



Strategies and Solutions for Today's Employer

A Labor and Employment Law Seminar Focusing on Current HR Issues

Knoxville Convention Center
Knoxville, Tennessee

Thursday, May 9, 2013
8:00 a.m. – 4:30 p.m.

BAKER DONELSON

EXPAND YOUR EXPECTATIONSSM

Schedule

8:00 a.m. – 8:25 a.m. Registration

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

8:30 a.m. – 9:15 a.m.

And the Winner Is...: A Look Back at Some of the Most Significant Employment Law Developments Over the Past Year

During this session, we will take a close look at the significant legislative and regulatory actions and case law decisions affecting employment law in 2012, and we will discuss how those actions and decisions have impacted the workplace.

Speaker: Tim McConnell

9:15 a.m. – 10:00 a.m.

Employee Law Management Training – Mandatory?

Federal and state courts require management training on discrimination and harassment before an employer can avoid punitive damages. Several states' laws require harassment training. The EEOC applauds the efforts of employers who commit to regular employment law training for managers. Do these mandates set a national standard? Is your company missing the boat by not taking advantage of this easy way to reduce legal risks? This interactive session is designed to explore the issue of whether employment law management training may just be mandatory for the successful company today.

Speaker: L. Eric Ebbert

10:00 a.m. – 10:10 a.m. Break

10:10 a.m. – 10:55 a.m. Breakout Sessions

Tennessee Workers' Compensation: The Year in Review

This program provides an overview of the important cases, issues and new laws that significantly shaped Tennessee Workers' Compensation in 2012. This session also examines practical ways employers can navigate through these recent changes and what employers can expect in 2013.

Speaker: Christie M. Hayes

Labor Pains – The NLRB Rewrites the Law to Create New Employer Violations, Even for Those Without Unions

It's hard to beat out the EEOC as an employer's least favorite federal agency, but the NLRB now seems determined to do so. The common perceptions that only employers with a unionized work force, or that only company policies that relate to union activity, are subject to NLRB review are being proved wrong almost daily. Targeted areas for the NLRB include social media policies, employee work rules, at-will disclaimers, required notices to employees, non-union arbitration provisions, disciplinary procedures, and more; as well as changing the rules governing union elections in ways that help unions succeed. This discussion will be an eye-opener.

Speaker: Frederick J. Lewis

10:55 a.m. – 11:10 a.m. Break

11:10 a.m. – 11:55 a.m.

Building a "Dynasty" Through Effective Employee Relations and Management

A&E's hit show Duck Dynasty provides a picture of the many various and unique challenges that can arise related

to effective human resource management in any growing enterprise. Using the Robertson family's Duck Commander business as a backdrop, we will explore and consider the "dos" and "don'ts" of everyday employee relations with a particular eye on the legal issues that can easily be camouflaged by necessary business and other competing interests.

Speaker: Matthew D. Davison

11:55 a.m. – 1:00 p.m. Lunch (provided)

1:00 p.m. – 1:45 p.m. Breakout Sessions

FLSA Collective Actions – Should We Be Worried?

The last several years have seen a substantial increase in multi-plaintiff wage and hour lawsuits. This session is designed to explain the nature of collective action FLSA cases, why employers want to avoid them and what can be done now to lessen the likelihood of fighting one later.

Speakers: Frederick J. Lewis and Matthew D. Davison

Workplace Violence: Identification, Prevention and, If the Worst Happens, Evaluating Exposure

Workplace violence is on the rise. With more and more public displays of violence in the news (malls, schools, movie theaters, etc.), this timely topic is important for every organization. No one ever thinks the worst will happen until it does. It is essential to have a plan of action – even if you never use it. This topic will explore ways employers can minimize risk while still getting the job done.

Speaker: Meghan Morgan

1:45 p.m. – 1:55 p.m. Break

1:55 p.m. – 2:40 p.m.

Interplay Between the ADAAA, FMLA and Workers' Compensation: Navigating through the Bermuda Triangle and Coming Out Alive!

The FMLA, ADAAA and workers' compensation laws create a whirlpool of legal rules that are treacherous to navigate for even the most experienced employers. This seminar provides practical advice to reduce the risk of lawsuits for violating employee leave and accommodation requirements under the FMLA, the ADAAA and the Tennessee Workers' Compensation statute.

Speakers: Timothy B. McConnell and L. Eric Ebbert

2:40 p.m. – 3:30 p.m.

Internal Investigations: Step Up to the Master Class (Part 1)

In this advanced, interactive session, we will work through a case study with real-world twists and turns. Challenges presented include: when to conduct an investigation; using the attorney-client and work-product privileges to protect the employer; developing a checklist for an effective investigation; responding to the malicious complaint; resolving conflicts between witness statements; writing the investigation's findings, conclusions and recommendations; and defending your investigation before the EEOC.

Speakers: Panel discussion moderated by Timothy B. McConnell. Panel participants include Frederick J. Lewis, Matthew D. Davison and L. Eric Ebbert.

3:30 p.m. – 3:40 p.m. Break

3:40 p.m. – 4:30 p.m.

Internal Investigations: Step Up to the Master Class (Part 2)

Speakers: Panel discussion moderated by Timothy B. McConnell. Panel participants include Frederick J. Lewis, Matthew D. Davison and L. Eric Ebbert.

Speakers



Matthew D. Davison, mdavison@bakerdonelson.com

Mr. Davison's experience includes Title VII, ADA, ADEA, FMLA, FLSA and workers' compensation litigation. He also has first-hand experience with all aspects of employee and labor relations (including collective bargaining), employment issues involved with mergers and acquisitions, and affirmative action compliance. Mr. Davison is licensed to practice in Tennessee, Virginia and North Carolina.



