arbitrations, union elections and contract negotiations. Despite our collective litigation and arbitration experience, we place a premium on preventing employee claims that could lead to administrative investigations and litigation.



JOHN D. DAVIS concentrates his Little Rock practice in the areas of labor and employment law and workers' compensation. He spends a considerable amount of his time advising clients in connection with a variety of employment-related matters, including terminations, severance agreements, wage and hour issues, union avoidance, union negotiations, arbitrations, personnel policies and compliance with federal, state and local employment laws. Davis has received an AV® Preeminent™ 5.0 out of 5 Peer Review Rating through Martindale-Hubbell, and is listed among *The Best Lawyers in America*, *Chambers USA* and *Mid-South Super Lawyers*.



MICHELLE M. KAEMMERLING'S practice focuses on employment and commercial litigation in state and federal court, including appeals. She has also represented a number of defendants in employment and consumer class action lawsuits. In addition to her litigation practice, Kaemmerling regularly advises employers regarding compliance with state and federal employment laws and develops personnel policies, employment agreements, covenants not to compete and other employment-related contracts. Kaemmerling has been recognized by *Mid-South Super Lawyers* since 2009, *Best Lawyers* since 2014 and as a "Leader in the Field" by *Chambers USA*.



LEE J. MULDROW has been engaged in general litigation and workers' compensation defense in Little Rock for more than thirty years. His litigation practice primarily involves a wide variety of insurance defense cases, including copyright, trademark and trade dress litigation. His workers' compensation practice entails representing employers, self-insured companies and insurance carriers. Muldrow is listed in *The Best Lawyers in America* in the areas of "Worker's Compensation Law," "Administrative/Regulatory Law" and "Health Care Law," *Chambers USA* and *Mid-South Super Lawyers*. He has also received an AV® Preeminent™ 5.0 out of 5 Peer Review Rating through Martindale-Hubbell.



STUART JACKSON heads up Wright Lindsey Jennings' Labor and Employment Team. He advises employers on compliance with civil rights laws and developing personnel policies, employment agreements and covenants not to compete. Jackson also defends employers in federal and state court litigation and appeals involving claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family and Medical Leave Act and the Arkansas Civil Rights Act. Jackson is listed among *The Best Lawyers in America*, *Chambers USA* "Leaders in Their Field" and *Mid-South Super Lawyers*, and has an AV® Preeminent™ 5.0 out of 5 Peer Review Rating through Martindale-Hubbell.



TROY PRICE has earned a reputation as one of Arkansas' most experienced and highly regarded appellate lawyers. Price has handled more than 50 appeals in state and federal courts and has presented oral arguments more than 15 times in appeals before the Arkansas Supreme Court and Court of Appeals, the Eighth Circuit Court of Appeals and the Eleventh Circuit Court of Appeals. He is also admitted to practice before the Supreme Court of the United States. In addition to focusing on ERISA and other employee benefits litigation in his practice, Price is also recognized as an authority in First Amendment law.

When it comes to labor & employment cases, we sweat the small stuff.

Like all of our practice areas, labor & employment issues can be complicated and time-consuming. We have a dedicated team with the experience and industry knowledge to handle your case with an eye on both the big picture and the details. From discrimination issues to workers' compensation to immigration to wage issues, our diverse team can help you get the best result.



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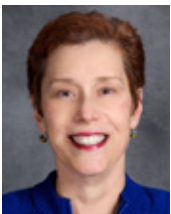
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U.S. News has named Cross, Gunter, Witherspoon & Galchus, P.C. (CGWG) a leading Labor and Employment law firm in the state of Arkansas for 2017. We are proud to have seven attorneys selected as *Best Lawyers*, including CGWG Director Carolyn B. Witherspoon as "Lawyer of the Year" in Employment Law. CGWG's team of attorneys are highly adept in handling a wide range of labor and employment defense matters, including discrimination litigation, collective bargaining, benefits advice, employment contracts, complex immigration matters, development of constructive employee relations, and the development of company employment policies and procedures. Preventive law strategies and exceptional educational programs are hallmarks of CGWG's services.



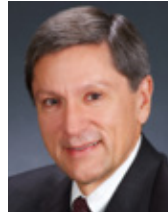
AMBER WILSON BAGLEY practices in the areas of Health Care Law, Employee Benefits and Corporate Law. She is a member of the American Bar Association; American Health Lawyers Association; and the Arkansas Bar Association where she has served as chair of the Health Law Section, in the Arkansas Bar Association Leadership Academy and is currently a member of the Arkansas Bar Association House of Delegates for Pulaski County.



CAROLYN B. WITHERSPOON practices in the areas of labor and employment defense, transportation law and municipal law in Little Rock. Carolyn is active in the Arkansas and American Bar Associations; is a member of the prestigious Union Internationale des Avocats; and serves as an arbitrator for the Court of Arbitration for Sport. She is also a Fellow in the College of Labor and Employment Lawyers. She was named 2017 Arkansas Best Lawyer of the Year by "The Best Lawyers in America."



J. BRUCE CROSS practices in the areas of labor and employment defense law. His practice includes work before the NLRB, the EEOC, and the Wage & Hour and OFCCP Divisions of the Department of Labor. In 2014, he was named a Fellow in the College of Labor and Employment Lawyers. Bruce currently serves as Chairman of the National Legislative Committee of the Associated Builders and Contractors of America.



