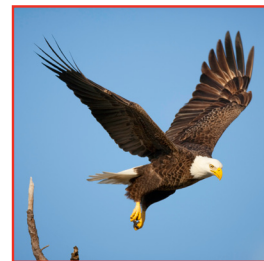
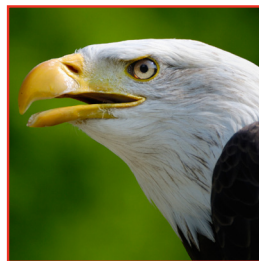
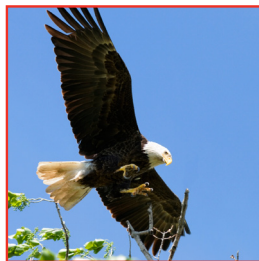


# 6TH ANNUAL VIRGINIA LABOR AND EMPLOYMENT LAW SEMINAR

HEMLOCK HAVEN CONFERENCE CENTER  
HUNGRY MOTHER STATE PARK  
MARION, VIRGINIA

SEPTEMBER 15, 2011  
8:00 A.M. — 4:15 P.M.



**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

EXPAND YOUR EXPECTATIONS<sup>SM</sup>

THIS IS AN ADVERTISEMENT.

This program has been submitted to the HR Certification Institute for review.

## THE SCHEDULE

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**8:00 a.m. – 8:25 a.m.** Registration at Ferrell Hall

**8:25 a.m. – 8:30 a.m.**  
**Welcome and Introduction**  
Steven H. Trent

**8:30 a.m. – 9:20 a.m.**  
**Virginia Employment Law Update: 2010-2011**

Over the past few years, Virginia employers have been confronted with dramatic changes to the employment law landscape. Staying on top of these changes and their resulting trends is essential to avoid falling prey to the challenges of this new compliance era. This session will provide an overview of the most critical employment-related compliance issues facing today's employers and will set the stage for in-depth discussions of these issues throughout the seminar.

*Speaker: Steven H. Trent*

**9:20 a.m. – 10:10 a.m.**  
**Emerging from the Fog of the New FMLA Regulations**

This presentation will focus on the latest issues and developments under the Family and Medical Leave Act, including developments under the latest U.S. Department of Labor FMLA regulations and court opinions.

*Speaker: Matthew D. Davison*

**10:10 a.m. – 10:25 a.m.** BREAK

**10:25 a.m. – 11:15 a.m.**  
**How the New National Labor Relations Board Will Impact Your Business**

Decisions by the National Labor Relations Board affect both union and non-union companies. The current Board is viewed by many as bringing about substantial changes in union and employer campaigning, elections and allegations of unfair labor practices challenging traditional management prerogatives. We will review and discuss important decisions, and new or proposed regulations, by the Board. This is information that is critical to your company whether or not you currently have a union.

*Speaker: David Harvey*

**11:15 a.m. – 12:00 p.m.**  
**Beware the Swipe of the "Cat's Paw": The Dangers of Bad Supervisors**

The U.S. Supreme Court issued a ruling making it easier for an employer to be liable for discrimination even if the employer's decision maker wasn't motivated by discriminatory intent. This is known as the "cat's paw" theory of liability. Learn how this new ruling can hurt you and what you can do to protect your company.

*Speaker: Jennifer P. Keller*

**12:00 p.m. – 12:15 p.m.** Walk or Ride Shuttle to the Restaurant

**12:15 p.m. – 1:15 p.m.** Lunch at the Restaurant (Provided)

**1:15 pm. – 1:30 p.m.** Networking/Return to Ferrell Hall

**1:30 p.m. – 2:20 p.m.**  
**Managing the Challenging Employee and Reducing Legal Risks**

Every organization has a few employees who are particularly challenging for a variety of reasons. Challenging employees come in all forms, and how you manage these employees and keep legal risks to a minimum is a challenge in and of itself. This is an interactive discussion of current legal issues associated with managing the challenging employee and practical tips you can share with your management team.

*Speaker: Matthew D. Davison*

**2:20 p.m. – 3:10 p.m.**  
**The 2011 Workers' Compensation Update: New Decisions You Need to Know**

This session will review Virginia workers' compensation decisions over the past several months and the lessons they provide in terms of handling claims.

