

HR PROFESSIONALS

MAGAZINE™

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Tribute to
Mary Cheddie, SHRM-SCP
SHRM Divisional Director

2025
Benefit Guide
Versions

Previews of
SHRM Fall
Conferences

**Andrea
Lewis, SHRM-CP**

Director of
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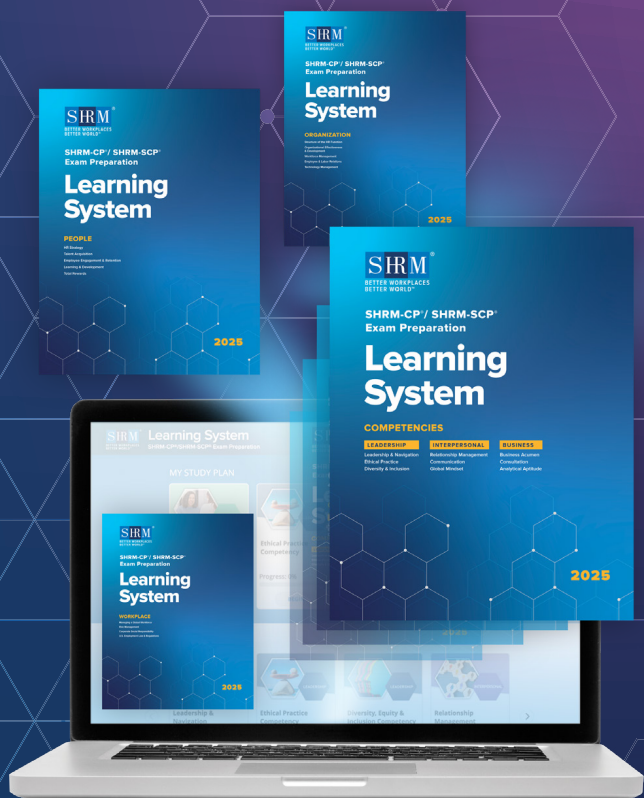
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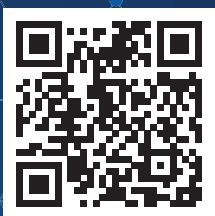
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a note from the editor

Hello HR Professionals!

We are thrilled to dedicate our May issue to the upcoming 2025 Alabama SHRM Conference in Orange Beach. This event promises to be an enriching experience for all attendees, and we want to take a moment to recognize the efforts of the members of the Alabama SHRM State Council who have worked tirelessly to make this conference a success. Special thanks go to the 2025 Alabama SHRM Conference Committee for their invaluable contributions.

We are excited to introduce Andrea Lewis, SHRM-CP, Director of the Alabama SHRM State Council. Andrea's journey and dedication to SHRM exemplify a passion for advancing HR standards and practices. Be sure to read about her inspiring career progression and commitment to service within the SHRM community.

If you're attending the conference, don't miss the opportunity to participate in our Facebook Live coverage, where we will feature live interviews with top-notch speakers and leadership from the Alabama SHRM State Council. Plus, our LinkedIn page will include the live interviews directly from the event. Make sure to stop by our table to say hello and grab the latest issues of *HR Professionals Magazine*.

Celebrating Mary Cheddie

We extend heartfelt congratulations to Mary Cheddie, SHRM-SCP, and SHRM Divisional Director, on her recent retirement. As a former member of the SHRM Board of Directors and a dedicated leader, Mary has influenced countless HR professionals through her work with the Together Forward at Work taskforce and the SHRM Inclusion & Diversity Council. Her remarkable contributions and inspiring presence will be greatly missed. We wish her all the best in her future endeavors!

May Webinars for Recertification Credits

We are pleased to offer a series of four webinars throughout May, focusing on key topics to help you earn SHRM and HRCI business recertification credits. Be sure to mark your calendars:

May 6	PREPARING FOR MENTAL HEALTH AWARENESS MONTH sponsored by McGriff and Sholder
May 8	EMPLOYEE BENEFITS WEBINAR presented by Will Brown with The Benefits Group
May 15	10 WAYS TO KEEP YOUR PEOPLE SAFE with Gene Page from SafeHaven Security Group
May 23	Special webinar sponsored by **Data Facts** (Details to follow via email).

Watch for your invitations in your email and join us to enhance your professional expertise while earning valuable recertification credits!

Thank you for being part of our community, and we look forward to connecting with you at the conference!



cynthia@hrprosmagazine.com

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Andrea

LEWIS, SHRM-CP

State Director of SHRM Alabama

Andrea was honored to be named as the recipient of the 2012 HR Professional of the Year award, which was a wonderful opportunity to solidify she was definitely on the right path for her professional career. Throughout the course of her growth, she has learned to identify the beauty in doing more than just her traditional role, and in 2012 was able to start a program, Make You New!® which provides training and development and coaching for women. The work Andrea does in this space created the well-known mantra for her and the work she does -Be Bold, Be Confident, Be You!®

Andrea Lewis, State Director of SHRM Alabama, a native of Atlanta, GA. attended Alcorn State University, and earned her bachelor's degree in communications and business management. Andrea brings a wealth of experience and a deep commitment to the HR profession. Her career began as an HR Generalist, where she developed a strong foundation in recruitment, employee relations, and compliance. She earned her PHR certification as she advanced into roles such as HR Manager and Talent Development Manager, she led key initiatives in performance management and employee engagement, establishing herself as a strategic HR partner.

After moving to Birmingham, AL in 2008, she joined the local SHRM chapter and quickly found ways to get involved. She actively participated on the legislative committees and attended several of the Hill Visits with the state council representing her district with the various state representatives. She joined various local board committees and in 2013 was elected as chapter president.

In senior leadership positions, including Vice President of Human Resources and Sr. Vice President of Operations, Andrea played a pivotal role in aligning HR strategy with organizational goals, overseeing multi-site operations, and mentoring future HR leaders. Her impact extended beyond the workplace through active volunteerism—serving as a local BSHRM Chapter President and later joining the State Council.

In 2016, Andrea launched Human Capital Services, LLC, a full-service HR organization providing human resources consulting services including strategic planning, organization and talent assessments, leadership development, engagement. This work has afforded the organization to support individuals and organizations in the non-profit, private, public sector and government.

Now, as State Director, Andrea leads with vision and purpose, supporting HR professionals across the state through collaboration, professional development, and advocacy. Her passion for people and progress continues to drive innovation and excellence in the HR community.

Andrea is well known for her insightful workshops and presentations, particularly in the area of Appreciation in the Workplace and Engagement-You Should've Put A Ring On It!

