

12th Annual

Fundamentals of Employment Law

Chattanooga, TN - May 13, 2014

Early Registration

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- See inside for details.

PRESENTED BY:

J. Gregory Grisham, *Jackson Lewis P.C.*

Bryan E. Pieper, *Bone McAllister Norton PLLC*

John R. LaBar, *Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C.*

Peter C. Robison, *Cornelius & Collins, LLP*

Kathleen G. Pohlid, *Gullett Sanford Robinson & Martin PLLC*

(See complete biographies inside)

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Fundamentals of Employment Law

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P.O. Box 3127
Eau Claire, WI 54702

Fundamentals of Employment Law

AGENDA

- I. Hiring and Terminating Employees in the Current Economy**
 - A. Hiring qualified employees
 1. Credit checks: compliance with the Fair Credit Reporting Act
 2. Criminal background information: what are the rules?
 - B. Handling terminations and layoffs
 1. Legal considerations, e.g., WARN Act, OWBPA, RIF
 2. Structuring severance and separation packages, COBRA
 3. Tips and traps, e.g., employment agreements, unemployment compensation claims
 4. Termination: strategies for avoiding claims
- II. Immigration Law**
 - A. I-9, E-Verify®, SSN mismatch
 - B. Relevant immigration issues and timelines
- III. FLSA/Wage and Hour Critical Issues**
 - A. Update and overview
 - B. Contrasting the FLSA and state wage and hour laws
 - C. Compensable time: training time, meal time, dressing time, travel time, on-call time
 - D. Employee classification: exempt vs. non-exempt, employee vs. independent contractor
 - E. Regular and overtime rates, minimum wage, salaries, comp time, tipped employees
 - F. Dealing with the Department of Labor: maintaining records and ensuring compliance
 - G. Defenses: what's available, what's not?
 - H. The downside of noncompliance: limitation period, liquidated damages, and attorneys' fees
- IV. The PPACA/Obamacare: What Employers Need to Know**
 - A. What is the Affordable Care Act?
 - B. How it will affect small and large businesses
 - C. Timeline for provisions
 - D. Questions and answers
- V. ADA and FMLA Updates and Interplay**
 - A. FMLA, ADA updates, and EEOC guidelines
 1. Expansion of what can be considered a "disability"
 2. What constitutes accommodation according to the EEOC
 3. Shift in prohibited action cases
 4. How new ADA rules impact HR
 5. Effect on FMLA and other leave policies
 - B. The interplay between the ADA and the FMLA
- VI. Sexual, Racial, and Other Harassment in the Workplace**
 - A. Recent legislation and court cases
 - B. Harassment vs. discrimination vs. obnoxious behavior
 - C. What constitutes a hostile workplace environment?
 - D. Employer liability principles as they affect management of complaints
 - E. Avoiding harassment claims: policy, protection, prompt, and punishment
 - F. Liability for claims of harassment by third parties
 - G. Conducting a lawful misconduct investigation
- VII. Privacy and Social Media in the Workplace**
 - A. Balancing an employer's right to know vs. employee's privacy
 - B. Wireless devices and employee's and employer's privacy violations: monitoring and creating policies regarding electronic communications
 - C. Use of social networking sites in the employment context: risks, best practices, and policies
 - D. Off the job behavior, e.g., blogging and dating
 - E. Privacy issues in formal complaint procedures
 - F. Information disclosure
 - G. Case law studies

DETAILS

DATE: Tuesday, May 13, 2014
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: 12:15 - 1:15 p.m.
Lunch is on your own

LOCATION:
Marriott Chattanooga Downtown
2 Carter Plaza
Chattanooga, TN 37402
423-756-0002
Map available online

WHO SHOULD ATTEND

- Human Resource Professionals
- Health Care Insurance Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
 - Employment and Labor
 - Immigration
 - Employee Benefits
 - General Practice
 - New Attorneys
 - Health Care

SUMMARY

Whether you're in a small firm or a multinational corporation, or counsel those who are, having a solid foundation in the basic fundamentals of employment law is absolutely essential to success. New developments are emerging out of long-established standards every day, and our presenters are ready to answer your questions about the core concepts and key elements of employment law. Regardless of your current level of expertise, this seminar will help you advise clients, write policies, and administer procedures effectively. **Register today!**

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This seminar has been approved by the **Tennessee Commission on CLE and Specialization** for **6.67 general hours**.