M. STEPHEN BINGHAM'S practice includes products liability defense, commercial litigation, professional liability defense, insurance defense, transportation law, construction law and airport law. Steve, who is also a Certified Public Accountant, has an emphasis in business contract work. He focuses a great deal of his time in defending municipal and government entities. He is a past president of the Arkansas Association of Defense Counsel.



MISSY MCJUNKINS DUKE practices in the areas of labor and employment law. She is an active member of the Arkansas and American Bar Associations' Labor and Employment Sections. Missy is appointed to the Arkansas Early Childhood Commission and the Arkansas State Board of Law Examiners. Missy was named an *Arkansas Business* 40 Under 40 in 2011 and one of *Soirée Magazine's* "Women to Watch" in 2013.



RICHARD A. "RICK" RODERICK practices in the areas of labor and employment defense law. He has extensive experience in labor relations, union negotiations, employment discrimination, unfair labor practices and wage and hour matters. He also advises management regarding HR systems, policies and procedures, and performs supervisory training. Rick is a highly sought speaker and regularly provides customized training programs designed specifically for employers and HR professionals.



DONNA SMITH GALCHUS' practice focused on employment discrimination litigation, affirmative action compliance and immigration law. Donna was a member of the Arkansas Association of Women Lawyers; Pulaski County, Arkansas and American Bar Associations; American Immigration Lawyers Association; Mid-South Immigration Lawyers; Fellow, College of Labor and Employment Lawyers; Chair, Eighth Circuit Credentials Committee; American Employment Law Council; and the Arkansas Bar Foundation. Donna was a tremendous mentor and friend and will be missed by all who knew her.



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The labor and employment law team is known as a strong team of litigators and counselors with particular recent involvement in non-compete work and employment issues relating to the healthcare sector. This team defends employers against the full range of discrimination claims and offers traditional labor law counsel, including in union avoidance and contract negotiations. They are experienced in the management side of labor practice and employment law litigation and counseling, including informational and decertification campaigns, contract negotiations and arbitrations; retaliation, discrimination and whistleblower claims; FLSA DOL investigations and class/collective actions; and a myriad of other issues including FMLA and state law leaves of absence, I-9 compliance, independent contractor classification and non-competes.



TIM GARRETT of Bass, Berry & Sims helps employers solve complex issues related to all aspects of labor and employment law, providing in depth counseling and developing creative solutions to underlying business issues. Tim was named a top management lawyer in Nashville for 2017 and has been recognized by both Best Lawyers in America® and Chambers USA for several consecutive years.



BILL OZIER of Bass, Berry & Sims has earned national praise that includes 30 consecutive years of recognition in Best Lawyers in America® for labor and employment and top-tier rankings in Chambers USA. Bill represents a wide variety of clients - including a number of Fortune 500 companies - from manufacturing, distribution, retail, education and healthcare.



DAVIDSON FRENCH of Bass, Berry & Sims advises clients on labor and employment matters. Over the last five years, Davidson has assisted in responding to more than 100 EEOC claims for one client with 8,000+ employees, resulting in the successful resolution of each claim. Additionally, he served as lead counsel in an FLSA collective action for a client, achieving a favorable settlement. For more than five consecutive years, Davidson has been recognized by Best Lawyers in America®.

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ATLANTA



Shareholder, **GAVIN S. APPLEBY** advises and represents employers in a broad range of employment law matters, from defending single-plaintiff and class action employment cases to offering advice on difficult employment issues and labor relations matters. Renowned as an exemplary employment law and diversity trainer, Gavin is a featured training expert in employment law at the Institute for Applied Management and Law. He has developed legally-defensible diversity programs, created numerous interactive training programs and trained thousands of human resources professionals and operations managers across the country.



Shareholder, **TRACEY T. BARBAREE** represents employers in all aspects of employment and civil rights litigation, with a focus on Rule 23 class actions and defending collective action claims under the FLSA. She also litigates individual employment discrimination claims and represents employers in federal and state court.



Shareholder, **LESLIE A. DENT** is an experienced trial lawyer who has successfully tried cases ranging from individual discrimination matters to complex wage and hour class actions. She represents employers in class and collective actions involving off-the-clock claims, challenges to exempt status and other wage-related claims, as well as Rule 23 class actions alleging discrimination claims.



L. TRAYWICK DUFFIE is office managing shareholder in Littler's Atlanta office. He represents corporate clients in a broad range of employment and labor law matters, including employment litigation, union organizing, wage and hour and Employee Retirement Income Security Act matters. He has successfully defended numerous class and collective matters and countered union organizing campaigns in more than 40 states.



Shareholder, **CAMERON PIERCE** focuses his practice on labor relations and a wide range of employment-related issues. With respect to labor relations, he regularly represents employers in matters before the NLRB, as well as in labor arbitrations and collective bargaining.



LISA "LEE" A. SCHRETER is chairperson of Littler's Board of Directors and co-chair of the Wage and Hour Practice Group. She focuses on representing employers in complex class and collective actions involving overtime and other wage-related claims and specializes in helping employers to develop forward-thinking compliance measures that reduce wage and hour disputes and other employment-related issues.