Andrea is learning now to spend time perfecting other interests such as golf and enjoys being to spend time with her golfing group-Lady Links. ■



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Opening Keynote
 University of Memphis Associate Professor of the Management Department and Director of Fogelman Women in Leadership Programs



DR. DENEEN LESTER, SHRM-CP, PHR
 Senior Manager-Executive HR Leader, Salvation Army
 Talk Show Host – Let's Talk HR with Dr. Deneen

Keynote Speakers



NEVA BURKE HAWES
"Update on Blue Oval City"

BlueOval SK



DR. KIMBERLY ESTEP, PH.D.
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JANIE WARNER, SHRM-SCP
 VP National HR Practice Leader
"Artificial Intelligence in HR"



LUCINDA KENNING, MBA, SPHR
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"Leadership for a New E.R.A."



TAMMY HENRY
 VP of Client Success
"2025 Changes in Employment Verifications"



BRAD FEDERMAN, CEO
Closing Keynote
 PerformancePoint, LLC
"Never Delegate. Always Grow"



DR. KATHY TUBERVILLE,
 SHRM-SCP, SPHR
"Developing Women Leaders: Creating the Pipeline of Tomorrow's Effective Leaders"



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What Employers Need to Know about the New I-9 Form



In October 2023, the U.S. Citizenship and Immigration Services (USCIS) announced updates to Form I-9, which all employers in the United States must use to verify the identity and employment authorization of individuals hired for employment. Here's a summary of key points employers need to know about the new Form I-9:

1. Updated Version of Form I-9

Ensure you are using the most current version of Form I-9. Employers should always check the USCIS website for the latest version and updates. The form's version date can be found in the footer of the document.

2. Minor Changes to the Form

The revisions may include updates to the instructions and the layout of the form to improve user-friendliness. Employers should familiarize themselves with these changes to avoid errors in completion.

3. Additional Documentation Options

The new form may expand the acceptable documents for verification. Employers should review the list of acceptable documents carefully to ensure compliance.

4. Instructions for Completion

HR professionals are encouraged to provide training to individuals responsible for completing and maintaining Form I-9 to reduce the risk of errors.

5. Retention and Storage

Employers must remain compliant with the regulations regarding how long to retain Form I-9. Generally, these forms must be kept for three years after the date of hire or one year after the date of termination, whichever is later.

6. E-Verify Users

Employers participating in E-Verify still need to complete Form I-9 for each employee as part of the E-Verify process.

7. Penalties for Non-Compliance

Employers should be aware that failure to properly complete, retain, or produce the Form I-9 within the specified timeframe can lead to civil penalties and may have legal implications.

8. Training Employees

It's essential to train HR personnel and hiring managers on the new form requirements and changes to ensure continued compliance with federal immigration laws.

9. Deadline for Use

Employers must switch to the new version of Form I-9 by the deadline specified by USCIS, typically a few months after the announcement of the new version.

10. Resources for Assistance

Employers can utilize resources from the USCIS website, including webinars, guides, and FAQs, to better understand direct compliance obligations and the process for completing Form I-9 accurately.

It's important to stay updated with USCIS announcements to ensure compliance with labor laws and immigration requirements. For the most specific guidance, consider consulting with legal experts specializing in employment and immigration law.

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ALSHRM²⁵

Welcome to SHRM Alabama Annual State Conference

Dear HR Professionals,

It is my great pleasure to welcome you to this year's SHRM Alabama State Conference! As your State Director, I am honored to join such a dynamic group of leaders, innovators, and changemakers dedicated to advancing the field of human resources.

This conference is more than just a gathering—it's a powerful opportunity to connect, collaborate, and grow. Whether you're here to gain insights from our incredible lineup of speakers, discover new tools and strategies, or build lasting relationships with fellow professionals, I encourage you to engage fully and embrace every moment.

Thank you for the work you do each and every day to support your organizations and communities. Your leadership shapes the future of our workforce, and together, we are building a stronger, more resilient HR community here in the state of Alabama.

Enjoy the conference and let's make this an unforgettable experience!

Andrea Lewis, SHRM-SCP
Director of Alabama SHRM



Congratulations to

Mary Cheddie, SHRM-SCP, SHRM Divisional Director!



Mary presenting at SHRM24 at McCormick Place in Chicago.



Left to right: Jim Link, CHRO, Mike Aitken, Mary, Johnny, and Nick Schacht honoring Mary at Talent25 in Nashville.

SHRM recently announced the retirement of our beloved colleague and dear friend, Mary Cheddie, SHRM-SCP, Divisional Director, after more than six years of dedicated service and over 45 years of commitment to SHRM.

Mary's contributions have made a lasting impact on the HR community. As Divisional Director, she played a crucial role in fostering and developing SHRM members, volunteer leaders, and affiliates, all while advancing SHRM's mission. Under her leadership, her team successfully strengthened partnerships with SHRM state councils and professional chapters.

In addition to her pivotal achievements, Mary led the Together at Work taskforce, presented more than 60 insightful webinars, and served on the SHRM Inclusion & Diversity Council. As a respected SHRM Ambassador, she advocated for SHRM values and initiatives. Her visionary leadership was instrumental in the creation of key initiatives such as SHRMConnect and ENConnect, providing platforms for collaboration and connection within the SHRM community. Furthermore, her contributions to the Honest HR podcast significantly enhanced SHRM's outreach and communication efforts.

Mary's journey with SHRM began in her local community as a volunteer leader, where she excelled in various roles—from leading chapters and establishing new ones to serving as a SHRM board member from 2003 to 2008. Her unwavering dedication, strategic insight, and genuine passion for empowering HR professionals have been vital in advancing SHRM's mission to create better workplaces for a better world.

SHRM hosted an in-person gathering at SHRM Talent and a virtual celebration prior to her last day on April 4th. These events provided SHRM with an opportunity to celebrate Mary's extraordinary achievements and to wish her the very best as she embarks on this well-deserved new chapter in her life.

In the meantime, please join us in congratulating Mary on this significant milestone. Her legacy will continue to inspire and resonate within the SHRM community and beyond.



