



13TH ANNUAL

ADVANCED EMPLOYMENT ISSUES SYMPOSIUM

America's leading employment law conference.



"This is hands down the best conference I have ever attended. The presenters and the material were great. The facilities and staff were superb. Congratulations on a job well done. Thank You!"

*Kandy Ryalls
Dana Classic Fragrances*



Las Vegas, Caesars Palace
September 25-26, 2008



Nashville, Hilton Downtown
October 16-17, 2008

2008 Program Features Sessions on Management's Biggest Challenges

- ▶ Rogue Investigators and Other EEOC Nightmares: Discover Smart Ways to Respond
- ▶ Coping with the FLSA: The New Class-Action Cash Cow for Employees
- ▶ Why the Retaliation Monster Is Stronger Than Ever: Tame the Beast and Protect Your Company from Liability
- ▶ Retain Your A-Players with Secrets of the "100 Best Places to Work"
- ▶ Sex Talk at Work: Has Harassment Subtly Become a Big Problem Again?
- ▶ When Employee Religious Beliefs and Your Workplace Policies Collide
- ▶ HR's Deposition Survival Guide
- ▶ Resolving Employee Disputes Before They Spill Over to the Courtroom
- ▶ Features of a Bulletproof HR Budget: Proven, Real-World Strategies for Getting What You Need
- ▶ Solutions to Employers' Latest Immigration and Visa Compliance Challenges
- ▶ Racial Harassment Complaints in the Workplace on the Upswing, and What HR Must Do
- ▶ Find the Right Work-Life Balance for You and Your Employees

BONUS: 4-part FMLA track delivers targeted sessions on your toughest employee leave obligations.

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From the desk of John B. Phillips, Jr., Symposium Moderator



Contrary to popular belief, 13 isn't an unlucky number. In fact, this year it's particularly lucky. Why? Because this is the 13th year of the one-of-a-kind Advanced Employment Issues Symposium.

There are many other programs, all dealing with labor and employment law. AEIS is different because its presenters are attorneys who've been writing state-specific employment law newsletters for as long as 20 years. They've been working for employers and HR professionals, cutting through the legalese to provide understandable, practical, creative information and advice. And that's exactly how they make their presentations at AEIS. And it's different because it includes some of the nation's most respected HR consultants, people who've been in your shoes and dealt with your problems and challenges.

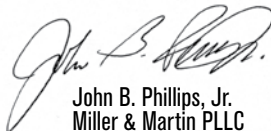
One of the highlights of my year, every year, is moderating AEIS. It's invigorating to mix with such a talented group of presenters and such an engaged, challenging group of attendees. I learn more at AEIS year-in and year-out because of the caliber of the program and because of you – your questions, our conversations, and the family our speakers and attendees have become.

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.
- Sessions where you can share ideas, techniques, and war stories with colleagues, building relationships and professional strengths.
- A focused FMLA track of 4 sessions, deciphering what continues to be one of the most confounding employment laws on the books
- Breakfasts, lunches, breaks, door prizes, a big drawing at the end of the show, and as always, special gifts from me.

This 13th annual session of AEIS occurs shortly before what some are calling the most historic presidential election in modern times. That, too, will be a part of what the speakers address. Are you ready for all the proposed employment legislation that will soon drive changes in your workplace policies? You will be, after the 13th annual AEIS.

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



John B. Phillips, Jr.
Miller & Martin PLLC

PROGRAM DATES/LOCATIONS

September 25-26

Caesars Palace
3570 Las Vegas Blvd., South
Las Vegas, NV 89109
(800) 634-6661

October 16-17

Hilton Nashville Downtown
121 Fourth Avenue South
Nashville, Tennessee 37201
(615) 620-2150

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:

LAS VEGAS

Caesars Palace at (800) 634-6661 for a reduced rate of \$215 per night. Please mention the Advanced Employment Issues Symposium room block. Room block expires Aug. 22.

NASHVILLE

Hilton Nashville Downtown special reservations line at (615) 620-2150 for a reduced rate of \$172 per night. Please mention the Advanced Employment Issues Symposium room block. Room block expires Sept. 15.

A limited number of rooms at the reduced rate will be available until they sell out or cutoff dates listed (whichever comes first).

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AGENDA DAY ONE - THURSDAY

7:00 A.M.-8:00 A.M.
**REGISTRATION &
CONTINENTAL BREAKFAST**

8:00 A.M.-8:15 A.M.
WELCOME AND ANNOUNCEMENTS

OPENING KEYNOTE
8:15 A.M.-9:15 A.M.
**NEW YEAR, NEW PRESIDENT,
AND THE OUTLOOK FOR EMPLOYERS**

This year's presidential election is likely to have a huge impact on the employment law compliance issues affecting your workplace, regardless of which candidate is elected. Think about it. No major piece of employment legislation has been enacted since the FMLA in 1993. With all the talk of change during the current campaign, the odds are in favor of some significant change being made in the way of new employment legislation.

