

“America’s leading employment law conference”

2010 *Advanced Employment Issues Symposium*



*Multi-Track Program
Delivers Rock-Solid
Bottom-Line Value with
Practical Guidance for
Overcoming the Latest
Management Challenges*

EMPLOYMENT LAW ENFORCEMENT TRACK:

**Expert advice for meeting Washington’s
ramped up workplace enforcement
efforts head on**

- **EEOC:** Avoid becoming a target of the discrimination watchdog agency’s latest enforcement priorities
- **Wage & Hour Division:** The resurgent agency is scrutinizing workplace practices for pay policy violations. We’ll show you what they are looking for.
- **NLRB:** How you can stay union-free under new EFCA-inspired reforms
- **OSHA:** New reforms mean increased scrutiny of workplace safety. Learn what it takes to dodge an audit
- **ICE:** What’s coming from immigration enforcers and I-9 auditors.

- **BONUS SELF-AUDIT:** Avoid costly agency entanglements by assessing red flags in your hiring, discrimination, wage & hour, and other employment practices

FMLA & ADA COMPLIANCE TRACK:

**Master new employee leave &
workforce disability management rules**

- Up-to-the-minute compliance guidance for the latest changes to FMLA and the ADA
- The latest methods for overcoming intermittent leave management headaches
- Trusted advice for avoiding expensive ADA compliance missteps
- Our expert panel is ready to answer your toughest FMLA & ADA questions

TALENT MANAGEMENT TRACK:

**Lead your workforce through the social
media frontier to greater employee
engagement and effectiveness**

- How American Express and Zappos use workplace social media and a unique culture to engage and motivate employees
- Proven strategies to make supervisors’ training stick
- How to feed your talent pipeline using Twitter, Facebook and other Web 2.0 tools, while avoiding legal snares
- How today’s most admired companies are taking fresh, bold approaches to employee engagement, innovation and commitment
- New succession planning strategies that work
- Using emotional intelligence to position HR as the CEO’s indispensable business partner

**Nashville,
Hutton Hotel**

September 30- October 1, 2010

**Las Vegas,
Caesars Palace**

November 11-12, 2010

**“This conference gave
great bang for the buck
and delivered greater
value and return than the
SHRM Conference. The
networking and variety
were wonderful.”**

Beverly Young

HR Director

Memorial Hospital/Carbon County

➤ BONUS:

Case-Study Workshops featuring HR leaders at American Express, Zappos.com, DaVita, and other FORTUNE 500 organizations show how America’s most admired and successful employers got that way!



This program has been approved for 10.75 recertification credit hours through the HR Certification Institute. For more information about certification and recertification, please visit the HR Certificate Institute website at www.hrci.org.

The use of this seal is not an endorsement by HR Certification Institute of the quality of the program. It means that this program has met HR Certification Institute’s criteria to be pre-approved for recertification credit.



To Learn More or Register, Visit www.aeisonline.com

PROGRAM DATES/LOCATIONS

September 30-October 1

Hutton Hotel

1808 West End Ave.
Nashville, TN 37203
(866) 894-4609

November 11-12

Caesars Palace

3570 Las Vegas Blvd., South
Las Vegas, NV 89109
(866) 227-5944

CONFERENCE FEES

Only \$849 per person
\$799 for previous attendees
\$749 before May 31
\$549 for additional attendees from your organization

HOTEL RESERVATIONS

Hotel reservations are the responsibility of participants and can be made by calling:

Nashville

Hutton Hotel special reservations line at (866) 894-4609 for a reduced rate of \$169 per night. Please mention the Advanced Employment Issues Symposium room block. Room block expires Friday, September 3.

Las Vegas

Caesars Palace at (866) 227-5944 for a maximum discounted room rate of just \$232 per night when reservations are made by October 11. Mention the Advanced Employment Issues Symposium room block when making reservation to take advantage of available discounts.

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To register today, or for more information, call toll-free (800) 274-6774, or visit www.aeisonline.com



From the desk of Dan Oswald, Symposium Moderator

Well into year two of the Obama administration, and after a bruising battle over health care, it's starting to shift its focus to matters of keen interest to employers and Human Resources professionals, like unprecedented emphasis on enforcement, expanding the definitions of disability under anti-discrimination laws, and more.

Against this backdrop, I have never been more enthusiastic about the program for the **Advanced Employment Issues Symposium**, now in its 15th consecutive year. As in the past, we have assembled a top-tier team of employment law attorneys to provide you with the latest compliance strategies and explain the very latest changes to employment law.

But this year's program features enhancements that make it, more than ever, the premier learning and networking event for HR leaders and staff:

- Joining the legal faculty are HR experts from American Express, Google, Zappos.com, and DaVita, FORTUNE 500 corporations widely admired as top employers. These executives will share their solutions for creating and maintaining top-tier workforces that deliver consistent bottom-line value and exceed performance standards.
- A new four-track agenda targets areas of key concern to smart HR professionals: Enforcement, FMLA and ADA compliance, Talent Management, and Hot Employment Law Issues. You can pick and choose sessions from across all four tracks to customize your Symposium experience or follow one track all the way. It's your choice.

When you register and attend, I guarantee that you'll get cutting-edge updates, insights and compliance strategies, exactly what you need to keep yourself a crucial part of your organization's decision-making process. Plus sessions where you can share ideas, techniques, and war stories with colleagues, building relationships and professional strengths. And breakfasts, lunches, breaks, door prizes, a big drawing at the end of the show, and as always, special gifts.

