

STRATEGIES AND SOLUTIONS FOR TODAY'S EMPLOYER

A LABOR AND EMPLOYMENT LAW SEMINAR
FOCUSING ON CURRENT HR ISSUES

KNOXVILLE CONVENTION CENTER
KNOXVILLE, TENNESSEE

THURSDAY, APRIL 12, 2012
8:00 A.M. — 4:30 P.M.



BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

THIS IS AN ADVERTISEMENT.



"The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit."

This seminar is pending CLE credit in the state of Tennessee.

THE SCHEDULE

8:00 a.m. - 8:25 a.m. Registration
8:25 a.m. - 8:30 a.m. Welcome & Introduction

8:30 a.m. - 9:15 a.m.

The ADAAA: Out of the Frying Pan and Into the Fire

This session will cover the changes and challenges brought about by the ADAAA, the EEOC's issued guidance interpreting the Act, recent case law developments and practical advice for responding to requests for accommodation.

Speaker: Timothy B. McConnell

9:15 a.m. - 10:00 a.m.

EEOC and Discrimination Update: Recent Developments

This topic will provide an update on recent developments at the Equal Employment Opportunity Commission and will also include a survey of the types of evidence used by plaintiffs to "prove" discrimination in court.

Speaker: Jennifer P. Keller

10:00 a.m. - 10:10 a.m. BREAK

10:10 a.m. - 10:55 a.m. BREAKOUT SESSIONS

Bulletproof Documentation

Participants will obtain an "attorney's view" on how to make your organization's documentation stand up to attacks from unhappy employees and plaintiffs' attorneys. Learn the dos and don'ts of good documentation and hear analysis of some specific fact scenarios.

Speaker: L. Eric Ebbert

The Ever-Evolving Role of Social Media in the Workplace: Where Are We and Where Are We Going?

This session will explore the evolution of social media and networking as they relate to the modern employer, with a particular focus on the liability risks to the employer and practical methods for reducing those risks, in light of the inevitable evolution of technology and culture moving into the future.

Speaker: Meghan Morgan

10:55 a.m. - 11:10 a.m. BREAK

11:10 a.m. - 11:55 a.m.

The Dangers of Retaliation: Avoid Making a Mountain Out of What Otherwise May be a Molehill

This session will discuss the dangers associated with the increasing number of retaliation claims faced by the modern

employer, such as those that may arise under generic state whistleblower statutes and common law, as well as the specific anti-retaliation provisions of numerous federal and state statutes such as Sarbanes-Oxley and the Dodd-Frank Act, and will offer practical avoidance tips.

Speaker: Matthew D. Davison

11:55 a.m. - 1:05 p.m. LUNCH (provided)

1:05 p.m. - 1:50 p.m.

Revisiting the ADAAA/FMLA/Workers' Compensation Intersection: Navigating through the Bermuda Triangle and Coming Out Alive

This will be an interactive session utilizing true-to-life scenarios implicating these three important sets of laws.

Speaker: Jennifer P. Keller

1:50 p.m. - 2:00 p.m. BREAK

2:00 p.m. - 2:45 p.m. BREAKOUT SESSIONS

Employee Benefits Primer, or Knowing When to Call the Lawyers

Do you know which benefits your company offers are subject to ERISA and why? Do you know ERISA's periodic reporting requirements for various types of plans and the deadlines for them? What do you do when faced with a lawsuit over employee benefits? This session will address these and other questions to help you recognize and more effectively manage employee benefits issues.

Speakers: S. Russell Headerick and Austin Shaver

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 and allegations of unfair labor practices challenging traditional management prerogatives. We will review and discuss important decisions by the board and new or proposed regulations, including President Obama's recent appointment of three new NLRB members that will lead to more big changes in 2012. This is information that is critical to your company whether or not you currently have a union.

Speaker: Matthew D. Davison

2:45 p.m. - 2:55 p.m. BREAK

2:55 p.m. - 3:40 p.m. BREAKOUT SESSIONS

Hiring and Firing: Key Steps to Avoid Litigation

This session will discuss employer best practices when it comes to hiring and firing, as well as tips to avoid litigation during the process. In addition, this session will emphasize steps you can take to position your company for a successful defense when litigation is unavoidable.

Speakers: Timothy B. McConnell and Jennifer P. Keller

Employment Law 101: Back to Basics

This session will provide an introduction and overview of basic employment laws and issues and the employers to which they apply.

