



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 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.

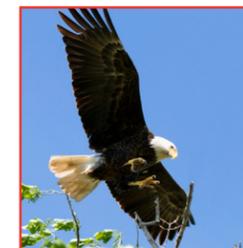
Baker Donelson has been ranked among the Top 10 Labor & Employment litigation firms in the country by *Employment Law 360*, the newswire for labor and employment law professionals. The Labor & Employment Group includes more than 70 experienced attorneys who work with clients on all issues relating to 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](http://www.bakerdonelson.com).

## 7TH ANNUAL VIRGINIA LABOR AND EMPLOYMENT LAW SEMINAR

HEMLOCK HAVEN CONFERENCE CENTER  
HUNGRY MOTHER STATE PARK  
MARION, VIRGINIA

SEPTEMBER 13, 2012  
8:00 A.M. — 4:15 P.M.



**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

EXPAND YOUR EXPECTATIONS<sup>SM</sup>

THIS IS AN ADVERTISEMENT.

This program has been submitted to the HR Certification Institute for review.

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. *The Best Lawyers in America*® 2012 [Copyright 2012 by Woodward/White, Inc., of Aiken, S.C.]

## THE SCHEDULE

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

**8:25 a.m. – 8:30 a.m.**

**Welcome and Introduction**

Steven H. Trent

**8:30 a.m. – 9:20 a.m.**

**Employment Law Update: 2011-2012**

We will count down 2012'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.**

**Social Media and Employee Privacy Concerns**

To what extent can an employer monitor employee communications and/or discipline employees for improper Internet use, Facebook or blog postings or other communications? What legal rights to privacy does an employee have and what claims may an employee bring against you for invading his or her privacy? Learn the answers to these questions and how you can protect yourself and your company from employee privacy claims.

*Speaker: Mark A. Fulks*

**10:10 a.m. – 10:25 a.m.** BREAK

**10:25 a.m. – 11:15 a.m.**

**Bulletproof Documentation**

Documentation is the key to a successful defense of an employment law claim. Whether it is an FMLA lawsuit where the critical question is how you completed the Designation Notice or an ADA lawsuit where you are trying to prove you engaged in an interactive process to try and accommodate a disabled employee, the question remains the same – how much documentation is enough? Add to this mix the question of retaining documents for the correct period of time as required by state and federal law, and you have a recipe for disaster if your organization is not in compliance.

*Speaker: Matthew D. Davison*

**11:15 a.m. – 12:00 p.m.**

**NLRB in the News – Breaking Down the Headlines**

During the last year, the NLRB has been unable to stay out of the news. Through its expanded focus on non-unionized workforces and its ongoing political intrigue, the NLRB remains front and center and above the fold.

Recent headlines about the NLRB have provoked reactions of: How can they do that? Are they legitimately constituted? That doesn't apply to me, does it? This session will deconstruct the headlines that have kept the NLRB in the news over the last year. Topics will include: notice posting requirements, expedited election procedures, recess appointments, social media, class arbitration waivers and the Boeing fiasco.

*Speaker: David Harvey*

**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 pm. – 1:30 p.m.** Networking/Return to Ferrell Hall

**1:30 p.m. – 2:20 p.m.**

**Fair Labor Standards Act (FLSA) – Avoiding Wage and Hour Mistakes and Issues**

This session will discuss common wage and hour mistakes, traps and concerns with added perspective from a representative from the Department of Labor. Get tips on best practices to ensure compliance with all wage and hour laws, including the Fair Labor Standards Act.

*Speaker: Matthew D. Davison*

**2:20 p.m. – 3:10 p.m.**

**Internal Investigations – Getting to the Truth**

While those conducting in-house investigations typically don't have the intense training and experience of the FBI, forensics investigators or even Sherlock Holmes, there are some easy to follow steps that make internal investigations more productive and effective. This session will focus on questions such as: What are the goals of an investigation? How do I create an investigative file? Does it matter the order in which I conduct the investigation? How do I reach a conclusion in a "he said/she said" situation? What should I do after the investigation is complete? Can I use investigative tools like polygraphs, background investigations or surveillance?

*Speaker: Jennifer P. Keller*

**3:10 p.m. – 3:25 p.m.** BREAK

**3:25 p.m. – 4:15 p.m.**

**FMLA Practice and Procedure – The Do's and Don'ts of FMLA Leave**

Join us for a panel discussion focusing on frequently encountered problems associated with the administration of FMLA leave, including a discussion of what really matters to the DOL in determining FMLA compliance, and practical solutions to related issues.

*Speakers: Steven H. Trent, Jennifer P. Keller, and Matthew D. Davison*

**4:15 p.m.** ADJOURN

## REGISTRATION INFORMATION

### To Register:

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

Nicole Arbogast  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
100 Med Tech Parkway, Suite 200  
Johnson City, TN 37604  
423.928.0181 phone 423.928.5694 fax  
narbogast@bakerdonelson.com

### Fee:

The fee for the seminar is \$140 per attendee or \$115 for members of the co-sponsoring organizations.

### Deadline:

All registration forms must be received by September 6, 2012. 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.

## SPEAKERS



**JENNIFER P. KELLER**, chairperson 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.



**STEVEN H. TRENT** chaired the Firm's Labor & Employment Department for eight years. He represents employers before the NLRB and other state and federal agencies and advises employers on many topics, including union avoidance and FMLA administration. His multi-state practice includes defending claims under the Americans with Disabilities Act, Title VII, age discrimination, Equal Pay Act, FMLA and breach of contract claims and retaliation claims of virtually every kind. Mr. Trent has been listed annually since 2005 in *The Best Lawyers in America*® and is licensed to practice in both Tennessee and Virginia.



**MARK A. FULKS** concentrates his practice in general business litigation and appellate litigation in the state and federal courts. Mr. Fulks is a seasoned appellate lawyer, having handled more than 50 cases before the Tennessee Supreme Court and more than 300 cases in the Tennessee Court of Criminal Appeals, Tennessee Court of Appeals and the U.S. Court of Appeals for the Sixth Circuit. He is currently the chair of the Appellate Practice Section of the Tennessee Bar Association. He is licensed to practice in Tennessee.



**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 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, North Carolina and Virginia.



**DAVID HARVEY** concentrates his practice in labor and employment law. His representation includes drafting affirmative action plans, performing salary grade comparisons, adverse impact calculations and other documents related to OFCCP compliance reviews. Mr. Harvey also counsels clients on issues such as the FLSA and the ADEA. He is licensed to practice in Tennessee, North Carolina and Pennsylvania.

## SEMINAR PARTNERS

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
- Bristol Chamber of Commerce
- Dickenson County Chamber of Commerce
- Mountain Empire Human Resources Association
- Norton Employer Advisory Committee
- Pulaski County Chamber of Commerce
- Tazewell Area Chamber of Commerce
- The Greater Bluefield Chamber of Commerce
- Triad Employer Advisory Committee (Buchanan, Russell and Tazewell Counties)
- Twin County Chapter – SHRM (Grayson, Carroll, Galax)
- Twin County Employer Advisory Committee (Grayson and Carroll Counties)
- Twin County Regional Chamber of Commerce (Grayson and Carroll Counties)
- Scott County Chamber of Commerce
- Smyth County Chamber of Commerce
- Southwest Virginia Chapter – SHRM (Norton/Wise)
- Washington County Chamber of Commerce
- Wythe Manufacturing Council
- Wytheville-Wythe-Bland Chamber of Commerce