Join hundreds of HR, legal, and business professionals to stay up-to-date on key issues. Get the most practical guidance you'll find anywhere about current and emerging challenges. Register now.

Sincerely, Dan Oswald

AGENDA

DAY ONE - THURSDAY

Registration and Breakfast

7:30 A.M.-8:15 A.M.

Welcome and Announcements

8:15 A.M.-8:30 A.M.

OPENING KEYNOTE

8:30 A.M.-9:30 A.M.

A Year of Sweeping Employment Law Change Hits HR: What It Means and What Comes Next

2010's overhaul of the health care system, reemergence of key legislation such as the Paycheck Fairness Act and the Employee Non-Discrimination Act, and various extensions of the federal COBRA subsidy demand renewed focus from HR pros and employers. At the same time, millions of dollars earmarked for federal agencies mean ramped up enforcement of existing wage and hour, discrimination, and other workplace laws. The IRS is targeting employee misclassification. DHS is stepping up I-9 audits. *Our panel of experts will add to your employment law knowledge base with:*

- Employment law developments in 2010 and how they are affecting your HR practices

- What 2010 health care reform really means
- How to cope with the federal enforcement push
- Key decisions from the U.S. Supreme Court
- What new employment law developments to expect in 2011

Moderator:

Charles S. Plumb, McAfee & Taft

Nashville Panel:

Susan G. Fentin, Skoler, Abbott & Presser, P.C.
Kara E. Shea, Miller & Martin PLLC
Albert V. Vreeland, Lehr Middlebrooks & Vreeland, P.C.

Las Vegas Panel:

Jeanne Matthews Bender, Holland & Hart LLP
John M. Husband, Holland & Hart LLP
Linda D. Walton, Perkins Coie LLP

FOUR SIMULTANEOUS SESSIONS

9:30 A.M.-10:30 A.M.

ENFORCEMENT TRACK-SESSION 1

Unions Rejoice: What the New Pro-Labor NLRB Means for Employers

Savvy HR professionals who want to stay union free keep close tabs on the new National Labor Relations Board (NLRB) where many of EFCA's provisions now stand a better shot at becoming law. President Obama's appointments of union-friendly members to the Board mean that pro-labor reforms are just around the corner. Learn how to manage a workforce in the face of this new reality.

- What Craig Becker's and Mark Pearce's appointments mean for EFOA-inspired reforms. Becker helped draft the Employee Free Choice Act.
- Whether the new board will reverse Bush era NLRB decisions, including collective bargaining and union election notification, employee use of company e-mail and employer rights during workplace investigations
- How the new NLRB could change rules on e-mail in organizing campaigns, EFOA's mandatory arbitration clause, and expand penalties for NLRA violations, including increased use of injunctions
- How the board will implement President Obama's pro-union executive order mandating that federal contractors notify employees of their rights to unionize
- How to ensure your policies and supervisors are ready to meet future changes to labor rules

Kevin C. McCormick, Whiteford, Taylor & Preston LLP

FMLA & ADA TRACK-SESSION 1

What's New and Hot with the FMLA

We've seen big changes to FMLA, from overhauled DOL regulations to the new military family leave requirements. Learn what the latest changes mean, how 2010's major FMLA discrimination lawsuits affect your policies, the latest on mandatory paid employee leave, and additional FMLA changes in the works.

- Changes to qualifying exigency leave and military caregiver leave
- Pending legislation and regulatory changes of concern to employers in 2010 and beyond
- Mandatory employee leave through the Healthy Families Act
- Overlap issues with FMLA and other leave laws
- Critical FMLA discrimination lawsuits and what they mean for employers

**Charles S. Plumb, McAfee & Taft
Sam R. Fulkerson, McAfee & Taft**

TALENT MANAGEMENT TRACK-SESSION 1

How American Express Has "Friended" Social Media to Keep Employees Engaged

Speaker: James D. Lynch, American Express Company, FORTUNE's 100 Best Companies to Work For

According to a Watson Wyatt survey, employee engagement levels have fallen by 25 percent compared to a year ago. Even worse, a new study shows that 60 percent of employees plan to leave their jobs as the economy improves. With numbers like these, HR's critical challenge is to re-engage top performers. At American Express, they've solved a piece of the puzzle through the clever use of best practices informed by social media. In this fascinating case study, learn how a careful mix of wikis, microblogs, collaboration tools and podcasts moved the needle on employee engagement levels.

- How workplace wikis and collaboration tools help boost productivity and project collaboration
- What you can learn from the best of social media to engage telecommuter and virtual workforces
- How to use social media for recruitment and retention
- How social media can help deliver low-cost, high-quality training programs
- How to engage employees in the company's business strategy with podcasts, blogs and social networking sites — from senior leaders including the vice chairman

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 1

Special Conference Series: Health Care Reform for Employers-Part I

What Employers Need to Know About Health Care Reform — Now!

The Patient Protection and Affordable Care Act is arguably the most far-reaching piece of social legislation passed since Medicare and Medicaid. Although many of the law's provisions don't go into effect until 2014, several are scheduled to kick in almost immediately. Learn about the legislation's most immediate provisions and what they mean for employers and employees.