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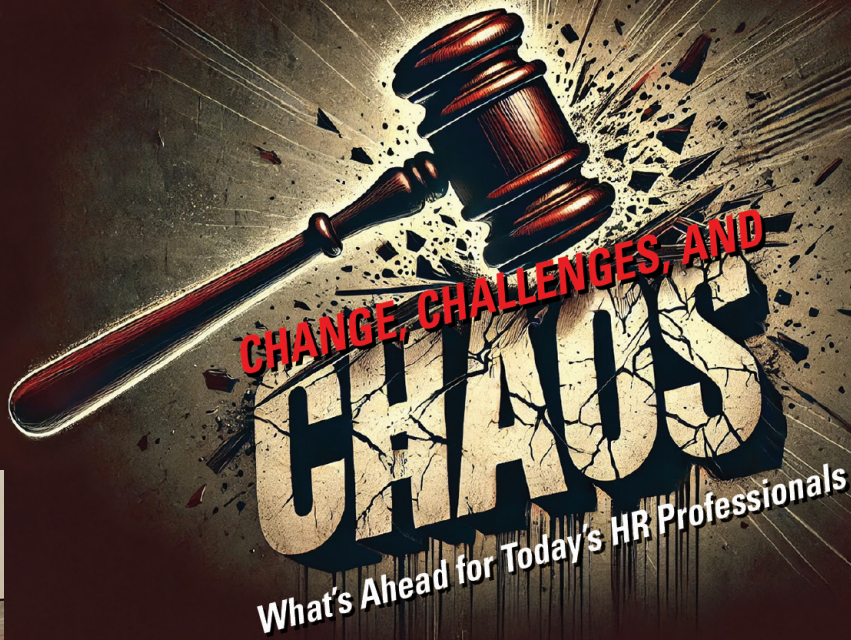


Paula Watkins, SPHR, SHRM-SCP
State Council Advisor
Technical Professionals Group
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Pictorial Highlights

SHRM-Memphis Legal Conference

APRIL 22





A Cautionary Tale: Version Control and Benefit Guides

By CHRISTINA BIDDLE

While companies are increasingly adopting microsites, apps, HRIS systems, and other technologies to communicate their plans to [employees](#), the benefits guide remains a common practice for organizations to showcase their insurance options and rewards or to use as a recruitment tool.

But there's a common dilemma when it comes to benefits guides—one I often hear from HR leaders: how to manage multiple versions for multiple audiences. It *is* important, after all, to cater to different employee groups to make sure each one understands the value of their benefits plans. Yet, it can be time-consuming to develop, review, and update multiple versions. Let's face it: when juggling multiple documents, you're more likely to make mistakes. Consolidating versions may help reduce the risk of errors.

Let's explore a few common scenarios where we can develop benefits guides to educate different groups of employees without reinventing the wheel for each group.

Scenario 1: When a holdings company, multiple sub-companies, or different brands are in play

If the main differentiator among brands is the look, logo, or company name—rather than services or products—consider implementing a “blended brand” that represents the entire organization. Add an introductory message such as, “The ABC Holdings family, which includes XYZ brands, comprises “The Company.”” Then, simply refer to “The Company” throughout the document.

This approach maintains brand recognition while presenting a unified message. Adding multiple logos on the cover page or in the introduction can also emphasize representation and remind employees that they're part of a larger organization.

Scenario 2: When the premium costs or rate structures are the main differences

How about an organization that employs both hourly and salaried employees? Or maybe some employees are paid biweekly while others are paid monthly? In these scenarios, it's more efficient to offer monthly rates or omit the cost for coverages in the guide entirely rather than listing each unique premium and rate for each audience. Instead, direct employees to your online enrollment site to calculate and view costs based on their unique needs and chosen benefits. If you don't have the convenience of an online platform, consider providing an addendum page for each unique group while keeping a core generic guide for your largest audience.

Scenario 3: When there are differences in carriers, or actual benefit services or coverages

This scenario can be challenging but can be managed by paring content down to be slightly generic yet still tailored. For example, we have a client operating in multiple states that offers different medical benefits to employees in each region to reduce costs and improve access to providers.

Here's how we handle their communication materials:

Clearly communicate what the company offers and why: This is an example of communication shared with the company's workforce that provides easily digestible background on why the decision was made to structure the program this way and what action they need to take:

“Because ABC Company employees have unique needs, we offer different medical plans through multiple carriers based on where you live. This ensures you have access to the care you need based on your location and saves both you and the company money on medical premiums. Regardless of your location, the ABC Company medical plans include access to network and non-network providers, preventive care covered at 100%, and an out-of-pocket maximum to protect you financially should you suffer a major medical expense. Refer to our enrollment portal for details on the plan available to you.”

Tip: Provide additional generic guidance: Supplement the above communication by offering education on the importance of preventive care, the convenience of registering on carrier sites and apps, and other cost-saving features such as telemedicine or concierge claims services.

Address differences in benefits coverage based on job class:

Let's say for example that salaried employees receive a higher maximum benefit for disability than hourly employees. Some employers may want to be transparent and show the difference to motivate employees to grow in their careers, while others may prefer not to highlight these differences. In that case, you could provide general information but leave out the maximum and refer to the plan certificate for details of their coverage.

In the case of disability programs specifically, it's often the maximum benefit dollars or occupation language that differs, and those details aren't typically considered until the time of need arises. So, in this scenario, ask yourself if a separate version warranted?

Tip: Where to go for more: Make sure employees know where to get additional information, whether it's an online portal or directly from the carriers. Many employees will reach out to HR with questions that are best answered by the insurance carriers, especially those related to HIPAA concerns.

Scenario 4: When the difference is language translation

Depending on your document's length, publishing separate guides based on language can be the best option. However, there are strategic layouts that can support multiple languages within one document. For example, you could use the top half or right-facing page for English and the bottom half or left-facing page for a secondary language. This format could benefit multicultural families who are fluent in multiple or less dominant languages. Another consideration when language needs vary is to explore online platforms that allow browser settings to automatically adopt the user's language and translate the web page.

Just remember, if you deploy a benefits guide or other format, the goal is to “market” your company plans to your employee base—but not to be overly exhaustive in the details. That's the job of your plan documents (SPDs, SBCs, certificates, etc.). By following the benefits guide strategies outlined here, you can effectively convey the value and protection of your plans to all employees while reducing, and in some cases eliminating, the need for multiple versions.

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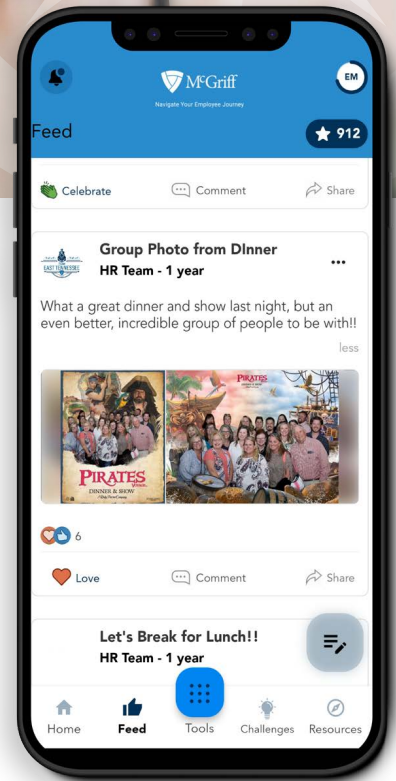


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HR and the Evolution of Offshoring

By AMY SCHABACKER DUFRANE

For multinational companies, business fundamentals remain the same, no matter the times. Being able to access global talent pools, drive innovation and operational efficiencies, and streamline functions such as HR, finance, and IT services represent an ongoing quest that can deliver better business outcomes. The ability to leverage and scale offshore support services is critical to these outcomes.

