

Employment Law: Beyond the Basics

Portland, ME - July 15, 2015

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PRESENTED BY:

Peter Bennett, *The Bennett Law Firm, P.A.*

Robert W. Kline, *Kline Law Offices LLC*

Tawny L. Alvarez, *Verrill Dana LLP*

Erik Peters, *Verrill Dana LLP*

(See complete biographies inside)

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Portland, ME - July 15, 2015

Employment Law: Beyond the Basics

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AGENDA

- I. FLSA/Wage & Hour Crackdown**
 - A. Classification issues
 1. Exempt vs. non-exempt
 2. Independent contractor vs. employee
 3. Voluntary Classification Settlement Program (VCSP)
 - B. Pitfalls in employers' use of independent contractors, contingent workforce, and staffing agency employees to avoid payroll taxes
 - C. On the clock or off the clock
 - D. Rise of collective/class action lawsuits
 - E. E-Verify®, I-9 audits, and state and federal laws
- II. Privacy and Social Media in the Workplace**
 - A. Balancing an employer's right to know vs. employee's privacy
 - B. Wireless devices and employee's and employer's privacy violations
 - C. Monitoring and creating policies regarding Internet, email, texting, and other electronic communications
 - D. Use of social networking sites in the employment context: risks, best practices, and policies
 - E. Off the job behavior, e.g., blogging and dating
 - F. The NLRB and social media
 - G. Case law studies
- III. Sexual, Racial, and Other Harassment and Discrimination**
 - A. Recent legislation and court cases
 - B. Domestic partnership issues
 - C. Harassment vs. discrimination
 - D. Is it *quid pro quo*, harassment, or just obnoxious behavior?
 - E. What constitutes a hostile workplace environment?
 - F. Employer liability principles as they affect management of complaints
 - G. Liability for claims of harassment by third parties
- IV. ACA/Obamacare: What Employers Need to Know**
 - A. What is the Affordable Care Act?
 - B. How it will affect small and large businesses
 - C. Timeline for provisions
 - D. Questions and answers
- V. Advanced FMLA and ADA Issues**
 - A. FMLA and ADA updates and EEOC guidelines
 1. Expansion of what can be considered a "disability"
 2. What constitutes accommodation according to the EEOC
 3. How new ADA rules impact HR
 4. Effect on FMLA and other leave policies
 5. Discrimination
 - B. Overlap of FMLA and ADA
- VI. NLRB's Expanding Agenda**
 - A. Overview of the NLRB, its procedures and jurisdiction issues
 - B. Representation elections: proposed changes and recent decisions, union elections/decertification, rules to follow
 - C. Extension of the reach of the NLRA
 1. Impact on employers: both union and non-union
 2. Impact on bargaining unit
 3. What is covered by the NLRB definition of Section 7 Rights
 4. NLRB posting requirements and the impact on communications with employees
 - D. Policies that are *per se* violations of the NLRA
 - E. NLRB activities and cases, e.g., Boeing, Fresenius USA Manufacturing
- VII. Termination Best Practices**
 - A. Legal considerations, e.g., WARN Act, OWBPA, employee agreements
 - B. Structuring severance/separation packages, COBRA
 - C. RIF, layoffs, early retirement, performance
 - D. Terminations: strategies for avoiding claims

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

DETAILS

DATE: Wednesday, July 15, 2015
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: 11:45 a.m. - 12:45 p.m.
Lunch is on your own

LOCATION:
Embassy Suites Portland
1050 Westbrook Street
Portland, ME 04102
207-775-0220
Map available online

WHO SHOULD ATTEND

- Human Resource Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
 - Employment and Labor
 - Employee Benefits
 - General Practice
 - New Attorneys

SUMMARY

It is essential to understand the emerging developments in employment law. With the EEOC cracking down on employee classification and the NLRB redefining Section 7 rights, employment law problems can arise unexpectedly and the results can be costly. This seminar will help you understand the emerging critical developments and updates to provide the best management to your employees and best counsel to your clients. Our speakers provide expertise and insight to complex issues, ready to share their years of experience at both the state and federal level with you. Attend this seminar to expand your knowledge and enhance your abilities "beyond the basics." **Register today!**

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Other continuing education credit may be available. Please **contact Sterling** to inquire.

