

17TH ANNUAL
LABOR & EMPLOYMENT LAW SEMINAR
**URGENT ISSUES
FOR MODERN EMPLOYERS**

MEADOWVIEW MARRIOTT
CONFERENCE RESORT & CONVENTION CENTER
KINGSPORT, TENNESSEE

THURSDAY, FEBRUARY 28, 2013
8:00 A.M. — 4:30 P.M.



BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

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SCHEDULE

8:00 a.m. – 8:25 a.m. Registration
8:25 a.m. – 8:30 a.m. Welcome & Introduction

8:30 a.m. – 9:15 a.m.
And the Winner Is...: A Look Back at Some of the Most Significant Employment Law Developments Over the Past Year

During this session, we will take a close look at the significant legislative and regulatory actions and case law decisions affecting employment law in 2012, and we will discuss how those actions and decisions have impacted the workplace.
Speaker: Steven H. Trent

9:15 a.m. – 10:00 a.m.
Workplace Violence: Identification, Prevention and If the Worst Happens, Evaluating Exposure

Workplace violence is on the rise. With more and more public displays of violence in the news (malls, schools, movie theaters, etc.), this timely topic is important for every organization. No one ever thinks the worst will happen until it does. It is essential to have a plan of action – even if you never use it. This topic will explore ways employers can minimize risk while still getting the job done.
Speaker: Brent B. Young

10:00 a.m. – 10:10 a.m. BREAK

10:10 a.m. – 10:55 a.m. BREAKOUT SESSIONS

Tennessee Workers' Compensation: The Year in Review

Provides an overview of the important cases, issues and new laws that significantly shaped Tennessee Workers' Compensation in 2012. This session also examines practical ways employers can navigate through these recent changes and what employers can expect in 2013.
Speaker: Christie M. Hayes

The Evolution of Discrimination Laws & How To Remain Compliant
Since the passage of Title VII of the Civil Rights of 1964, many things have changed in business and law. This session will explore how discrimination laws have evolved and expanded to protect employees from almost all walks of life. The session will be particularly focused on providing practical guidance to help employers make sure that they remain compliant with the current state of equal employment opportunity law.
Speaker: Chad E. Wallace

How Will The Results Of Election 2012 Impact Federal Contractors and Subcontractors?

This presentation will look at OFCCP's agenda for the next few years under the Obama administration, including expected new rules for Veterans and Individuals with Disabilities, and how OFCCP is setting its sights on collecting compensation data. We will also look at OFCCP's timetable for proposing new regulations for the construction industry and updating its sex discrimination guidelines, both of which have not changed since 1980.
Speaker: David Harvey

10:55 a.m. – 11:10 a.m. BREAK

11:10 a.m. – 11:55 a.m.
Building a "Dynasty" Through Effective Employee Relations & Management

A&E's hit show Duck Dynasty provides a picture of the many various and unique challenges that can arise related to effective human resource management in any growing enterprise. Using the Robertson family's Duck Commander business as a backdrop, we will explore and consider the "dos"

and "don'ts" of everyday employee relations with a particular eye on the legal issues that can easily be camouflaged by necessary business and other competing interests.
Speaker: Matthew D. Davison

11:55 a.m. – 1:05 p.m. LUNCH (provided)

1:05 p.m. – 1:50 p.m. BREAKOUT SESSIONS

ObamaCare: What are the Practical Effects for My Workforce?

With most of the substantive ObamaCare provisions affecting employers set to take effect in 2014, proactive employers are now making plans to implement. In addition to working with health insurance providers and benefits consultants, however, employers should begin to consider some of the practical aspects and potential legal implications of the new law on its workforce and business. This session will help provide a better understanding of what employers will be affected and how to best cope with the associated changes.
Speaker: Matthew D. Davison

Employee Evaluations: Gold or Dynamite?

An employee evaluation can either be a human resource professional's best friend or worst nightmare. Correctly done, this process and the resulting written document can be tremendously helpful in heading off expensive litigation. However, when completed as a task with little thought, the employee evaluation can become "Exhibit A" in a lawsuit against the Company. This session will coach employers to make sure that their employee evaluations are as good as gold.
Speaker: Mark A. Fulks

Governmental Agencies & Agendas: More Than Just Alphabet Soup!

As the world of labor and employment law has evolved over the years, so have the governmental agencies tasked with enforcing the law. In this session, participants will learn the differences between the DOL, EEOC, OFCCP, OSHA, NLRB, etc. in terms of investigative and enforcement strategies and priorities so that their businesses can be best prepared to deal with an agency if and when it comes calling.
Speaker: Drew Hutchinson

1:50 p.m. – 2:00 p.m. BREAK

2:00 p.m. – 2:45 p.m. BREAKOUT SESSIONS

FLSA Collective Actions – Should We Be Worried?

