

LABOR & EMPLOYMENT



12TH ANNUAL VIRGINIA LABOR AND EMPLOYMENT LAW SEMINAR

HEMLOCK HAVEN CONFERENCE CENTER
HUNGRY MOTHER STATE PARK
MARION, VIRGINIA

SEPTEMBER 14, 2017
8:00 A.M. – 4:30 P.M.

BAKER DONELSON

THE SCHEDULE

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

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

8:30 – 9:20 a.m.

2017 at the Mid-Point: Trumped Up?

Now that we are halfway through another year, it is a good time to take a step back from all of the hectic recent developments in employment law and take inventory of where we are and where we are going. With a new administration in the White House, whose policies seem quite divergent from administrations past, there is much to consider as we prepare for what is to come.

Speaker: Jennifer P. Keller

9:20 – 10:10 a.m.

Trends, Tips and Tactics for Accommodating the Disabled

Do you really know when an employee is considered to be “disabled” under the Americans with Disabilities Act? And if the employee is disabled, do you know how far an employer must go to accommodate them? These are often tough calls, and a misstep in either determination can decrease productivity, invite a government investigation or result in a lawsuit. In this briefing, we’ll discuss ADA litigation trends across the country and walk through tips and tactics for successfully identifying and accommodating disabled employees.

Speaker: Steven H. Trent

10:10 – 10:25 a.m. **Break**

10:25 – 11:15 a.m.

Diversity and Inclusion: Fostering an Inclusive Culture

Diversity and inclusion in today’s work environment is much more than just being careful about not offending a coworker based on race, gender or religion. In this interactive session, we discuss expansive ways of looking at diversity that will keep your organization on track to compete in a national and global marketplace.

Speaker: Trey Range

11:15 a.m. – 12:00 p.m.

Creating Solid Documentation to Support Employment Decisions

There are few things that are more important when it comes to human resources management than proper documentation. In every EEOC Charge, agency investigation or piece of litigation, what you have or have not captured on paper will be reviewed and critiqued by those looking for problems. This session will offer ideas and best practices to assist human resources professionals and other managers to dot all of the “i”s and cross all of the “t”s.

Speaker: Drew Hutchinson

12:00 – 12:15 p.m.

Walk or Ride Shuttle to The Restaurant

12:15 – 1:15 p.m.

Lunch at The Restaurant (Provided)

1:15 – 1:30 p.m.

Networking/Return to Ferrell Hall

1:30 – 2:25 p.m.

Mediation, EEOC, Judicial Settlement Conferences and Negotiating Skills: Ready, Set, Resolve!

Mediation is an important part of every legal or HR professional’s skill set because many more disputes settle than are ever resolved in court or arbitration. In fact, many courts mandate that parties mediate every dispute. This briefing will cover the different kinds of mediation, when to mediate, how to prepare for mediation and useful strategies that will help you settle more disputes on your terms instead of on your opponent’s terms.

Speaker: Chad Wallace

2:25 – 3:20 p.m.

Sexual Harassment and Internal Investigation Best Practices: Lessons from the Fox News Scandals

In this session, we will examine best practices relating to the investigation of sexual harassment allegations, using the fascinating events from over the last year that led to the resignation of Roger Ailes and Bill O’Rielly from Fox News as a case study.

Speaker: Matthew D. Davison



THE SCHEDULE, CONTINUED

3:20 – 3:35 p.m.

Break

3:35 – 4:30 p.m.

God, Guns & Some Other Interesting Stuff

This session is designed to raise challenges encountered by employers associated with religion, guns and other related problems in the workplace. What is “religion” and what are your obligations in terms of accommodations? Armed

employees? As far as guns go, what are employees’ rights, obligations and what can an employer do? Other Interesting Stuff? Employees are becoming more involved in political and social issues. How might that impact the workplace?

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 7, 2017. 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.

SEMINAR PARTNERS

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
 - Bristol Employer Advisory Committee
 - Buchanan County Chamber of Commerce
 - Dickenson County Chamber of Commerce
 - Mountain Empire Human Resources Association
 - Pulaski County Chamber of Commerce
 - Scott County Chamber of Commerce
 - Smyth County Chamber of Commerce
 - Southwest Virginia Chapter – SHRM (Norton/Wise)
 - The Greater Bluefield Chamber of Commerce
 - The Southwest Virginia Alliance for Manufacturing, Inc.
 - Triad Employer Advisory Committee (Buchanan, Russell and Tazewell Counties)
 - Twin County Chamber of Commerce
 - Washington County Chamber of Commerce
 - Wytheville-Wythe-Bland Chamber of Commerce
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THE SPEAKERS



Matthew D. Davison

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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.



Mark A. Fulks

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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.



Trey Range

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Mr. Range concentrates his practice in aviation law, with an emphasis on corporate, regulatory and general transactional issues. He has represented clients on a wide range of aviation deals in North America, Asia and Europe, and has experience coordinating with local counsel in a variety of jurisdictions to accomplish the clients' goals.

As a compliment to his aviation and general transactional practice, Mr. Range helps clients in commercial lending, labor and employment litigation, contract disputes, and administration of probate wills and estates. He maintains an active pro bono work load, primarily guardianships for immigrant children and Online Tennessee Justice.



Chad Wallace

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Working in the Firm's Johnson City office, Mr. Wallace represents clients before administrative agencies, and defends them in state and federal courts on age discrimination claims, gender discrimination and harassment claims, retaliation claims and enforces noncompetition covenants. Mr. Wallace also represents businesses in defense of personal injury claims, including premises liability and security cases.



Drew Hutchinson

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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.



THE SPEAKERS, CONTINUED



Jennifer P. Keller

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Jennifer P. 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. As an employment litigator, 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 also has extensive appellate experience including the briefing and argument of appeals before various state and federal appellate courts. Licensed in Tennessee and North Carolina, Ms. Keller regularly practices in both state and federal courts in those states.



Steven H. Trent

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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.



LABOR & EMPLOYMENT PRACTICE

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 Labor, Health and Safety. 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 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 Health and Safety 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 15 states and have handled matters in 41 states and the District of Columbia. Over the last three years, the team has tried more than 775 federal court cases, has appeared in the Third, Fourth, Fifth, Sixth, Ninth, Eleventh and District of Columbia Courts of Appeal, and has appeared in 30 District Courts as well as the District of Columbia.

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 eight 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 a national Tier One ranking in *U.S. News – Best Lawyers in Labor & Employment Litigation* and in *Employment Law – Management*, along with 14 metropolitan labor and employment Tier One rankings across our states.

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