Shareholder, **DANIEL E. TURNER** counsels and represents employers in all aspects of litigation in employment law issues, including discrimination, harassment, retaliation, wage and hour, and leaves of absence. He has served as lead counsel in more than 50 class and collective actions throughout the country.

MEMPHIS



Shareholder, **JONATHAN E. KAPLAN** has devoted his entire career to representing management clients exclusively in all areas of labor relations, employment law, and human resources management. His practice spans litigation, training, and consulting, in which he has handled matters in more than 40 states and Canada. Jonathan practices extensively before the NLRB across the country, and also has been admitted specially to practice before the state courts in California, Florida, Illinois, Indiana, Kentucky, Michigan, New York, and Ohio.



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Shareholder, **PAUL E. PRATHER** represents management exclusively in all areas of employment and labor relations, including state and federal employment litigation and in administrative proceedings before the NLRB, the EEOC and the DOL.



Shareholder, **JOHN W. SIMMONS** represents management clients in employment litigation, advises clients on employment law and labor relations matters and represents clients in administrative proceedings such as those before the NLRB and the EEOC.



AMBER ISOM-THOMPSON is a member of the Littler CaseSmart® team based in Tennessee. She is responsible for the drafting of early case evaluations (ECE). She identifies and reviews pertinent documents, interviews relevant witnesses, and drafts ECE reports. In keeping with each client's litigation philosophy, she partners with the local Littler litigation team and assists in developing and executing strategies for effectively handling litigation.



Memphis Office Managing Shareholder, **TANJA L. THOMPSON**, dedicates her practice to representing companies in traditional labor law. National Fortune 500 companies as well as local employers across various industries, such as manufacturing and healthcare, seek her expertise in remaining union-free and in managing their union-represented workplaces. Union-free efforts include campaigns, comprehensive union vulnerability assessments, human relations audits, communication strategies, and positive employee relations training.

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Baker Donelson's labor and employment attorneys are in all of the Firm's ten Southeastern states and Washington, D.C. Backed by more than 800 lawyers and public policy advisors, the attorneys offer litigation defense services for administrative and court proceedings at the federal and state level, advice on pre-litigation strategies to reduce legal risks, policy analysis and drafting, compliance audits, management training and labor negotiation. We are part of a Firm culture that promotes diversity, inclusion and a sincere appreciation for creative approaches to problem-solving, and we apply those same principles to our client relationships. We are proud to have been listed among FORTUNE magazine's "100 Best Companies to Work For" for seven consecutive years, something few other law firms have attained. Many of our offices consistently rank as a Best Place to Work in their cities and states, as well.



JENNA BEDSOLE is in Baker Donelson's Birmingham office and leads the Firm's Labor & Employment Group. She represents employers in a broad range of employment matters, including the defense of cases under federal and state discrimination laws, and the enforcement of non-compete agreements. She has defended employers successfully in both single plaintiff cases and collective actions. Ms. Bedsole advises U.S.

companies with U.S. workers in foreign jurisdictions about the effect of U.S. law on those workers. She has defended education clients before the EEOC, the Office of Civil Rights and FMCS Arbitrators.



MARTHA L. BOYD is in Baker Donelson's Nashville office, where she advises companies that are competing for and executing contracts with the U.S. Department of Defense and other federal agencies. She advises employers on hiring, discipline, leaves of absence, and HR policy development and implementation. She trains supervisors and managers on employment laws and investigates allegations of employee wrongdoing,

including harassment and discrimination and employee fraud. She represents employers in all types of litigation in state and federal courts and has successfully defended employment discrimination claims under Title VII, the ADA, FMLA and other state and federal statutes.



PHYLLIS CANCENNIE is managing shareholder of Baker Donelson's Baton Rouge office. She represents employers in all aspects of employment litigation, including class actions, before state and federal courts throughout the country, as well as governmental agencies including the EEOC and the Department of Labor. Ms. Cancienne has extensive experience drafting employee handbooks, employment contracts,

confidentiality/trade secret agreements, and covenants not to compete, as well as rendering advice to employers on all federal and state employment laws, including Title VII, ADA, FMLA, GINA, ADEA, NLRA and the FLSA. Listed in *Chambers USA* since 2010 as a leading labor and employment lawyer.



ANGIE C. DAVIS is in Baker Donelson's Memphis office. Her practice includes investigations and responses to claims under Title VII, the Tennessee Human Rights Act and the ADEA, and state and federal agencies such as the EEOC or the NLRB. She provides daily counsel to executives, human resources managers and other clients on employment issues such as leaves, terminations, reasonable accommodations under the ADA, wage and hour issues, reorganizations, RIFs, policies and procedures, non-compete agreements and severance agreements. Ms. Davis works with clients to develop employee handbooks and policy and procedure manuals.



BROOKS EASON is a shareholder in Baker Donelson's Jackson office, and has served for nearly 25 years as lead outside counsel in employment litigation for a naval shipyard in Pascagoula, the largest employer in Mississippi. He has also represented shipyards in Gulfport, Mississippi, and New Orleans, Louisiana. Mr. Eason has successfully defended employers in class and collective actions and individual suits asserting claims for

discrimination on the basis of race, gender, age, religion and disability, for sexual and racial harassment, and for violations of the Fair Labor Standards Act.