- Immediate tax credits available under the law
- How coverage restrictions, such as prohibitions against annual and lifetime benefits caps and pre-existing condition exclusions, will affect your group health plans
- How the new extended dependent coverage will impact your plan
- New nondiscrimination rules for fully insured health plans
- New W-2 reporting requirements for employers
- Limitations on over-the-counter drug reimbursements
- Other new tax rules

**Ashley Gillihan, Alston + Bird LLP (Nashville)
John R. Hickman, Alston + Bird LLP (Las Vegas)**

10:30 A.M.-10:45 A.M. MORNING BREAK

FOUR SIMULTANEOUS SESSIONS

10:45 A.M.-11:45 A.M.

ENFORCEMENT TRACK-SESSION 2

Keeping Up With the EEOC's 2010 Enforcement Priorities

The EEOC has a new swagger in its enforcement step due to an additional \$18 million and 100 new investigators. These extra resources appear to be paying off as the agency reported collecting almost \$300 million in monetary relief for discrimination victims last year — a new record. Learn how to prepare for the agency's reinvigorated policing of workplace discrimination and harassment.

- EEOC's current enforcement and litigation trends
- How Obama's recess appointments to the EEOC impact the agency's enforcement goals
- Why disability and pregnancy discrimination cases are of particular interest to the agency
- How the Lilly Ledbetter Fair Pay Act, the new ADA regs and other recently enacted employment legislation could spell new trouble for employers
- Practical steps you can take today to prevent an EEOC investigation
- Your legal rights if your organization is investigated, and how to stay out of court (including factors to consider when evaluating an EEOC conciliation agreement)
- Plus...your legal options when a rogue EEOC investigator steps over the line

**Susan G. Fentin, Skoler, Abbott & Presser, P.C. (Nashville)
Peter M. Panken, Epstein Becker & Green, P.C. (Las Vegas)**

FMLA & ADA TRACK-SESSION 2

Why the ADA and Its Recent Amendments Present Fresh Challenges for Employers

The ADA differs significantly from other discrimination laws, as an employee's status may change from being an unprotected, non-disabled individual to meeting one or more types of "disabled" in the ADA's definitions. Also, the changes to the ADA from the recent ADA Amendments Act present new challenges for employers. With our annual ADA compliance update, find out what makes the ADA and its recent changes unique opportunities for incurring new legal risks.

- What makes the ADA different than other anti-discrimination statutes?
- Enforcement trends at the EEOC
- How the Amendments Act changes existing law and extends coverage to more employees
- What the amendments change regarding "mitigating measures" such as treatment that could limit protections under the old law
- EEOC regulations redefining disability, major life activities, and substantially limits, and requirement that an ailment impede a major life activity

**Jonathan R. Mook, DiMuroGinsberg PC
James S. Brown, Sedgwick, Detert, Moran & Arnold LLP (Nashville)**

"This is my first time at this conference and it's awesome. I've learned so many things to take back to our workplace!"

**Jo Ann Kinney
HR Assistant
Health Education Development Systems, Inc.**

TALENT MANAGEMENT TRACK-SESSION 2

Connecting HR to the Company's Strategy: A Case Study (Nashville only)

HR needs to directly contribute to the execution of your organization's strategy. Yet getting HR in sync requires a fundamental shift in the way HR operates. In this case-study session, learn how HR at the engineering consulting firm Smith Seckman Reid went from administrator to strategic contributor.

- The state of SSR's HR department prior to its strategic transformation
- How influence and small wins made big changes that directly impacted company strategy
- Major projects that HR undertook that were critical to the success of the organization
- Lessons about culture, influence and strategy that shaped an HR department

Betsy Crow, Esq. SPHR, Smith Seckman Reid, Inc. (Nashville)

How Google's Virtual Classroom Is Making Workforce Training Fun Again (Las Vegas only)

Between the company intranet and various social media tools, employees have multiple channels for receiving and interacting with company information. So, it should come as no surprise that more training and development programs are taking the virtual path. At Google, they've created gLearning, a multimedia training platform that's making training and development fun again through self-paced learning and collaborative communications. In this session, learn more about the gLearning platform and how it plays a key role in developing Google's next generation of leaders.

Key learning objectives:

- A tour of gLearning's virtual classroom
- How gLearning is developing new Googlers into the company's future leaders
- How gLearning is fostering employee engagement and collaboration
- How self-paced learning is enhancing the training experience of employees
- Advice for designing and executing multimedia virtual classrooms

Joel Constable, Google Inc., Fortune's 100 Best Companies to Work for in America (Las Vegas)

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 2

Special Conference Series: Health Care Reform for Employers-Part II

How to Prepare for Health Care Reform's Future Regulations — Today

Health insurance exchanges, mandated under the health care reform law, will have a dramatic impact on how employers purchase group coverage. Learn about the law's effect on your employer health plans and what you can do today to prepare for these sweeping changes.

- Employer penalties for failing to offer minimum essential coverage and for offering unaffordable coverage

- Employer incentives for offering employee wellness programs
- How Cadillac plans are defined, subject to new excise taxes as excess benefits
- The impact reform will have on ERISA
- How to prepare employees for changes under the new reform law

**Ashley Gillihan, Alston + Bird LLP (Nashville)
John R. Hickman, Alston + Bird LLP (Las Vegas)**

LUNCHEON PRESENTATION

11:45 A.M.-1:15 P.M.

