

## MEET THE FACULTY

**PETER J. LANDIS**, with Landis Arn & Jaynes, P.A., practices employment and business-related immigration law, including I-9 compliance and employer sanctions. Mr. Landis represents clients nationwide, including leading educational and research institutions, government entities, hospitals and other health care providers, and businesses from small companies to large multinational corporations engaged in manufacturing, technology, and biotechnology. His employment-based immigration practice includes the filing of labor certifications, petitions for persons of extraordinary ability, outstanding researchers and professors, multinational executives and managers, and national interest waivers. Mr. Landis has helped numerous foreign medical graduates obtain waivers of the J-1 two-year home residence requirement change to H-1B temporary worker status and to acquire lawful permanent resident status in the U.S. He also works with clients to obtain nonimmigrant status authorizing employment in the U.S., including, E, H-1B, L-1, O, P, and TN status. Mr. Landis has practiced in the field since 1980, and he has taught immigration law at the University of Maine School of Law. Mr. Landis is member of the American Immigration Lawyers Association. Mr. Landis received his B.A. from Tufts University and his J.D. from Northeastern University School of Law.

**PETER BENNETT**, president of The Bennett Law Firm, P.A., practices on behalf of management in the areas of labor and employment, collective bargaining, employment litigation, personnel policies, and union elections. Mr. Bennett has been included in *Best Lawyers in America*, *Chambers USA*, *New England Super Lawyers*, and various publications of *Who's Who*. He is a member of the Maine State, the Massachusetts, the New Hampshire, and the American Bar Associations, as well as the Million Dollar Advocates Forum. Mr. Bennett is a charter member of The International Society of Primerus Law Firms, former director and regional vice-president. Mr. Bennett is the immediate past national chair of the 35,000 member ABA Tort Trial and Insurance Practice Section. During his career, he has given over two hundred seminars, speeches, and presentations in more than twenty states. Mr. Bennett received his A.B., *cum laude*, from Harvard University and his J.D., *cum laude*, and M.B.A. from Boston University, where he was an Edward F. Hennessey Distinguished Scholar and a Liacos Scholar.

**SALLY ANNE MORRIS**, Attorney at Law in Yarmouth, practices in employment law, small business, and non-profit compliance. Ms. Morris works with small to medium-sized businesses to design employee handbooks and provide advice concerning personnel practices and procedures. She has represented clients regarding employment issues in all aspects of employee compliance, including examining a wide-range of regulatory issues such as trainings, policies, notices, reporting, and licensing. Ms. Morris has lectured to human resource professionals on compliance issues, and she has represented public employers as well as non-profits. She is a member of the Maine State and Massachusetts Bar Associations. Ms. Morris received her B.A. from Boston University and her J.D., *cum laude*, from the New England School of Law.

**FREDERICK B. FINBERG**, shareholder with The Bennett Law Firm, P.A., practices in labor and employment law, litigation, and administrative law. Mr. Finberg is a member of the American Bar Association's Labor Law Section vice-chair, Employer-Employee Relations Committee of Tort, Trial and Insurance Practice Section, the Maine State and the Cumberland County Bar Associations, the Defense Research Institute's Employment Law Committee, and the Million Dollar Advocates Forum. He teaches as an adjunct faculty at the University of Southern Maine. Mr. Finberg received his B.A., *cum laude*, from Brandeis University and his J.D., *cum laude*, from Boston University, where he was a Liacos Scholar and Tauro Scholar.