GA CLE

This seminar has been approved by the **Commission on Continuing Lawyer Competency of the State Bar of Georgia** for **MCLE credit** in the amount of **6.7 hours**.

AL CLE

This seminar has been approved by the **Alabama State Bar Mandatory Continuing Legal Education Commission** for a maximum of **6.7 hours of credit**.

OH CLE

This course has been approved by the **Supreme Court of Ohio Commission on Continuing Legal Education** for **6.75 total CLE credit hours**.



This seminar has been approved for **6.75 general recertification credit hours** toward the **PHR, SPHR, and GPHR** recertification through the **HR Certification Institute**. For more information about Human Resource certification or recertification, please visit www.hrci.org.



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Other continuing education credit may be available. Please contact Sterling to inquire.

MEET THE FACULTY

J. GREGORY GRISHAM, a shareholder in Jackson Lewis P.C. in Memphis, practices in the areas of labor and employment law. Mr. Grisham advises and defends employers in all aspects of workplace law, including discrimination, harassment, retaliation, wrongful discharge, ADA, FMLA, whistleblower, and wage and hour claims, and handles restrictive covenant and unfair competition litigation for employers. He has been selected for inclusion in *Mid-South Super Lawyers*® by *Law & Politics*® as well as in *Best Lawyers*® in America, and is a Fellow of the Litigation Counsel of America. Mr. Grisham recently served as president of the Memphis/Mid-South Chapter of the Federal Bar Association, and is a member of the Tennessee Judicial Performance Evaluation Commission and the Tennessee Advisory Committee to the United States Commission on Civil Rights. He is also a Master of the Bench in the Leo Bearman, Sr. American Inn of Court. Additionally, he is a member of the Tennessee State, the Memphis, and the Federal Bar Associations. He is a regular author on workplace law topics and is a frequent speaker at public seminars on employment issues. Mr. Grisham earned his B.S. at the University of Tennessee-Chattanooga; his M.B.A. at the University of Mississippi; and his J.D., with honors, at the University of Memphis Cecil C. Humphreys School of Law, where he was a member of the *University of Memphis Law Review*.

BRYAN E. PIEPER, a partner at Bone McAllester Norton PLLC in Nashville, represents both employers and employees in litigating cases and navigating through sticky employment matters. He counsels employers through internal labor and employment issues and conducts in-house training and policy review in order to prevent disputes. For several years, Mr. Pieper served as an Administrative Law Judge, presiding over disputes between Nashville Electric Service and its employees, followed by several years of providing a similar service to the Metro Nashville Public School system and its employees. He is also a Rule 31 listed civil mediator and an adjunct professor in the graduate program at Bethel University School of Conflict Resolution. By representing both employees and employers, presiding over employment law disputes as an ALJ, and serving as a mediator, Mr. Pieper has a 360 degree perspective on what works and what doesn't work in handling employment disputes. Mr. Pieper earned his B.A. at Vanderbilt University and his J.D. at Vanderbilt University School of Law.

KATHLEEN G. POHLID, of Gullett Sanford Robinson & Martin PLLC in Nashville, practices in employment, litigation, governmental compliance, occupational safety and health, ADA, and health law issues, including Medicare audits. She has over twenty years' experience in employment law, in both the federal government and the private sector. Ms. Pohlid formerly represented the Secretary of Labor as a trial attorney for twelve years with the Office of the Solicitor, U.S. Department of Labor, and for over eight years she represented business clients as an attorney in private practice. Ms. Pohlid is a contributing author on ADA and employment issues, currently serving on the *Nashville Bar Journal* editorial board; a contributing editor on ADA and employment law matters to *Hotel Executive* online journal; and a presenter at professional education programs on employment law and regulatory compliance matters. In 2010, she retired from the U.S. Marine Corps as a colonel after serving two combat deployments. Ms. Pohlid is a member of the Nashville, the Tennessee, and the American Bar Associations; the Nashville Leadership Health Care Council; the American Society of Safety Engineers; the Health Care Compliance Association; the Medical Group Management Association; and the Associated General Contractors of America. Her judge advocate assignments include duty in Djibouti, Africa, and Iraq. Ms. Pohlid received her B.S. from the U.S. Naval Academy and her J.D. from Samford University Cumberland School of Law.