Family Feud: The HR Edition

Have fun and boost your legal knowledge when you participate in "Family Feud: The HR Edition." Groups will guess how HR managers and employers have answered intriguing survey questions about human resources — everything from their favorite workplace flick to their opinion about the biggest employment law challenge facing HR. This fast-paced luncheon presentation, led by our ever-congenial emcee *California Employment Law Letter* editor Mark Schickman and sidekick Brad Forrister, promises to be both entertaining and educational.

**Mark I. Schickman, Freeland Cooper & Foreman LLP
Brad Forrister, M. Lee Smith Publishers LLC**

FOUR SIMULTANEOUS SESSIONS

1:15 P.M.-2:15 P.M.

FMLA & ADA TRACK-SESSION 3

Managing FMLA Intermittent Leave and Controlling Abuse

Employees who repeatedly take intermittent leave for their own or a family member's long-term health condition often appear to be gaming the system. FMLA provides a number of tools to keep track of and verify an employee's need for intermittent leave.

- Procedures for verifying an employee's need for intermittent leave
- Simplifying the tracking of intermittent leave
- Transferring employees who need intermittent leave
- Challenging an employee's need for or use of intermittent leave
- Verifying medical certifications and an employee's absence pattern with a health care provider
- The best approach for investigating an employee's activities while on leave

Stacie L. Caraway, Miller & Martin PLLC

TALENT MANAGEMENT TRACK-SESSION 3

Using Succession Planning to Build Talent from Within

An average of six CEOs leave major U.S. operations every day, according to a recent survey from Challenger, Gray & Christmas. But your C-level managers aren't job hunting in this economy, right? Think again. The economy may be on an upward swing, and more than half of senior executives

have "less than ideal emotional connection and alignment" to their companies, according to a recent survey. Have a plan in place to find your next generation of leaders when you learn how to design and deliver a succession plan that differentiates your organization and ensures the right people receive the torch to lead your future business operations.

- Succession planning meetings with upper management and how to manage the unexpected issues that can knock your meeting off track
- Why it is important to both make and buy talent in your succession plan
- How succession planning shows HR's focus on sustaining your organization's future business operations
- Secrets to finding the next generation of leaders within your organization and how behavior, attitude, and results can help you widen the scope of your search
- Making your planning efforts come to life with a follow-up plan that keeps everyone focused on objectives

Dan Ryan, The Human Capital Group

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 3

Dos and Don'ts for U.S. Companies Operating in Mexico

What are the key differences in work hours and overtime in Mexico, and how do other employment laws and customs differ from those in the United States? Discover your obligations and rights and learn the proactive steps needed to double, and triple-check your employee policies when doing business in Mexico.

- How to make business-savvy decisions that comply with Mexican employment laws
- An overview of Mexican federal labor law, and why "employment at will" isn't applicable in Mexico
- Unique discrimination and disability laws in Mexico
- Typical payment structures, including minimum wage, mandated leave and holidays, year-end bonuses, and profit sharing
- Key differences between U.S. and Mexican employment contracts — including noncompete and nondisclosure agreements
- Mandatory benefits and contractual benefits — and how they become earned rights
- How to minimize liability and exposure when relocating a U.S. payroll employee to Mexico
- Work shifts and overtime: How to avoid extra costs
- How to safely discipline and terminate employees in Mexico
- The current labor union climate and its impact on employers

Francisco Peña, Cacheaux Cavazos & Newton

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 4

Employer Obligations Under the New Genetic Information Protection Law

The Genetic Information Nondiscrimination Act (GINA), the first new discrimination law in a

decade, just took effect, imposing strict new rules regarding employee confidentiality and posing serious new legal risks to those who don't comply. Learn new obligations under GINA and get your questions answered by an expert attorney who's been closely watching the law's impact.

- Employer and insurer obligations, including how GINA impacts hiring, promotion, and termination practices
- What constitutes genetic information
- The specific rules regarding confidentiality
- How employers should handle information self-disclosed by employees, and how to prevent obtaining TOO much information
- Exceptions to GINA regarding the lawful acquisition of genetic information
- The specific discrimination and litigation dangers posed by the new law

Adria B. Martinelli, Young Conaway Stargatt & Taylor, LLP

2:15 P.M.-2:30 P.M. AFTERNOON BREAK

FOUR SIMULTANEOUS SESSIONS

2:30 P.M.-3:30 P.M.

ENFORCEMENT TRACK –SESSION 3

Immigration Enforcement: E-Verify, ICE Raids and Other Issues for Employers

The U.S. Immigration and Customs Enforcement (ICE) is kicking its enforcement wing into high gear, recently launching a new audit program to find and punish employers that hire illegal workers. President Obama is pushing immigration enforcers to bring civil and criminal actions against employers that violate I-9 and hiring laws. Then, there's the E-Verify saga, which is now a requirement for thousands of employers. Learn how to stay a step ahead of new immigration enforcement initiatives and how to ensure your non-native talent is legally employed.

