



10th Annual Virginia Labor and Employment Law Seminar

Hemlock Haven Conference Center
Hungry Mother State Park
Marion, Virginia

Thursday, September 24, 2015
8:00 a.m. – 4:30 p.m.

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: 2014 – 2015

We will count down the past 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 ADA, 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.

A Hard Working Department of Labor: The Proposed FLSA White Collar Regulations & Memorandum on Independent Contractors.

In this session, we will take a close look at the DOL's new proposed regulations regarding white collar exemptions and consider how to best prepare for the future. Additionally, we will also discuss Administrative Interpretation 2015-1, wherein the DOL has expressed its view that most independent contractors should be classified as employees.

Speaker: Matthew D. Davison

10:10 a.m. – 10:25 a.m. **Break**

10:25 a.m. – 11:15 a.m.

Workplace Romance, Nepotism and Conflicts of Interest

We will examine the challenges employers face when workers become romantically involved at work and when those relationships sour. We will discuss strategies and best practices for managing these situations, as well as state-of-the-art solutions and best practices for addressing situations involving potential conflicts of interest where relatives are working together as co-employees, or where outside vendor relationships exist with relatives of your employees.

Speaker: Christie M. Hayes

11:15 a.m. – 12:00 p.m.

Moving Forward: The Challenges of a Mobile Workforce

The workforce is becoming mobile. Explore some of the legal challenges associated with this trend and learn what your company and employees need to know to remain secure and productive.

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.

NLRB "Quickie Elections"

On April 14, the National Labor Relations Board (NLRB) long-awaited final rule governing the conduct of representation elections went into effect. This "Quickie Election" rule aims to expedite the existing union election process and increase the burden on employers. Additionally, the NLRB has continued to take aim at various employee policies claiming that these policies violate the NLRB. Join us to learn how best to prepare your company to maintain its non-union status and to make sure that your company's policies are compliant under the NLRB.

Speaker: Steven H. Trent

2:25 p.m. – 3:20 p.m.

Emerging Issues in Title VII (LGBT, Implicit Bias and Religion)

With so many changes in today's culture, including the Supreme Court's ruling on same-sex marriage earlier this summer, new issues continue to emerge and evolve under Title VII of the Civil Rights Act. This session will discuss some of the newest and most dangerous claims under Title VII with an eye toward prevention.

Speaker: Matthew D. Davison

3:20 p.m. – 3:35 p.m. **Break**

3:35 p.m. – 4:30 p.m.

Heard it Through the Grapevine: Cutting Out the Weeds

Workplace gossip can disrupt operations, undermine productivity and cause irreparable damage to your most valuable asset – your employees. But how can you legally stop it? Recent NLRB rulings cautioning employers not to infringe on a worker's right to complain about their workplaces have made some companies even more skittish about trying to control work-related gossip. But if you do nothing, your office grapevine may choke off any chance you have of maintaining a productive workplace. It's time to weed out problematic gossip. Join us to find out how to create a lawful "no gossip" policy, educate employees and address offenders.

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:

Angie Guimond

Baker Donelson

100 Med Tech Parkway

Suite 200

Johnson City, TN 37604

423.928.0181 Fax 423.928.5694

aguimond@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 17, 2015. 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, 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 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.



Christie Hayes, chayes@bakerdonelson.com

Ms. Hayes has extensive experience in the area of workers' compensation issues, as well as experience counseling clients on a multitude of federal and state employment laws, including the ADA and FMLA. Ms. Hayes defends employers against employment discrimination claims before the EEOC and Tennessee Human Rights Commission, and performs training for employers in the areas of discrimination and harassment prevention, drug-free workplace, union avoidance and similar issues. Ms. Hayes advises clients on a wide variety of issues, including leave, disability accommodation and policy formulation and enforcement. Ms. Hayes is licensed to practice in Tennessee and North Carolina.



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 ADA, the Age Discrimination in Employment Act, and the FMLA. 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.



Drew Hutchinson, 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.

Seminar Partners

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
- Bristol Chamber of Commerce
- Bristol Employer Advisory Committee
- Buchanan County Chamber of Commerce
- Dickenson County Chamber of Commerce
- Scott 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 and Tazewell Counties)
- Twin County Chamber of Commerce
- Twin County Employer Advisory Committee (Grayson-Carroll)
- 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 six 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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