LARRY EASTWOOD is in Baker Donelson's Nashville office. He has extensive experience defending management in cases brought under Title VII, ADEA, ADA, FMLA, FLSA, ERISA, and applicable state employment statutes, as well as employment contracts, noncompete covenants, confidentiality agreements, trade secrets and complex commercial disputes. He counsels on employment law compliance and litigation

avoidance, including management and employee training, wage and hour, noncompete covenants, employment contracts, protection of trade secrets, employment policies and handbooks, drug testing, union avoidance, reductions in force, recordkeeping, employee privacy rights, workplace investigations, the WARN Act and compliance with state and federal anti-discrimination laws.



DAVID GEVERTZ is an employment lawyer in Baker Donelson's Atlanta office. He vigorously defends organizations accused of violating discrimination, wage and hour, whistleblowing, privacy and benefits laws. He also litigates employment contract and restrictive covenant disputes, and he routinely leads sensitive internal investigations and reductions in force. Mr. Gevertz also represents financial, housing, testing, and

hospitality-based institutions sued for violating public accommodations, fair housing, fair testing and fair lending laws. Listed in *Chambers USA: America's Leading Business Lawyers* since 2009.



R. MARK GLOVER is managing shareholder of Baker Donelson's Memphis office and is former chair of the Firm's litigation section. He is a veteran litigator who defends clients in general commercial litigation, banking disputes, class actions, trusts and estates litigation, securities and complex litigation of a commercial nature, and employment litigation matters. He regularly

defends clients in civil proceedings in both state and federal courts. His practice frequently involves the representation of publicly traded companies, and he has also advised companies on internal control and internal corporate investigation matters.



STEPHEN D. GOODWIN is in Baker Donelson's Memphis office and has extensive experience in all aspects of labor and employment law. He has negotiated union contracts, represented management in labor arbitrations and unfair labor practice charges and EEOC charges. He has litigated cases under the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the WARN Act, the Family

and Medical Leave Act and their state counterparts. Mr. Goodwin advises clients daily on employer policies, terminations, employee handbooks and union matters. His clients include large corporations, small businesses, professional groups and non-profits.



CHARLES K. GRANT is in Baker Donelson's Nashville office and is a member of the Firm's Board of Directors. He represents clients in complex employment litigation, including collective actions under the Fair Labor Standards Act. His practice also includes business litigation. He has tried more than 45 jury trials to verdict in both federal and state courts, and represented numerous clients in mediation and arbitration

proceedings across more than a dozen states. Mr. Grant's clients also include licensed professionals, such as lawyers, physicians and dentists, whom he has represented before licensing boards.



RUSSELL W. GRAY is managing shareholder in Baker Donelson's Chattanooga office and serves on the Firm's Board of Directors. He represents local, regional and national clients on a full range of labor and employment matters, including wage and hour, drug testing, policy manuals, covenants not to compete, response to union activity, various employment forms, compliance advice and employment litigation.

Mr. Gray also has more than 15 years of experience in commercial and business litigation, including litigation involving contractual matters, trade secrets, stock valuation and real property. He has litigated matters before courts or government agencies in approximately 20 states.



STEVE F. GRIFFITH JR. is a shareholder in Baker Donelson's New Orleans office. His practice includes vast experience on unique wage and hour issues, and he defends nationwide collective actions brought under the Fair Labor Standards Act. His experience also includes extensive litigation experience on civil rights claims, Title VII, the ADA, FMLA and ADEA. Finally, his practice includes pursuing and defending complex

breach of contract, trade secret and unfair trade practice claims. Listed in *Chambers USA: America's Leading Business Lawyers* since 2010



JONATHAN C. HANCOCK is in Baker Donelson's Memphis office. He represents employers and management clients in all aspects of employment law, including employee counseling and termination, proactive employee training, and handling of employee complaints and claims, whether made to the employer or filed as part of a lawsuit in state or federal courts across the country. He has extensive experience creating training

programs for employees, including "front line" training for managers, supervisors and executives, and helps employers implement risk avoidance programs. He also defends employers against claims brought before the EEOC, DOL and various other state and federal agencies.



KELLY OVERSTREET JOHNSON, office managing shareholder in Baker Donelson's Tallahassee office, is a past president of The Florida Bar, the third largest bar in the country. Ms. Johnson handles a wide variety of cases in both state and federal court, including commercial, real estate and employment discrimination defense matters. Her clients include banks, business owners and individuals that need and receive responsive and competent advice and representation.



JENNIFER P. KELLER is president and chief operating officer of Baker Donelson. She is a former member of the Firm's board of directors and former chair of the Firm's nationally-recognized Labor & Employment Department. As an employment litigator, Ms. Keller advises clients on a wide variety of issues, including discipline and terminations, benefits issues, leave, disability accommodation, policy formulation

and enforcement and similar matters. A substantial part of her practice is providing training for employers in the areas of harassment and discrimination prevention, drug-free workplace, union avoidance and other employment law issues.



AMELIA KOCH practices in Baker Donelson's New Orleans office. She has substantial experience in all aspects of employment litigation and counseling, such as the Fair Labor Standards Act, FMLA, ADA, Title VII, the Age Discrimination in Employment Act, covenants not to compete, and employment and severance agreements. She has defended FLSA collective actions and has also represented clients in wage

matters before the United States Department of Labor. Listed in *Chambers USA: America's Leading Business Lawyers* since 2013.