Usually, at the core of the offshoring model is the Global Capability Center, also known as a GCC. To draw further distinction, the GCC is actually a division of the organization rather than a compilation of specific business tasks outsourced to a third-party vendor. In many cases, there are unique advantages in having a strategically positioned GCC that enables the business to “follow the sun” by providing 24/7 support for customers and employees. A GCC might be established to aggregate the multinational’s IT services in a region known for exceptional tech talent. There are obvious savings recognized by setting up in a region with lower labor costs; however, HR needs to remain focused on the GCC as an integral part of the multinational that aligns with its culture and values.

This hot topic was top-of-mind at the recent Transform 2025 conference, where I moderated a panel of offshoring experts. Among the points discussed was spirited conversation about the confusion between offshoring and outsourcing and what this means to multinational organizations. The panel agreed that there are a number of moving parts in a successful offshoring operation. Here are a few of their perspectives that will help you advance your company’s HR team’s support for offshore operations:

Centralized or Decentralized: Leadership’s commitment to and visibility in an offshoring operation can make or break its effectiveness. If your leadership team is in the U.S. and you have team members in India who are forced to get up in the middle of their night to attend meetings, it creates a cultural divide. Consider your reporting structure when setting up the GCC. Is leadership willing to be available around the clock? Will they travel to the GCC on a regular basis and include those employees in town hall meetings? Are local managers empowered to oversee employee concerns? Should HR be the focal point, and, if so, does HR have access to what’s needed to address cultural nuances and support requirements?

Legislative Oversight: HR is already keenly aware of the U.S. Patriot Act and its impact on data retention policies, background screening, and training programs. While the Patriot Act doesn’t directly govern employees outside of the U.S., the GCC’s employee data, systems, and operations might come under scrutiny. Added to this oversight is the CLOUD Act, passed in 2018, which compels U.S. companies to enable law enforcement’s unobstructed access to data, even if it is stored overseas. Balancing U.S. laws with local data protection laws require reliance on your corporate legal counsel so that you can clearly explain what this means to your GCC workers.

Recruiting Essentials: GCC are often located in regions where there’s ready access to talent, both from a cost-saving standpoint as well as qualifications. High volume hiring in these regions requires a well-defined talent acquisition process that leans into the same best practices – such as pre-hire assessments and structured interviews – that you deploy in the U.S. Continually sourcing and recruiting talent and familiarizing yourself on what constitutes an attractive compensation package in the GCC’s region will ensure a strong employment brand that engages and retains the best-fit workers.

In some cases, you might choose to walk before you run by contracting an Employer of Record (EOR) in select regions. As a third party that can legally employ workers on behalf of an organization, the EOR manages payroll, benefits, and compliance requirements specific to local labor laws. Managing the day-to-day activities of those employees remains with the originating organization while enabling it to expand globally, quickly. The EOR model can be a short-term or long-term solution and is especially cost-effective for smaller groups of workers who might be assigned to specialized functions or projects. It’s a viable alternative to setting up an entity directly and also provides the foundation for expansion, such as by adding representation in new countries.

I want to tell you that HR’s job has become less complex in the offshoring model. That’s not the case. Offshoring represents significant growth opportunities for organizations as they are able to tap new talent pools, increase capabilities, and enrich customer satisfaction through “always-on” support. Whether a blended approach of core GCC in India and an EOR in Nigeria, one thing is certain: HR remains at the helm of the people management journey and needs to be not just in lockstep with what offshoring can deliver but also looking ahead to what could be next. The best way to prepare for the future is through learning and career development accessible through HRCI. Learn more about our certification programs at www.hrci.org.



Amy Schabacker Dufrene, Ed.D., SPHR, CAE, is CEO of HRCI® — where she is responsible for driving and disrupting the conversations about building high-performing, strategic HR teams. An engaging thought leader at the intersection of talent strategy and continuous learning, Dr. Dufrene is an award-winning leader and celebrated keynote speaker on the human side of successful business strategy in the 21st century.

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Tudor v. Whitehall Central School District:

A Fresh Reminder that a Reasonable Accommodation May Be Required Even if the Employee Can Perform the Essential Functions of His or Her Job

By MATTHEW R. COURTNER

The Second Circuit Court of Appeals in *Tudor v. Whitehall Cent. Sch. Dist.*, 2025 U.S. App. LEXIS 6879, at *1 (2d Cir. Mar. 25, 2025), provided employers with a good reminder to carefully handle reasonable accommodation requests under the Americans with Disabilities Act (“ADA”). In that case, Angel Tudor, a teacher with a decades long history of post-traumatic stress disorder (“PTSD”), sued her employer, Whitehall Central School District (“Whitehall”), for failure to accommodate her disability, PTSD, as required under the ADA. *Id.* at *3.

Tudor had experienced PTSD “related to sexual harassment and sexual assault by a supervisor in her former workplace.” *Id.* Because of her PTSD, Tudor had, among other things, “a stutter that impedes communication” and experienced “nightmares so severe she has awakened vomiting.” *Id.* In 2008, Tudor requested, and Whitehall granted, an accommodation that permitted Tudor “to leave campus for one fifteen-minute break during each of her morning and afternoon prep periods, when she was not responsible for overseeing students.” *Id.* With these breaks, Tudor had a chance to compose herself, which helped her avoid her PTSD symptoms. *Id.* at *3-4.

However, in 2016, after the school’s administration changed, Whitehall prohibited teachers from leaving the school’s campus during prep periods. *Id.* at *4. Despite this change in policy, Tudor continued to leave the school campus, and Whitehall reprimanded Tudor for insubordination. *Id.* Tudor informed the new administration of her prior accommodation, but the administration told Tudor the paperwork it “had on file was insufficient to establish her right to a reasonable accommodation.” *Id.* Tudor did not provide any additional documentation. *Id.* Instead, Tudor took paid sick leave and then leave under the Family Medical Leave Act (“FMLA”). *Id.*

When Tudor returned from FMLA leave, Whitehall granted Tudor “one of her requested breaks in the morning, plus a break in the afternoon on days when a school librarian could watch her students;” however, if “a librarian was unavailable, Tudor was unable to take an afternoon break.” *Id.* at *4-5. For the 2019-2020 school year, “neither the school librarian nor any other Whitehall employee was available to cover for Tudor for fifteen minutes during the afternoon study hall.” *Id.* at *5. Nevertheless, Tudor took an afternoon break “on 91 of the 100 days of school” before the school went to remote learning in response to the COVID-19 pandemic. *Id.* Tudor sued, asserting that “Whitehall’s refusal to guarantee a 15-minute afternoon break each day during the 2019-2020 school year violated the ADA.” *Id.* at *6.

