

LABOR & EMPLOYMENT



22ND ANNUAL URGENT ISSUES FOR MODERN EMPLOYERS

LABOR & EMPLOYMENT LAW SEMINAR

MEADOWVIEW MARRIOTT
CONFERENCE RESORT & CONVENTION CENTER
KINGSPORT, TENNESSEE

THURSDAY, APRIL 12, 2018
8:00 A.M. – 4:30 P.M.

BAKER DONELSON

THE SCHEDULE

8:00 – 8:25 a.m. **Registration**

8:25 – 8:30 a.m. **Welcome and Introduction**

8:30 – 9:15 a.m.

Significant Developments in Employment Law in 2017 and a Look Ahead

This session will examine and consider the most significant developments in employment law over the last year and offer a practical view of how employers can limit risk going forward.

Speaker: Steven H. Trent

9:15 – 10:00 a.m.

FMLA & ADA Masterclass

You know the basic requirements for the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA). However, even the most experienced legal and human resources professionals struggle when responding to sticky FMLA and ADA-related requests. In this session, we will tackle some of your most complicated problems that arise under the FMLA and ADA, including how to respond to intermittent leave requests for episodic conditions, pregnancy quagmires and the type of documentation needed for various types of leave requests.

Speaker: Jennifer P. Keller

10:00 – 10:10 a.m. **Break**

10:10 – 10:55 a.m. **Breakout Sessions**

The Top 10 Workers' Compensation Concerns All Employers Should Know

This session will focus on the top ten workers' compensation concerns employers tackle on a frequent basis and will arm employers with practical advice for handling workers' compensation claims in the context of light duty assignments, disciplining employees with pending claims, reporting protocols, and best practices for dealing with claims and claimants. Further, the interplay between workers' compensations, the Americans with Disabilities Amendment Act and the Family and Medical Leave Act will be addressed with lots of opportunity for discussion.

Speakers: Christie M. Hayes and Chelsea N. Hayes

Faulty Issues with No-Fault Attendance Policies

Many companies have no-fault attendance policies by which the employees are assessed a point or half of a point for each tardy, absence or for leaving their shift early. Once the employee meets the required number of points, he or she is disciplined or terminated without regard to the reason for the absence. While these policies provide "black and white" guidance for both the employee and the employer, many untrained supervisors assess points for absences that are attributable to the employee's own serious health condition (in violation of the Family and Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA)). This session will focus on understanding the legality of no-fault attendance policies and how to deal with employees who are seeking leave under the ADA and FMLA.

Speaker: Jennifer P. Keller

10:55 – 11:10 a.m. **Break**

11:10 – 11:55 a.m.

The Fair Labor Standards Act: Past, Present & Future

Last summer, the Department of Labor issued a formal request for information to address the exemptions for the Executive, Administrative, Professional, Outside Sales and Computer Employees Exemptions under the FLSA. Specifically, the DOL asked for comment on 11 questions. In this session, we will focus on the DOL's request and briefly review the FLSA rollercoaster employers have ridden over the last few years. We will take the opportunity to talk about how these exemptions have impacted your workplace, discuss how you would answer the questions posed, and discuss what conclusions can be drawn from these questions.

Speaker: Matthew D. Davison

11:55 a.m. – 1:05 p.m. **Lunch (provided)**

1:05 – 1:50 p.m. **Breakout Sessions**

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THE SCHEDULE, CONTINUED

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Federal Contractor Compliance for 2018: Tips, Tools, and Legal Rules

Staying up to date on the latest federal contractor compliance issues is a must for those who do business with government agencies or other federal contractors. If your skills need updating or you just want to make sure your organization is still in compliance under the Trump Administration, then this is the session for you.

Speaker: Matthew D. Davison

1:50 – 2:00 p.m. **Break**

2:00 – 2:45 p.m. **Breakout Sessions**

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Speaker: Matthew D. Davison

M&A Survival Guide for the HR and Employment Law Professional

The merger has been announced... what comes next? We will review HR and employment law considerations for both the acquiring company and the company being acquired. Topics will include WARN Act considerations, reductions in force, benefit transitions and successor liability. We will provide a roadmap for successfully transitioning your workforce through a transaction.

Speaker: Steven H. Trent

2:45 – 2:55 p.m. **Break**

2:55 – 3:40 p.m. **Breakout Sessions**

Faulty Issues with No-Fault Attendance Policies

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Speaker: Steven H. Trent

3:40 – 3:50 p.m. **Break**

3:50 – 4:30 p.m.

Reappraisal of Sexual Harassment in America: Lessons from the Matt Lauer (and Other) Scandals

America is in the middle of an agonizing reexamination of sexual conduct. What constitutes sexual harassment or assault? Where is the line that separates acceptable or merely rude actions from unacceptable and possibly illegal behavior? In this session, we will define sexual harassment in the workplace and also examine best practices relating to numerous events from over the last year that led to the resignation of Roger Ailes and Bill O'Reilly from Fox News, and the terminations of Matt Lauer from the Today Show and Harvey Weinstein from the Weinstein Company.

Speaker: Brent B. Young



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THE SPEAKERS



Steven H. Trent

strent@bakerdonelson.com

Mr. Trent represents employers before the NLRB and other state and federal agencies. He 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.



Brent B. Young

byoung@bakerdonelson.com

Mr. Young has defended dozens of employers against claims of discrimination and other litigation matters. He has likewise counseled dozens of companies of all sizes on the enforcement of covenants not to compete, ERISA work, negotiated severance and separation agreements, and helped draft employee handbooks and employment applications. He is a frequent presenter at seminars on most employment topics and professional ethics issues and is bilingual (English and Spanish), conducting training and investigations in both languages. Mr. Young is licensed to practice in Tennessee and South Carolina.



Jennifer P. Keller

jkeller@bakerdonelson.com

Ms. Keller is president and chief operating officer of the Firm. She is a former member of the Firm's board of directors and former 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. Licensed in Tennessee and North Carolina, Ms. Keller regularly practices in both state and federal courts in those states.



Chelsea N. Hayes

cnhayes@bakerdonelson.com

As a member of the Advocacy Department, Ms. Hayes assists clients in general business-related litigation matters. Before joining Baker Donelson, Ms. Hayes worked as a health care law associate in Lexington, Kentucky, concentrating her practice in both litigation and regulatory matters to serve clients of all sizes.



Christie M. 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 THRC and performs training for employers in the areas of discrimination and harassment prevention, drug-free workplace, union avoidance and similar issues. She advises clients on a wide variety of issues, including leave, disability accommodation, policy formulation and enforcement, and similar matters. 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. He 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.

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