TIMOTHY B. MCCONNELL is in Baker Donelson's Knoxville office and co-chairs the Labor & Employment Practice Group. He counsels and defends clients in cases filed in federal and state courts in matters arising under Title VII, the ADA, ADEA, FMLA, FLSA, OSHA and state-specific employment laws. He also represents clients before the EEOC and the Tennessee Human Rights Commission. He provides management

and employee training programs on various employment law-related topics, and counsels employers through reviews and audits of employee handbooks and policies, as well as day-to-day advice on employment law-related issues, including discipline and terminations, leave and disability accommodation.



WILLIAM SOMERVILLE is a shareholder in the Birmingham office, concentrates his practice in business litigation, including health care litigation, employment law and gaming law. Mr. Somerville has considerable litigation experience in the health care industry, as well. This includes representing entities in certificate of need litigation; defending health care institutions in litigation brought by physicians; litigating business disputes

between hospitals; litigation against governmental entities; and other types of general business litigation.



STEVEN TRENT is the managing shareholder in Baker Donelson's Johnson City/Tri-Cities office, has counseled and defended clients in employment matters for more than twenty years. Mr. Trent focuses his practice on labor and employment law. He represents employers before the NLRB and other state and federal agencies and advises employers on many topics including union avoidance, FMLA administration, reductions in

force, wage and hour issues, employee handbooks, drug testing and employment contracts. Mr. Trent is the former chair of the Labor & Employment Department, and he served six years on the Firm's Board of Directors.



KIM VANCE is in Baker Donelson's Nashville office. She has 25+ years of experience representing management in every aspect of labor and employment law. In addition to defending companies in employment litigation, Ms. Vance's practice focuses on nationwide in-house management training programs to reduce legal risks for; counseling management clients through auditing human resources policies and practices;

and developing pre-litigation strategies to improve available defenses in preparation for litigation. She represents clients in State and Federal Courts and in defense of administrative proceedings before the EEOC, State Human Rights Commissions, State Unemployment Commissions, Arbitrators, the NLRB and the DOL.



KENNETH A. WEBER is in Baker Donelson's Nashville office. For more than 20 years, he has defended employers of all sizes in disputes ranging from wage and hour, unfair competition and trade secret protection, to discrimination and harassment charges, retaliation and whistleblower suits, and employment contract disputes. He has participated in over 50 trials and injunction hearings, including numerous jury

trials as first chair. Mr. Weber regularly counsels employers on litigation avoidance and compliance strategies, provides general employment law advice and training, drafts employment contracts and policies, and represents employers in Department of Labor and EEOC investigations.



MAURICE WEXLER is in Baker Donelson's Memphis office. Mr. Wexler represents employers in a broad variety of issues relating to labor and employment. He has counseling and litigation experience in the areas of employment discrimination, Title VII, ADA, ADEA, FMLA; statistical cases; class actions; employment policies; wage/hour cases; drugs, alcohol and AIDS-related issues; unemployment compensation; arbitration;

labor negotiations; federal executive order 11246; compliance reviews; charge handling; develop affirmative action plans; NLRB and DFR cases; mediation and arbitration. He also serves as a diversity and inclusion trainer for Baker Donelson.



EDWARD R. YOUNG is in Baker Donelson's Memphis office, where he has a nationwide practice devoted to representing management's interest in all phases of labor relations and employment law. For over thirty years he has represented clients in labor and employment litigation in state and federal courts; has represented clients before the EEOC and the NLRB; handled union elections before the NLRB; and has defended

matters before the U.S. DOL. He has assisted clients in conducting self-audits, and audits of subcontractors to assure compliance with the FLSA, the Davis-Bacon Act and The Service Contract Act.



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JAY KIESEWETTER is senior counsel in the Fisher Phillips Memphis office. He counsels employers in all aspects of union-free management and advises non-union companies facing union organizing activity. Additionally, he represents employers in unfair labor practice and representational proceedings before the National Labor Relations Board and the United States Courts of Appeal.



JEFF WEINTRAUB is the managing partner of the Fisher Phillips Memphis office. He has represented employers in more than 59 jury and bench trials in employment-harassment/discrimination and retaliatory discharge lawsuits. Jeff handles EEOC charges, wage and hour cases, non-compete cases, and labor cases in all courts and agencies, various Courts of Appeals and the U.S. Supreme Court.



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Siskind Susser PC is one of the leading immigration law firms in North America. Our attorneys have experience handling all aspects of American immigration and nationality law. At Siskind Susser, we are committed to providing quality and efficient service to all of our clients. Our lawyers provide consultations to corporations and individuals on immigration law compliance and handle cases before the government. Siskind Susser is a law firm committed to providing quality and efficient service. We constantly monitor developments in immigration law and use state-of-the-art technology for research, client communications, and case management.