Importantly, during the discovery process, “Tudor acknowledged that, even without additional accommodation, she was able ‘to perform the essential functions of her job,’ though ‘under great duress and harm.’” *Id.* Relying on Tudor’s acknowledgement, the district court granted summary judgment to Whitehall. *Id.* Specifically, the district court “found that, because Tudor ‘was able to perform the essential functions of her job’ without an accommodation, ‘no fact finder could determine she has established the third element of her failure to accommodate claim,’ i.e., that ‘with reasonable accommodation, plaintiff could perform the essential functions of the job at issue.’” *Id.* Tudor appealed the dismissal of her lawsuit to the Second Circuit Court of Appeals.

The Second Circuit addressed whether Tudor’s “ability to perform the essential functions of her job, without a reasonable accommodation, was fatal to her failure-to-accommodate claim under the” ADA. *Id.* at *6-7. The Second Circuit concluded that the answer was no and reversed the district court’s grant of summary judgment. *Id.* at *13.

In reaching its conclusion, the Second Circuit examined the plain language of the ADA. *Id.* at *8-9. Importantly, the ADA defines “qualified individual” as “an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” *Id.* at *8 (quoting 42 U.S.C. § 12111(8)). The Second Circuit reasoned that, based on “a straightforward reading of” the phrase “with or without reasonable accommodation,” “the fact that an employee can perform her job responsibilities without a reasonable accommodation does not mean that she must: she may be a ‘qualified individual’ entitled to reasonable accommodation even if she can perform the essential functions of her job without one.” *Id.* at *9. Consequently, “an employer must, absent undue hardship, offer a reasonable accommodation—such as a modified work schedule—to an employee with a disability if that employee is capable of performing the essential functions of her job with or without the accommodation.” *Id.* The Second Circuit thus held that “accommodations that are not strictly necessary for an employee’s performance of essential job functions may still be reasonable and therefore required by the ADA.” *Id.* at *13. The Second Circuit’s decision is consistent with decisions by the First, Fifth, Sixth, Ninth, Tenth, Eleventh, and D.C. Circuits. *Id.* at *9 n. 2.

While not entirely new ground, the Second Circuit’s decision in *Tudor* provides a fresh reminder to employers that, even though an employee can perform the essential functions of his or her job, the employee may still be entitled to a reasonable accommodation, unless the accommodation presents an undue hardship. That is, employers cannot deny an accommodation request simply because the employee is able to perform the essential job functions without any accommodation.

In light of this fresh reminder, employers must ensure that they properly apply the ADA to a request for a reasonable accommodation, including when the employee is able to perform the essential functions of the job without any accommodation. Employers must follow the ADA’s interactive process to determine whether a reasonable accommodation is possible, and if so, whether the accommodation will cause any undue hardship on the employer in providing the accommodation. As in all accommodation requests, this analysis will vary based upon the facts of each case. However, employers must engage in the reasonable accommodation process even if the employee is able to perform the essential functions of his or her job with the alleged disability. As *Tudor* demonstrates, these employees may be entitled to a reasonable accommodation to help them perform their essential job functions even though they can perform the functions without any accommodation.

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Highlights from Arkansas SHRM ELLA Conference April 10-11



1 2025 Arkansas SHRM State Council **2** Donna Merriweather, SHRM-SCP, SPHR, is the ARSHRM ELLA Conference Chair and Past State Director. **3** Tim Orellano, PHR, Governmental Affairs Director **4** The Horace Mann Middle School singers performed at the opening of the conference. **5** Craig Leen, Partner at K&L Gates LLP, was a keynote speaker. His topic was The First 100 Days of 2025: Changes in OFCCP, EEOC, and Employment Law. **6** Gallagher was the presenting sponsor for the 2025 ARSHRM ELLA Conference. **7** Michael L Smith, SHRM-SCP, PHR, IMPA-SCP, 2025 Arkansas SHRM State Director, with Steve Perrotta, Director of Public Policy at SHRM.

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8 Broderick Daniels, MBA, is the Core Leadership Area Director for ARSHRM.
9 Over 300 HR professionals attended the 2025 ARSHRM ELLA Conference in Little Rock.



10 (L-R) Sheila Moss, SHRM-SCP and Workforce Readiness Chair; Nia Rieves, Certification Director and President of WCASHRM; Shayne King, SHRM-SCP, PHR, IPMA-SCP, SHRM Foundation Director; Doreen Mattes, SPHR, Membership Engagement Director; Dale Clinton, PHR, Director at Large; and Jennifer Vaughn, SHRM-SCP, Decorations Chair **11** Donna Merriweather, ELLA Conference Chair, and Joseph Tarry with Corporate Traditions **12** Tara Mauk Arthur presented Mike Moore, attorney with Friday, Eldredge, & Clark, the 2025 ARSHRM Legislative Advocacy Award., **13** The WCASHRM Chapter member attending the 2025 ARSHRM ELLA Conference in Little Rock are (L-R) Tara Arthur, Bethany Gaboury, Nia Rieves, Jennifer Vaughn, Donna Merriweather **14** William Cash, Director of the Little Rock Area Office at the EEOC, provided an EEOC Update. **15** Kristen Rhodes-Berry, ADWS Director-Reemployment at Arkansas Division of Workforce Services, spoke on Uncovering the Unemployment Process. **16** Kenny Hall, Executive Vice President at Arkansas State Chamber of Commerce, presented the Arkansas 95th General Assembly Update **17** Attendees at the 2025 ARSHRM ELLA Conference



“Develop a Mindset to Manage Fear”

By GENE PAGE

A *mindset* is different than a skill set. You don't need to change your lifestyle or spend 4 hours in a gym daily to accomplish it. We can achieve great things by simply adjusting our mindset. What is a mindset, you ask? The Merriam-Webster definition of mindset is a “Mental attitude or inclination.” * This is great news because our *attitude* is something we have control over. Our ability to control our environment is limited, but we can overcome unwanted surprises if we are mentally prepared. To do this, we must refresh our way of thinking and processing this dangerous world that surrounds us. Fear can cripple us and even cause us to freeze up because we are not prepared. Even though some of us fear such things as public speaking or spiders, we are going to focus on managing the fear that accompanies the threat of injury or even death.

Let's look at some quotes regarding overcoming fear. “*Failure is not an option*”-Gene Kranz, or one of my favorites, “*Everything you want is on the other side of fear*”-Jack Canfield. These quotes help us understand the finality and seriousness of dealing with fear. Suppose we are presented with a fearful incident, such as being physically attacked; having the right mindset *before* the incident can bring us a successful outcome. The time to prepare is now.

