

Employment Law: Beyond the Basics

Tampa, FL - January 15, 2014

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- See inside for details.

PRESENTED BY:

- M. Kristen Allman**, *Constangy, Brooks & Smith, LLP*
Scott K. Hewitt, *Mandelbaum, Fitzsimmons, Hewitt & Cain, P.A.*
Charleen Ramus Jaffe, *Mandelbaum, Fitzsimmons, Hewitt & Cain, P.A.*
Nikhil N. Joshi, *Kunkel Miller & Hament*
Cynthia N. Sass, *Law Offices of Cynthia N. Sass, P.A.*
Andrew W. McLaughlin, *Macfarlane Ferguson & McMullen, P.A.*
 (See complete biographies inside)



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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. **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 ADAAA rules impact HR
 4. Effect on FMLA and other leave policies
 5. Discrimination
 - B. Overlap of FMLA and ADA
- III. **Sexual, Racial, and Other Harassment and Discrimination**
 - A. Sexual, racial, and other harassment (ADA, ADEA, religious, etc.)
 - B. Same-sex harassment
 1. Evaluating the case law
 2. Domestic partner issues
 3. Florida issues
 - C. Handling harassment complaints
 1. Investigation
 2. Defenses
 3. Preventive measures
 4. Retaliation
 - D. Liability for third party harassment
 1. Duty owed
 2. Claims
 3. Defenses
- IV. **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
- V. **PPACA/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
- VI. **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
- 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, January 15, 2014

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:

Wyndham Tampa Westshore
700 North Westshore Boulevard
Tampa, FL 33609

813-289-8200

Map available online

WHO SHOULD ATTEND

- Human Resource Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
 - Labor and Employment
 - 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!**

SES

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CONTINUING EDUCATION CREDIT

FL CLE

This seminar has been approved by The Florida Bar's Legal Specialization & Education Department for 8.0 general CLE credit hour.



This seminar has been approved for 6.75 general recertification credit hours toward the PHR, SPHR, and GPHR recertification through the HR Certification Institute. For more information about Human Resource certification or recertification, please visit www.hrci.org.



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Maximum CPE Credit Hours: 8.0 (based on a 50 minute credit hour).
Field of Study: **Business Law**. Level of Knowledge: **Basic**. Delivery Method: **Group-Live**.* Prerequisite: **None**. Advance Preparation: **None**.

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*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 contact Sterling to inquire.

MEET THE FACULTY

M. KRISTEN ALLMAN, of counsel with Constangy, Brooks & Smith, LLP, has extensive litigation and counseling experience in employment law representing private sector employers and non-profits. Ms. Allman litigates collective and individual wage and hour actions, USERRA, ADA, ERISA, Title VII, discrimination, harassment, retaliation, family and medical leave, disability, workplace violence, breach of contract, defamation, negligent hiring and retention, harassment, fraudulent misrepresentation, whistle-blowing, wrongful death, and commercial claims. She provides preventive counsel in employment law, policy analysis and drafting, training, and employment law audits with special emphasis on wage and hour issues. Ms. Allman defends management before government administrative agencies, such as the Wage-Hour Division, the EEOC, OSHA, and the NLRB. She is a former partner/shareholder with two national employment law firms and previously worked as senior corporate counsel for a Fortune 500 subsidiary. Ms. Allman also served as an adjunct professor with the University of South Florida Lifelong Learning Program. She is a member of the Hillsborough County and the American Bar Associations; the Southwest Florida Employers Association; the SHRM; the Suncoast Human Resources Management Association; and The Florida Bar. Ms. Allman earned her B.S. at the University of Florida and her J.D., with honors, at Florida State University.

SCOTT K. HEWITT is a shareholder of Mandelbaum, Fitzsimmons, Hewitt & Cain, P.A., where his legal practice includes the representation of businesses, government agencies, major insurance companies, healthcare providers, and individuals. He has experience litigating labor and employment claims, personal injury liability and casualty issues, insurance disputes, civil rights violations, healthcare compliance mandates, and business noncompete issues. Mr. Hewitt has been a frequent presenter at professional education programs. He is a member of The Florida Bar, the Hillsborough County Bar Association, and the American Bar Association. Mr. Hewitt received his B.S.B.A. from the University of Florida and his J.D., *cum laude*, from Stetson University College of Law, where he was case notes editor of the *Stetson Law Review*.

CHARLEEN RAMUS JAFFE, of counsel with Mandelbaum, Fitzsimmons, Hewitt & Cain, P.A., focuses her practice on employment law and whistleblower law. She has represented employees and employers in employment and civil rights matters in various federal and state courts and in administrative forums. Ms. Jaffe has counseled clients in most facets of employment law or employment-related matters, including sex, race, age, and disability discrimination; equal pay; wage and hour; ERISA matters; COBRA; constitutional issues; fair housing; workers' compensation retaliation; breach of contract and employment-related torts; the FMLA; The False Claims Act; The Dodd-Frank Wall Street Reform and Consumer Protection Act; the Sarbanes-Oxley Act of 2002; Florida Whistleblowers Act; OSHA; drug testing; minority business enterprise issues; non-competition and confidentiality agreements; and trade secrets. She has conducted sexual harassment seminars for employer-clients and drafted employment contracts and employee manuals. Ms. Jaffe received her B.A. from Kenyon College and her J.D. from the Stetson University College of Law.