- Which industries ICE is likely to target for inspections
- Your first course of action if an ICE agent shows up at your door
- Best practices to prevent being targeted by ICE
- How to comply with the new federal E-Verify rule — and who must comply
- Actions that the OFCCP will take when federal contractors and subcontractors don't comply
- How to legally complete the new I-9 and avoid the audit traps
- How to prepare for onsite visits for sponsored employees on temporary work visas

Christopher L. Thomas, Holland & Hart LLP

FMLA & ADA TRACK-SESSION 4

Overcoming Your Company's ADA Compliance Missteps

From failing to properly accommodate an employee's impairment to incorrectly assessing a disability under the ADA, the chances of making a compliance misstep are greater than ever. Don't get caught off guard. Learn the options to help clean up common compliance messes, including:

- How far you should go to keep the matter away from a jury
- Strategies for responding to ADA retaliation claims
- Statutory damages available for intentional and unintentional acts
- How to review, revise, and revisit policies to avoid future missteps

Jonathan R. Mook, DiMuroGinsberg PC

TALENT MANAGEMENT TRACK-SESSION 4

Feed Your Talent Pipeline with Social Media Recruiting

Don't have \$100,000 in your budget to hire a recruiter to search for new talent? Learn inexpensive and effective recruiting techniques using Twitter, Facebook, LinkedIn® and other social media channels. Plus, how to avoid the legal traps that are associated with the latest generation of online recruiting applications.

- Using sites like Facebook and Twitter to find job candidates, and the next course of action
- Using Twitter to build a following among active and passive job candidates
- Legal issues that arise when using Twitter and other online resources
- Video resumes and live Skype interviews that uncover talent
- How information found online must be weighed if it wouldn't be discussed in an interview
- Specific legal risks of mining a social networking site to investigate candidates, and how a site's third-party usage agreement is so important

Margaret (Molly) M. DiBianca, Young Conaway Stargatt & Taylor, LLP

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 5

How to Address the New Sexual Harassment

If your organization's anti-harassment policies aren't protecting against new 24/7 threats, your organization could be next on the EEOC's hit list. From quid pro quo to "textual harassment" to after-work behavior, there are several new "subtle" forms of sexual harassment occurring in today's work environment — both during and after office hours. Learn how to modify your organization's anti-harassment policies to protect against new threats.

- How ill-advised co-worker behavior during a company party or an out-of-town trip can lead to a sexual harassment claim
- Why textual harassment is such a threat to employers
- How to protect your organization against new forms of online sexual harassment
- How quid pro quo occurs in the electronic workplace and how it differs from other forms of harassment
- How an inter-office romance can morph into a sexual harassment lawsuit, and how an effective non-fraternization policy can mitigate future litigation

- How an anti-harassment policy can help your company avoid punitive damages
- What your anti-harassment policy should communicate to employees and supervisors, and how to spot coverage gaps
- How training can serve as a deterrent to litigation

Mark I. Schickman, Freeland Cooper & Foreman LLP
Cathleen S. Yonahara, Freeland Cooper & Foreman LLP

3:30 P.M.-3:45 P.M. BREAK

CLOSING KEYNOTE-DAY ONE

3:45 P.M.-4:30 P.M.

Women in the Workplace 2010: Legal and Management Challenges for Employers

Despite significant progress, full gender equality has yet to be realized. Women still work fewer hours than men, hold more part-time jobs and earn about 77 percent of what men make. Only three percent of CEOs at Fortune 500 companies are female. More women, frustrated by the choice between motherhood and a career, continue to leave the workforce, leading to a catastrophic loss of talent for U.S. employers. How U.S. companies respond to these challenges today will have a direct impact on our future as a competitive power in the global economy. Gain fresh insight into the legal and workforce management challenges facing women in the U.S. workforce. You'll also learn how to craft a strategy that gets to the root of these problems — and focuses on retaining this important segment of the U.S. talent market. **Key learning objectives:**

- Analysis of the hurdles facing women in the workplace
- Why retaining female employees is critical to the long-term success of the U.S. workforce
- How to address the issue of female managers who face workplace harassment
- The off-ramp and on-ramp conundrum: What smart companies do to retain and attract women who leave the workforce to start a family
- How mentoring and networking programs retain female employees
- How to engage male employees in addressing gender disparities in the workforce

Susan Fahey Desmond, Watkins Ludlam Winter & Stennis, P.A.

"This is an excellent program and with so many offerings, attendees are able to streamline their individual programs to fit their needs. The presenters are top-notch and interested in complete coverage of their subject and answering our questions."

Susan Rasbury
Executive Assistant and Compliance Coordinator
Louisiana Tech University

AGENDA

DAY TWO-FRIDAY

BREAKFAST AND ANNOUNCEMENTS

7:30 A.M.-8:30 A.M.

How Zappos.com Relies on Flat-Out Fun to Build a Committed Workforce

8:30 A.M.-9:30 A.M.

In just 10 years, Zappos.com, the online shoe retailer, has grown from a struggling start-up to a major powerhouse with over \$1 billion in annual sales. The key to their success? Creating a fun and zany work culture that is truly committed to making BOTH customers and employees happy. It's this commitment to "wowing" both internal and external audiences that lands Zappos.com on the coveted *Fortune's* "Best 100 Companies to Work For List" and *Fast Company's* "Most Innovative Companies." In this extraordinary keynote session, you'll get an insider's tour of how Zappos.com:

- Built a unique company culture based on committable core values
- Brings out the zany and all-out fun to employee's every day work experience
- Really walks the talk: Integrates its employment brand with the company culture
- Hires the right talent that fits the company culture
- Develops and retains employees

Jamie Naughton, Zappos.com, Fortune's 100 Best Companies to Work for in America (Nashville)

Hollie Delaney, Zappos.com, Fortune's 100 Best Companies to Work for in America (Las Vegas)

FOUR SIMULTANEOUS SESSIONS

9:30 A.M.-10:30 A.M.