*Speaker: Gary L. Edwards*

**3:10 p.m. – 3:25 p.m.** BREAK

**3:25 p.m. – 4:15 p.m.**  
**Americans with Disabilities Act Amendments Act Compliance: Step Up To the Master Class**

This session is a discussion of proactive ADAAA administration to reduce legal risks. Stepping up to the master class of ADAAA administrators makes good business sense, whether your company has 15, 50 or 500 employees. During this session, you will learn how to develop a reasonable accommodation problem solving procedure and how to build your "paper" fortress for the defense of ADAAA legal claims. This session will also challenge you to rethink your disability discrimination policies in light of new EEOC guidance and consider whether changes are needed in your business to prepare for the potential impact of our aging workforce on ADAAA issues.

*Speaker: Steven H. Trent*

**4:15 p.m.** ADJOURN

## REGISTRATION INFORMATION

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### To Register:

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

Laralee Harkleroad  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
P.O. Box 3038  
Johnson City, TN 37302  
423.928.0181 phone 423.928.5694 fax  
lharkleroad@bakerdonelson.com

### Fee:

The fee for the seminar is \$125 per attendee or \$100 for members of the co-sponsoring organizations.

### Deadline:

All registration forms must be received by September 8, 2011. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.

### Dress:

## SPEAKERS



**JENNIFER P. KELLER**, chairperson of the Firm's Labor & Employment Department, concentrates her practice in the areas of employment and workers' compensation litigation. She 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 has been listed in *Best Lawyers in America*® since 2008. She is a member of the Defense Research Institute and is licensed in Tennessee and North Carolina.



**STEVEN H. TRENT** chaired the Firm's Labor & Employment Department for eight years. 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 with Disabilities Act, Title VII, age discrimination, Equal Pay Act, FMLA and 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.



**GARY EDWARDS** concentrates his practice in the areas of litigation, workers' compensation, labor and employment and general civil litigation in the state and federal courts and agencies for the states of Tennessee, North Carolina and Virginia.



**MATTHEW D. DAVISON** concentrates his practice in labor and employment law. His experience includes Title VII, ADA, ADEA, FMLA, FLSA and workers' compensation litigation. He 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, North Carolina and Virginia.



**DAVID 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.

## SEMINAR PARTNERS

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
- Bristol Chamber of Commerce
- Dickenson County Chamber of Commerce
- Marion Employer Advisory Committee
- Mountain Empire Human Resources Association
- Norton Employer Advisory Committee
- Pulaski County Chamber of Commerce
- Tazewell Area Chamber of Commerce
- The Greater Bluefield Chamber of Commerce
- Triad Employer Advisory Committee (Buchanan, Russell and Tazewell Counties)
- Twin County Chapter – SHRM (Grayson, Carroll, Galax)
- Twin County Employer Advisory Committee (Grayson and Carroll Counties)
- Twin County Regional Chamber of Commerce (Grayson and Carroll Counties)
- Scott County Chamber of Commerce
- Smyth County Chamber of Commerce
- Southwest Virginia Chapter of Society of Human Resource Management (SHRM) (Norton/Wise)
- Washington County Chamber of Commerce
- Wythe County Employer Advisory Committee
- Wythe Manufacturing Council
- Wytheville-Wythe-Bland Chamber of Commerce



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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 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 70 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](http://www.bakerdonelson.com).

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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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HEMLOCK HAVEN CONFERENCE CENTER • HUNGRY MOTHER STATE PARK • MARION, VIRGINIA

SEPTEMBER 15, 2011 • 8:00 A.M. — 4:15 P.M.

*Please print or type. For each additional attendee, please photocopy this form.*

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

The fee for the seminar is \$125 per attendee or \$100 for members of the co-sponsoring organizations.

- Method of Payment:*
- Check in the amount of \$125 is enclosed, made out to “Baker Donelson.”
  - I am a member of \_\_\_\_\_. Enclosed is a check in the amount of \$100 made out to “Baker Donelson.”

*Deadline:*

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*Mail, fax or email:*

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*This program has been submitted to the HR Certification Institute for review.*