Do you remember daydreaming as a child? Back then, we could visually transform ourselves into other worlds, like being a superhero saving the day. This visualization can be very colorful and very detailed. Visualization is powerful. Take a moment now and visualize yourself on that dream vacation you have always wanted to experience. Can you see yourself in that setting? Can you feel the moment as you take in the sights, sounds, and smells? Now imagine yourself alone in a dark parking garage. A tall, hooded stranger is walking directly to you. As he closes in, you see a shining knife in his right hand; how did you respond? I bet most of you finished the scenario before you read this sentence. You saw yourself take some type of action. There are no right or wrong responses as long as you act. Some may have made their way to an exit, locked themselves in their car, yelled for help, or simply knocked the thug out cold with your fist. This is visualization.

Visualization must always provide you with an outcome that is favorable to you. See yourself winning. See yourself winning in detail. See yourself winning at every step. There is no failure. Failure will mean serious bodily harm or death. There is no failure. You WILL win.

Always and in every situation, YOU WILL WIN! Athletes do this before a big game or competition. They visualize themselves making the touchdown or crossing the finish line. To win, you must first believe that you can.

As a law enforcement officer, I used visualization daily and sometimes on the fly. For example, if I received a call from an armed person, I would immediately begin my visualization as I drove to the scene. I would visualize, in great detail, my answers to each question.

What is the quickest route to the location? What angle will I approach him? What will I do if he starts shooting as soon as I arrive? With every thought, I visualized myself winning the confrontation. When I arrived at the scene, I had a plan and acted on it immediately. I also do this with my family at a restaurant or a movie theater. I first ask myself questions such as where are the exits in case of a fire? What will I do if someone walks in with a gun? Then, I visualize, in detail, myself taking those actions. Once I have grasped a visual, which shouldn't take more than a minute, I refocus on my family and enjoy our outing. I now have the mindset to manage fear.

Our first step is to conduct your visualizations of potential or probable incidents. Do this daily until it becomes easier, and you feel more empowered. Take a moment as you get ready for work in the morning. Think about the risks that could happen where you live, your daily drive to work, or where your children attend school. Think locally or regionally. For instance, if you live in the Midwest, I wouldn't be too concerned with how to deal with a tsunami. Do you live or work in a high crime area or a zone prone to flooding? These incidents or emergencies cause fear and can occur with little warning.

Having the right mindset ahead of time will put YOU ahead of most people because YOU have a plan. It will drastically reduce the chances of you and your family being hurt.

To recap, if you're thrust into a dangerous situation, acknowledge and process the fear quickly. Remember, “failure is not an option.” The second step is to take physical action. Do something! Anything! Don't wait for someone to come and bail you out. Some physical responses are better than others, but taking no action is the worst. Remember to practice your visualization before an incident; this will speed up your response and increase your success. What we have shared is easy and costs nothing. It can be done at any time and in any location. Having the mindset* to manage fear is something you can start right now. Your life and well-being are worth more than anything tangible on this earth. Your family deserves the best, and YOU deserve to win every challenge. Be safe and remember to practice often!

* <https://www.merriam-webster.com/dictionary/mindset>



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The Most Common Summary Plan Description Misconceptions

One of the most important documents participants must automatically receive when becoming covered under a health benefit plan that is subject to the federal Employee Retirement Income Security Act (ERISA) is a summary of the plan, called the **Summary Plan Description** or **SPD**. Many employers are confused about this very important ERISA-required disclosure, which can put them at risk.

There are serious legal consequences associated with not complying with ERISA's requirements for SPDs. For example, a plan sponsor can be charged up to \$110 per day if it does not provide the SPD within 30 days after a participant's request.

This Compliance Overview includes questions and answers on the most common misunderstandings related to complying with the SPD requirement and outlines how employers can avoid costly penalties and various legal risks.

1. Isn't the information distributed by carriers considered an SPD?

ERISA requires plan administrators (typically the employer that sponsors the group health plan) to maintain and distribute SPDs that accurately reflect the contents of the plan and that include specific information required under federal law—**much of which is typically missing from the benefit summaries and insurance certificates distributed by insurance companies.**

While carriers do provide plan information, they typically will not provide all of the required provisions that must be included in an SPD. Thus, an employer/plan administrator will not be compliant with SPD requirements and may face the risk of penalties and other complications if participants only receive a benefits booklet/summary or certificate of insurance.

2. Can the SPD just be made available upon request?

The SPD is required to be distributed to all participants in a manner reasonably calculated to ensure actual receipt. The following are examples of acceptable methods of delivery:

- Hand delivery to employees at their worksites (merely posting information in a common area is not acceptable);
- Inclusion within a periodical distributed to employees (for example, a union newsletter or company publication);
- U.S. mail; or
- Electronic media (for example, by email or intranet), if it is reasonably expected that eligible employees will receive it and if certain DOL electronic delivery requirements are satisfied.

3. My company has never distributed an SPD, so why now?

Every employer that sponsors a group health plan must comply with this ERISA requirement, or the employer runs the risk of exposure to a number of serious problems, including:

- Failing a DOL audit, which is happening with greater frequency to companies of all sizes; and
- Penalties of up to \$110/day per participant or beneficiary for failing to provide an SPD or plan document within 30 days of receiving a request.

Perhaps most importantly, distributing SPDs to plan participants will protect against disgruntled employees if issues regarding benefit plan coverage arise.

4. Isn't the SPD the same as a Plan Document?

In addition to an SPD, all ERISA-covered benefit plans (including group health plans and other welfare plans) must, by law, be administered in accordance with a **written Plan Document**. ERISA, as amended by the Health Insurance Portability and Accountability Act (HIPAA) and other federal laws, requires the Plan Document to contain certain specified provisions. Many employers assume that insurance contracts for fully insured products are written Plan Documents. **Insurance companies, however, draft their contracts to comply with state insurance laws and as a result, the contracts do not contain many of the required or recommended provisions that protect the plan, the employer and plan fiduciaries.** The Plan Document does not have to be distributed automatically—rather, it must be kept on file with the employer/plan administrator should a participant or beneficiary request it.

5. Will employers be compliant if they distribute Wrap SPDs to plan participants?

Not necessarily. A Wrap SPD is designed to incorporate or “wrap around” existing certificates of insurance and benefit plan booklets to provide the information necessary to comply with ERISA’s reporting and disclosure requirements. **To be compliant with ERISA’s reporting and disclosure requirements, the Wrap SPD and accompanying benefit plan component documents must be distributed to plan participants.** The Wrap SPD and benefit plan component documents do not have to be distributed at the same time as long as plan participants receive all the required documents with the most current information that applies to plan benefits.

