



## Labor and Employment Fall Focus Seminar

Baker Donelson Special Events Center  
211 Commerce Street  
First Floor  
Nashville, TN

Thursday, October 9, 2014  
7:30 a.m. – 3:30 p.m.

# Schedule

7:30 a.m. – 8:30 a.m.

## Registration and Networking Breakfast

8:30 a.m. – 8:45 a.m.

## Welcome and Introduction

8:45 a.m. – 9:45 a.m.

## Trying to Reason With Hurricane Season

Employment law storms were plentiful this year with thunderous Supreme Court pronouncements, cloudy state laws across the nation, a hail of new Executive Orders from the East Coast, and strategic lightening strikes hitting Tennessee. Our storm chaser opening session will review the challenges we weathered in 2014 and provide satellite predictions of the key employment law watches and warnings for 2015.

*Speaker: Kim Vance*

9:45 a.m. – 10:00 a.m.

## Break

10:00 a.m. – 11:00 a.m.

## Earthquaked! When Classifications Threaten Your Foundation

Hollywood may have brought unpaid interns to the forefront, but there's more to it than irritated swans. In this presentation, learn which employers may be found liable for employment law violations even though their workers are classified as temps, independent contractors or unpaid interns. As businesses move toward the use of nontraditional employees, it becomes even more important for human resources professionals to understand the legal issues and legal risks associated with their use.

*Speaker: Ken Weber*

11:00 a.m. – 11:30 a.m.

## Immigration Tsunami: Understanding the Tidal Wave of Compliance When Hiring Foreign Nationals

Hiring a foreign national differs significantly from hiring a U.S. citizen, and if you're not willing to invest the time, money, and responsibility to learn the rules, you're in for a tidal wave of pain. Learn the rules of compliance in this valuable presentation.

*Speaker: Mabel Arroyo-Tirado*

11:30 a.m. – 12:00 p.m.

## The Inmates May be Running the Asylum After All

You've survived hurricanes, tsunamis and earthquakes, and you've settled your managers down. But who's keeping an eye on the employees? Take a walk with us through recent NLRB rulings to learn just how much has changed in the workplace. Is everything really as it seems, or have these rulings nixed your valuable management tools?

*Speaker: Rusty Gray*

12:00 p.m. – 1:00 p.m.

## Lunch

Join us outside – we're grilling burgers and hot dogs!

1:00 p.m. – 2:45 p.m.

## Perry Mason, Petrocelli, Alley McBeal and Suits

Back by popular demand, this interactive mock trial puts everything you've learned to the test. With Baker Donelson lawyers serving as the judge and counsel, audience members will act as witnesses and jury in a squirm-inducing set of circumstances. You don't want to miss this.

*Charles Grant: Defendant's Counsel*

*Mark Baugh: Plaintiff's Counsel*

*Larry Eastwood: Judge*

2:45 p.m. – 3:15 p.m.

## Questions and Answer Session

3:15 p.m. – 3:30 p.m.

## Wrap up and Drawing for Grand Prize(s)\*

*Kim Vance*

*\*You must be present to win*

## Moderator



**Kim Vance**

Management Training and Litigation Defense

615.726.5674

[kvance@bakerdonelson.com](mailto:kvance@bakerdonelson.com)

Kim has more than 25 years representing management in every aspect of labor and employment law. She is described by sources as a "terrific problem solver," and is noted for her impressive counseling and defense of management teams before the EEOC and the Tennessee Human Rights Commission. She presents in-house management training programs; counsels management clients through auditing human resources policies; and develops pre-litigation strategies to improve available defenses in preparation for litigation.

# Speakers



**Kenneth Weber**  
Employment Litigation  
615.726.7369  
[kweber@bakerdonelson.com](mailto:kweber@bakerdonelson.com)

Ken is a trial lawyer who has participated in over 30 trials, including more than 10 jury trials as "first chair." He defends employers against the full range of employment discrimination and harassment claims, as well as claims of retaliation, whistleblower, contracts and wage and hour, including several FLSA collective actions. He also represents employers and executives in non-compete and trade secret litigation. Ken's ERISA litigation experience includes defending institutional plan and/or claim administrators as well as employers in cases involving the denial of employee benefits, breach of fiduciary duties and related claims.



**Mabel Arroyo-Tirado**  
Immigration  
615.726.7387  
[marroyo@bakerdonelson.com](mailto:marroyo@bakerdonelson.com)

Mabel is one of the Firm's immigration attorneys. Fluent in both English and Spanish, she 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.



**Rusty Gray**  
Labor Relations  
423.209.4218  
[rgray@bakerdonelson.com](mailto:rgray@bakerdonelson.com)

Rusty is the managing shareholder in the Chattanooga office and serves on Baker Donelson's Board of Directors. Rusty represents local, regional and national clients on a full range of labor and employment matters, including responding to union activity, and issues of wage and hour, drug testing, policy manuals, covenants not to compete, various employment forms, compliance advice and employment litigation. He has litigated matters before courts or government agencies in approximately 20 states.