The last several years have seen a substantial increase in multi-plaintiff wage and hour lawsuits. This session is designed to explain the nature of collective action FLSA cases, why employers want to avoid them, and what can be done now to lessen the likelihood of fighting one later.
Speakers: Jennifer P. Keller and Matthew D. Davison

The Evolution of Discrimination Laws & How To Remain Compliant

Since the passage of Title VII of the Civil Rights of 1964, many things have changed in business and law. This session will explore how discrimination laws have evolved and expanded to protect employees from almost all walks of life. The session will be particularly focused on providing practical guidance to help employers make sure that they remain compliant with the current state of equal employment opportunity law.
Speaker: Chad E. Wallace

Prepping for & Giving a Good Deposition: It's Not as Easy as It Looks.

Like other business leaders, human resource professionals may be required from time to time to provide testimony under oath in the form of a deposition. Being prepared is absolutely the key. This session will offer practical advice and suggestions to help best prepare for time "in the hot seat."
Speaker: Brent B. Young

2:45 p.m. – 2:55 p.m. BREAK

2:55 p.m. – 3:40 p.m. BREAKOUT SESSIONS

Employee Evaluations: Gold or Dynamite?

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Speaker: Mark A. Fulks

Hiring & Firing Decisions: The Difference Between Success and Failure of Your Business

Who you hire and the process followed are integral to the success of business. So is the process used to fire employees. This session will focus on best practices in making hiring and firing decisions and the process that leads to them. Topics will include: Background checks, including compliance with the Fair Credit Reporting Act; interviewing strategies, effective use of employment applications, employee discipline, and more.
Speaker: Steven H. Trent

Social Media in the Workplace

Social media in the workplace is a reality for employers. However, an employee's social media use – both inside and outside the workplace – remains a double-edged sword that presents employers with both business opportunities and risks. What's a company to do? During this session, learn how social media is currently impacting your organization and what you need to know to minimize your legal risks, institute an effective social media policy, and harness the benefits of your employees' social media participation.
Speaker: David Harvey

3:40 p.m. – 3:50 p.m. BREAK

3:50 p.m. – 4:30 p.m.

Employee Law Management Training – Mandatory?

Federal and state courts require management training on discrimination and harassment before an employer can avoid punitive damages. Several states' laws require harassment training. The EEOC applauds the efforts of employers who commit to regular employment law training for managers. Do these mandates set a national standard? Is your company missing the boat by not taking advantage of this easy way to reduce legal risks? This interactive session is designed to explore the issue of whether employment law management training may just be mandatory for the successful company today.
Speaker: Jennifer P. Keller

SPEAKERS

**JENNIFER P. KELLER**jkeller@bakerdonelson.com

Ms. Keller is chair of the Firm's Labor & Employment Department and a shareholder in the Johnson City/Tri-Cities office. Listed in *Best Lawyers in America*, *Chambers USA: America's Leading Business Lawyers*, and *Mid-South SuperLawyers*, Ms. Keller regularly practices in state and federal court and before various administrative agencies, including the DOL, EEOC, THRC and NLRB. A substantial part of her practice is performing training for employers in the areas of harassment and discrimination prevention, drug-free workplace, union avoidance and similar issues. Ms. Keller is licensed in Tennessee and North Carolina.

**STEVEN H. TRENT**strent@bakerdonelson.com

Mr. Trent, shareholder in the Johnson City/Tri-Cities office and former chair of the Labor & Employment Department, concentrates his practice in 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 and FMLA administration. His multi-state practice includes defending claims under the Americans and Disabilities Act, Title VII claims, age discrimination claims, Equal Pay Act claims, FMLA claims, breach of contract claims and retaliation claims of virtually every kind. Mr. Trent has been listed annually since 2005 in *The Best Lawyers in America** and is licensed to practice in both Tennessee and Virginia.

**MATTHEW D. DAVISON**mdavison@bakerdonelson.com

Mr. Davison concentrates his practice in labor and employment law. His experience includes Title VII, ADA, ADEA, FMLA, FLSA and workers' compensation litigation. He also has first-hand experience with all aspects of employee and labor relations (including collective bargaining), employment issues involved with mergers and acquisitions, and affirmative action compliance. Mr. Davison is licensed to practice in Tennessee, Virginia and North Carolina.

MARK A. FULKS

mfulks@bakerdonelson.com

Mr. Fulks is an attorney in the Firm's Johnson City office. As a member of the Advocacy Department, he assists clients in general business litigation as well as state and federal appeals. Mr. Fulks is a seasoned litigator and appellate lawyer, having argued more than 50 cases before the Tennessee Supreme Court, and more than 300 cases in the Tennessee Court of Criminal Appeals, Tennessee Court of Appeals and the U.S. Court of Appeals for the Sixth Circuit.

**BRENT B. YOUNG**byoung@bakerdonelson.com

Mr. Young concentrates his practice in the area of labor and employment law. His experience includes age discrimination defense, defense and enforcement of covenants not to compete, ERISA work, negotiation of severance and separation agreements, and drafting of and consultation on employee handbooks, employment applications and other applicable documents. He also has been extensively involved in the development and implementation of alternative dispute resolution programs for several clients. Mr. Young is licensed to practice in Tennessee and South Carolina.

