

14<sup>th</sup> Annual

# Hot Topics in Employment Law

Des Moines, IA - October 9, 2013

Early Registration  
**SAVE \$30**

if paid by August 28<sup>th</sup>

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  - IA Federal CLE 6.5
  - MO CLE 8.0
  - NE CLE 6.67
  - HR Certification Institute 6.75
  - NASBA CPE 8.0
- See inside for details.

**PRESENTED BY:**

**Raymond R. Aranza, Marks Clare & Richards, L.L.C.**

**Frank B. Harty, Nyemaster Goode, P.C.**

**Neal K. Westin, Nyemaster Goode, P.C.**

**Erik S. Fisk, Whitfield & Eddy, P.L.C.**

**Kent M. Smith, Scheldrup Blades Schrock Smith P.C.**

(See complete biographies inside)

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**SAVE \$30**

Early Registration

Sterling Education Services  
P.O. Box 3127  
Eau Claire, WI 54702

Des Moines, IA - October 9, 2013

# Hot Topics in Employment Law

14<sup>th</sup> Annual

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# Hot Topics in Employment Law

## AGENDA

- I. The Use of Social Media and Personal Information in the Hiring Process**
  - A. The use of social networking sites in the employment context
  - B. Employer's risks with using social networking sites for employment decisions
  - C. Other hiring discrimination issues
    1. Credit history/bankruptcy
    2. Applicant with prior employee complaints, e.g., EEOC, FLSA, WC
    3. Unemployed, GINA, Family Responsibilities Discrimination (FRD)
  - D. Best practices and policies to minimize employer's risks
  - E. Case studies
- II. FLSA/Wage and Hour Compliance**
  - A. Misclassification: employee vs. independent contractor
    1. Penalties: the push to collect taxes
    2. Voluntary Classification Settlement Program (VCSP)
      - a. Risks and benefits
      - b. Immunity
      - c. Non-immune ramifications, e.g., ADA, FMLA
  - B. What to do before and after a wage and hour claim
  - C. Compensation issues surrounding smartphones and remote access usage after hours
  - D. Break time for nursing mothers under the new amendment
  - E. Current case law
- III. Drafting Workplace Handbooks and Agreements that Minimize Claims**
  - A. Agreements: how they work for you and against you
    1. Non-compete
    2. Trade secret
    3. Intellectual property
  - B. Effective handbooks: workplace inspections, drug use and testing, and making changes to benefits, etc.
  - C. Procedures for handling bullies, whistleblowers, and difficult employees in the workplace
  - D. How to avoid retaliation claims under civil rights statutes
  - E. Case law discussions
- IV. NLRB's Expanding Agenda**
  - A. Overview and the NLRB's Standard Operating Procedure (SOP)
  - B. Jurisdiction issues
  - C. Election representation: proposed changes and decisions, union elections/decertification, rules to follow
  - D. Extension of the reach of the NLRA
    1. Impact on employers: both union and non-union
    2. Impact on bargaining units
    3. Ongoing applications of Section 7 rights
    4. NLRB posting requirements and the impact on communications with employees
  - E. Policies that are *per se* violations of the NLRA, including social media
  - F. Recent NLRB activities and cases, e.g., Boeing, Fresenius USA Manufacturing
- V. Immigration Law Compliance**

E-Verify®, I-9 audits, and federal laws
- VI. 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

*Sterling Education Services may alter the agenda due to circumstances beyond our control.*

## DETAILS

**DATE:** Wednesday, October 9, 2013

**REGISTRATION:** 8:00 a.m.

**PRESENTATIONS:** 8:30 a.m. - 4:30 p.m.

**LUNCH:** 12:30 - 1:30 p.m.

*Lunch is on your own*

### LOCATION:

Renaissance Des Moines Savery Hotel

401 Locust Street

Des Moines, IA 50309

515-244-2151

*Map available online*

## WHO SHOULD ATTEND

- Human Resource Professionals
- Employers
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
  - Labor and Employment
  - Immigration
  - Employee Benefits
  - General Practice
  - New Attorneys

## SUMMARY

New developments in employment law occur all the time, and it has never been more important for employers and employees to know how to protect themselves. This seminar will be presented by experienced professionals who will share their knowledge and skills to provide you with workable solutions for complex issues, and will help you avoid costly penalties and damaging situations. Attend this program to reduce the uncertainty in the employment process from beginning to end. **Register today!**

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Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

## CONTINUING EDUCATION CREDIT

### IA CLE

This seminar is an accredited program that has been **approved** under the regulations of the **Iowa Supreme Court Commission on CLE** to provide a maximum of **6.75 hours of regular credit** toward the MCLE requirements under the Iowa Rule.

### IA FEDERAL

This course has been **approved** by the **U.S. District Court of Southern District of Iowa** for **6.5 continuing legal education credits**.

### MO CLE

This seminar has been **approved** by **The Missouri Bar's MCLE Department** for **8.0 credit hours**.

### NE CLE

SES, Inc. is an approved MCLE sponsor in the **State of Nebraska**. This activity has been approved for **6.67 MCLE credits**.



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](http://www.hrci.org).



Sterling Education Services is registered with the **National Association of State Boards of Accountancy (NASBA)** as a sponsor of continuing professional education on the National Registry of CPE Sponsors. **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**. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: [www.nasba.org](http://www.nasba.org). \*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

**RAYMOND R. ARANZA**, a partner of Marks Claire & Richards, L.L.C. in Omaha, focuses his litigation practice on employment-related and governmental entity issues. Mr. Aranza began his practice as an assistant county attorney, then as an appointed county attorney, a position to which he was later elected, serving there until pursuing private practice. He is experienced in ERISA litigation, employment discrimination litigation, public employer-employee litigation, workers' compensation, labor, and general commercial litigation. Mr. Aranza frequently presents at professional education programs on employee benefits and workplace issues. He recently served on a panel of experts at an annual ABA Tort and Trial Practices meeting to discuss the impact of the ADAAA on litigation strategy. Mr. Aranza received his B.A., *magna cum laude*, from Drake University and his J.D. from the University of Iowa Law School.