The push toward change easily could include renewed efforts to pass immigration reform and the Employee

Free Choice Act. Other measures that have been bandied about include the Civil Rights Act of 2008, the ADA Restoration Act, an amendment to Title VII that would make sexual orientation a protected class, the Public Safety Employer-Employee Cooperation Act, the Healthy Families Act, and a law that would allow the substitution of comp time for overtime. We'll be keeping an eye on those proposals.

This year also is shaping up to be a busy one for the U.S. Supreme Court and the regulatory agencies. As workforce boomers approach the golden age of retirement, it isn't too surprising that the Court is focusing its attention on several key age discrimination rulings. The DOL, meanwhile, devoted a great deal of its time to updating the FMLA regs. No small task. In this session, you'll hear our panel of experts discuss:

- ▶ The outlook for passage of pro-employee legislation in 2009
- ▶ The latest changes to the FMLA regs, and what else could happen
- ▶ A wrapup of the key Supreme Court cases affecting your HR practices
- ▶ A "crystal ball" look at the other big employment law issues

John B. Phillips, Moderator

9:15 A.M.-10:30 A.M.
TWO SIMULTANEOUS SESSIONS

THE INNOVATION CULTURE: NO LONGER A FAD, BUT THE REAL DEAL TO WINNING HIGHER RETENTION, ENGAGEMENT, AND PRODUCTIVITY

Workplace innovation is no longer just some new management theory. It's a business solution that many companies, including employers of choice such as Google, Disney, Cisco, Nordstrom, NASA and Marriott are embracing to drive employee morale and productivity to new heights. With this energizing session, you'll discover the latest innovation strategies that many HR leaders are using to inspire employee creativity, expand into new markets and boost the organization's bottom line. You'll learn:

- ▶ Real-life economic and workforce factors are driving the innovation craze in today's most progressive organizations
- ▶ How to achieve buy-in from management using an innovative leadership approach
- ▶ How the innovation-driven culture process works in organizations of all sizes whether in manufacturing, retail, hospitality, healthcare, consumer goods or technology
- ▶ How to find opportunities for innovation in the workplace and recognize that it may mean bending or even breaking the rules
- ▶ How to help line supervisors apply innovative management techniques
- ▶ HR can use innovation management tools to overcome perceptions as the company's "cost center"
- ▶ The 3 stages of innovation management, including how managers can illicit real and meaningful idea generation from employees
- ▶ How to overcome the multiple barriers to innovation in the workplace and still have fun
- ▶ How to implement 7 practical strategies for jump-starting tangible innovation in the workplace
- ▶ How to conceptualize innovation and apply it to your workforce management strategy without being overwhelmed by the task

Carol A. Hacker, Hacker & Associates

FMLA TRACK - SESSION 1 FMLA'S BIG YEAR: WHAT THE NEW REGS AND REVISIONS MEAN FOR EMPLOYERS

It's been a big year for FMLA, perhaps one of the biggest, since the law was enacted in 1993. In 2008, employers saw FMLA expanded to grant leave to employees who have family members on active duty or are injured while in the military. On the heels of this announcement came word that the Department of Labor is proposing regulations that would amend key FMLA rules, offering clarity (and relief) to HR executives struggling to figure out intermittent leave and other common FMLA headaches. With this session, you'll get a complete overview of the new amendments and revisions to the federal leave law and what these new obligations mean for your FMLA compliance strategies. You'll learn:

- ▶ An explanation of the new leave categories created for soldier's relatives: Active Duty Family Leave and Injured Servicemember Family Leave

- ▶ How these new types of FMLA leave are different from USERRA leave
- ▶ Steps to comply with the new amendments, including what you need to do to revise current policies and procedures
- ▶ How the new DOL changes will alter procedures for required notices, medical and fitness-for-duty certifications and designation of leave
- ▶ Ways in which employees can now substitute paid leave for FMLA leave
- ▶ How employers and employees will be able to voluntarily settle claims for past FMLA violations
- ▶ How the new revisions will address HR's biggest FMLA headache: managing intermittent leave

Charles S. Plumb (Las Vegas)
Kristen Brightmire (Nashville)
Linda D. Walton

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

10:45 A.M.-11:45 A.M.
FOUR SIMULTANEOUS SESSIONS

TRAPS FOR THE UNWARY EMPLOYER: PROTECTED CONCERTED ACTIVITY EVEN WHEN NO UNION IS AROUND

Even though protected, concerted activity may be a vaguely defined concept, the National Labor Relations Board (NLRB) has proven time and again that it's also a broad one - broad enough to encompass employees at nonunion firms. In one case, the NLRB held that an employer unlawfully fired an employee even though he burst into a meeting and called his manager a "racist" and a "bastard red-neck son-of-a-b----." While most of you would consider that behavior insubordinate, the Board noted that employees are protected by the National Labor Relations Act (NLRA) even when they act "intemperately." It found that the employee was merely repeating concerns raised by his coworkers. In short, you can violate the NLRA even when no union is in the picture. The NLRA protects all covered employees, whether unionized or not. To ensure that you don't cross the line unwittingly, attend this session and find out:

- ▶ What's included in employees' right to engage in protected concerted activities, not just for the purposes of collective bargaining but also for "other material aid or protection" without interference by the employer
- ▶ How those protections play out with regard to certain concerted activities such as, wages, benefits, safety issues, and other terms and conditions of employment without employer interference
- ▶ If the NLRA prosecutes an unfair labor practice, what kinds of penalties might be forthcoming, such as employee reinstatement, appropriate back pay, and other equitable remedies, including injunctive relief?
- ▶ How the NLRA restrains an employee's ability to create "employee committees" or "quality circles" to discuss existing terms and conditions of employment. If not done correctly, an employee committee or quality circle could be considered a "company union," in violation of the NLRA

Peyton S. Irby, Jr.
Kevin C. McCormick

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GETTING MAD, GETTING EVEN, GETTING SUED: SIDESTEPPING RETALIATION CLAIMS - THE HIDDEN TRAP FOR EMPLOYERS

The Supreme Court's recent ruling in Burlington Northern fundamentally changed the required elements for a retaliation claim by broadening the scope of actions that could be considered adverse employment actions. Not surprisingly, more employers are finding that, under the new standard, they can win the court battles over discrimination claims - even frivolous ones - but lose the war when a retaliation claim is added. They can get the frivolous discrimination charges dismissed but lose big because they're found to have retaliated against the employee for making the frivolous accusation. In this session, you'll learn how to deal with this rising and disturbing trend in workplace law, including:

- ▶ How the various state and federal laws are defining retaliation
- ▶ What to do when a subordinate charges a supervisor or manager with misconduct
- ▶ What to do when you must discipline an employee who has filed a claim
- ▶ Proven steps to drafting an effective anti-retaliation policy
- ▶ How to properly investigate a claim of retaliation
- ▶ What employers must do to protect an employee who has filed a retaliation claim
- ▶ How far must you go with a supervisor who made a mistake but might otherwise be valuable to your company?

Peter M. Panken

WHEN AN EMPLOYEE'S RELIGIOUS BELIEFS AND COMPANY POLICIES INTERSECT: A LEGAL GUIDE FOR EMPLOYERS

Religious discrimination claims have increased 30% since the September 11 attacks on the United States. In addition to claims of discrimination due to Muslim beliefs, many claims are brought due to a job assignment that may be contrary to an individual's religious beliefs. Learn what your rights and obligations are with regard to your employee's religious beliefs. In this session, we will discuss:

- ▶ How religion is defined under Title VII
- ▶ What an employee must show to establish a religious discrimination claim
- ▶ How to determine when an employee has a sincerely held religious belief
- ▶ What dress codes are subject to attack due to religious beliefs
- ▶ How should you respond to an employee's religious beliefs that call for body art and body piercing?
- ▶ What to do when job assignments and religion clash
- ▶ How to handle employees who want to express their religion at work

Suzanne Martin (Las Vegas)
Susan Desmond (Nashville)



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FMLA TRACK - SESSION 2

SLAYING THE THREE-HEADED MONSTER: NAVIGATING FMLA, ADA AND WORKERS' COMP COMPLIANCE ISSUES

Do you have what it takes to do battle with the employer's ultimate compliance headache: avoiding the violations that can result from the overlap of the ADA, FMLA and workers' comp statutes? Even the most accommodating employer seems to get beaten by this three-headed nightmare in costly employee litigation. Between creating an integrated approach to achieve compliance with ADA and FMLA and trying to figure out when paid workers' comp leave counts against FMLA leave, the challenges of trying to make sense of this overlap can be mind-boggling (and expensive) for today's HR executive. Attend this session and get the trusted advice needed for managing this monstrous intersection of employment law. You'll learn:

- ▶ How each of the three major leave laws overlap and determine which law applies in a given situation
- ▶ An overview of the circumstances when one leave law takes precedence over the other
- ▶ An overview of the most common legal pitfalls that even the most seasoned HR executives encounter when faced with this treacherous overlap of leave laws
- ▶ How to decide if an injured employee qualifies for FMLA or ADA protection
- ▶ How to know when a job-related injury is covered by the ADA
- ▶ How FMLA and workers' comp statutes interplay with one another, including areas pertaining to pay and time off
- ▶ How to make the right termination decisions based on abuse of FMLA, ADA and workers' comp laws

Charles S. Plumb (Las Vegas)
Kristen Brightmire (Nashville)

11:45 A.M.-1:00 P.M. LUNCHEON PRESENTATION "EMPLOYMENT LAW JEOPARDY" WITH MARK SCHICKMAN

Put your legal and HR knowledge to the ultimate test in this send-up of the popular TV game show. Laugh and learn as Mark Schickman, popular host of the "Deal or No HR Deal" AEIS session, makes his return engagement and serves up Jeopardy categories tailor made for today's HR practitioners, including "Alphabet Soup", "Know Your Doctrines", "Workplace Winners and Sinners" and, of course, "Employment Law Potpourri." Whether you compete or sit back and watch, we promise you a fun and informative luncheon program.