**ROBERT W. KLINE**, principal of Kline Law Offices, practice in employment law and workers' compensation. He represents primarily employers before state and federal agencies, including the Maine Human Rights Commission, the EEOC, the NLRB, the Maine Unemployment Insurance Commission, and the Maine Workers' Compensation Board, and at arbitrations and employment law trials. In his representation of Maine employers, Mr. Kline has received several defense verdicts in recent years. In *Raymond Chaloult v. Interstate Brand Company*, October 2003, he successfully defended IBC against a male on male sexual harassment charge. Chaloult was awarded \$1 in nominal damages. In *Ronald Jones v. Gobell's Furniture Galleries*, March 23, 2006, an age discrimination claim, the jury was out twenty-five minutes and returned a defense verdict. Again representing IBC, in the matter of *Bonnie Chaloult v. Interstate Brands Company*, summary judgment was granted on the basis that this employee should have reported any alleged sexual harassment before quitting and affirmed on appeal to the First Circuit, August 28, 2008. Most recently, Mr. Kline secured a defense verdict in *Jacqueline Rhoades v. Camden National Corporation*, December 5, 2008, an FMLA retaliation lawsuit for a discharge eleven days after returning from FMLA leave. He is a member of the Maine State Bar Association and The Missouri Bar. Mr. Kline earned his B.A. at Ohio Wesleyan University, University of the Americas, Puebla, Mexico and Beloit College and his J.D. at Washington University School of Law.

## FUNDAMENTALS OF EMPLOYMENT LAW

**DATE:** Tuesday, January 26, 2010  
**REGISTRATION:** 8:00 a.m.  
**PRESENTATIONS:** 8:30 a.m. - 4:45 p.m.  
**LUNCH:** (on your own) 12:30 - 1:30 p.m.

**LOCATION:**  
 Eastland Park Hotel  
 157 High Street  
 Portland, ME 04101

### CONTINUING EDUCATION CREDIT

Please remember to bring your license number, ID or other necessary information to the seminar to ensure proper reporting of continuing education credit.

**ME CLE** This seminar has been approved by the **Maine Board of Overseers of the Bar** for **6.91 credit hours** of continuing legal education.

**NH CLE** This program has been approved by the **New Hampshire MCLE Board** for **6.6 CLE credits**.



This seminar has been approved for **7.0 general recertification credit hours** toward the **PHR, SPHR, and GPHR** recertification through the **HR Certification Institute**. For more information about certification or recertification, please visit [www.hrci.org](http://www.hrci.org).

Sterling Education Services is registered with the **National Association of State Boards of Accountancy (NASBA)** as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org). CPE Credit: Maximum Credit Hours: **8.0** each session (based on a 50 minute credit hour). Field of Study: **Business Law**. Prerequisite: None. Level of Knowledge: **Basic**. Delivery Method: Group-Live. Advance Preparation: None. No CPE credit will be granted for home study with the purchase of the seminar audio recording. SES is only approved for "Group/Live" programs.

Other continuing education credit may be available. Please call (715) 855-0498 to inquire.

**Walk-ins:** Payment is required at the door. Please call ahead to confirm the schedule.

**Cancellations:** Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar. If you cancel at least three business days before the seminar you may 1) transfer your registration to another seminar, 2) receive a full refund minus a \$25.00 service charge, or 3) receive an audio and manual set of the seminar.

Please note: If you do not attend and do not cancel as described above you are not entitled to a refund.

### Fundamentals of Employment Law

Register Today for Seminar #10ME01007

Mail: Sterling Education Services  
 P.O. Box 3127  
 Eau Claire, WI 54702-3127

Web: [www.sterlingeducation.com](http://www.sterlingeducation.com)  
 Phone: 715-855-0498  
 Fax: 715-835-5132

Call us about discount opportunities for large groups, NPOs, new practitioners and others!

Portland - January 26, 2010

#### Registration Fee:

(includes manual)

- \$309 per person  
 \$299 per person for 2 or more  
 \$279 per person if paid by 12/14/09  
 \$127 audio with registration, a \$100 savings!

Check Enclosed (payable to Sterling Education Services, Inc.)

VISA  MC  AMEX  DISC

Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Name on Card: \_\_\_\_\_ CCV: \_\_\_\_\_

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Business: \_\_\_\_\_ Primary Practice Area: \_\_\_\_\_

Firm/Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

FEL

\*includes \$6 shipping and handling. Please allow six to eight weeks for delivery.  
 By providing this information you are agreeing to be added to in-house distribution lists.

