

# Essentials of Employment Law

Chattanooga, TN - May 10, 2016

Early Registration  
**SAVE \$30**  
if paid by March 29<sup>th</sup>

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- See inside for details.

### PRESENTED BY:

**J. Gregory Grisham**, *Leitner, Williams, Dooley & Napolitan, PLLC*  
**John R. LaBar**, *Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C.*  
**Jacqueline Strong Moss**, *Attorney at Law*  
**Bryan E. Pieper**, *The Law Office of Bryan E. Pieper, PLLC*  
**Chris W. McCarty**, *Lewis, Thomason, King, Krieg & Waldrop, P.C.*  
(See complete biographies inside)

# SES

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Sterling Education Services  
3712 Spooner Avenue  
Altoona, WI 54720

Chattanooga, TN - May 10, 2016

# Essentials of Employment Law

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# Essentials of Employment Law

## AGENDA

- I. **Hiring and Terminating Employees in the Current Economy**
  - A. Hiring qualified employees
    1. What you can and can't ask at the interview
    2. Criminal background information: what are the rules?
    3. Credit checks: compliance with the Fair Credit Reporting Act
  - B. Handling terminations and layoffs
    1. Legal considerations, e.g., WARN Act, OWBPA, RIF
    2. Structuring severance and separation packages, COBRA, ACA/health insurance
    3. Tips and traps, e.g., employment agreements, unemployment compensation claims
    4. Termination: strategies for avoiding claims
- II. **Immigration Law**
  - A. President Obama's executive actions on immigration
  - B. I-9 compliance, ICE and OSC actions
  - C. Relevant immigration issues and timelines
- III. **Critical Issues in FLSA/Wage and Hour**
  - A. Executive call to action, minimum wage, maintaining records and ensuring compliance
  - B. Employee classification: exempt vs. non-exempt, employee vs. independent contractor
  - C. Update and overview: the latest changes
  - D. The downside of noncompliance: limitation period, liquidated damages, and attorneys' fees
- IV. **Employers' Map to the ACA Maze of Requirements**
  - A. The employer mandate: covered employers, concerns raised, business decisions, "pay or play" penalty
  - B. Employer responsibilities under the ACA
  - C. Employee rights under the ACA: notices, whistleblower provisions
  - D. Challenges for small and large businesses
  - E. Other issues and current changes
- V. **Privacy and Today's Technology in the Workplace**
  - A. Balancing an employer's right to know vs. employee's privacy
  - B. Wireless devices: monitoring and creating policies regarding electronic communications, data security
  - 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 and information disclosure
  - F. Case law studies
- VI. **Handling Medical and Leave Issues**
  - A. The interplay between the ADA, FMLA, ACA, and state laws
  - B. FMLA and ADA updates: identifying disabilities and serious health conditions
  - C. Determining reasonable accommodation and appropriate leave time
  - D. EEOC guidelines, case law, other issues
- VII. **Harassment and Discrimination in the Workplace**
  - A. Recent legislation and court cases: LGBT Executive Order, *EEOC v. Abercrombie & Fitch*, GINA, etc.
  - B. Harassment vs. discrimination vs. obnoxious behavior
  - C. What constitutes a hostile workplace environment
  - D. Conducting a lawful misconduct investigation
  - E. Employer's management of complaints: proving, protecting, and punishing
- VIII. **Elections Have Consequences: Discussing Employment Law Issues in 2016**

## DATE & TIME

**DATE:** Tuesday, May 10, 2016

**REGISTRATION:** 8:00 a.m.

**PRESENTATIONS:** 8:30 a.m. - 4:30 p.m.

**LUNCH:** 12:00 - 1:00 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
- Personnel Directors
- Health Care Insurance Professionals
- Business Owners
- Managers/Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
  - Employment and Labor
  - Employee Benefits
  - Immigration
  - Corporate
  - General Practice
  - Health Care
  - Sole Practitioners
  - New Attorneys

## SUMMARY

There are few things in life as fundamental as work, but that doesn't mean that the laws and regulations governing employment are straightforward. Between the ever-changing technological landscape and the President's calls for reform in immigration and overtime laws, "business as usual" has become a thing of the past. Employers can't afford to risk the wrath of the increasingly litigious EEOC or the cost of noncompliance with I-9 forms. Even the basics of employment are in flux, but our faculty of experienced speakers is ready to answer your questions and give you the confidence to run your business or counsel your clients effectively. Whether you're hiring your first employee or just need a refresher on the essentials, **register today!**

Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

## CONTINUING EDUCATION CREDIT

### TN CLE

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 CLE 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 CLE** for **6.75 total CLE credit hours**.