6. Does a new SPD have to be distributed if there is a change to the benefit plan?

ERISA requires plan administrators to notify plan participants of material plan changes by **either** updating the SPD **or** preparing a Summary of Material Modifications (SMM) describing the change and distributing it to plan participants.

When to Distribute an SMM or Updated SPD

The following are some basic timelines for distributing an updated SPD or SMM:

- Under the Affordable Care Act, group health plans and carriers are required to provide **at least 60 days’ advance notice** to participants before the effective date of any material modification to the plan that would affect the content of the Summary of Benefits and Coverage (SBC) and that is not reflected in the most recently provided SBC **unless the change occurs in connection with a renewal or reissuance of coverage;**
- If a change occurs in connection with a renewal or reissuance of insurance contracts and results in a material reduction in covered services or benefits, then participants must be notified **within 60 days after the modification is adopted;** and
- If neither of the two preceding rules applies, the plan administrator has until **210 days after the end of the plan year** to notify participants of the change; however, it is always prudent to notify participants of any material modifications as soon as possible.

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Spring Clean Your Background Screening Process with These Budget Tips



Background screening helps companies make informed decisions, safeguard their workplace, and build a reliable team. But let's be honest, maintaining quality hiring practices while staying within budget can be tricky. Luckily, there are ways to protect your organization and your budget. Smart screening doesn't mean cutting corners. It means knowing where to invest your dollars to get the most value.

What Goes into Background Screening Costs?

Before you start trimming your screening budget, you need to understand what you're actually paying for. Background checks involve several moving parts that contribute to the final cost.

- **Time and labor.** Some screening components (verifying employment history and checking references) require manual effort. These can take hours per candidate. That time adds up quickly, especially in high-volume hiring situations.
- **Third-party fees.** Many checks (ever dealt with The Work Number?) rely on access to external databases or services. For example, motor vehicle records, criminal history searches, and education verifications often involve fees charged by courts, institutions, or third-party vendors. Those fees filter down to your organization.
- **Technology and compliance.** Using a reputable background screening platform helps reduce risks and automate parts of the process. But this tech also comes with a price tag, especially if your vendor offers added services like adjudication assistance or adverse action tools.

Tips for Managing Your Background Screening Costs

HR pros are left with the conundrum of gaining insights into job candidates via background checks while working within budget confines. The good news is there are strategic ways to get the information you need without draining your budget.

Tip #1: Customize Background Checks by Role

A forklift driver, seasonal retail employee, or entry-level call center representative likely doesn't need the same deep-dive screening as a CFO or accountant. Customizing your background checks based on job roles lets you significantly reduce unnecessary expenses.

Create packages based on role sensitivity, regulatory requirements, or access to company assets. For example:

- **Basic package:** ID verification, basic criminal history.
- **Standard package:** Employment and education verification.
- **Executive package:** Adds credit checks, global watchlist searches, social media screening, and more in-depth professional reference checks.

A reputable background screening vendor can help you build screening packages that align with your risk level and budget constraints.

Tip #2: Use Innovative Screening Processes

Employment verifications can be one of the costliest (and slowest) parts of a background check. That's where Employment Pro from Data Facts comes in. This service gives you a smarter, more efficient way to verify past employment, either as a complete replacement for traditional methods or as a supplemental service to reduce third-party costs.

Instead of paying hefty fees for every single verification through multiple vendors, Employment Pro streamlines the process with a user-friendly interface, automation, and support from a team of experts ready to tailor the solution to your business.

Tip #3: Focus on Key Screening Components First

One of the most budget-savvy things you can do is prioritize your screenings to eliminate unqualified candidates early in the process. This "progressive" or tiered approach allows you to delay the most costly checks until a candidate has passed the basic criteria.

Here's how it works:

- **Stage 1:** Conduct a basic screen (identity check, criminal record, motor vehicle records search).
- **Stage 2:** After the candidate clears Stage 1, move on to more expensive components like employment and education verifications
- **Stage 3:** For high-risk roles, add drug testing and social media screening as final steps.

This method lets you "weed out" unsuitable candidates without wasting time and money on full-scale checks for every applicant.

Tip #4: Leverage Volume-Based Pricing

If your company hires frequently, you may be eligible for bulk pricing or discounted rates through your screening provider. Many vendors offer tiered pricing models based on the volume

of checks performed each month or quarter.

By building a relationship with a trusted vendor, you may be able to lock in cost-effective options that scale with your business.

Tip #5: Use Technology to Streamline the Screening Process

Technology is your best friend when it comes to cutting down on time-consuming, repetitive tasks during background screening. Look for a seamless integration between your background screening vendor and applicant tracking systems (ATS). These integrations allow candidate information to flow directly from your ATS into the background check system, automatically populating forms, initiating screens, and updating status without the need for manual input.

This reduces duplicate data entry, lowers the risk of manual errors, and speeds up turnaround times.

Look for a screening provider that plays nicely with your existing HR tech stack. You'll save administrative hours, eliminate bottlenecks in the hiring process, and create a more efficient, candidate-friendly workflow.

Tip #6: Follow Compliance Rules

We get it. Compliance doesn't always feel like a budget topic. But staying compliant with background check regulations is one of the smartest financial decisions you can make.

Non-compliance with FCRA, EEOC, or state-specific screening laws can lead to costly lawsuits, fines, and reputational damage. Even an honest mistake (like conducting a background check without written consent) can get expensive fast.

Partner with a background screening vendor that is SOC 2 Type II certified and accredited by the Professional Background Screening Association (PBSA) to ensure they maintain the highest level of compliance excellence. Your screening provider should stay up-to-date on the latest compliance requirements and offer tools like adverse action assistance, consent form templates, and audit logs. Protecting your company from legal risk is just as important as protecting it from bad hires.

Creating an Effective, Budget-Friendly Background Screening Process IS Possible

Background screening doesn't have to bust your budget. By understanding the cost components and making strategic choices, you can create a screening program that's both effective and affordable.

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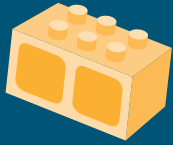


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Congratulations to Porter-Leath's 175th Anniversary



Sean Lee, President

The Memphis Grizzlies coined the phrase “Grit ‘n Grind” in the early 2010’s to describe its style of play, but Memphis, TN held the grit and grind mentality centuries before basketball was on the scene. Take for example, a fledgling orphanage established in 1850.