## SEMINAR AGENDA

- I. **The Employment Process: Hiring & Firing in the Current Economy**
  - A. Hiring qualified employees
    1. Lawful job descriptions, qualifications, and advertisements
    2. Lawful interview; verify qualifications and background, pre-employment testing
  - B. Handling terminations and layoffs
    1. Legal considerations – WARN Act, OWBPA, possible legal claims
    2. Structuring severance and separation packages; COBRA
    3. Employment-at-will status; firing vs. employee resignation
    4. Documentation, discipline, and discharge for cause
    5. Unemployment compensation benefits and appealing an adverse decision: is it worth it?
  - C. Information disclosure issues
    1. Confidentiality of personnel records; employment verification and references
    2. Defamation, invasion of privacy: staff discussion and third party disclosures
  - D. Strategies to avoid discrimination and retaliation claims: intentional and unintentional, negligent hiring, wrongful termination, retaliation
- II. **Immigration Issues in the Workplace**
  - A. I-9 and e-verification
  - B. Nonimmigrant work permits
  - C. Immigration work permits
  - D. Enforcement
- III. **FLSA/Wage and Hour in Today's Economy**
  - A. Update and overview
  - B. Issues of pay, hours, and employee classification in shorter workweeks, etc.
  - C. Arbitration of wage claims: are they allowed and under what circumstances
- IV. **FMLA Compliance**
  - A. Update and overview: general rules
  - B. Military leave
  - C. Tightening of notice requirements – on both sides
  - D. Easing of medical certification
  - E. Continuing treatment redefined
  - F. What should employers do?
- V. **Employee Privacy in the Workplace**
  - A. Evaluating performance
  - B. Privacy issues in formal complaint procedures
  - C. Conducting a lawful misconduct investigation
  - D. Whose computer is it? Employer's right to monitor e-mail
  - E. Employee off-duty misconduct
- VI. **ADA**
  - A. Update and overview: general rules
  - B. Major life activity
  - C. Scope of the term "substantially limits"
  - D. "Disabled" and "regarded as" disabled and the employer's obligation
  - E. Substantial impairment and related criteria to establish disability
  - F. Psychological disabilities in the workplace and related EEOC guidelines
- VII. **Sexual, Racial, and Other Harassment in the Workplace**
  - A. Recent legislation and court cases, including Ledbetter Fair Pay Act
  - B. Is it harassment or just obnoxious behavior?
  - C. What constitutes a "hostile workplace environment"?
  - D. Employer liability principles as they affect management of complaints
  - E. Avoiding harassment claims: the 4 P's (policy, protection, prompt, and punishment)
  - F. Liability for claims of harassment by third parties
- VIII. **Unionization and Union Avoidance**

Sterling Education Services may alter the agenda due to circumstances beyond our control.

## OTHER OPPORTUNITIES

**Fundamentals of Employment Law**  
 Manchester, NH – February 3, 2010  
*Check our website or call us for more info!*

## REFERENCE MATERIALS

**Seminar Manual**  
 The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its price is included in the registration fee.

**Audio Recording**  
 This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

## STERLING BOOKSTORE

*Below is a selection of the materials currently available from previous Sterling seminars in Maine. To order, please complete and mail in this form with payment, call us at 715-855-0495, or visit our online bookstore at [www.sterlingeducation.com/bookstore.php](http://www.sterlingeducation.com/bookstore.php).*

### NEW REALITIES IN EMPLOYMENT LAW:

Sexual, Racial, and Other Workplace Harassment; ADA Update; Employment Arbitration and Mediation Agreements: "Mandatory vs. Voluntary?"; FLSA/State Wage and Hour; FMLA Changes and New Regulations: What You Need To Know To Comply; Immigration Compliance in the Workplace

**PRESENTERS:** Edward (Terry) Shumaker with Bernstein Shur; Anne B. Cunningham with Verrill Dana LLP; Erik Peters with Friedman Gaythwaite Wolf & Leavitt LLP; Nicole L. Lorenzatti with Smith Elliott Smith & Garmey, P.A.; Salvatore Savatteri, Jr. with Savatteri Law Firm, P.C.; and Sonia J. Buck with Linnell, Choate & Webber, LLP