**CHAD E. WALLACE**cwallace@bakerdonelson.com

Mr. Wallace concentrates his practice in the areas of labor and employment law and commercial litigation. He is the author of "Tennessee's Employment-At-Will Doctrine and the Need for Change: Testifying At An Unemployment Compensation Hearing," *Tenn. B.J.*, April 2003. Mr. Wallace is licensed to practice in Tennessee and Kentucky.

**DAVID HARVEY**dharvey@bakerdonelson.com

Mr. Harvey concentrates his practice in labor and employment law. His representation includes drafting affirmative action plans, performing salary grade comparisons, adverse impact calculations and other documents related to OFCCP compliance reviews. Mr. Harvey also counsels clients on issues such as the FLSA and the ADEA. He is licensed to practice in Tennessee, North Carolina and Pennsylvania.

**CHRISTIE M. HAYES**chayes@bakerdonelson.com

Ms. Hayes concentrates her practice in labor and employment issues. She has extensive experience in the areas of workers' compensation and is licensed to practice in Tennessee and North Carolina.

**DREW HUTCHINSON**dhutchinson@bakerdonelson.com

Mr. Hutchinson concentrates his practice in the areas of labor and employment. He has a broad range of experience in civil litigation matters and contract disputes on behalf of a diverse client base. He also has experience in negotiating and drafting license agreements, commercial transactions and the formation and acquisition of various business entities. Mr. Hutchinson is licensed to practice in Tennessee and D.C.

REGISTRATION INFORMATION

To Register:

Please complete the enclosed form and mail, fax or email it to:

Judy Clark
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
P.O. Box 3038
Johnson City, TN 37602
423.975.7646 phone 423.928.5694 fax
jclark@bakerdonelson.com

Fee:

The fee for the seminar is \$135 per attendee.

Deadline:

All registration forms must be received by February 22, 2013. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.



When you have labor and employment needs, you want a firm that understands and services your entire business. We give you what boutique labor and employment firms can't: a set of attorneys who are not only dedicated to the practice of labor and employment issues, but who can also employ an integrated and experienced team of professionals to assist you in every other aspect of your legal business needs. We set ourselves apart by valuing your entire company – not only your employees but also your intellectual property, your shipping and logistics systems, your real estate and equipment assets, your corporate structure and everything that makes your company what it is. And when it comes to your company's most valuable asset, your employees, our attorneys are committed to counseling with and advocating for you every step of the way.

With litigation avoidance in mind, the Group has developed extensive training programs for client supervisors and managers. The training programs, along with on-point legal advice, help to ensure clients' compliance with employment and employment-related laws and regulations. Training programs are provided in-house for clients in the areas of union avoidance, workplace harassment prevention, OSHA compliance, Family Medical Leave Act and drug-free workplace, among others.

The Firm also customarily represents clients in developing a general union avoidance approach in advance of union election campaigns, in the clients' dealings with labor unions during the election phases of union campaigns and in the negotiation of any labor agreements. For those clients who have unions representing their workforces, the Firm pursues management's interests in all phases of the grievance and arbitration process. Clients are represented before all governmental bodies charged with the enforcement of employment statutes and policies.

In circumstances of unavoidable litigation, the Firm's labor and employment attorneys have extensive experience in state and federal courts throughout the country defending wrongful discharge claims, various employment-related tort actions, and state and federal claims of unlawful discrimination and harassment, in both individual plaintiff and class action suits. In addition, Baker Donelson labor and employment attorneys provide representation in the following areas:

- Workplace harassment and discrimination prevention and defense
- Drug-free workplace
- Reasonable accommodation
- Wage and hour laws
- Unfair labor practice allegations before the National Labor Relations Board
- Charges before the U.S. Department of Labor
- Workers' compensation
- OSHA compliance and litigation
- Employee benefits
- Family and medical leave
- Policies and handbooks/affirmative action plans
- Federal Immigration laws and regulations

Baker Donelson's labor and employment attorneys belong to numerous nationally recognized organizations, and they regularly organize and conduct industry-specific seminars and roundtables on relevant topics in the labor law arena. The Group also regularly publishes and distributes to clients and potential clients legal alerts and industry updates.

Baker Donelson has been ranked among the Top 10 Labor & Employment litigation firms in the country by *Employment Law 360*, the newswire for labor and employment law professionals. The Labor & Employment Group includes more than 90 experienced attorneys who work with clients on all issues relating to workplace law. The Firm's experience, reputation and proven cost-effective representation of clients' labor and employment matters for more than 30 years have resulted in the representation of a growing list of local, regional and national clients headquartered throughout the south central United States.

For more information, please visit www.bakerdonelson.com.

The Rules of Professional Conduct of the various states where our offices are located require the following language: Jennifer P. Keller, Chair of the Labor & Employment Department, is located in the Johnson City office of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 100 Med Tech Parkway, Suite 200, Johnson City, Tennessee 37604. Phone: 423.928.0181. No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers. FREE BACKGROUND INFORMATION AVAILABLE UPON REQUEST.

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