1:00 P.M.-1:15 P.M. BREAK

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

THREE SIMULTANEOUS SESSIONS

WHAT HAPPENS WHEN HR GETS DEPOSED? A SURVIVAL GUIDE

Sooner or later, a human resources director will get deposed or be asked to help supervisors or CEO prepare for a deposition. A deposition is an important aspect of the employment litigation process, because it is one of the main tools a plaintiff's attorney will use to collect information before trial and devise the legal strategy for beating an employer in court. When your lawyer calls to inform you that the deposition's scheduled for next week, do you know what to do? Are you up to speed on the latest strategies for navigating the trick questions and other curveballs from the plaintiff's lawyer? Let this all-star panel of experts reveal the insider techniques and approaches for surviving and managing the deposition process. The panel will discuss:

- ▶ What are the "trick" questions that plaintiff's lawyers ask?
- ▶ Why the plaintiff's lawyers ask those questions, and how you can respond
- ▶ Why the way you prepared 5 years ago is no longer valid
- ▶ How to become a good defense witness and work with your attorney to create a message system that helps your organization's case
- ▶ Why telling a witness to "just tell the truth" is the worst way to prepare for a deposition
- ▶ Understanding how your deposition fits into the overall litigation and trial strategy

Michael P. Maslanka, Moderator
John M. Husband (Las Vegas)
Albert L. Vreeland (Nashville)
Maithilee K. Pathak-Sharma, Ph.D.,
R&D Strategic Solutions (Las Vegas)
Samantha D. Holmes, Ph.D.,
R&D Strategic Solutions (Nashville)

EFFECTIVE WAGE & HOUR POLICIES: WHAT EVERY EMPLOYER SHOULD KNOW

A rise in lawsuits filed by employees claiming they're not being paid for all the overtime they work should send a message to all employers: Make sure your pay practices pass muster under the law. Otherwise, you're likely to find yourself paying out huge damages awards. Clear and effective timekeeping and compensation policies are an employer's first line of defense against wage and hour claims. This session will take a look at how to craft and enforce FLSA compliant policies that will minimize your exposure for overtime claims. Get on track by examining these key areas:

- ▶ Designing timekeeping policies that work
- ▶ Implementing effective safe harbor deduction policies
- ▶ Crafting FLSA-compliant break time and on-call time policies
- ▶ Implementing policies that minimize overtime and maximize productivity without giving employees mixed signals about off-the-clock work
- ▶ Appropriately disciplining employees for unauthorized overtime and other work time issues
- ▶ Getting your supervisors up to speed on wage and hour basics

Julie Athey
Kara E. Shea

To register, visit www.HRhero.com/aeis

FMLA TRACK - SESSION 3

WHEN FMLA AND PREGNANCY LEAVE COLLIDE: HOW TO AVOID COSTLY DISCRIMINATION CLAIMS

Pregnancy discrimination claims are skyrocketing. In 2006 alone, a startling 4,400 charges were filed with the EEOC. Over \$11 million was paid out to wronged workers, an increase of 300% since 1992. Take the steps to review your pregnancy policies and avoid becoming a statistic. In this session, you'll obtain a full understanding of employee rights in this area and create an effective accommodation policy for pregnant employees that keeps you in compliance with FMLA and reduces the chances that you'll have to pay out big sums on claims. You'll learn:

- ▶ How to calculate entitlements to pregnancy and family leave
- ▶ When does pregnancy qualify as a "serious health condition" under the FMLA?
- ▶ Are fertility treatments covered under FMLA leave?
- ▶ How to terminate employee after returning from maternity leave without violating FMLA
- ▶ Do you have to give a pregnant employee "light duty" if she requests it?

Adria B. Martinelli

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

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

THREE SIMULTANEOUS SESSIONS EEOC NIGHTMARES: HOW TO COPE AND NOT LOSE SLEEP OVER EEOC INVESTIGATIONS

Very few, if any, companies escape the obligation of having to defend against an administrative charge of discrimination or harassment brought by a disgruntled former or current employee. The steps an employer takes beginning the very day it receives notice of such a charge can greatly influence the outcome of the administrative action. This session will look at the issues you must consider and actions you should take during various stages of the EEOC's investigation into your company's alleged wrongdoing, including the following:

- ▶ What factors are important in deciding whether to vehemently defend against or promptly resolve a discrimination charge?
- ▶ How much is too much information to provide in response to an EEOC charge?
- ▶ Can an employer "correct" its wrongdoing without admitting liability?
- ▶ Is there a way to discipline a charging party without facing a retaliation claim?
- ▶ What can an employer do when the EEOC's investigator steps over the line?

