



8th Annual Virginia Labor and Employment Law Seminar

Hemlock Haven Conference Center
Hungry Mother State Park
Marion, Virginia

Thursday, September 12, 2013
8:00 a.m. – 4:30 p.m.

#BDLEVirginia

BAKER DONELSON

EXPAND YOUR EXPECTATIONSSM

The Schedule

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

8:25 a.m. – 8:30 a.m.

Welcome & Introduction

Steven H. Trent

8:30 a.m. – 9:20 a.m.

Employment Law Update: What the Folks in the Black Robes Have Been Up To

State and federal courts have decided many important labor and employment cases recently, including several noteworthy cases from the U.S. Supreme Court. We will get you up to speed on these important cases and how they affect your business.

Speaker: Steven H. Trent

9:20 a.m. – 10:10 a.m.

Workplace Bullying: An Ounce of Prevention...

Workplace bullying lowers productivity, and may impose liability on the employer. We will explore policies and procedures to help prevent bullying and its harmful effects, and discuss investigation and remediation strategies to help if a problem arises.

Speaker: Mark A. Fulks

10:10 a.m. – 10:25 a.m.

Break

10:25 a.m. – 11:15 a.m.

Avoiding Equal Pay Lawsuits

Gender-based pay imbalances are frequently cited by the Obama administration as a top priority. The Equal Pay Act and Title VII of the Civil Rights Act of 1964 both provide remedies for employees who feel they have been paid less than their peers due to their gender. We will tell you what steps to take to minimize the risks and damaging effects associated with these lawsuits.

Speaker: David Harvey

11:15 a.m. – 12:00 p.m.

Building a “Dynasty” Through Effective Employee Relations & Management

A&E's hit show Duck Dynasty demonstrates many of the unique human resource challenges that can arise in any growing enterprise. Using the Robertson family's Duck Commander business as a backdrop, we will explore 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

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 p.m. – 1:30 p.m.

Networking/Return to Ferrell Hall

1:30 p.m. – 2:25 p.m.

EEOC Update: New Guidance and Trends

The EEOC is constantly publishing guidance to explain its position on laws before it takes formal legal action. We will discuss recent guidance from the EEOC regarding accommodations for cancer, diabetes, epilepsy and mental health, and what businesses can do to avoid lawsuits. Additionally, we will discuss how the EEOC has stepped up enforcement of the rules concerning criminal background checks from guidance to lawsuits.

Speaker: Steven H. Trent

2:25 p.m. – 3:20 p.m.

Keeping Temperatures Down When Terminations Arise

Terminated employees are more likely to sue you if they leave the company on bad terms. Nevertheless, single and/or group reductions in force are sometimes necessary. We will explore steps you can take to safely separate employees in a way that minimizes your risk of potential employment law claims.

Speaker: Matthew D. Davison

3:20 p.m. – 3:35 p.m.

Break

3:35 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

4:30 p.m.

Adjourn

This program has been submitted for 6.0 hours of CLE credit in Tennessee.

Registration Information

To Register

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

Judy Clark

Baker Donelson

100 Med Tech Parkway

Suite 200

Johnson City, TN 37604

423.928.0181 Fax 423.928.5694

jclark@bakerdonelson.com

Fee

The fee for the seminar is \$150 per attendee or \$125 for members of the co-sponsoring organizations.

Deadline

All registration forms must be received by September 5, 2013. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.

Dress

This is a retreat atmosphere in a relaxing location. Dress is casual.

The 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.



Mark A. Fulks, mfulks@bakerdonelson.com

Mr. Fulks defends employers against claims of discrimination, retaliation, and wrongful termination. He is a seasoned appellate lawyer, having argued more than 40 cases before the Tennessee Supreme Court and more than 300 cases in the Tennessee Court of Appeals, Tennessee Court of Criminal Appeals, and

the U.S. Court of Appeals for the Sixth Circuit. Mr. Fulks is also a dedicated public servant. He served as a prosecutor in the Criminal Justice Division of the Tennessee Attorney General's Office for more than a dozen years, and he continues to handle criminal prosecutions from time to time as a District Attorney General Pro Tem. Mr. Fulks is licensed in Tennessee.



David Harvey, dharvey@bakerdonelson.com

Mr. Harvey's representation includes drafting affirmative action plans under Executive Order 11246, performing compensation analyses and assisting clients in all aspects of Office of Federal Contract Compliance Programs issues. Mr. Harvey also counsels clients on wage and hour issues under FLSA and state law. He

regularly represents employers in actions brought under Title VII, the Americans with Disabilities Act, the Equal Pay Act, state law employment claims and the Age Discrimination in Employment Act. In addition to his regular practice, Mr. Harvey regularly donates his time to pro bono work. Mr. Harvey is licensed in Tennessee, North Carolina and Pennsylvania.



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, and he is a frequent speaker at programs designed to aid employers.



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. Ms. Keller regularly practices in both state and federal court and regularly appears before various administrative agencies, including the Department of Labor, EEOC, Tennessee Human Rights Commission and NLRB. She 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.

Seminar Partners

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
- Bristol Chamber of Commerce
- Buchanan County 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
- Scott County Chamber of Commerce
- Smith County Chamber of Commerce
- Southwest Virginia Chapter – SHRM (Norton/Wise)
- Tazewell County Chamber of Commerce
- The Greater Bluefield Chamber of Commerce
- Triad Employer Advisory Committee (Buchanan, Russell & Tazewell Counties)
- Twin County Chamber of Commerce
- Twin County Employer Advisory Committee (Grayson and Carroll Counties)
- Washington County Chamber of Commerce
- Wythe Manufacturing Council
- Wytheville-Wythe-Bland Chamber of Commerce

About Labor & Employment

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.

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