



19th Annual Labor and Employment Law Seminar Urgent Issues for Modern Employers

MeadowView Marriott
Conference Resort & Convention Center
Kingsport, Tennessee

Thursday, March 12, 2015
8:00 a.m. – 4:30 p.m.

BAKER DONELSON

EXPAND YOUR EXPECTATIONSSM

Schedule

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

8:30 – 9:15 a.m.

Significant Developments in Employment Law in 2014 and a Look Ahead

This session will examine and consider the most significant developments in employment law over the last year and offer a practical view of how employers can limit risk going forward.

Speaker: Steven H. Trent

9:15 – 10:00 a.m.

The Top 10 FMLA Issues of 2014: Yes, Other Companies Have Those Same Problems!

This session will review the most common questions and issues stemming from the FMLA over the last year. While most employers now have a firm grasp on the logistical and day-to-day aspects of the law, the courts are constantly weighing in on the law's application, and the DOL proposes new rules regularly. We'll get you caught up and tell you what to look for related to the Act in the coming year.

Speaker: Jennifer P. Keller

10:00 – 10:10 a.m. **Break**

10:10 – 10:55 a.m. **Breakout Sessions**

Tennessee Workers' Compensation: The Year in Review

This session will provide an overview of the important cases and issues that significantly shaped Tennessee workers' compensation in 2014. It will also examine practical ways employers can navigate through these recent developments and what you can expect going forward.

Speaker: Christie M. Hayes

The Evolving World of Immigration Law: How Immigration Reform Affects Employers

The immigration debate is no longer about whether the immigration system is broken, but how to fix it. As the President's executive action is being implemented and Congress's immigration reform measures are being developed, employers are stuck with many questions and few answers.

Speaker: Mabel Arroyo-Tirado

NLRB "Quickie Elections"

The National Labor Relations Board (NLRB) has issued a long-awaited final rule governing the conduct of representation elections. Unless challenged or postponed, this "Quickie Election" rule goes into effect on April 14, 2015, and aims to expedite the existing union election process and increase the burden on employers. Join us to learn how best to prepare your company to maintain its non-union status firm-wide or in specific departments.

Speaker: Steven H. Trent

10:55 – 11:10 a.m. **Break**

11:10 – 11:55 a.m.

What to Expect When Your Employee is Expecting: Avoiding Pregnancy Discrimination in the Workplace

With the United States Supreme Court primed to weigh in on the issue, there is no better time for HR professionals and in-house counsel to brush up on this challenging area of the law. During this session we will take a look at: what the pregnancy discrimination laws do and do not require from employers; when family care issues can lead to claims of pregnancy or gender discrimination; why this area of the law is so complicated; and how to reduce legal risks.

Speaker: Matthew D. Davison

11:55 – 1:05 p.m. **Lunch (provided)**

1:05 – 1:50 p.m. **Breakout Sessions**

Moving Forward: The Challenges of a Mobile Workforce

The workforce is becoming mobile. Explore some of the legal challenges associated with this trend and learn what your company and employees need to know to remain secure and productive.

Speaker: Drew Hutchinson

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Speaker: Christie M. Hayes

Paying it Forward: Recent Developments in Wage and Hour Law

2014 was another busy year in the world of wage and hour law. This session will revisit the biggest developments over the course of the last year, with an eye towards developing best employer pay practices going forward.

Speaker: Chad E. Wallace

1:50 – 2:00 p.m. **Break**

2:00 – 2:45 p.m. **Breakout Sessions**

Implicit Bias: The Next Frontier for Discrimination Claims?

You may have heard discussion about implicit bias; you may even know what it is. But, do you know how you and your company should respond to the increasing focus upon it? This presentation will contain an overview of the concept of implicit bias as well as a discussion of the court cases in which it has been mentioned and an outline of the ways companies can use the concept to reduce legal exposure.

Speaker: Jennifer P. Keller

Strategic Thinking in Every Situation: A Case Study

In order to ensure compliance and reduce legal risks, those involved in the human resource matters of any organization must learn to think strategically in every situation. In this session, participants will work through complex employee scenarios that require a planned approach in order to achieve successful outcomes so that they may think strategically when faced with future challenges.

Speakers: Matthew D. Davison and Trey Range

Heard it Through the Grapevine: Cutting Out the Weeds

Workplace gossip can disrupt operations, undermine productivity and cause irreparable damage to your most valuable asset – your employees. But how can you legally stop it? Recent NLRB rulings cautioning employers not to infringe on a worker's right to complain about their workplaces have made some companies even more skittish about trying to control work-related gossip. But if you do nothing, your office grapevine may choke off any chance you have of maintaining a productive workplace. It's time to weed out problematic gossip. Join us to find out how to create a lawful "no gossip" policy, educate employees and address offenders.

Speaker: Mark A. Fulks

2:45 – 2:55 p.m. **Break**

2:55 – 3:40 p.m. **Breakout Sessions**

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Speaker: Drew Hutchinson

3:40 – 3:50 p.m. **Break**

3:50 – 4:30 p.m.

Best Practices for Workplace Harassment Prevention

Harassment claims are bad for business. They hurt productivity and morale, can make it harder to retain qualified employees and can damage your organization's reputation through negative media coverage. Also, dealing with a harassment claim could cost hundreds of thousands of dollars in attorneys' fees, and even larger amounts in settlements, judgments and punitive damage awards. This session will address what constitutes harassment, the different types of harassment that are most common in today's workplaces and the benefits of implementing proper policies and programs to prevent it.