H. Mark Adams
Jennifer L. Anderson (Las Vegas)

Susan G. Fentin
Marylou V. Fabbo (Nashville)



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OFFICE PEACE: HOW TO RESOLVE EMPLOYEE DISPUTES BEFORE THEY SPILL OVER TO THE COURTROOM

Frequently, HR professionals are stuck in the middle of everything: stuck with disputes between two employees - two members of management - management and employees. As most HR executives know first hand, they are frequently personally held accountable for the outcomes of conflict and the resulting fallout, which could lead to costly, time-consuming employee lawsuits. In this interactive and engaging session, get out of the quagmire of workplace disputes and learn cutting-edge tools and skills to resolve conflict effectively while successfully keeping vital workplace relationships in tact. You'll discover:

- ▶ The profit-draining effect of being stuck in the middle: How a simple dispute can have a dramatic impact on your organization's bottom line
- ▶ The major causes of common disputes at work and how to spot them before they erupt
- ▶ Three styles for resolving everyday minor disputes and major workplace conflicts
- ▶ How to facilitate and mediate a dispute between two employees
- ▶ Strategies for creating and maintaining a conflict-free workplace

Candace M. Kollas, Workable Options

FMLA TRACK - SESSION 4 BRING IT ON! YOUR TOUGHEST FMLA QUESTIONS ANSWERED

- ▶ "Our company has an employee who will soon be going on maternity leave. Should we request any other certification for the care of the newborn for time requested beyond the initial 6 weeks, or is it just a given that she can stay out up to 12 weeks? Leave for a birth/newborn cannot be used intermittently, is that correct?"
- ▶ "What if you have a worker who has exhausted all his or her FMLA leave, but needs about two more weeks to be ready to return to work? Do you put the employee on a leave of absence, cancel the insurance, offer COBRA, and when he or she comes back, put the worker back on the insurance plan? Or do you have to start the employee over as a rehire?"
- ▶ "What if you have a worker whose spouse is starting fertility treatments? There's a lot of conflicting information out there on whether or not FMLA will cover my employee attending the spouse's appointments. Will FMLA cover the absences?"

Perplexed by FMLA leave requests? Having trouble figuring out the real definition of a serious health condition? Don't know when you can turn down leave requests? Exasperated by the prospect of learning new rules and regs and how you're going to stay compliant with the changes? Well, there's good news for the FMLA tired and confused, because this session gives you the forum to have your FMLA questions answered. Our panel of experts will answer all of your FMLA questions and help you understand the intricacies (and inconsistencies) of the federal leave law. Don't be shy! Bring it on! Our expert panel is ready to help you tackle your tough FMLA challenges.

Adria B. Martinelli
Linda D. Walton

Charles S. Plumb (Las Vegas)
Kristen Brightmire (Nashville)

3:30 P.M.-4:30 P.M. HR'S NEW (AND CRITICAL) ROLE: ENDING THE 24/7 WORK MINDSET

Today's workforce is working too hard and, if you think this is good for the bottom line, think again. Tired accounting staffs don't add columns A and B correctly, exhausted executives make rash decisions, while the sleep-deprived employee driving home after a late night at the office runs off the road or worse. Learn the critical role that HR must take in putting an end to the madness of extreme work and the policies that can protect your organization's most important asset from extreme burnout. Discover:

- ▶ A statistical snapshot of today's exhausted/vacation-less workforce
- ▶ How the over-the-top work ethic can hurt your organization's bottom line
- ▶ What the sleep deficit is all about. Learn why medical experts are calling this the top productivity killer at work, and why you should consider instituting a workplace sleep policy (Really!)
- ▶ How to deal with the vacation-less epidemic and stop a disturbing trend that saw U.S. workers giving 574 million vacation days back to their employers in 2006
- ▶ Practical steps you can use to train line supervisors to deal with exhausted employees
- ▶ How to identify the employees who are working to capacity and what you can do to power them down before they burst

Michael P. Maslanka

4:30 P.M.-4:45 P.M. PRIZE DRAWING AND ADJOURNMENT

AGENDA DAY TWO - FRIDAY

7:00 A.M.-8:15 A.M. STRATEGY NETWORKING ROUNDTABLES & CONTINENTAL BREAKFAST

NEW FOR 2008 Here's your opportunity to engage your senior-level HR peers in stimulating, thought-provoking conversations that will leave you with solutions and best practices to your pressing issues. With our targeted roundtables, you'll discuss the issues and problems facing employers today. Come with the issues you want explored and the ideas you'd like to brainstorm. Leave with your notebooks filled with fresh insights and strategies that you can put to work immediately. Continental breakfast will be served.

Choose from these roundtable topics:

- ▶ Persuasive communication strategies for HR
- ▶ Preventing sexual orientation discrimination

- ▶ Legal and workforce management issues for health care employers
- ▶ What HR can bring to the bargaining table
- ▶ Retention and recruitment best practices
- ▶ Internal investigation "war stories"
- ▶ Employment law concerns for public sector employers

8:15 A.M.-9:30 A.M. THREE SIMULTANEOUS SESSIONS

SEXUAL HARASSMENT: A LITANY OF LITIGATION AND LIABILITY

Sexual harassment has been a hot topic for well over a decade now. Has the workplace changed in that time? Certainly employers have adopted policies and instituted training programs in an effort to stamp it out, but statistics from the EEOC show that employers are still paying dearly. In 2006, EEOC figures show that \$48.8 million was paid out in monetary benefits because of sexual harassment - and that doesn't include monetary benefits obtained through litigation. News of workplace sexual harassment remains common. Certainly, revelations coming out of the Madison Square Garden-Isiah Thomas court case and countless lower-profile incidents show that harassers still don't get it. They don't get it despite an increased awareness of employer liability. They don't get it despite huge jury awards, settlements, and lawyer fees. How can you make your employees understand and reduce your liability? This session will reveal:

- ▶ The pervasiveness of the problem
- ▶ What the law says about employer obligations
- ▶ Emerging trends - are more states taking legislative action?
- ▶ How to ensure your policies protect your organization
- ▶ How to make supervisors take the issue seriously
- ▶ Why a "boys will be boys" attitude means big trouble

Mark I. Schickman
Cathleen Yonahara (Las Vegas)

2008 IMMIGRATION ENFORCEMENT AND VISA COMPLIANCE UPDATE

Immigration law's impact on employers has been a consistent front-burner issue during this year's election campaign, and for good reason. After Congress chose not to pass immigration reform last year, dozens of states filled the void with legislation of varying types, some of it penalizing employers. Enforcement raids have thrown businesses and even entire communities into disarray. Employers have complained about the speed and reliability of the E-Verify system. With all of those challenges, how can you manage to navigate the many legal mine fields and still hire a stable, dependable workforce? Whatever happens, employers need a thorough understanding of the issues most likely to affect them. In this session, the speakers will provide:

- ▶ An overview of recent legislative and court developments, including questions surrounding DHS's no-match letters
- ▶ An update on visa application limits and other obstacles to hiring foreign workers you may need now

- ▶ A look back at the new I-9 form that went into effect this year
- ▶ A preview of the policies that each presidential candidate is likely to enact if elected
- ▶ Whether we'll see further Immigration and Customs Enforcement raids or additional sanctions against employers
- ▶ A review of whether the federal government will improve E-Verify or provide a new kind of employment verification process

Troy Foster (Las Vegas)
Chris Thomas

Albert L. Vreeland (Nashville)
Michael Thompson

EMPLOYEE WELLNESS PROGRAMS: OVERCOMING LEGAL COMPLIANCE HURDLES

Employee wellness programs have been called the “final frontier” in containing health care costs. However, many employers and third party administrators have overlooked the significant legal compliance issues that are attached to these types of plans. Plus, there are a host of hidden compliance costs associated with an employee wellness program’s “carrots” and “sticks” that are catching many employers off guard. With this session, let our experts help you navigate these murky compliance waters. By the end, you’ll be able to identify and avoid the potential compliance traps, including:

- ▶ The types of employee wellness programs that are subject to HIPAA’s non-discrimination rules
- ▶ What HIPAA’s privacy rules say that employers must do to protect an employee’s medical information
- ▶ ADA violations that could arise from offering an employee wellness program
- ▶ The rules and requirements for continuing COBRA health care coverage under an employee wellness program
- ▶ How employee wellness programs change the tax withholding and reporting requirements for employers

Ashley Gillihan
John R. Hickman

9:30 A.M.-10:45 A.M.
THREE SIMULTANEOUS SESSIONS

WORKPLACE NIRVANA: SECRETS OF THE BEST PLACES TO WORK

More than 70 percent of American workers are less than satisfied with their jobs, according to a recent Gallup survey. This “disengagement” is costing employers as much as \$350 billion per year in lost productivity and turnover. Want to reverse turnover? Then don’t miss this special session, where the president of the Great Place to Work Institute will reveal the secrets you can apply to emulate great workplaces, including strategies for building trust, especially between managers and employees. You’ll discover:

- ▶ The big payoff of becoming an employer of choice (for both employers and employees)

- ▶ Real-life examples of employee engagement from some of the 100 Best Companies to Work For, including Google (#1), Wegmans, Container Store, Medtronic, and A.G. Edwards
- ▶ Retention secrets from some of the Best Small & Medium Places to Work For, including Badger Mining Company (#1 on 50 Best) and Holder Construction Company (#1 on 25 Best)
- ▶ The common ingredients that ALL top employers share, with analysis of the 5 dimensions of a best workplace
- ▶ A fresh approach to the concept of benefits to win employee commitment for good
- ▶ The roles that CEOs, senior leaders, and line managers must play in developing a meaningful and memorable work experience for their employees
- ▶ How to begin your company’s path to greatness by analyzing your work culture

Hal Adler, Great Place to Work® Institute

WHY SYMBOLS OF RACIAL HATRED ARE REEMERGING AT WORK AND WHAT EMPLOYERS MUST DO ABOUT IT

Recent figures from the EEOC show that racial harassment is approaching record levels in cubicles and factory floors across the nation. African-American employees are filing EEOC complaints of co-workers intimidating them with hangman’s nooses, racist graffiti, KKK propaganda and racial slurs. As a result, the EEOC has taken notice, recovering over \$67 million in monetary relief for employees who are subjected to this form of workplace bias. In this critical session for employers, learn why these incidents of racial hatred are increasing, the necessary steps that you must take to deal with these types of unfortunate actions and the obligations you have to create a hostility free work environment for all employees. You’ll learn:

- ▶ Current factors driving the increase in racial harassment complaints at work
- ▶ Types of workplace conduct that could lead to a racial harassment complaint
- ▶ How to get line supervisors to identify and address forms of racial harassment
- ▶ How to enact company policies that allow employees to raise complaints without fearing unlawful retaliation
- ▶ What employers must do if a manager is personally accused of racial harassment
- ▶ What to do if inappropriate remarks or images are communicated via company email