GREG SISKIND is a founding partner of Siskind Susser, PC – Immigration Lawyers and has been practicing law since 1990. Greg began practicing law when he was 22 after receiving his bachelor's degree from Vanderbilt University and his law degree from the University of Chicago. Greg is the author of several books including the annually published J-1 Visa Guidebook, the American Bar Association's Lawyers Guide

to Marketing on the Internet and the recently published SHRM's Employer's Immigration Compliance Desk Reference. He is also the author of a number of immigration-related pieces of legislation and has testified as an expert in front of the US House of Representatives Immigration Subcommittee. He was also the first lawyer in the world with a blog and is the proprietor of one of the most popular lawyer blogs at <http://blogs.ilw.com/gregsiskind>. Greg is listed in The Best Lawyers in America® in Immigration Law



LYNN SUSSE was a founding partner of Siskind Susser in 1994. As the firm's managing partner, Ms. Susser supervises a wide variety of casework ranging from employment-based visa work and family immigration matters to political asylum and naturalization. She appears regularly before the Memphis Immigration Court and the local USCIS office. By focusing strictly on immigration matters, Ms. Susser and her staff

have developed an excellent reputation and working relationship with the local USCIS and USICE, the USCIS regional service centers and the Department of Labor. Her own clients include multi-national corporations, nurse-staffing agencies, IT companies, construction related businesses, and several manufacturers. Ms. Susser is listed in "The Best Lawyers in America" for immigration law and the "Who's Who International" for Corporate Immigration. She has an AV rating from Martindale Hubbell.



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JEFF FEIBELMAN has been recognized by *Best Lawyers*® since 1995, in practice areas including Litigation - Labor and Employment. Mr. Feibelman engages principally in the litigation, arbitration or mediation of complex commercial matters. He has litigated substantial claims involving fraud, breach of contract, misappropriation of trade secrets, breach of non-compete and confidentiality agreements, shareholder and partnership disputes, and business dissolution and valuation controversies.



JENNIFER HAGERMAN has represented clients in cases involving employment discrimination, wage and hour class actions, and restrictive covenants. She advises clients on employment matters including non-solicitation and non-competition agreements, employee handbooks, and employee classification under the FLSA. Ms. Hagerman has been recognized by *Best Lawyers*® in the Employment Law-Management and Litigation-Labor & Employment practice areas since 2011.



Best Lawyers® has recognized **LISA KRUPICKA** in the practice areas of Employment Law - Management, and Litigation - Labor and Employment since 2011. She focuses her practice on employment-related matters, including training, wage and hour issues, labor relations, employee discipline and termination, and compliance with the accessibility requirements of Title III of the Americans with Disabilities Act.

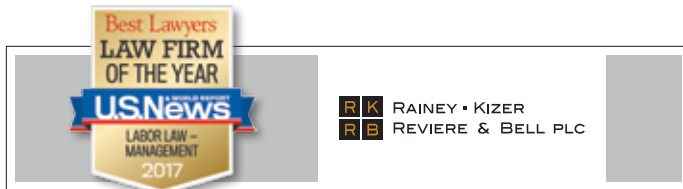
Her litigation experience includes claims for race, sex, age, disability, religious and age discrimination, and benefits claims, as well as wage and hour class actions.



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For thirty years, **ROBERT BINKLEY** has represented employers and individuals in employment, workers' compensation, insurance, and tort matters. He helps private and public employers in conducting investigations and litigation concerning compliance with Title VII, FMLA, ADEA, ADA, FLSA, THRA, and other state and federal employment related laws. He chairs the Firm's Employment Law Practice Group and serves as the Firm's personnel partner.



JOHN BURLESON has extensive experience in employment matters and has successfully defended public and private employers in state and federal courts. In addition to his extensive trial experience, he also regularly advises clients in regard to employment related matters in the areas of compliance with Title VII, ADEA, ADA, the Tennessee Human Rights Act, and other state and federal laws. John's litigation experience also makes him a sought after mediator in employment law and civil rights cases.

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Employers throughout the Southeast rely on **ROBERT E. BOSTON** for strategic advice as well as hands-on representation in labor and employment litigation matters. A litigation strategist and tactician, Bob wins praise from clients and peers alike for his prowess in employment litigation. He is known for his ability to “understand things from a client perspective.” *Chambers USA* recognizes Bob as a leading labor and employment attorney, and *Best Lawyers* named him the 2016 Lawyer of the Year for Labor Law-Management in Nashville while also recognizing him in the categories of Bet-the-Company Litigation; Commercial Litigation; Employment Law-Management; and Litigation-Labor & Employment.



MARCUS M. CRIDER defends some of the world's largest employers in manufacturing, healthcare, retail, and hospitality as well as emerging companies and family-owned businesses in labor and employment matters. Clients form strategic partnerships with Marcus to make decisions to avoid litigation and regulatory agency actions involving alleged violations of Title VII, the Family and Medical Leave Act, the Americans with Disabilities Act, and common law retaliation. *Chambers USA* recognizes his “great trial experience” and “very pragmatic approach” in Labor & Employment matters. *Best Lawyers* recognizes Marcus in the areas of Employment Law-Management; Labor Law-Management; and Litigation-Labor & Employment.



STANLEY E. GRAHAM is a trusted advisor and go-to litigator for major employers throughout the United States in the retail, hospitality, manufacturing, financial services, and healthcare sectors. An accomplished trial lawyer, Stan provides immediate access, risk mitigation advice, and strategic planning that serve clients' specific litigation goals. Clients also rely on Stan for daily advice on a wide range of employment issues. *Chambers USA* lists Stan as a leading Labor and Employment Attorney, and *Best Lawyers* named him the 2017 Lawyer of the Year for Labor Law-Management in Nashville while also recognizing him in the categories of Employment Law-Management and Litigation-Labor & Employment.