Speaker: Brent B. Young



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Speakers



Steven H. Trent, strent@bakerdonelson.com

Mr. Trent represents employers before the NLRB and other state and federal agencies and advises employers on many topics including union avoidance, FMLA administration, reductions in force, wage and hour issues, employee handbooks, drug testing and employment contracts. He also represents the interests of management during the collective bargaining process. His multi-state practice includes defending claims under the Americans With Disabilities Act, Title VII, age discrimination claims, FLSA, Equal Pay Act, FMLA, breach of contract and retaliation claims of virtually every kind. Mr. Trent is licensed in Virginia and Tennessee.



Jennifer P. Keller, jkeller@bakerdonelson.com

Ms. Keller is an employment litigator, member of the Firm's board of directors and chair of the Firm's nationally-recognized Labor & Employment Department. Ms. Keller advises clients on a wide variety of issues, including discipline and terminations, benefits issues, leave, disability accommodation, policy formulation and enforcement and similar matters. A substantial part of her practice is providing training for employers in the areas of harassment and discrimination prevention, drug-free workplace, union avoidance and other employment law issues. Licensed in Tennessee and North Carolina, Ms. Keller regularly practices in both state and federal courts in those states. She also regularly appears before various administrative agencies, and has significant experience in mediating, arbitrating and litigating claims based on the Civil Rights Acts, FMLA, ADA, FLSA, NLRA, ERISA, state workers' compensation laws and state-specific employment laws.



Matthew D. Davison, mdavison@bakerdonelson.com

Mr. Davison has first-hand experience with all aspects of employment law and labor relations, having served as in-house counsel for human resources at an NYSE traded company. His experience includes employment issues related to mergers, acquisitions and reductions in force, as well as EEO and affirmative action compliance. Mr. Davison proactively advises clients on issues and disputes arising under both federal and state employment laws such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Family and Medical Leave Act. He also represents employers before the EEOC and in federal and state courts when litigation ensues. Mr. Davison is licensed to practice in Tennessee, North Carolina and Virginia.



Brent Young, byoung@bakerdonelson.com

Mr. Young has defended dozens of employers against claims of discrimination and other litigation matters. He has likewise counseled dozens of companies of all sizes on the enforcement of covenants not to compete, ERISA work, negotiated severance and separation agreements, and helped draft employee handbooks and employment applications. He is a frequent presenter at seminars on most employment topics and professional ethics issues and is bilingual (English and Spanish), conducting training and investigations in both languages. Mr. Young is licensed to practice in Tennessee and South Carolina.



Chad Wallace, cwallace@bakerdonelson.com

Chad E. Wallace advises employers on employment-related and general business topics, including FMLA, disability and leave, Title VII and termination issues. He represents clients before administrative agencies, and defends them in state and federal courts on age discrimination claims, gender discrimination and harassment claims and retaliation claims, and enforces noncompetition covenants. Mr. Wallace is licensed to practice in Tennessee and Kentucky.



Drew Hutchinson, dhutchinson@bakerdonelson.com

Mr. Hutchinson advises employers on a wide range of employment-related and general business topics and has experience in mediating, arbitrating, and litigating claims based on the Civil Rights Acts, FMLA, ADA, ERISA, state workers' compensation laws and state-specific employment laws. Mr. Hutchinson is licensed to practice in North Carolina, Tennessee and Washington, D.C.



Christie Hayes, chayes@bakerdonelson.com

Ms. Hayes has extensive experience in the area of workers' compensation issues, as well as experience counseling clients on a multitude of federal and state employment laws, including the ADA and FMLA. Ms. Hayes defends employers against employment discrimination claims before the EEOC and THRC and performs training for employers in the areas of discrimination and harassment prevention, drug-free workplace, union avoidance and similar issues. Ms. Hayes advises clients on a wide variety of issues, including leave, disability accommodation, policy formulation and enforcement, and similar matters. Ms. Hayes is licensed to practice in Tennessee and North Carolina.



Mark A. Fulks, mfulks@bakerdonelson.com

Mr. Fulks concentrates his practice in employment law and commercial litigation. He has successfully defended employers against whistleblower claims, and advises clients on a wide variety of employment and management issues, including strategic management, social media, performance evaluations and employee motivation. Mr. Fulks, a former prosecutor, donates his time to pro bono representation of indigent criminal defendants and accepts appointment to prosecute cases as a District Attorney General Pro Tem. Mr. Fulks is licensed in Tennessee and Virginia.



Mabel Arroyo-Tirado, marroyo@bakerdonelson.com

Fluent in both English and Spanish, Ms. Arroyo-Tirado understands the complexities of U.S. immigration laws and proactively helps businesses and individuals with corporate immigration issues. She assists manufacturers, health care corporations and other companies in connection with visa applications, day-to-day operational questions and administrative proceedings before the United States Citizenship and Immigration Services (USCIS), the U.S. Department of Labor and U.S. embassies and consulates throughout the world. A native of Puerto Rico, she began practicing immigration law in Tennessee in 1997.



Ronald S. "Trey" Range III, trange@bakerdonelson.com

Mr. Range is an associate in our Johnson City office. He focuses his practice on corporate mergers and acquisitions, commercial leases and labor and employment litigation, including Title VII and breach of contract litigation. Mr. Range is licensed in Tennessee.

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