ENFORCEMENT TRACK-SESSION 4

A Resurgent DOL Ramps Up Its Wage & Hour Investigations: Are You Prepared?

In response to a GAO report on "sluggish response times", the Wage & Hour Division hired hundreds of additional investigators and has begun flexing its muscles on the guidance front, scrapping "opinion letters" on isolated wage and hour cases in favor of sweeping statements about the rules. Learn what stepped-up enforcement means and what to do NOW to prepare for a DOL audit.

- DOL's current crackdown priorities
- Preparing for an audit of your practices
- How to prepare employees for a DOL investigation
- Your legal rights during a DOL audit

Susan Fahey Desmond, Watkins Ludlam Winter & Stennis, P.A.

"Excellent sessions and speakers giving up-to-the-minute information. I am taking loads of information back to share with other areas in HR. Thank you so much and I look forward to next year's event."

Marcia Simmons
Employee Relations Specialist
Fort Wayne Community Schools

FMLA & ADA TRACK-SESSION 5

Encore Session: When Mistakes Are Made: Overcoming Your Company's ADA Compliance Missteps

See day one, 2:30 p.m.,
FMLA & ADA Track-Session 4

TALENT MANAGEMENT TRACK-SESSION 5

Creating a Great Workplace: Advice from the Front Lines (Nashville only)

What does it *really* take to become an employer of choice? The answer is more important than ever. Hal Adler, former President of the Great Place to Work® Institute and President/Founder of Leadership Landing™, talks with the EVP of HR at Holder Construction, listed on the SHRM 50 Best Small & Medium Companies to Work For the past 6 years...and one who is leading his company's efforts to become a great place to work. Discover the common framework that all great workplaces share and the key steps that an organization must take internally to become an authentic employer of choice.

- Review the best people practices of the nation's top employers
- Overcoming internal cultural obstacles to reach "best workplace" status
- Apply the best workplace practices to your current talent management programs

**Hal Adler, Leadership Landing
Lee Johnston, Holder Construction Co.,
50 Best Small & Medium Companies to Work
for in America
Buddy League, Branscome, Inc.**

Case Study: How EMC Combines Social Media and Workforce Engagement to Build a Strong Employment Brand (Las Vegas only)

EMC Corporation uses their best brand ambassadors — their employees — to spread the good word in public blogs and social networking communities about an innovative company culture. The strategy is delivering huge dividends, giving it a unique platform to build genuine relationships with talented applicants. Learn how EMC's integration of its workforce with its recruitment efforts is strengthening the company's ability to reach the best talent.

- How EMC uses social media tools to enhance the work experience
- How social media is connecting EMC employees and business objectives
- HR's role in managing social media in the EMC workplace
- How EMC's internal talent of employees is enhancing the EMC brand with outside talent

Polly Pearson, EMC Corporation (Las Vegas)

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 6

They're Back! How to Protect Your Organization From Surging Retaliation Claims

Retaliation is on fire again, and the verdicts have never been more staggering — an employee recently won \$1.5 million after claiming that her employer retaliated against her after she complained of her manager's inappropriate behavior. EEOC claims have surged 23 percent compared to the last fiscal year, with the agency declaring that stamping out retaliation claims is the top priority. Learn how to protect your company from devastating and costly retaliation claims, and why it's so easy for current and former employees to win these cases.

- Management actions that constitute retaliation
- Retaliation policies that protect your organization
- Complaint procedures that allow employees to alert you to problems before litigation ensues
- How promptly addressing problems can be used as a defense against retaliation
- How to discipline or discharge an employee who has made a discrimination claim
- Who is most likely to file retaliation claims: employees, applicants, and former employees

**Michael F. McGahan, Epstein Becker & Green, P.C. (Nashville)
Peter M. Panken, Epstein Becker & Green, P.C. (Las Vegas)**

10:30 A.M.-10:45 A.M.

MORNING BREAK

FOUR SIMULTANEOUS SESSIONS

10:45 A.M.-11:45 A.M.

ENFORCEMENT TRACK-SESSION 5

Get Your Workplace Safety Practices in Line with OSHA's New Enforcement Efforts

Workplace safety enforcement is a top priority for the Obama Administration's OSHA. The agency hired 100 additional inspectors last year and is expected to hire more this fiscal year. Learn how to stay out of their crosshairs as the agency triples its focus on workplace safety violations.

- OSHA's priorities for when and why inspections will be conducted, and how to prepare
- Review of OSHA's national emphasis programs and new initiatives
- The types of industries likely to be targeted for inspections and the types of penalties to expect
- Your rights during an inspection and information to have ready
- OSHA's new personal protective equipment rule
- Protecting America's Workers' Act and what it means for whistleblower rights

**Patrick J. Veters, Jones Walker (Nashville)
Erin Carney D'Angelo, Epstein Becker & Green, P.C. (Las Vegas)**

FMLA & ADA TRACK-SESSION 6

Get Your Tough FMLA & ADA Questions Answered

Bring on your questions! Top employment law attorneys from the Employers Counsel Network will drill down to the answers.

