

Employment Law: Beyond the Basics

Santa Monica, CA - October 24, 2013

Early Registration

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See inside for details.

PRESENTED BY:

Kathryn T. McGuigan, *Morgan, Lewis & Bockius LLP*

Barry D. Kellman, *Kellman & Kleiman*

Kelly L. Hensley, *Sheppard Mullin Richter & Hampton LLP*

Jason W. Kearnaghan, *Sheppard Mullin Richter & Hampton LLP*

Calvin R. House, *Gutierrez Preciado & House LLP*

(See complete biographies inside)

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Santa Monica, CA - October 24, 2013

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. 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. 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. 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: Thursday, October 24, 2013

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:

Best Western Plus Gateway Hotel

1920 Santa Monica Boulevard

Santa Monica, CA 90404

310-829-9100

Map available online

WHO SHOULD ATTEND

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

KATHRYN T. MCGUIGAN, of the Los Angeles office of Morgan, Lewis & Bockius LLP, focuses her practice on the representation of management in all areas of labor and employment, successfully mediating over four hundred fifty labor and employment matters. In addition to representing employers in employment litigation in state and federal courts, Ms. McGuigan provides day-to-day advice and counsel on a broad range of issues under both state and federal law. Before her law degree, she had an extensive career in the food service business where she created the human resources and training departments for a multi-concept restaurant company. Ms. McGuigan has been recognized as a Risk Management Rising Star® by *Risk & Insurance Magazine*®, and she was listed as a Rising Star® in *Southern California Super Lawyers*® for 2012 and 2013. She is a frequent speaker at risk management, human resources, and hospitality industry professional education programs. Ms. McGuigan is a member of the American Bar Association, the Los Angeles County Bar Association, the Southern California Irish-American Bar Association, the Society for Human Resource Management, and the Professionals in Human Resources Association. Ms. McGuigan received her B.A., *cum laude*, from Loyola Marymount University and her J.D. from Pepperdine University School of Law, where she was the literary citation editor of the *Pepperdine Dispute Resolution Law Journal*.

BARRY D. KELLMAN, of Kellman & Kleiman in Los Angeles, has been named four times to the annual list of Southern California Super Lawyers® published in *Los Angeles Magazine*. He provides training and employment counsel to employers throughout California, with special emphasis on the challenges faced by small and mid-size companies. Mr. Kellman received his B.A. from the University of California at Los Angeles and his J.D. from the University of California School of Law at Los Angeles.

KELLY L. HENSLEY, a partner of Sheppard Mullin Richter & Hampton LLP in Los Angeles, regularly practices employment litigation, compliance audits, employment counseling, and training and investigations. She has written several articles on labor and employment and corporate securities. Ms. Hensley is the co-author of the *California Labor and Employment Alert Newsletter*, which is published bi-monthly. She is a member of the Los Angeles County Bar Association's Labor Law Section. Ms. Hensley received her B.A. from the University of California at Santa Barbara and her J.D. from Loyola Law School.

JASON W. KEARNAGHAN, a partner of Sheppard Mullin Richter & Hampton LLP in Los Angeles, represents employers in state and federal courts with respect to all facets of employment law including wrongful discharge, employment discrimination, retaliation, sexual harassment, and hostile work environment. A significant portion of his practice is devoted to the defense of complex wage and hour class action litigation. He has experience representing employers in union negotiations, organizing campaigns, elections, union grievance proceedings, and unfair labor proceedings. Mr. Kearnaghan also represents clients before state and federal administrative agencies, such as the Department of Labor, the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, the Division of Labor Standards Enforcement, the National Labor Relations Board, and the Public Employment Relations Board. Mr. Kearnaghan is a member in the Professionals in Human Resources Association (PIHRA) and has given many speeches at the PIHRA Pasadena Mid-Year Legal Update. He was listed as a Rising Star® in *Southern California Super Lawyers*® for 2013. Mr. Kearnaghan received his B.A. from the University of California at Santa Barbara and his J.D. from the University of San Diego.

CALVIN R. HOUSE, a partner of Gutierrez, Preciado & House LLP in Pasadena, concentrates his practice on labor and employment law, government, and appellate practice. Mr. House, a civil litigator for over thirty-five years, has substantial trial experience with an emphasis on appellate matters. He has served as the deputy commissioner for the New York City Department of Consumer Affairs and as an assistant professor at Western State University College of Law. He is a member of the American Board of Trial Advocates. Mr. House received his B.A. from Columbia University and his J.D. from Columbia University Law School.

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Registration Fee:

- \$339 per person (includes manual)
- \$329 per person for 2 or more
- \$309 per person if paid by September 12th

Reference Materials:

- Add audio to your registration for \$157*
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- Audio only \$257*
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FUNDAMENTALS OF EMPLOYMENT LAW - Seminar # 13CA02012

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:

C. Edward Langhammer, Jr. with Kaufman Dolowich Voluck & Gonzo LLP; Kathryn T. McGuigan with Morgan, Lewis & Bockius LLP; Farnoush Farzad with Law Offices of Farnoush Farzad, A Professional Corporation; Jennifer S. Pucher with Los Angeles City Attorney's Office; and Calvin R. House with Gutierrez Preciado & House LLP

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

WORKERS' COMPENSATION LAW AND PRACTICE - Seminar # 12CA10285

View of the DIA and WCAB from the Bench and Bar; General Principles of Workers' Compensation in the Course of and Arising Out of Employment; Workers' Compensation Issues; The Interplay between Workers' Compensation, the FMLA, and the ADA; Settlements and Return to Work Issues; Legislative and Case Law Update; Ethical & Professional Behavior

PRESENTED BY:

Monica M. Quinn with Allen Matkins Leck Gamble Mallory & Natsis LLP; Mellissa A. Schafer with Hinshaw & Culbertson LLP; Erwin A. Nepomuceno with Manning & Kass, Ellrod, Ramirez, Trester LLP; Jonathan J. Labrum with Manning & Kass, Ellrod, Ramirez, Trester LLP; Robert E. Buch with Seyfarth Shaw LLP; Joseph M. Miller, Attorney at Law; and JoAnna M. Nepomuceno with Lewis Brisbois Bisgaard & Smith LLP

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- **Phone:** 715-855-0498
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SEMINAR MANUAL:

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AUDIO RECORDING:

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Santa Barbara, CA
September 12, 2013
- **Commercial and Residential Landlord-Tenant Law**
Oakland, CA
October 31, 2013

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