JOHN R. LaBAR, a named member of Henry, McCord, Bean, Miller, Gabriel, & LaBar, P.L.L.C. in Tullahoma, represents both employers and employees in all types of employment and HR matters including I-9, FMLA, ADA, ADEA, and FLSA compliance. Mr. LaBar also defends employers in state and federal employment law investigations including FLSA, Tennessee Human Rights Commission, EEOC hearings and mediations, and NLRB proceedings among others. He is a frequent speaker and author on employment law topics, and has been selected for inclusion in *Mid-South Super Lawyers*® *Rising Stars*® for the past four years. Mr. LaBar served as an adjunct professor of law at the University of Tennessee College of Law. He is a member of the American and the Tennessee Bar Associations (where he has served as a House of Delegates Member since 2004) and the Tennessee Municipal Attorneys Association. Mr. LaBar has also served since 2004 as the town attorney for the Town of Morrison, Tennessee. Mr. LaBar received his B.A. from the University of Tennessee at Chattanooga, his J.D. from the University of Tennessee College of Law at Knoxville, and his LL.M. in Real Property Development from the University of Miami School of Law.

PETER C. ROBISON, of Cornelius & Collins, LLP in Nashville, practices in employment, civil rights, and general civil litigation representing plaintiffs and defendants, and he also assists clients in the probate administration process. Prior to entering private practice, he served as a law clerk for the Honorable Thomas W. Brothers of the Sixth Circuit Court for Nashville and Davidson County. Mr. Robison is admitted to practice in Tennessee; before the U.S. District Court for the Eastern, Western, and Middle Districts of Tennessee; and before the Tennessee Supreme Court. He is a member of the Nashville Bar Association Young Lawyers Division and the Nashville Area Hispanic Chamber of Commerce. Mr. Robison received his B.A. from Brigham Young University and his J.D. from Vanderbilt University Law School.

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Registration Fee: (includes manual)

- \$329 per person
- \$319 per person for 2 or more
- \$299 per person **if paid by April 1st**

Reference Materials:

- Add audio to your registration for \$147*
- Manual only \$95*
- Audio only \$247*
- Audio/manual package \$337*

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HOT TOPICS IN EMPLOYMENT LAW - Seminar # 13TN11275

The Use of Social Media and Personal Information in the Hiring Process; Drafting Workplace Handbooks and Agreements that Minimize Claims; NLRB's Expanding Agenda; Immigration Law Compliance; FLSA/Wage and Hour Compliance; PPACA/Obamacare: What Employers Need to Know

PRESENTED BY:

J. Gregory Grisham with Jackson Lewis LLP; Robbin W. Hutton with Jackson Lewis LLP; David S. Jones with Jackson Lewis LLP; and Frank L. Day with Leitner, Williams, Dooley and Napolitan, PLLC
Audio & Manual Set \$155 Audio only \$95 Manual only \$75

FUNDAMENTALS OF WORKERS' COMPENSATION - Seminar # 13TN07222

State Case Law, Legislative Update, and Overview; The Workers' Compensation Claim; Interplay Between Benefits; Temporary Benefits: Partial and Total; Permanent Disability; Ethical Considerations in Workers' Compensation

PRESENTED BY:

J. Gregory Grisham with Jackson Lewis LLP; David F. Hensley with Franklin, Cooper & Marcus, PLLC; Thomas L. Wyatt with Summers & Wyatt, P.C.; and Paul Campbell, III with Campbell & Campbell
Audio & Manual Set \$155 Audio only \$95 Manual only \$75

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- **Fax:** 715-835-5132

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- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

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REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

UPCOMING SEMINARS

- **Employment Law:
Beyond the Basics**
Nashville, TN - August 12, 2014
- **Elder Law**
Memphis, TN - April 25, 2014
- **Landlord-Tenant Law:
Leases, Evictions, Litigation
& Settlements**
Knoxville, TN - April 30, 2014

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