Stacie L. Caraway, Miller & Martin PLLC
Susan G. Fentin, Skoler, Abbott & Presser, P.C. (Nashville)
Sam R. Fulkerson, McAfee & Taft
Jonathan R. Mook, DiMuroGinsberg PC

TALENT MANAGEMENT TRACK-SESSION 6

Positioning HR as a Strategic Leader in your Organization (Nashville only)

HR leaders may feel like they don't have the respect of the highest levels in an organization. Sometimes this is unfair, other times it is deserved. Why does it happen? Many HR leaders don't speak the right language when it comes to communicating with their counterparts on the leadership team. Learn how to better "talk the talk" to be a valued leader.

- What are the attributes of a strategic leader?
- Where do HR leaders typically fall short when working with other senior leaders?
- How do you prepare yourself to be a strategic HR Leader?
- Why is it important for HR to have a strategic role in the organization

Dan Ryan, The Human Capital Group (Nashville)

Case Study: Strategic Recruiting At DaVita Inc. (Las Vegas only)

Blog recruiting...Twittering for talent...YouTube resumes. They all sound cool, but they are no substitute for what really matters to hiring the right employee: exceptional recruiting skills. At DaVita, a FORTUNE 500 provider of dialysis and kidney care services, making their recruiters key to the hiring process has made its recruiting operations one of the best in the HR field. Learn how DaVita took a strategic approach to the hiring process to turn around a recruiting department that was broken.

- How DaVita's recruiters use time to hire, cost of hire and quality of hire information to develop its recruiting strategy
- How the recruiting function is aligned with the organization's core business objectives
- How DaVita evaluates its recruiting force
- How DaVita's hiring process has saved the company substantial labor costs
- Best-practice advice on how to sustain an effective talent pipeline

Tony D. Blake, M.S., SPHR, DaVita Inc. (Las Vegas)

"Excellent seminar, very organized, very well run, congratulations on a job very well done."

Jan Heghorst
HR Manager
Quixote Transportation Technologies

HOT TOPICS IN EMPLOYMENT LAW TRACK-SESSION 7

Legal Advice and EEOC Guidance on Avoiding Caregiver Discrimination

Many employees find themselves part of the sandwich generation, responsible for the care of young children and aging parents. As a result, family responsibility discrimination (FRD) claims have skyrocketed nearly 400 percent over the last decade, while the average verdict for an FRD case is more than \$500,000. In one such case, a jury awarded a female plaintiff over \$600,000 when her manager had told her to look for another job because of a childcare issue. The EEOC recently added FRD to its expanding list of priorities. Discover how costly FRD claims occur and how to create a workplace that helps employees balance their work and family responsibilities.

- How flextime schedules, flexible week opportunities, and telecommuting can protect your organization against caregiver discrimination claims
- EEOC best practice advice for launching and managing flexible work arrangements
- Your legal obligations regarding employees with caregiving responsibilities under the EEOC guidance, arising from Title VII, FMLA, and ADA, among others
- EEOC guidance on training your managers to recognize caregiver discrimination at work
- The types of workplace conduct that could invite caregiver discrimination claims, and policies to combat it

Adria B. Martinelli, Young Conaway Stargatt & Taylor, LLP

Lunch With the Nation's Top Employment Law Attorneys

11:45 A.M.-1:15 P.M.

Don't walk away with any lingering questions. This wrap-up session with our expert panel of attorneys gives you a chance to pick their brains about how to handle your most pressing employment law challenges. Even if you don't have a question, you're guaranteed to gain fresh insights and enjoy a delicious lunch before you make the journey home.

Grand Prize Drawing & Conference Wrap-Up

1:15 P.M.-1:30 P.M.

PRE-CONFERENCE WORKSHOPS:
September 29, 2010 — Nashville
November 10, 2010 — Las Vegas
2:00 p.m.-5:00 p.m.

FMLA Compliance Boot Camp

Managing employee leave continues to confound even today's most seasoned HR practitioner. Despite long-awaited changes enacted by the DOL, medical certification procedures and notice requirements for both employers and employees are problematic. Then, there's the constant headache of intermittent leave. This workshop will help you cut through the confusion. You'll get legally sound strategies to

ensure that your existing leave policies comply with FMLA's labyrinth of rules and regs.

- Notifying employees of new leave entitlements, revising your current FMLA policies and procedures
- Service members are covered by recent leave rules — active-duty personnel, Reservists, National Guard troops, and veterans
- Red flags that trigger FMLA obligations, even when employees never mention FMLA directly
- Granting leave based on a serious health condition and other FMLA-specific terms
- The best way to investigate and discipline leave abusers — without harassment or retaliation
- Making confident discipline decisions
- Best practices for dealing with employees who request frequent leaves of absence
- When you can legally (and safely) deny an intermittent leave request
- When you can ask your employees for more detail about why they're taking intermittent leave — and when you can't
- When you can demand a second medical opinion — and who foots the bill
- How to transfer employees to different positions or change work schedules to accommodate intermittent leave, without disrupting your workplace or opening yourself up to liability
- How to handle return-to-work issues

Stacie L. Caraway, Miller & Martin PLLC

Create Social Media Policies That Protect Your Organization From Lawsuits

Blogs, social networking sites and YouTube may seem like attractive tools for meeting HR objectives, but before you dive in, beware of legal risks. Attend this workshop and learn how to craft and execute a social media policy that limits your organization's liability for harassment and discrimination. Your instructor, Molly DiBianca, will offer practical and legal advice for how you and your employees use social media tools at work.