Speakers: L. Eric Ebbert and Meghan Morgan

3:40 p.m. - 3:50 p.m. BREAK

3:50 p.m. - 4:30 p.m.

Managing the Challenging Employee

Supervising others is never easy – but some employees make it particularly difficult. Challenging employees can try a manager's patience, drain time and energy, and create potential legal exposure. To successfully navigate a change in course takes skillful management. This session will cover how to identify challenges associated with supervising difficult employees; how to create a positive work environment for all; how to respond positively to challenging employees and treat them fairly; and how to avoid or mitigate the pitfalls of associated legal exposure.

Speaker: Timothy B. McConnell

SPEAKERS



JENNIFER P. KELLER, chair 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.



TIMOTHY B. MCCONNELL, a shareholder in the Knoxville office, practices employment litigation and manages the employment law practice group for the Knoxville office. He counsels and defends clients in cases filed in both federal and state courts in matters arising under Title VII, the ADA, ADEA, FMLA, FLSA, OSHA and state-specific employment laws. Mr. McConnell regularly represents clients in matters pending before the EEOC and the Tennessee Human Rights Commission.



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 also 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, Virginia and North Carolina.



S. RUSSELL HEADRICK, shareholder working from the Firm's Knoxville and Memphis offices, concentrates his practice in three major areas. He represents life, health and disability insurers and self-insureds in all aspects of litigation in state and federal courts at all levels throughout a broad section of the country, including states comprising the Fifth, Sixth, Seventh, Eighth and Eleventh federal circuits. His representation includes all issues arising from both individual and group coverage, under both state and federal law, including ERISA and class actions.



L. ERIC EBBERT, a shareholder in the Knoxville office, concentrates his practice in the areas of commercial litigation and labor & employment. While focusing primarily on commercial litigation, Mr. Ebbert also has significant experience drafting commercial agreements, such as merger plans, shareholder agreements, stock purchase agreements and employment contracts.



MEGHAN MORGAN is an associate in the Firm's Knoxville office. As a member of the Advocacy Department, she has experience in a wide variety of litigation areas, including general business litigation, labor and employment, construction and real estate litigation matters. Ms. Morgan handles other general business litigation issues as well, such as breach of contract and non-disclosure agreements.



AUSTIN SHAVER, an associate in the Knoxville office, focuses his practice in the area of business litigation, including municipal and governmental law, construction litigation and insurance defense. He also has experience in the area of employee benefits, including assisting employers with the design, documentation, administration, audit, litigation, termination and qualification of all employee health and welfare and pension plans for both public and private employers.

REGISTRATION INFORMATION

To Register:

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

Timothy B. McConnell
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
265 Brookview Centre Way, Suite 600
Knoxville, TN 37919
865.971.5166 phone
865.329.5166 fax
tmcconnell@bakerdonelson.com

Fee:

The fee for the seminar is \$125 per attendee.

Deadline:

All registration forms must be received by April 5, 2012. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.



When you have labor and employment needs, you want a firm that understands and services your entire business. Baker Donelson gives 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 Baker Donelson Labor & Employment 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.

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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APRIL 12, 2012 • 8:00 A.M. - 4:30 P.M.
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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: _____

Please indicate which of the breakout sessions in each time slot you plan to attend:

- | | |
|-------------------------|--|
| 10:10 a.m. – 10:55 a.m. | <input type="checkbox"/> Bulletproof Documentation |
| | <input type="checkbox"/> The Ever-Evolving Role of Social Media in the Workplace: Where Are We and Where Are We Going? |
| 2:00 p.m. – 2:45 p.m. | <input type="checkbox"/> Employee Benefits Primer, or Knowing When to Call the Lawyers |
| | <input type="checkbox"/> How the New National Labor Relations Board Will Impact Your Business |
| 2:55 p.m. – 3:40 p.m. | <input type="checkbox"/> Hiring and Firing: Key Steps to Avoid Litigation |
| | <input type="checkbox"/> Employment Law 101: Back to Basics |

The fee for the seminar is \$125 per attendee.

- Method of Payment: Check in the amount of \$_____ is enclosed, made out to "Baker Donelson."
 Check to be brought to seminar

Please indicate if you have dietary restrictions and need a vegetarian or other special lunch meal (please specify):

Deadline:

All registration forms must be received by April 5, 2012. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.

Mail, fax or email:

Timothy B. McConnell
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