Employers seek advice from **ANDREW S. NAYLOR** when facing challenges related to all types of workplace law, including everything from day-to-day advice and counseling to litigation and trial. A significant portion of Andy's practice involves FLSA and state wage and hour counseling and litigation, including collective and class actions. Andy guides employers through crises with a practical, business-minded approach. Andy is recognized in *The Best Lawyers in America* for Employment Law Defense and Litigation, and he has been named a Tennessee “Super Lawyer.”

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- Internal Investigations
- Labor Negotiations
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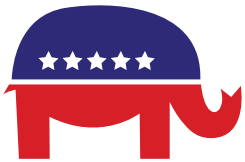
Outlook on Trump's Immigration Policies

By GREG SISKIND



Whether you supported Donald Trump or not in the election, the odds are pretty good that you were surprised by the outcome. Immigration was a popular topic in the campaign, but how things will shake out for employers is somewhat of a mystery. To the extent employment immigration topics came up in the campaign, they were related to reported abuses in the H-1B visa program. At various points, President-Elect Trump seemed to promote legal immigration and to criticize it as hurting US workers. With respect to unauthorized immigrants, the President-Elect generally took a tough line with discussions of a border wall and mass deportations. But even through that rhetoric, Mr. Trump spoke sympathetically about long term immigrants who will hopefully be able to remain in the US once order has been brought to the immigration system.

As this article was being written, General John Kelly was named as the Secretary of Homeland Security appointee. Alabama Senator Jeff Sessions has been named to be the Attorney General. General Kelly has virtually no history of opining on immigration matters so is largely an unknown quantity. Senator Sessions is known for taking a tough line on both legal and illegal immigration. For employers, most of the interaction with the government will be with a Department of Homeland Security agency such as US Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). And as we know little about General Kelly's views on immigration, it is hard to say how things will or will not change.



So where does this leave employers trying to figure out where things are going? There are a few issues to keep your eye on.

The President recorded a video for YouTube shortly after the election previewing his priorities for his first 100 days in office. He had exactly 21 words to say about immigration which were "On immigration, I will direct the Department of Labor to investigate all abuses of visa programs that undercut the American worker."

No mention of walls or deportation forces. So it tells you that you can expect to see a tougher enforcement climate for sponsors of work visas. In all likelihood, this will translate to more investigations of H-1B and green card petitions by employers, particularly in connection with wages, laying off US workers, benching of workers and recruiting practices.

On November 18, 2016, the Department of Homeland Security issued a 366-page skilled worker regulation that has been 15 years in the making. We'll be summarizing the regulation in our next issue. The skilled worker regulation covers H-1B visas, employment-based green cards and employment authorization documents. Because the regulation was issued relatively late in the Obama presidency, a law called the Congressional Review Act (CRA) allows Congress to overturn a regulation if they act within 60 legislative calendar days from the day when the regulation is issued. For the skilled worker regulation, this means Congress will have until late next spring to act under the CRA. Anti-immigration groups have targeted the rule and some in Congress are calling for all late-issued regulations to be overturned. In the Senate, the CRA requires a certain amount of floor debate time and regulations have to be considered one at a time. So killing the skilled worker regulation may be tough. Also, since drafting on the rule began in the Bush Administration and many provisions are employer-friendly, some believe the rule will be considered differently than other regulations.

There are many in Congress who are ready to work on H-1B and skilled worker issues and it is possible we could see movement on legislation to crackdown on perceived abuses in the visa program. These efforts were obviously given a boost by President-Elect Trump's YouTube remarks. Among the changes being considered are adding recruiting requirements to the H-1B rules, imposing new restrictions on filing H-1Bs if an employer has laid off US workers and instituting a ranking system to replace the random H-1B lottery (with STEM workers with US advanced degrees receiving the highest priority). We could also see rules to make more skilled worker visas available and make it easier for entrepreneurs to qualify for visas.


President-Elect Trump mentioned on a number of occasions that he wants to renegotiate the NAFTA treaty with Canada and Mexico. NAFTA includes the TN visa which covers a list of occupations. It is quite possible the TN visa could be altered or even eliminated if the NAFTA treaty is altered.

Finally, 740,000 young people are in the Deferred Action for Childhood Arrivals program. This allows young adults with a legal immigration status who came to the country as children to get work cards and be protected from removal. In the campaign, Mr. Trump said he would end the program. Tens of thousands of employers may lose their employees. Many in both parties are urging the President-Elect to keep the program or phase it out and allow Congress to work on a solution. And after recent remarks by Mr. Trump and the announcement of a bipartisan legislative effort in Congress, many are hopeful the DACA program's beneficiaries will be allowed to continue working and studying.



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Is it Time to Say Goodbye to the Annual Employee Survey?

By HARVEY DEUTSCHENDORF

“I think it’s very important to have a feedback loop, where you’re constantly thinking about what you’ve done and how you could be doing it better” ~ ELON MUSK ~

While workplaces have changed radically over the last few decades, one of the remnants left over is the annual employee survey. Is it time to put this relic from times past out to pasture?