- 10 steps to take before you start drafting your social-media policy
- Determining if you should monitor employee social media activity during and after work hours
- Key players to involve in the creation of your policy
- Legal risks associated with social media and how to manage them
- Workplace policies for using social media to communicate with those outside your organization
- Involving employees in the policy drafting process
- Non-negotiable social-media use policies

Margaret M. DiBianca, Young Conaway Stargatt & Taylor, LLP

Employment Records Compliance Workshop

Many employment lawsuits spring from improper or incomplete documentation practices. That's why it's vital that you employ legally safe practices when managing your company's employment records, since they can make or break your defense in court or in an agency audit. Attend this workshop to learn both legal requirements and best practices for compiling and sharing vital employee documents, including discipline, hiring, termination and employee evaluation records.

- How to complete employee evaluations, discipline forms, and termination letters to minimize legal risks and defend against future claims
- Auditing your job application paperwork for lawsuit triggers
- Determine compliance gaps with your current ADA and FMLA documentation
- How to motivate reluctant supervisors to complete evaluation and disciplinary action forms
- Agency regulators and your documents: How much information can they request? When can you legally deny their request — and which documents are off limits?
- Real-world examples: Review actual company documents and learn how to spot the legal red flags

Workshop Bonus: Get a state-by-state comparison chart with legal guidelines for when records should be thrown out, questions that need to be asked before anything is purged, who owns the personnel file, and more

Jennifer L. Anderson, Jones Walker (Nashville)
Jason S. Ritchie, Holland & Hart (Las Vegas)

HR Leadership in Action: Your Role in Building a Great Place to Work

As we begin to recover from one of the worst recessions in a generation, employers are turning their sights to workforce retention, asking "Are we doing all we can to keep top producers?" Attend this dynamic workshop to learn what's working in building the exceptional workplace. "Best Places to Work" expert Hal Adler will inspire you to take the lead in building a work environment that engenders employee loyalty, engagement and innovation, and productivity.

- Key characteristics and attributes of great leaders and workplaces
- The difference between good and great practices and how to make the leap
- Steps to lead employees to greater engagement in the company's business
- Real-world strategies that HR can use to earn employee respect, commitment and loyalty
- Retention best practices from employers of choice and how it gives these top-tier companies a competitive edge
- Leadership skills of great leaders that overcome employee productivity challenges
- Practical, down to earth strategies for cultivating trust between you and your workforce
- How HR leaders can communicate more powerfully to inspire performance, explain business goals and share bad news

Hal Adler, Leadership Landing

California Employment Law Update (Las Vegas only)

"It's like doing business in a different country" is the refrain from California employers. With state employment laws constantly changing, it's easy to fall out of compliance. Get the most comprehensive update on new rules and different realities of the Golden State's employment laws from the editors of *California Employment Law Letter*. You'll leave with legally sound guidance for dealing with California-specific laws and regulations.

- Employment laws in California that differ strikingly from those in other states
- Protected employee categories not covered by federal law
- How to navigate California's unique meal and rest break maze
- California's sexual harassment training requirements
- How California defines the difference between harassment and discrimination
- California's new alternative workweek law that allows employees to change schedules
- Recent changes to California's workers' comp law
- Rules that require you to offer sick leave to workers who care for family members
- The implications of the state's new e-discovery laws on employers
- How California's new law that recognizes same-sex marriages could impact health care plans and other benefits.

Mark I. Schickman, Freeland Cooper & Foreman LLP
Cathleen S. Yonahara, Freeland Cooper & Foreman LLP

YOUR FACULTY

Hal Adler
Leadership Landing

Jennifer L. Anderson
Jones Walker

Jeanne Matthews Bender
Holland & Hart LLP

Tony D. Blake, M.S., SPHR - DaVita Inc.

James S. Brown
Sedgwick, Detert, Moran & Arnold LLP

Stacie L. Caraway
Miller & Martin PLLC

Joel Constable
Google Inc.

Betsy Crow, Esq., SPHR - Smith Seckman Reid, Inc.

Erin Carney D'Angelo
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Regular Registration Fee \$ _____
Attendees; \$749 before May 31)

Additional Attendees at \$549 each \$ _____

Optional Pre-Conference Workshop (\$199; \$179 per person for additional attendees from an organization) \$ _____

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If this is not the most informative and cost-effective seminar that you have attended in the last year, we will refund 100% of your registration fee — no questions asked.

CANCELLATION POLICY

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

Yes! I want the advanced knowledge needed to safely and effectively manage our workforce in 2010 and beyond. Please reserve my spot at **2010 Advanced Employment Issues Symposium**. My registration includes the two-day conference, breakfast and lunch both days, a certificate of completion, and pages of valuable course materials. If I am dissatisfied I am entitled to a complete refund of my registration fee. **I understand that additional registrants from my company can attend for just \$549!**

Hutton Hotel, Nashville, September 30 - October 1 **Caesars Palace, Las Vegas, November 11-12**

Please also register me for the following pre-conference workshop, for an additional \$199 (\$179 each per person for additional attendees from an organization).

Pre-Conference

(Wednesday afternoon before the main conference)

- FMLA Compliance Boot Camp
- Social Media Policies That Limit Lawsuits

- Employment Records Compliance Workshop
- HR Leadership: Your Role in Building a Great Place to Work
- California Employment Law Update (Las Vegas only)

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