



## 9th Annual Virginia Labor and Employment Law Seminar

Hemlock Haven Conference Center  
Hungry Mother State Park  
Marion, Virginia

Thursday, September 25, 2014  
8:00 a.m. – 4:30 p.m.

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**BAKER DONELSON**

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# 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: 2013 – 2014**

We will count down the year's top ten employment law issues, discussing in detail ways your organization can avoid liability when faced with difficult employment-related situations, including the interplay between the ADAAA, FMLA and other laws governing leaves of absence, increasing scrutiny and litigation surrounding whistleblowers, criminal background checks, employee privacy and more.

*Speaker: Steven H. Trent*

9:20 a.m. – 10:10 a.m.

**Performance Evaluations: Gold or Dynamite**

One of the most common documents used in employment litigation is the employee evaluation. The only question is, who does the document help – the employer or plaintiff employee? This session will offer practical advice regarding best practices for drafting and delivering an employee evaluation in such a manner that it becomes gold, not dynamite.

*Speaker: Matthew D. Davison*

10:10 a.m. – 10:25 a.m.

**Break**

10:25 a.m. – 11:15 a.m.

**Everything I Needed to Know about Human Resources I Learned from Dr. Seuss**

This topic takes a stroll down memory lane – all the way back to preschool! We'll use various Dr. Seuss stories and themes to highlight key take-aways for human resources professionals. Believe it or not, some deep messages reside in the pages of those brightly colored books.

*Speaker: Jennifer P. Keller*

11:15 a.m. – 12:00 p.m.

**Recording, Mixing, and Mastering: Getting to the Truth in Internal Investigations**

A properly conducted investigation can be the first step to providing your company with an "Affirmative Defense" in court. During this presentation we will discuss how to use the law to uncover the truth and protect your employees and your company.

*Speaker: Drew Hutchinson*

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.

**When the Whistle Blows – How to Effectively Handle and Manage Whistleblower Complaints**

Many statutes have anti-retaliation language to protect employees who actively participate in actions and/or complaints against their employers. These types of actions are often referred to as whistleblower complaints. OSHA investigates 22 different anti-retaliation provisions of various statutes. However, there are also anti-retaliation provisions under Title VII of the Civil Rights Act, Workers' Compensation laws, as well as the False Claims Act. Learn how to effectively manage and handle these types of complaints.

*Speaker: Steven H. Trent*

2:25 p.m. – 3:20 p.m.

**Baby Bump Blunders! Avoiding Pregnancy Discrimination in the Workplace**

The EEOC announced last year that it would prioritize issues related to accommodating pregnancy-related limitations and the Agency has done exactly that with more lawsuits planned in the coming months. There is no better time for HR professionals and in-house counsel to brush up on the latest developments in 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*

3:20 p.m. – 3:35 p.m.

**Break**

3:35 p.m. – 4:30 p.m.

**Suffering from Social Media Overload? How to Cure Your Viral Workplace**

Social media is here to stay, and its presence in the workplace is now a reality for employers. By now, there are as many options for dealing with and confronting social media in the workplace as there are social media websites and applications. During this session, we'll explore successful policies and approaches that allow your company to minimize legal risks while maximizing social media benefits.

*Speaker: Mark A. Fulks*

4:30 p.m.

**Adjourn**

## 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 18, 2014. 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](mailto: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](mailto: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.



**Drew Hutchinson**, [dhutchinson@bakerdonelson.com](mailto: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, Washington, D.C. and West Virginia.



**Matthew D. Davison**, [mdavison@bakerdonelson.com](mailto: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](mailto: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
- Mountain Empire Human Resources Association
- Norton Employer Advisory Committee
- Pulaski County Chamber of Commerce
- Scott County Chamber of Commerce
- Smyth County Chamber of Commerce
- Southwest Virginia Alliance for Manufacturing, Inc.
- 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
- Washington County Chamber of Commerce
- Wytheville-Wythe-Bland Chamber of Commerce

# 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 Safety and Health 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, Safety and Health.** 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 five 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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