L. Eric Ebbert, eebbert@bakerdonelson.com

Mr. Ebbert has more than 15 years of labor and employment litigation experience. A shareholder in the Knoxville office, Mr. Ebbert routinely defends employers against charges of discrimination before the EEOC and state and federal courts. He also has significant experience in ADA, ADEA and FMLA issues, wage and hour, workers' compensation matters, restrictive covenants and other employer issues.



Christie M. Hayes, chayes@bakerdonelson.com

Ms. Hayes concentrates her practice in labor and employment issues. She has extensive experience in the areas of workers' compensation and is licensed to practice in Tennessee and North Carolina.



Frederick J. Lewis, flewis@bakerdonelson.com

Mr. Lewis has been a labor and employment attorney for more than 40 years. Based in our Knoxville office, he advises and defends some of the largest employers in the country, including those with multiple locations and facilities, and has clients in the hospitality, banking and finance, retail, health care, manufacturing, transportation and non-profit areas. He regularly defends employers charged with unfair labor practices, representing them in labor arbitrations and counseling them on labor issues, including how to maintain union-free status and how to deal with unions.



Timothy B. McConnell

tmcconnell@bakerdonelson.com

Mr. McConnell, a shareholder in the Knoxville office, practices employment litigation and manages the employment law practice group for the Knoxville office. He counsels and defends clients in cases filed in both federal and state courts in matters arising under Title VII, the ADA, ADEA, FMLA, FLSA, OSHA and state-specific employment laws. Mr. McConnell regularly represents clients in matters pending before the EEOC and the Tennessee Human Rights Commission.



Meghan H. Morgan, mhmorgan@bakerdonelson.com

Ms. Morgan is an associate in the Firm's Knoxville office. She counsels employers on compliance with state and federal regulations, and guides them through issues ranging from wage and hour compliance to handling USERRA claims. Ms. Morgan also defends clients in state and federal court when discrimination and retaliation lawsuits are filed and has experience managing workers' compensation claims. Ms. Morgan handles other general litigation issues as well, such as breach of contract and non-disclosure agreements.

About Labor & Employment

When you have labor and employment needs, you want a firm that understands and services your entire business. We give you what boutique labor and employment firms can't: a set of attorneys who are not only dedicated to the practice of labor and employment issues, but who can also employ an integrated and experienced team of professionals to assist you in every other aspect of your legal business needs. We set ourselves apart by valuing your entire company – not only your employees but also your intellectual property, your shipping and logistics systems, your real estate and equipment assets, your corporate structure and everything that makes your company what it is. And when it comes to your company's most valuable asset, your employees, our attorneys are committed to counseling with and advocating for you every step of the way.

With litigation avoidance in mind, our Labor and Employment Group has developed extensive training programs for supervisors and managers. The training programs, along with on-point legal advice, help to ensure our clients' compliance with employment-related laws and regulations. Training programs are provided in-house for clients in the areas of union avoidance, workplace harassment prevention, OSHA compliance, Family Medical Leave Act and drug-free workplace, among others.

The Firm also represents clients in developing a general union avoidance approach in advance of union election campaigns, in the clients' dealings with labor unions during the election phases of union campaigns and in the negotiation of any labor agreements. For those clients who have unions representing their workforces, the Firm pursues management's interests in all phases of the grievance and arbitration process. Clients are represented before all governmental bodies charged with the enforcement of employment statutes and policies.

In circumstances of unavoidable litigation, attorneys have extensive experience in state and federal courts throughout the country defending wrongful discharge claims, various employment-related tort actions, and state and federal claims of unlawful discrimination and harassment, in both individual plaintiff and class action suits.

In addition, Baker Donelson labor and employment attorneys provide representation in the following areas:

- Workplace harassment and discrimination prevention and defense
- Drug-free workplace
- Reasonable accommodation
- Wage and hour laws
- Unfair labor practice allegations before the National Labor Relations Board
- Charges before the U.S. Department of Labor
- Workers' compensation
- OSHA compliance and litigation
- Employee benefits
- Family and medical leave
- Policies and handbooks/affirmative action plans
- Federal immigration laws and regulations

Baker Donelson's labor and employment attorneys belong to numerous nationally recognized organizations, and they regularly organize and conduct industry-specific seminars and roundtables on relevant topics in the labor law arena. The Group also regularly publishes and distributes to clients and potential clients legal alerts and industry updates.

Baker Donelson has been ranked among the Top 10 Labor & Employment litigation firms in the country by *Employment Law 360*, the newswire for labor and employment law professionals. The Labor & Employment Group includes more than 90 experienced attorneys who work with clients on all issues relating to workplace law. The Firm's experience, reputation and proven cost-effective representation of clients' labor and employment matters for more than 30 years have resulted in the representation of a growing list of local, regional and national clients headquartered throughout the south central United States.

For more information, please visit www.bakerdonelson.com.

ALABAMA • FLORIDA • GEORGIA • LOUISIANA • MISSISSIPPI • TENNESSEE • TEXAS • WASHINGTON, D.C.

www.bakerdonelson.com

.....

The Rules of Professional Conduct of the various states where our offices are located require the following language: THIS IS AN ADVERTISEMENT. Ben Adams is Chairman and CEO of Baker Donelson and is located in our Memphis office, 165 Madison Avenue, Suite 2000, Memphis, TN 38103. Phone 901.526.2000. No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers. FREE BACKGROUND INFORMATION AVAILABLE UPON REQUEST. © 2013 Baker, Donelson, Bearman, Caldwell & Berkowitz, PC