Renee Canody (Las Vegas)
Albert L. Vreeland (Nashville)

BOOMERS WHO DON’T WANT TO RETIRE: NEW LEGAL ISSUES AND CHALLENGES FOR EMPLOYERS

The U.S. workforce might be graying, but a recent report shows that many workers who are in the early 60s are in no hurry to retire any time soon. In fact, the report showed they’re willing to stay in the workforce for the next 3 years and, perhaps, even longer. Are you ready for what lies ahead? For employers, this presents serious challenges, because now you’re FAR more vulnerable to age discrimination lawsuits. The EEOC collected over \$50 million in damages in age

To register, visit www.HRhero.com/aeis

discrimination claims from employers in 2006 alone. Attend this important session and discover the steps that employers must take to manage the legal issues surrounding this new workforce trend. You’ll learn:

- ▶ Specifically which actions invite age discrimination claims and exactly how to avoid those actions
- ▶ Who’s in the protected age group, and what that means for HR executives
- ▶ Why an age discrimination case can be the most dangerous kind of employment lawsuit there is
- ▶ Why employers now are vulnerable not only to age discrimination claims, but to “age harassment” claims as well
- ▶ What to do if an employee doesn’t want to retire and the proper HR response if they want to work until 70 or 75
- ▶ Whether a younger employee can claim discrimination when an older employee receives favorable treatment

Candace M. Kollas, Workable Options
John B. Phillips

10:45 A.M.-11:00 A.M. MORNING BREAK

11:00 A.M.-NOON
MULTIPLE BREAKOUT SESSIONS

Forced to choose between two intriguing yet simultaneous sessions on Thursday? We’ll present several again, giving you a chance to participate in these sessions:

- ▶ Traps for the Unwary Employer: Protected Concerted Activity Even When No Union Is Around
- ▶ Getting Mad, Getting Even, Getting Sued: Sidestepping Retaliation Claims – The Hidden Trap for Employers
- ▶ When an Employee’s Religious Beliefs and Company Policies Intersect: A Legal Guide for Employers
- ▶ Slaying the Three-Headed Monster: Navigating FMLA, ADA and Workers’ Comp Compliance Issues

NOON-1:30 P.M.
LUNCH WITH THE NATION’S TOP EMPLOYMENT LAW ATTORNEYS

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 any HR and employment law matter. Even if you don’t have a question, you’ll learn a lot from their insights – and enjoy a delicious lunch before you make the journey home.

1:30 P.M.-1:45 P.M.
GRAND PRIZE DRAWING & CONFERENCE WRAP-UP



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PRE-CONFERENCE WORKSHOPS

WEDNESDAY 2:00 P.M.-5:00 P.M. DOCUMENTING EMPLOYEE MISCONDUCT MASTER CLASS

One way to tempt a lawsuit is to maintain incomplete or inconsistent records of manager-employee interaction. A better way is not to keep records at all. Documentation is one of the trickiest and most frustrating challenges that organizations face. The EEOC, judges, and juries expect it; if there is no documentation surrounding employee misconduct, then it didn't happen.

Attend this interactive workshop with popular HR Hero instructor Candace Kollas and learn how to overcome the challenges associated with proper documentation, including what HR can do to get supervisors to document their interactions with employees. You'll also get clear guidance on how to save, share, shred, recall, and restrict access to key employee documents.

- ▶ How to analyze why the documentation breakdown occurs
- ▶ How to define good and bad documentation using real-world case studies and examples
- ▶ What should be kept in the employee's personnel file and how long you should keep hiring records, evaluations, wage and hour records, and other documents in the file
- ▶ Proven tactics that will get supervisors and managers to follow your company's documentation policy
- ▶ What personnel records, if any, supervisors should be allowed to keep in their own files
- ▶ When you must turn over a personnel file and when you should not
- ▶ How to create a working progressive discipline policy

Candace M. Kollas
Workable Options

HOW TO CONDUCT STRESS-FREE PERFORMANCE APPRAISALS

Do your organization's managers ever avoid giving feedback to subordinates because they fear negative reactions or repercussions? Learn new ways to train busy supervisors on how to give confident and effective employee evaluations when you register for this post-conference session. Carol Hacker will show you how to:

- ▶ Build accountability into performance and behavioral outcomes
- ▶ Set measurable goals and focus on future profitability
- ▶ Prepare for the appraisal discussion and get ready to confidently confront problems head-on
- ▶ Close the gaps between existing behavior and expected behavior and performance
- ▶ Encourage strong performers to maintain their high level of performance and help poor performers to do better
- ▶ Handle some of the typical performance problems including discussing the problem of trying but failing
- ▶ Avoid 10 mistakes managers make when appraising performance
- ▶ Deal with the task of having to "force rank" your employees, especially when all are valued members of your team

- ▶ Minimize legal problems with 4 easy-to-remember guidelines

Carol A. Hacker,
Carol A. Hacker & Associates

SIDESTEPPING THE E-DANGER ZONES: LEGAL RISKS OF E-MAIL, IM, EMPLOYEE BLOGGING, SOCIAL MEDIA AND OTHER TECHNOLOGIES

On today's electronic frontier, companies fire employees for inappropriate use of e-mail and IM, while others face disgruntled workers using blogs and social networking sites to complain about their jobs. Precious trade secrets and other confidential information are also at risk if organizations don't take the necessary steps to protect intellectual property.