**FRANK B. HARTY** is a shareholder of Nyemaster Goode, P.C. in Des Moines. Mr. Harty has been inducted into the Iowa Academy of Trial Lawyers and the American Board of Trial Advocates. He is recognized by *Best Lawyers® in America*, in *Chambers and Partners* as a Leading Individual Labor and Employment Lawyer, as a "Super Star" by *Benchmark Litigation*, and as a Super Lawyer®. He has taught trial advocacy and employment law at Drake University Law School, and has presented and authored articles on labor and employment law at numerous professional education programs. Mr. Harty received his B.B.A., with honors, from the University of Iowa and his J.D. from Drake University, where he was Order of the Coif and editor in chief of the *Drake Law Review*.

**NEAL K. WESTIN**, a shareholder of Nyemaster Goode, P.C. in Des Moines, focuses on business organizations, immigration, and banking and secured transactions. He represents business clients ranging from start-up companies and nonprofits to multinational corporations. Mr. Westin regularly counsels employers on I-9 employment verification rules and other immigration law compliance matters. He is a member of the Iowa Association of Business and Industry's 2011-2012 Leadership Iowa class, the American Immigration Lawyers Association, the American Bar Association, the Iowa State Bar Association, and the Polk County Bar Association. Mr. Westin earned his B.A., with high distinction, at the University of Iowa and his J.D., with honors, at the University of Texas.

**ERIK S. FISK**, of Whitfield & Eddy, P.L.C. in Des Moines, practices in the areas of commercial law, construction law, contracts, litigation, labor law, and employment law. Mr. Fisk is a frequent speaker at programs on employment and commercial law. Mr. Fisk is a member of the International Association of Defense Counsel Trial Academy, the American Bar Association, the Iowa Bar Association, and the Polk County Bar Association. He earned his B.A., *summa cum laude*, at Drake University; his M.A. at Indiana University; and his J.D., with highest honors, at Drake University Law School, where he was selected for the Order of the Coif and served as projects editor for the *Drake Law Review*.

**KENT M. SMITH** is the managing member of the Des Moines and West Des Moines offices of Scheldrup Blades Schrock Smith P.C. Mr. Smith defends employers and insurance companies in workers' compensation, civil liability, and employment law claims in Iowa and Nebraska. He also speaks regularly at the national and local level to trade groups and associations. Additionally, Mr. Smith provides in-house consultations to help companies mitigate exposure in workers' compensation and employment issues. He is a member of the Iowa State Bar Association, the Nebraska Bar Association, the American Bar Association, the Defense Research Institute, and the Iowa Association of Workers' Compensation Lawyers. Mr. Smith received his B.A. from Central College and his J.D. from Drake Law School.

# Hot Topics in Employment Law Des Moines, IA - October 9, 2013

## Registration Fee: (includes manual)

- \$329 per person
- \$319 per person for 2 or more
- \$299 per person **if paid by August 28<sup>th</sup>**

## Reference Materials:

- Add audio to your registration for \$147\*
- Manual only \$95\*
- Audio only \$247\*
- Audio/manual package \$337\*

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1) Name: \_\_\_\_\_ Job Title/Practice Area: \_\_\_\_\_  
Email: \_\_\_\_\_

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\*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.  
†By providing this information you are agreeing to be added to Sterling's in-house contact lists.

## BOOKSTORE

Below is a selection of materials available from previous Sterling seminars. To order, please complete this form and mail with payment or call 715-855-0495. You can also find these and other materials online at <https://store.sterlingeducation.com/bookstore.php>.

### LABOR AND EMPLOYMENT LAW 2012 - Seminar # 12IA07111

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

#### PRESENTED BY:

Kimberly H. Blankenship with Bradley & Riley PC; Natalie K. Ditmars with Bradley & Riley PC; Joseph W. Younker with Bradley & Riley PC; Raymond R. Aranza with Scheldrup Blades Schrock Smith Aranza P.C.; and Emily K. Ellingson with Lynch Dallas, P.C.

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

### EMPLOYMENT LAW: BEYOND THE BASICS - Seminar # 12IA11283

FLSA/Wage & Hour Crackdown; Advanced FMLA and ADA Issues: *What does the law really say?*; Sexual, Racial, and Other Harassment and Discrimination; NLRB's Expanding Agenda; Health Insurance Update- What's Happening Now; Privacy and Social Media in the Workplace; Termination Best Practices

#### PRESENTED BY:

Victoria L. Herring with Herring Law Firm; Patrick D. Smith with Bradshaw, Fowler, Proctor & Fairgrave, P.C.; Frank B. Harty with Nyemaster Goode, P.C.; Brent L. Hinders with Hopkins & Huebner, P.C.; Greg A. Naylor with Whitfield & Eddy, P.L.C.; Erik S. Fisk with Whitfield & Eddy, P.L.C.; and Steve Flood with Holmes Murphy & Associates

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

## Seminar # 13IA10243

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- **Mail:** Sterling Education Services  
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- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

## WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. **Please call ahead to confirm the schedule.**

## CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

**If you cancel 3 or more business days before the seminar you may:**

- 1) transfer your registration to another seminar,
- 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

### A Practical Guide to Workers' Compensation

Des Moines, IA  
November 8, 2013

*Visit our website for details!*

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