Seminar #9ME03084  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

### FUNDAMENTALS OF WORKERS' COMPENSATION:

Case Law, Legislative Update, and Overview; The Workers' Compensation Claim; Interplay Between Benefits: WC/SSD/UC/Medicare/L-T Disability; Temporary Disability: Getting the Injured Worker Back to Work; Permanent Disability; and A Regulatory View from the Workers' Compensation Board

**PRESENTERS:** John W. Chapman with Kelly & Chapman; Michael Richards with Troubh Heisler; Nelson J. Larkins with Preti, Flaherty, Beliveau & Pachios, LLP; C. Lindsey Morrill with Norman, Hanson & DeTroy, LLC; and Steven P. Minkowsky with Maine Workers' Compensation Board

Seminar #9ME02134  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

### EMPLOYMENT LAW UPDATE IN MAINE:

Employment Law Developments; Stay out of Jail: Immigration Compliance Issues for Employers; Wage & Hour and the FLSA; Sexual, Racial, and Other Harassment in the Workplace; Privacy in the Workplace and Conducting an Internal Investigation; Protecting At-Will Employment; Developments in FMLA Compliance and the Overlap of ADA, FMLA, and WC When Dealing with Absences of Ill, Injured, and Disabled Employees

**PRESENTERS:** Peter J. Landis with Landis & Arn, P.A.; John W. Chapman with Kelly & Chapman; Jeffrey W. Peters with Preti, Flaherty, Beliveau & Pachios, LLP; Elizabeth A. Olivier with Preti, Flaherty, Beliveau & Pachios, LLP; Foy Meyer III with Preti, Flaherty, Beliveau & Pachios, LLP; and Erik Peters with Friedman Gaythwaite Wolf & Leavitt

Seminar #8ME08192  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

Name \_\_\_\_\_  
 Firm/Company Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Phone \_\_\_\_\_

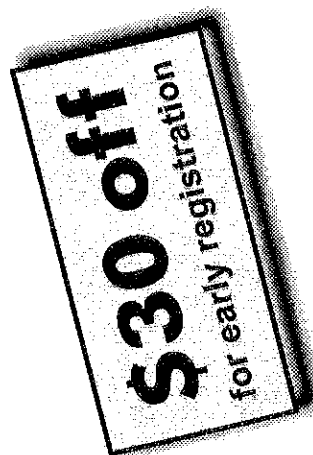
10ME01007

NONPROFIT ORG.  
 U.S. POSTAGE  
 PAID  
 Sterling Education  
 Services, Inc.



# SES Fundamentals of Employment Law

Portland – January 26, 2010



STERLING EDUCATION SERVICES, INC.  
 EAU CLAIRE, VT 04703-1117  
 715.855.0498  
[www.sterlingeducation.com](http://www.sterlingeducation.com)

## Earn Your Credit Now!

- ME CLE 6.91
- NH CLE 6.6
- HRCI 7.0
- NASBA CPE 8.0

See inside for details

Please route to:  
 -Managing Partner  
 -HR Manager  
 -Department Managers  
 -CEO & ExVP  
 -Payroll & CIS Managers

IMPORTANT INFORMATION - PLEASE CIRCULATE

Please make necessary corrections to address.

BE INFORMED &  
 EARN CREDIT NOW



# Fundamentals of Employment Law in Maine



Presented by:

**Peter Bennett**

- The Bennett Law Firm, P.A.

**Frederick B. Finberg**

- The Bennett Law Firm, P.A.

**Sally Anne Morris**

- Attorney at Law

**Peter J. Landis**

- Landis Arn & Jaynes, P. A.

**Robert W. Kline**

- Kline Law Offices

(See complete biographies inside)



### Continuing Education Credit:

- ME CLE 6.91 • NH CLE 6.6 • HRCI 7.0 • CPE 8.0 •

See inside for details.

**SES** Sterling Education Services, Inc.

Sterling means value!

[www.sterlingeducation.com](http://www.sterlingeducation.com)