



**LEAP  
2009**

# Labor and Employment Law Advanced Practices Symposium

November 4-6, 2009 • Washington, DC • Washington Marriott at Metro Center

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## Sessions & Speakers

### Wednesday, November 4

#### 2:00 – 5:00 pm **FREE PRECONFERENCE WORKSHOPS**

To add value to your LEAP experience, we have added two extra half-day sessions FREE for our attendees. Choose between:

##### **Option #1 - IMPLEMENTING A COMPLETE VIOLENCE PREVENTION PROGRAM**

Workplace violence is never a headline topic – until disaster strikes. Statistics tell us, however, that violence in the workplace is worse than ever – in fact, violence has become the second leading cause of occupational fatalities. This presentation will detail exactly what you need to do to reduce and avoid violent incidents within your organization.

**Speaker:** Dr. Dennis Davis, *Ogletree Deakins* (Torrance, Calif.)

##### **Option #2 - IMMIGRATION LAW UPDATE: ENFORCEMENT, REGULATION, RECORDKEEPING AND MORE**

Under Obama, the Department of Homeland Security is targeting I-9 violators – part of an increased focus on employers rather than undocumented workers. In this workshop, a top Washington lawyer will review electronic I-9s ... no-match letters ... E-verify ... immigration reform and more, so you stay in compliance – and OUT of trouble.

**Speaker:** Laura Reiff, *Greenberg Traurig* (McLean, Va.)

### Thursday, November 5

#### 7:45 – 8:45 am **REGISTRATION AND CONTINENTAL BREAKFAST**

#### 8:45 – 9:00 am **PROGRAM WELCOME AND OPENING REMARKS – LEAP MODERATOR: JOSEPH BEACHBOARD**

#### 9:00 – 10:00 am **“DC DEVELOPMENTS” – THE LATEST NEWS & WHAT EMPLOYERS SHOULD EXPECT IN 2010**

The Obama administration and the Democratic-controlled Congress has a lengthy agenda of new laws and regulations that could cause headaches for employers. This session will update you on the latest developments and help you prepare for the impending changes.

**Speakers:** Harold Coxson Jr., *Ogletree Deakins* (Washington, D.C.); Gary Moss, *Jackson Lewis* (Las Vegas); Steven Sufilas, *Ballard Spahr* (Voorhees, N.J.)

#### 10:00 – 10:30 am **SUPREME COURT SUMMARY – “EMPLOYMENT LAW STYLE”**

This important session will examine the key employment law decisions of the 2008-2009 Supreme Court term, focusing on the ramifications for employers. Also, the docket for the 2009-2010 term will be discussed – including what to watch for with respect to the most important pending employment law cases.

**Speakers:** Paul Prather, *Kiesewetter Wise* (Memphis, Tenn.); David Selden, *Ballard Spahr* (Phoenix, Ariz.)

#### 10:30 – 10:45 am **BREAK**

#### 10:45 – 11:30 am **UNION ORGANIZING – THE RULES HAVE CHANGED (ARE YOU PREPARED?)**

Organized labor is showing signs of ending decades of decline. In addition, legislative proposals would grant a host of new rights to unions – to the detriment of employers that want to remain union-free. This session will dig into the proposals while also analyzing the “21st century” techniques and tactics unions are using to convince workers that they need their help.

**Speakers:** Jonathan Kaplan, *Kiesewetter Wise* (Memphis, Tenn.); David Rittof, *Modern Management* (Chicago, Ill.)

#### 11:30 – 12:15 pm **FMLA UPDATE – NEW RIGHTS, NEW INTERPRETATIONS**

The FMLA regulations issued last year will impact employers for years to come. As the courts start to consider how employers’ obligations are affected – while continuing to address other issues under the statute – employers must be carefully tracking the results. This session will update you on the latest family leave developments.

**Speakers:** Henry Farber, *Davis Wright* (Seattle); Gerald Huffman (New Orleans, La.)

#### 12:15 – 1:45 pm **LUNCH & SPECIAL PRESENTATION: “INSIDE THE 111TH CONGRESS’S LABOR AND EMPLOYMENT LEGISLATIVE AGENDA”**

Learn the behind-the-scenes workings of Congress from a true Capitol Hill insider. Jim Paretto, Minority Workforce Counsel for the House Education and Labor Committee, will share his knowledge of the players, the programs, the politics, and more. Jim will discuss the House’s legislative agenda – and the strategies Republicans may employ to defeat certain bills.

**Speaker:** Jim Paretto, *Minority Workforce Counsel, House Education and Labor Committee*

#### 1:45 – 2:30 pm **RECORDKEEPING – HOW THE NEW LEDBETTER FAIR PAY ACT CHANGES WHAT YOU THOUGHT YOU KNEW!**

“...the possibility of the most sweeping HR-related changes in 30 years...”  
- *The Society for Human Resource Management*

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The Lilly Ledbetter Fair Pay Act has changed the rules with respect to how long employers need to retain key documents. This important session will dissect the new law, analyze the key provisions, and explain what the courts are saying about the statute – and how that impacts your document retention practices.

**Speakers:** Charles C. High Jr., *Kemp Smith* (El Paso, Texas); Daniel Kaplan, *Foley Lardner* (Madison, Wis.)

#### **2:30 – 3:15 pm DISCRIMINATION “HOT SPOTS” – DISABILITY AND RELIGION**

Last year’s ADA Amendments Act is already leading to an increase in litigation, in part because of the new, broader definition of a “disability.” At approximately the same time, the EEOC was issuing long-awaited guidance on religious bias claims – which addressed what constitutes a “religion.” These two developments pose new challenges for employers – challenges for which you need to be prepared.