Don't miss this vital event where you'll gain strategies for developing a policy for monitoring and securing your company's online communications. You'll learn:

- ▶ Current employer liabilities that could result from e-mail and IM abuse
- ▶ How managers should respond if employees are using e-mail to download porn, harass or defame co-workers, or violate another worker's privacy
- ▶ How far employers can go in monitoring e-mail and IM
- ▶ A primer on the federal rules pertaining to e-discovery and e-mail retention issues
- ▶ Strategies for protecting intellectual property in the cubicle and on the road, especially when an employee leaves the organization
- ▶ How to create policies for employee-run blogs that protect your company's rights

Stephanie M. Cerasano,
Ford & Harrison LLP
(Las Vegas only)
William W. Bowser,
Young Conaway Stargatt & Taylor, LLP
Scott A. Holt,
Young Conaway Stargatt & Taylor, LLP
(Nashville only)

POST-CONFERENCE WORKSHOPS

FRIDAY, 2:00 P.M.-5:00 P.M. HEALTH & WELFARE BENEFITS COMPLIANCE BOOT CAMP

Legislators and regulators have issued a flurry of new laws and regs pertaining to workplace health and welfare benefits lately – and additional changes are on the way. Keeping up with it all is a Herculean task for today's HR and benefits managers.

- ▶ How far employers can go in regulating employees' off the clock behavior through wellness and disease management programs
- ▶ How your wellness programs could violate discrimination laws, ERISA, and other statutes
- ▶ The new DOL compensation reporting and disclosure rules for benefit plans and their service providers
- ▶ New legal issues that are cropping up for consumer-driven health plans such as HSAs, HRAs, and flexible spending accounts

- ▶ New cafeteria plan rules and requirements for using electronic payment cards to pay for health care, dependent care, and/or transit expenses
- ▶ Compliance issues and strategies for effective and useful benefits plan documents and enrollment materials up to date
- ▶ Overview of the benefit continuation and reinstatement requirements for employees who are serving in the military

Ashley Gillihan and John R. Hickman
Alston & Birds LLP

WHAT IT TAKES TO LEAD: LESSONS FROM THE GREAT WORKPLACES

Ever wonder what leaders at the best workplaces on the planet know that you don't? Find out in this highly interactive workshop, which will showcase real-life lessons, case studies and examples from companies on the "100 Best Places to Work" list. In-depth learning and knowledge sharing come together in this seminar designed to teach you leadership practices and behaviors of today's top managers. You'll discover:

- ▶ Leadership qualities found at the best companies to work for
- ▶ How to assess your own leadership strengths and areas for improvement
- ▶ How leaders use communication to motivate employees to action
- ▶ The importance of trust: why it matters to your success and practical strategies for cultivating trust with your employees
- ▶ The leadership skills needed to improve employee performance and unleash their true potential
- ▶ New ways to set goals and provide direction for your staff
- ▶ What it really takes to lead in today's complex work environment, using real-life stories from leaders at the best companies
- ▶ Ideas and solutions to your current leadership challenges

Hal Adler, Great Place to Work® Institute

CALIFORNIA EMPLOYMENT LAW UPDATE (LAS VEGAS ONLY)

California employment law is constantly changing – and it remains significantly different from that of the other 49 states. Join the editors of *California Employment Law Letter* for an up-to-the-minute, interactive, advanced session on the different rules and realities of California employment law – along with expert prognostication of what's to come.

You'll get the latest practical, real-world guidance for dealing with the California-specific laws and regulations pertaining to:

- ▶ The differences between California and federal laws on accommodations for employees with disabilities
- ▶ Avoiding age discrimination missteps
- ▶ Tough rules on wage and hour law exemptions
- ▶ Leave requirements unique to California
- ▶ The intricacies of the state's sexual harassment training requirements

Mark I. Schickman
and Cathleen S. Vonahara
Freeland Cooper & Foreman

HR 13TH ANNUAL

ADVANCED EMPLOYMENT ISSUES SYMPOSIUM

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- 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 2008 and beyond. Please reserve my spot at **2008 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!**

Caesars Palace, Las Vegas, September 25-26 Hilton Nashville Downtown, October 16-17

Please also register me for the following pre-conference and/or one of the following post-conference workshops, for an additional \$199 (\$179 each per person for additional attendees from an organization).

Pre-Conference (Wednesday afternoon before the main conference)

- Documenting Employee Misconduct Master Class
- How to Conduct Stress-Free Performance Appraisals
- Sidestepping e-Danger Zones:

Post-Conference (Friday afternoon)

- Health & Welfare Benefits Compliance Boot Camp
- What It Takes to Lead: Lessons from the Great Workplaces
- California Employment Law Update (Las Vegas only)

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