# Participants



**Lawrence S. Eastwood Jr.**  
Discrimination and Harassment  
615.726.7344  
[leastwood@bakerdonelson.com](mailto:leastwood@bakerdonelson.com)

Larry has extensive experience litigating labor and employment law cases on behalf of management. He defends against administrative charges brought under Title VII, ADEA, ADAAA, FMLA, FLSA, ERISA and state employment statutes. He also litigates matters involving the enforcement of employment contracts, noncompete covenants, confidentiality agreements, and protection of "heart of the business" trade secrets. Larry has used his litigation experience to counsel clients on employment law compliance and litigation avoidance.



**Charles Grant**  
Employment Litigation  
615.726.5767  
[cgrant@bakerdonelson.com](mailto:cgrant@bakerdonelson.com)

Charles has tried more than 47 jury trials to verdict in both federal and state courts, and represented numerous clients in mediation and arbitration proceedings across more than a dozen states. He represents clients in complex employment litigation, including class and collective actions brought under FLSA, discrimination and harassment under state and federal laws, wrongful and retaliatory discharge, protection of trade secrets and more.



**Mark Baugh**  
Discrimination and Harassment  
615.726.5760  
[mbaugh@bakerdonelson.com](mailto:mbaugh@bakerdonelson.com)

Mark is chair of Baker Donelson's Diversity Committee. As for his primary practice areas, whether it is a bench trial or a jury trial in State or Federal Court, Mark is always comfortable in the courtroom. He defends employers in a wide variety of employment and litigation matters, including discrimination, harassment and retaliation, workers' compensation, employment contractual disputes and others. Mark routinely counsels employers on employment law compliance and litigation avoidance, proactively addressing issues such as employment policies and non-compete agreements. Mark is originally from Jamaica.

# About Labor & Employment

**We're the Resource in Human Resources.** Our labor and employment attorneys offer litigation defense services for administrative and court proceedings at the federal and state level, advice on pre-litigation strategies to reduce legal risks, policy analysis and drafting, compliance audits, management training and labor negotiation.

**We Know People.** We know our clients as people, not just clients. We form business partnerships so we can help clients strategize on the best approach for each situation, and are always looking at the big picture to ensure long-term success.

**We Know Business and Industry.** We work with clients across all types of businesses and industries, and we take pride in understanding exactly how they work and how our clients are positioned in the marketplace. These include local, regional and global companies in the health care, energy, food processing, entertainment, insurance, chemical manufacturing, construction, transportation and distribution industries.

**We Know Our Alphabet.** Our attorneys stay on top of the latest changes in laws and regulations from A to Z. We provide counseling and strategic advice on all employment-related laws and regulations, and when necessary, we defend our clients in district and federal courts across the country. Attorneys regularly appear before the EEOC, DOL and Occupational Health and Safety boards.

**We Get Around.** Our more than 70 labor and employment-focused attorneys are spread across the Firm's seven states and Washington, D.C. Attorneys are licensed in a total of 14 states and have handled matters in 40 states and the District of Columbia. Over the last three years, the team has tried more than 630 federal court cases, has appeared in the Third, Fourth, Fifth, Sixth, Eleventh and District of Columbia Courts of Appeal, and has appeared in 22 District Courts as well as the District of Columbia.

**We Know Labor, Health and Safety.** We help management deal with labor unions during the election phases of union campaigns, and we help with labor agreement negotiation. For clients who

have unions already representing their workforce, we pursue management's interests in all phases of the grievance and arbitration process. Our health and safety lawyers offer regulatory monitoring, compliance oversight, training programs and internal auditing protocols, and represent clients before federal and state Occupational Safety and Health regulators.

**We Like to Help.** Baker Donelson customizes all in-house management training programs so that clients' management teams will feel comfortable interacting with us and getting answers to their questions. We offer mock trials, case studies, role-playing, quizzes and video vignettes for human resources managers, mid-level managers and front line supervisors.

**We Open Doors for Immigration.** We offer a comprehensive and efficient approach to immigration, guiding clients through the entire range of immigration processes for foreign investors, executives, managers, professionals and other workers and their family members. Our experience and relationships help us cut through to practical solutions, using state-of-the-art systems to drive our best thinking through each step of every case.

**We Play Well With Others.** We want to be your go-to lawyers for every aspect of your company. No matter the legal issue, Baker Donelson's labor and employment attorneys can count on an integrated and experienced team of professionals to assist you in every other aspect of your legal business needs.

**We're Good People.** We are part of a Firm culture that promotes diversity, inclusion and a sincere appreciation for creative approaches to problem-solving. We are proud to have been listed among FORTUNE magazine's "100 Best Companies to Work For" for four consecutive years, something few other law firms have attained. Many of our offices consistently rank as a Best Place to Work in their cities and states, as well. Our labor and employment attorneys are listed in *Chambers USA*, *Best Lawyers in America*® and *Super Lawyers*, alongside other state-specific accolades. The group also holds national Tier Two rankings in *U.S. News – Best Lawyers in Employment Law and Labor Law*.

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