NIKHIL N. JOSHI, a shareholder of Kunkel Miller & Hament, is a Florida Bar Board Certified attorney in Labor and Employment Law. He represents and defends employers statewide in matters implicating employment and labor laws. Over the years, Mr. Joshi has written and lectured nationally about various labor and employment-related matters, and has had articles published in national trade publications. He is a member of the Labor and Employment Law Section of the Florida Bar, and also served as chair of the Sarasota County Bar Labor and Employment Law Section. Mr. Joshi received his B.S., with honors, from the University of Florida and his J.D. and M.B.A., with honors, from the University of Florida Joint Degree Program.

CYNTHIA N. SASS, sole shareholder of the Law Offices of Cynthia N. Sass, P.A. in Tampa and Bradenton, represents individual employees in employment law and labor law. During her more than twenty years of practice, Ms. Sass has spoken to various groups and published numerous articles on labor and employment. The Florida Supreme Court appointed Ms. Sass to its Committee on Standard Jury Instructions and she currently serves as chair of the Spoliation Sub-Committee and as a member of the Employment Law Sub-Committee. She has been an executive council member of The Florida Bar's Labor & Employment Law Section for sixteen years, and has been a Fellow of The College of Labor & Employment Lawyers since 2011. Ms. Sass also serves as a Certified Circuit Court Mediator and Federal Court Mediator for the Middle District of Florida. She has been chosen as a Legal Elite™ by *Florida Trend*, and is listed in *Best Lawyers® in America* and as a *Florida Super Lawyer®*. Ms. Sass was the regional editor and co-author of the Florida chapter of *Employment at Will, A State-by-State Survey*, published by the American Bar Association and The Bureau of National Affairs, Inc. in November 2011. Ms. Sass earned her B.A. at Smith College and her J.D. at the University of Richmond.

ANDREW W. McLAUGHLIN, of Macfarlane Ferguson & McMullen, P.A., primarily practices in labor and employment law with a focus on employee benefits, particularly the impact of the Affordable Care Act on employers. He also provides representation in the areas of ERISA litigation and issues dealing with Florida condo law. He is a member of the Florida State Bar's Labor & Employment Division, the Hillsborough County Bar Association's Young Lawyers Division, and the American Bar Association. Mr. McLaughlin received his B.A. from the University of Florida and his J.D., *cum laude*, from Stetson University College of Law.

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Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by December 4th**

Reference Materials:

- Add audio to your registration for \$157*
- Manual only \$95*
- Audio only \$257*
- Audio/manual package \$347*

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LABOR AND EMPLOYMENT LAW 2012 - Seminar # 13FL04060

Immigration Law Compliance; NLRB's Expanding Agenda; Employment Law Issues in the Workplace; FLSA/Wage and Hour Compliance; Social Media Networking Sites and Employment-Related Decisions; Privacy and Other Workplace Issues

PRESENTED BY:

David Miklas with Richeson & Coke, P.A.; Donna M. Ballman with Donna M. Ballman, P.A.; Kenneth A. Knox with Fisher & Phillips LLP; David A. Buchsbaum with Fisher & Phillips LLP; Brett J. Schneider with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.; and E. Audrey Glover-Dichter with Glover Dichter, PL

Audio & Manual Set \$155 **Audio only \$95** **Manual only \$75**

FUNDAMENTALS OF EMPLOYMENT LAW - Seminar # 13FL01007

Hiring and Terminating Employees in the Current Economy; Immigration Law; FLSA/Wage and Hour Critical Issues; Latest Update on the PPACA: What's Happening Now; Sexual, Racial, and Other Harassment in the Workplace; ADA and FMLA Updates and Interplay; Privacy and Social Media in the Workplace

PRESENTED BY:

Richard M. Pierro, Jr. with Allen Norton & Blue, P.A.; M. Kristen Allman with Constangy, Brooks & Smith, LLP; Gregory A. Hearing with Thompson, Sizemore, Gonzalez & Hearing; Janet Goldberg McEnery with Macfarlane Ferguson & McMullen; Maria del Carmen Ramos with Shumaker, Loop & Kendrick, LLP; and Gail Golman Holtzman with Kass Shuler, P.A.

Audio & Manual Set \$155 **Audio only \$95** **Manual only \$75**

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Eau Claire, WI 54702
- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

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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

- **Fundamentals of Employment Law**
Gainesville, FL - December 3, 2013
- **Workers' Compensation Law & Practice**
Jacksonville, FL - February 26, 2014
- **Landlord-Tenant Law: Leases, Evictions, Litigation & Settlements**
Tampa, FL - November 12, 2013
- **Landlord-Tenant Law: How to Prosper in the New Market**
Jacksonville, FL - January 14, 2014
Gainesville, FL - January 31, 2014
- **Landlord-Tenant Law**
Miami, FL - January 21, 2014

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