Jane Ward was the first matron of Memphis’ orphanage. During the Civil War, she provided food for children from what was raised on the orphanage’s land. The orphanage endured the confiscation of their poultry and livestock and finally, foraging Union soldiers took the last one of the orphanage’s milk cows. Furious at this act, Miss Ward travelled the road to the Union military headquarters in Memphis and proclaimed to the Union commander, “I do not propose that my children shall go without milk. I am coming back here until our cow is returned or another cow given us.” Eventually, even the Union Army gave in, and Miss Ward got her cow. She showed that Memphis grit and grind spirit.

Now, 175 years after it was established, Porter-Leath is still in operation and is led by the organization’s President, Sean Lee.

After working at Elvis Presley’s Graceland through college as both a supervisor of the gift shops and later as the Human Resources Assistant, a friend mentioned to Sean that Porter-Leath’s Board of Directors was hiring a Human Resources Manager. While there was not a formal way of researching nonprofits at the time, Sean heard positive things about Porter-Leath’s work and felt he had potential to match his business background to help a great Mission. Reflecting on his first day in 1997, Sean said with a smile, “I was wearing my jacket and tie. I walked in and they had a chair around a card table that had a large stack of personnel files - from all current and past employees - a telephone, a computer ... in a room with green, shag carpet.”

Luckily, the 24-year-old was eager to apply his grit and grind work ethic, creating a human resources structure which improved upon the agency’s work and positioned it for future success.

At the time, the agency had 44 employees and a 4-million-dollar budget. Much of Porter-Leath’s work revolved around foster care and residential services for children in need of a secure and loving environment. It also supported family day cares through which it provided childcare for working families and nutrition for preschool-age children. In 1998, Porter-Leath received a federal grant to operate Early Head Start in Shelby County. This pivot to education began the evolution of Porter-Leath’s major focus onto early childhood services.

That 24-year-old man, who possessed a large stack of personnel files in a room with shag carpeting, helped grow Porter-Leath into what it is today. Sean credits his promotion to President in 2005 and his success over the last 20 years to his foundation in human resources. “Being a human resource professional is the perfect steppingstone to being the CEO because the skill sets, I have from team development, to negotiation, to communication, to building culture are HR,” he said. As the Human Resources Manager, Sean gleaned as much organizational knowledge as possible from board members, the executive director,

the chief financial officer and program managers who were all willing to have him at their tables to ask questions and add value to their own work. As President over the last 20 years, Sean has maintained his SPHR and SHRM-SCP certifications to ensure the skills he credits for his advancement stay sharp.

Sean utilized his keen ability to build relationships across the organization and worked a shift in each of Porter-Leath’s programs. “One of the things that I liked about human resources was that I felt like I could plug in anywhere. I could listen, I could plan, I could suggest strategies and that’s really what happened here” he explained. Sean knew that he could not build a positive company culture alone, so as he worked alongside social workers at Porter-Leath’s former residential facility and spent time with preschool teachers in the classroom, Sean watched and learned from the experts. He used those experiences to help him identify qualities that were crucial to each position, enabling him to hire the right people.

“Human resources really gives you a top to bottom view of an organization and the things that you do matter. For example, if you create a good compensation and benefits plan then you can attract top talent and, ultimately, drive success. Not every job has that kind of reach,” Sean said.

Seven years after he started at the organization, Sean’s nonprofit business acumen, eye for top talent and focus on community propelled him into his current position as President of Porter-Leath.

Now, twenty years later, Porter-Leath has 325 employees with a 32-million-dollar budget. It has eight focus areas which still includes foster care but has expanded into early childhood services such as early literacy, home visitation, support for childcare centers and workforce development for seniors who want a second career in early childhood classrooms. The organization built three state-of-the-art academies which provide both high-quality early childhood education and professional development for early childhood educators. Across all focus areas, Porter-Leath serves over 36,000 children and families.

Porter-Leath is celebrating its 175th anniversary in 2025. From a humble orphanage to a robust early childhood leader, the organization has used data to show how it is making positive changes in our community. Sean was part of the team who drove a commitment to performance measurements. It was a skill that he used daily in his human resources work. Sean explained, “It is important for HR people to show their value and show how they drive results, show how they make a difference” and he encourages all leaders to consider that approach in their work.

Looking to the future, Sean said Porter-Leath will work towards ensuring all children in the Mid-South under five years old have access to high-quality early childhood experiences. The organization will continue looking for strategic ways to drive successful outcomes and focus on company culture. From HR to the C-suite, Sean has used his HR foundation to create a culture of success at Porter-Leath that will benefit families in the Mid-South for another 175 years.

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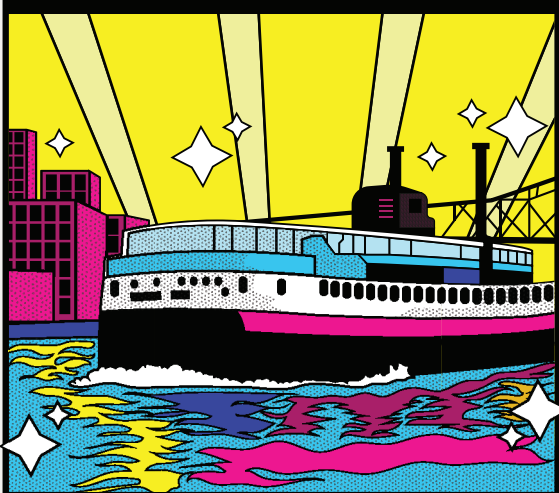
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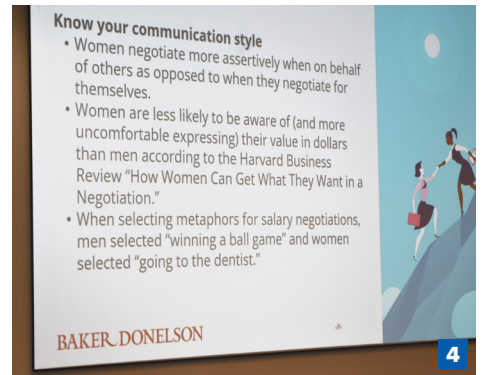
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Highlights from the 2025 Fogelman Women in Leadership Conference in Memphis



1 (R) Dr. Kathy Tuberville, SHRM-SCP, with the University of Memphis, led the 2025 Annual Professionals Conference. **(L)** Alex Smith, Human Capital Management Industry Executive Director, Government & Education with Oracle, was the opening speaker. **2** Angie Davis, Shareholder with Baker Donelson was also a keynote speaker at the conference. She focused on helping women learn how to negotiate future opportunities. **3** An engaging panel featured Ruby Hancock, Managing Partner, KPMG, Dr. Mary McConner, CEO Inclusive Consulting, and Susan Springfield, First Horizon (retired) **4** Angie Davis led a discussion on communication styles. **5 - 8** Attendees at the Fogelman Women in Leadership Conference at the University of Memphis April 25

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