This seminar has been approved for **6.75 general recertification credit hours** toward the **PHR, SPHR, PHRi, SPHRi and GPHR** recertification through the **HR Certification Institute**. For more information about Human Resource certification or recertification, please visit [www.hrci.org](http://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**, of counsel with Leitner, Williams, Dooley & Napolitan, PLLC in Nashville, represents employers in the areas of labor and employment law. Mr. Grisham has over twenty-five years of experience in counseling and defending employers in all aspects of workplace law, including discrimination, harassment, retaliation, wrongful discharge, defamation, invasion of privacy, ADA, FMLA, whistleblower, and wage and hour claims, as well as restrictive covenant and unfair competition litigation. He has been selected for inclusion in *Mid-South Super Lawyers*® by *Law & Politics*® as well as in *Best Lawyers*® in America, and has an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell®. Mr. Grisham has served as president of the Memphis/Mid-South Chapter of the Federal Bar Association and as president of the Memphis Lawyers Chapter of the Federalist Society for Public Policy Studies. Mr. Grisham was a member of the Tennessee Judicial Performance Evaluation Commission from 2011 to July 2014, and he is currently a member of the Tennessee Advisory Committee to the U.S. Commission on Civil Rights. He is also a Master of the Bench in the John Marshall American Inn of Court. Additionally, Mr. Grisham is a member of the Tennessee Bar Association where he serves as the chair of the Federal Practice Section and as a member of both the Public Education Committee and the Executive Council of the Labor and Employment Section. He is a regular author on workplace law topics and a frequent speaker on labor and employment issues at public seminars in Tennessee. Mr. Grisham earned his B.S. at the University of Tennessee at 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*.

**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 human resource 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, has been selected for inclusion in *Mid-South Super Lawyers*® Rising Stars®, and has an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell®. He is listed as a contributor for the 2015 FMLA Treatise Cumulative Supplement published by BNA books. Mr. LaBar has served as an Adjunct Professor of Law at the University of Tennessee College of Law. He is a member of the American Bar Association; the Tennessee Bar Association, where he has served as a House of Delegates Member since 2004; and SHRM. 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.

**CHRIS W. McCARTY**, a shareholder of Lewis, Thomason, King, Krieg & Waldrop, P.C. in their Knoxville office, practices in the areas of employment law, education law, and general civil litigation, as well as cyber security issues. Mr. McCarty handles matters before state and federal courts throughout Tennessee and before the EEOC. He frequently presents on employment and education law topics, and his articles on those topics have been seen in numerous publications, including *HR Magazine*, the *Tennessee Bar Journal*, and the *Knoxville Business Journal*. Mr. McCarty was recognized in *Knoxville Business Journal's* list of "40 Under 40" for 2013. He is a member of the American Bar Association, the Tennessee Bar Association, the Knoxville Bar Association, the Society for Human Resource Management, and the National School Boards Association Council of School Attorneys. Mr. McCarty received his B.A. from Maryville College and his J.D. from the University of Tennessee College of Law.

**JACQUELINE STRONG MOSS**, Attorney at Law in Chattanooga, practices in general civil practice, including labor and employment law, litigation, civil rights, disability law, family law, bankruptcy, insolvency, and reorganization. Ms. Moss received her undergraduate degree from the University of Maryland, her J.D. from the Lewis & Clark Law School, and her M.P.A. from Lewis & Clark College.

**BRYAN E. PIEPER** is an attorney, civil mediator, and workplace investigator in The Law Office of Bryan E. Pieper, PLLC in Nashville, practicing in the areas of employment law and commercial litigation. Mr. Pieper represents both employers and employees in litigating employment disputes and navigating through sticky employment situations. He counsels employers through internal labor and employment issues and conducts in-house training and policy reviews 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. Mr. Pieper often serves as a workplace investigator, a role that requires neutrality to determine the merits of a workplace complaint. He is a 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 and an investigator, 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. He also studied law at Charles University in Prague, Czechoslovakia (now, Czech Republic) and studied German history and literature at Regensburg University in Regensburg, Germany.

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## Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by March 29<sup>th</sup>**

## Reference Materials:

- Add audio to your registration for \$157\*
- Manual only \$95\*
- Audio only \$257\*
- Audio/manual package \$347\*

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### FUNDAMENTALS OF EMPLOYMENT LAW - Seminar # 15TN05121

The ACA/Obamacare: What Employers Need to Know; Immigration Law; FLSA/Wage and Hour Critical Issues; Sexual, Racial, and Other Harassment in the Workplace; Hiring and Terminating Employees in the Current Economy; ADA and FMLA Updates and Interplay; Privacy and Social Media in the Workplace

#### PRESENTED BY:

J. Gregory Grisham with Leitner, Williams, Dooley & Napolitan, PLLC; John R. LaBar with Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C.; Jennifer Gingery Cook with Emdeon Business Services LLC; and Jacqueline Strong Moss, Attorney at Law

Audio & Manual Set \$155  Audio only \$95  Manual only \$75

### COMPREHENSIVE EMPLOYMENT LAW - Seminar # 14TN09240

Hot Topics in Wage and Hour Compliance; ADA and FMLA Updates and Considerations; Hiring Strategies and Decisions; Technology in the Workplace: Complications and Considerations; Harassment and Discrimination in the Workplace; Employee Discipline and Termination

#### PRESENTED BY:

Kathleen G. Pohlid with Gullett Sanford Robinson & Martin PLLC; Frank L. Day with McAngus Goudelock & Courie LLC; and J. Gregory Grisham with Leitner, Williams, Dooley & Napolitan, PLLC

Audio & Manual Set \$155  Audio only \$95  Manual only \$75

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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

- **Landlord-Tenant Law:  
From Lease to Eviction**  
Chattanooga, TN - March 2, 2016
- **Family Law & Same-Sex  
Marriage Issues**  
Nashville, TN - March 2, 2016
- **Landlord-Tenant Law:  
Lease Agreements, Defaults,  
and Collections**  
Nashville, TN - March 30, 2016

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