**Speakers:** Ralph Peterson, *Beggs & Lane* (Pensacola, Fla.); Robert Turk, *Stearns Weaver* (Miami, Fla.)

#### **3:15 – 3:30 pm BREAK**

#### **3:30 – 4:15 pm WORKPLACE HARASSMENT – NEW CLAIMS, MORE LITIGATION**

More and more, the courts seem to be imposing “codes of conduct” in the workplace, rather than focusing on harassment as a form of illegal discrimination. How does this affect your response to claims of “harassment” – and where might the courts be headed in the future?

**Speakers:** C.B. Burns, *Kemp Smith* (El Paso, Texas); Jonathan Pearson, *Fisher & Phillips* (Columbia, S.C.)

#### **4:15 – 4:45 pm JERKS AT WORK – WHAT’S AN EMPLOYER TO DO?**

Abusive workplace behavior can significantly affect productivity, morale and retention. In addition, legal exposure may be created, even if the behavior doesn’t fall in a traditional harassment category. This session will examine what employers can do to deal with these situations – to both save their workplaces and avoid litigation.

**Speakers:** Jathan Janove, *Ater Wynne* (Portland, Ore.); Kathy Perkins, *Kathy Perkins LLC Workplace Law and Mediation* (Kansas City, Mo.)

#### **4:45 – 5:00 pm CLOSING & FIRST PRIZE DRAWING**

#### **5:00 – 6:15 pm HOSTED RECEPTION**

Join the speakers and your colleagues from around the country for a beverage and networking. This also provides an excellent opportunity to discuss the day’s topics.

#### **Friday, November 6**

#### **7:30 – 8:45 am INTERACTIVE HR ROUNDTABLE DISCUSSION (Breakfast Served)**

Now’s your chance for a Washington-style “power breakfast” with a top employment attorney. We’ll have 6 tables, each on a different topic you can discuss with our legal expert – and your colleagues. After 25 minutes, you’ll be able to switch to a second table, and then a third. Topics:

- FMLA
- Immigration
- ADA
- Wage/Hour
- Unions
- Harassment

#### **8:45 – 9:00 am DAY TWO OPENING**

#### **9:00 – 9:45 am WEB 2.0 AND EMPLOYMENT LAW: BLOGS, FACEBOOK, TWITTER AND MORE!**

Technology continues to change at a rapid pace, constantly creating new issues for employers. Some of the latest advances that are creating havoc in the workplace are blogs, social networking sites and virtual worlds. What is the proper balance between an employee’s right to privacy and the employer’s obligation to protect its workplace and proprietary information?

**Speakers:** John Doran, *Greenberg Traurig* (Phoenix, Ariz.); Michael Fox, *Ogletree Deakins* (Austin, Texas)

#### **9:45 – 10:30 am CRISIS PLANNING: WHAT EMPLOYERS NEED TO DO NOW**

In light of the recent H1N1 (or “swine flu”) scare, many employers are evaluating how prepared they are for crisis situations. The crisis might also arise from natural disaster, workplace violence or even terrorism. These situations raise a number of issues, such as: Does your organization have a crisis plan in place? In the event of a crisis, what are your company’s legal liabilities under the ADA, FMLA, WARN, OSHA and other federal statutes and regulations? Is telecommuting a viable option when crisis arises? These questions and more will be addressed during this informative session.

**Speakers:** John Coleman III, *Burr Forman* (Birmingham, Ala.); Dr. Dennis Davis, *Ogletree Deakins* (Torrance, Calif.); Greg Guidry, *Onebane* (Lafayette, La.)

#### **10:30 – 10:45 am BREAK**

#### **10:45 – 11:15 am AVOIDING THE WAGE & HOUR “COLLECTIVE ACTION” CRUSH**

When it comes to wage and hour matters, small mistakes can cost your company big dollars. Virtually every day another multimillion-dollar settlement is announced. This session will analyze the latest developments in collective action wage-and-hour litigation and help you avoid being the next company facing one of these expensive lawsuits.

**Speakers:** Robert Sheeder, *Bracewell & Giuliani* (Dallas, Texas); Richard Brann, *Baker Botts* (Houston, Texas)

#### **11:15 – 11:45 am MANAGING CHRONICALLY COMPLAINING EMPLOYEES – WITHOUT GETTING SUED FOR RETALIATION**

Retaliation lawsuits continue to increase at a rapid pace – and workers are frequently winning these claims. One of the more difficult situations for employers is the chronically complaining current employee. What is the best strategy for dealing with these troublesome workers?

**Speakers:** Richard Paul, *Paul Plevin* (San Diego); Victor Schachter, *Fenwick & West* (San Francisco, Calif.)

**11:45 – 12:15 pm CREATING YOUR HR “TO DO” LIST**

Minimizing legal exposure requires a strategy. This unique session will provide you with specific tips to minimize the risks in your workplace, incorporating the concepts presented over the prior two days of the LEAP conference.

**Speakers:** Jeffrey Portnoy, *Cades Schutte* (Honolulu); Patrick Stanton, *Ogletree Deakins* (Morristown, N.J.)

**12:15 – 12:30 pm CONFERENCE CLOSING AND GRAND PRIZE DRAWING**

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