MEET THE FACULTY

TAWNY L. ALVAREZ, of Verrill Dana LLP, centers her practice on employment law, frequently defending clients in court and before administrative agencies with relation to issues including whistleblowing, harassment, discrimination, unemployment compensation, retaliation, wage and hour, employment agreements, drug testing, and social media and technology in the workplace. Outside the adversarial setting, she counsels clients on best practices to minimize potential litigation with current and former employees including preparation of separation agreements and drafting and revising policy handbooks. Ms. Alvarez is also the editor of "Taking Care of HR Business," the firm's labor and employment blog, and she regularly presents to employers, human resource professionals, and peers on trending issues, best practices, and industry-specific concerns. She has been selected for inclusion in the 2014 issue of *Super Lawyers® Rising Stars®*. Ms. Alvarez received her B.S., *summa cum laude*, from Thomas College and her J.D., *magna cum laude*, from Pace University School of Law.

PETER BENNETT, managing partner of The Bennett Law Firm, P.A., advises employers throughout the northeast in all aspects of labor and employment law, with particular emphasis in representing management in collective bargaining negotiations and related traditional labor law matters. He represents clients in state and federal courts as well as before various administrative bodies and in arbitration. Mr. Bennett serves as a trustee of The National Judicial College, as a board member of the Appellate Judges Education Institute, special advisor to the American Bar Association Standing Committee on the American Judicial System and is immediate past chair of the ABA Standing Committee on Judicial Independence, a past chair of the ABA Tort Trial and Insurance Practice Section, and a past president of the Boston University School of Law Alumni Association. He served on the faculty of the USM Continuing Education for Business, teaching Personnel Law for over twenty years. Mr. Bennett has been included in *Best Lawyers® in America*, *Chambers USA*, *New England Super Lawyers®*, and was included in the "Top 100 Most Powerful Employment Attorneys in the Nation." During his career, he has given over two hundred seminars, speeches, and presentations in more than twenty states. Mr. Bennett received his B.A., *cum laude*, from Harvard University and his J.D., *cum laude*, and his M.B.A. from Boston University School of Law and Graduate School of Management.

ROBERT W. KLINE, principal of Kline Law Offices LLC, concentrates his practice on employment and workers' compensation law and represents primarily employers before state and federal agencies, including the Maine Human Rights Commission, the Equal Employment Opportunity Commission, the National Labor Relations Board, the Maine Unemployment Insurance Commission, and the Maine Workers' Compensation Board, as well as in arbitrations and employment law trials in federal and state courts. Mr. Kline is a member of the Maine State Bar Association and The Missouri Bar. Mr. Kline received his B.A. from Beloit College and his J.D. from the Washington University School of Law.

ERIK PETERS, a partner of Verrill Dana LLP, is involved in all aspects of employment and labor litigation, representing employers and employees in discrimination and whistleblower suits in state and federal courts, labor arbitrations, and before administrative agencies. He has managed litigation teams in significant, multi-party, cases involving construction defects, defamation, civil rights, and complex torts. In addition, Mr. Peters serves as counsel for several corporations, guiding them through commercial disputes. He is a member of the Maine State Bar Association and has been selected for inclusion in *Best Lawyers® in America* for 2015. Mr. Peters received his B.A. from the University of Virginia and his J.D. from the University of Houston Law Center.

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Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by June 3rd**

Reference Materials:

- Add audio to your registration for \$157*
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COMPREHENSIVE EMPLOYMENT LAW - Seminar # 14ME07193

Hiring Strategies and Decisions; Employee Discipline and Termination; Hot Topics in Wage and Hour Compliance; Technology in the Workplace: Complications and Considerations; ADA and FMLA Updates and Considerations; Harassment and Discrimination in the Workplace

PRESENTED BY:

Tawny L. Alvarez with Verrill Dana LLP; Janet V. Britton with Verrill Dana LLP; Peter Bennett with The Bennett Law Firm, P.A.; and Frederick B. Finberg with The Bennett Law Firm, P.A.

Manual only \$75

HOT TOPICS IN LABOR AND EMPLOYMENT LAW - Seminar # 13ME07162

The Use of Social Media and Personal Information in the Hiring Process; Drafting Workplace Handbooks and Agreements that Minimize Claims; NLRB's Expanding Agenda; Immigration Law Compliance; FLSA/Wage and Hour Compliance; PPACA/Obamacare: What Employers Need to Know

PRESENTED BY:

Salvatore Savatteri, Jr. with Savatteri Law Firm, P.C.; Erik Peters with Friedman Gaythwaite Wolf & Leavitt; Adam S. Taylor with Taylor, McCormack & Frame, LLC; Robert W. Kline with Kline Law Offices; and Steven R. Gerlach with Bernstein, Shur, Sawyer & Nelson, P.A.

Manual only \$75

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- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

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

REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

UPCOMING SEMINARS

- **Landlord-Tenant Law:
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and Settlements**
Portland, ME
May 14, 2015

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