Andee Harris, Chief Engagement Officer at HighGround, <http://www.highground.com/> a Chicago based firm, believes that it is. Her company produces software that allows organizations to develop real time ongoing feedback and recognition for their staff. Studies have borne out the notion that employees who feel they have an impact on decision making and are recognized and rewarded for their efforts, perform better than those who are not. As a result productivity improves resulting in a win/win for both staff and the organization. <http://www.gallup.com/businessjournal/163130/employee-engagement-drives-growth.aspx>

It appears that millennials are leading the charge when it comes to wanting to be engaged, recognized and rewarded for the work that they do. For them comparing themselves to their peers and how well they stack up, is a constant ongoing exercise due to their involvement with social media. It is easy to see how well you are doing as compared to others as you are constantly aware of who has been promoted and who is working on what. It is an ongoing progress monitor that millennials are aware of and feel constantly. For them, an annual employee survey makes the least sense. In their world everything is evolving and changing at a rapid rate which creates a demand for online real time monitoring that can capture the ever changing mood of the organization. For the person who is having problems recognizing how they are feeling, emoticons are provided that allow them to choose one that is the closest to convey their emotions in that moment. Anonymity is guaranteed allowing feedback to be given honestly without fear of repercussions. Used to constantly being in touch with what is going on around them, millennials feel the need to have constant feedback on their progress in an organization and a sense of how they fit in. Their success within an organization is not always measured in the traditional sense of climbing the corporate ladder but finding their own niche that incorporates their unique talents and ambitions. This can mean carving out a job that did not previously exist or working on projects they have a passion for and take advantage of their abilities.

It is not only millennials that want more engagement and have a say in how their work gets done and their organization operates. Andee Harris and I agree that there is a universal need for people of all ages to feel engaged, recognized and that they are a part of something larger than themselves. Unlike millennials, however, older generations did not necessarily grow up to believe that finding meaning and fulfillment in the workplace was possible. For many, work was something that was endured in order to support the other areas of their lives. Perhaps the one specific area that differentiates millennials most from other generations, is their desire for

transparency. They want to know what is going on, see what is going on and be part of it. They have little tolerance for decisions being made that affect them without their input and information withheld from them. That is one of the appeals of software programs like those offered by HighGround.

Staff recognition can be an onerous task if done the old school way before online software was developed. Keeping information about each individual staff member, especially in large organizations, could be very time consuming and require a great deal of paperwork. With software programs it becomes easy and seamless. Colleagues, managers and even customers can recognize an employee in real time. With the High Ground system, for example, an employee collects points. These points can be redeemed for something that he or she finds meaningful, such as gifts or development products. For those looking for status, there is the opportunity to have lunch with the CEO. Those who are introverted can request acknowledgment in whatever manner they chose privately. Gifts are sourced locally and every attempt is made to provide choices that will please every person in the organization. Customers can provide real time feedback and add to the individuals point totals.

Apart from access to an ongoing read on the mood of employees, an organization can use the software to receive rapid feedback on the direction of the business. The type of feedback loop that Elon Musk feels is vital to an organization is possible to provide with software that collects, tabulates and comes up with forums where issues that arise can be discussed by everyone in the organization. It allows a business to pinpoint and pick up problems as they occur, allowing them to change course rapidly, if necessary. Benchmarking surveys solicit input that can be used for discussion in an open forum.

Growing rapidly, a company like HighGround has not forgotten the need for their own employees to have fun. In 2015 they were awarded the best “Office Hang” in the City of Chicago. On Fridays they have “Beer O’clock” gathering in which staff get to hang out with beer and coworkers. An example of what goes on is someone brings their DJ equipment and entertains fellow employees. Of course everyone has input and votes on what they get to do every week.

Harvey Deutschendorf is an emotional intelligence expert, internationally published author and speaker. To take the EI Quiz go to theotherkindofsmart.com. His book *THE OTHER KIND OF SMART, Simple Ways to Boost Your Emotional Intelligence for Greater Personal Effectiveness and Success* has been published in 4 languages. Harvey writes for FAST COMPANY and has a monthly column with HRPROFESSIONALS MAGAZINE. You can follow him on Twitter @theeiguy.



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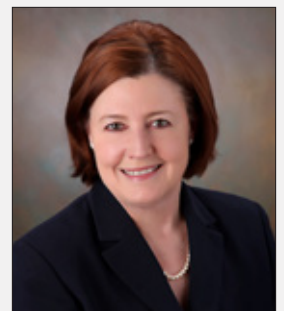
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About the instructor:

Cynthia Y. Thompson is Principal and Founder of The Thompson HR Firm, a human resources consulting company in Memphis. She is a senior human resources executive with more than twenty years of human resources experience concentrated in publicly traded companies. She is the Editor | Publisher of *HR Professionals Magazine*, an HR publication distributed to HR professionals in Tennessee, Mississippi, Arkansas, Kentucky, Georgia and Alabama.

Cynthia has an MBA and is certified as a Senior Professional in Human Resources (SPHR) by the Human Resource Certification Institute and is also certified as a Senior Certified Professional by the Society for Human Resource Management. She is a faculty member of Christian Brothers University in Memphis and teaches Human Resource Management.



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