

Employment Law: Beyond the Basics

Eugene, OR - December 4, 2015

Early Registration

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PRESENTED BY:

Alan J. Thayer, Jr., *Innovative Law Group*

Randy J. Harvey, *Bassinger & Harvey Law*

Dan Webb Howard, *Gleaves Swearingen LLP*

Christine M. Moehl, *Saalfeld Griggs, PC*

Laura T.Z. Montgomery, *Gleaves Swearingen LLP*

(See complete biographies inside)

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Employment Law: Beyond the Basics

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AGENDA

- I. **FLSA/Wage & Hour Crackdown**
 - A. Rise of collective/class-action lawsuits
 - B. Classification issues
 1. Exempt vs. non-exempt
 2. Independent contractor vs. employee
 - C. On the clock or off the clock
 - D. Strategies for avoiding wage & hour lawsuits and mitigating liability risks
 1. Voluntary Classification Settlement Program (VCSP)
 2. Using mandatory arbitration programs to avoid class actions
- 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 ADA 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. **Oregon’s New Paid Sick Leave Law (SB 484)**
 - A. Oregon sick leave requirements
 - B. Existing time off policies
 - C. Employer strategies
 - D. Preventing abuse
 - E. Penalties and liability
- V. **ACA/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

DETAILS

DATE: Friday, December 4, 2015
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:
Lane Community College
Center for Meeting and Learning
4000 East 30th Avenue
Eugene, OR 97405
541-463-3500
Map available online

WHO SHOULD ATTEND

- Human Resource Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
 - Employment and Labor
 - 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, the redefining of Section 7 rights, and the passing of new leave laws in Oregon, 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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MEET THE FACULTY

Dr. RANDY J. HARVEY, of Bassinger & Harvey Law in Eugene, represents employees in public and private sectors and has represented employers as well, giving him a view of both sides of employment conflicts. Mr. Harvey is experienced in employment law, education law, wage and hour, contract law, partnerships, civil rights, discrimination and sexual harassment, religious discrimination, and pregnancy disability. Additionally, he also represents individual and business clients in their conflicts with state and federal agencies. Prior to becoming an attorney, Dr. Harvey had extensive experience in education, human resource management, labor relations, union management and labor negotiations, employee misconduct investigations, and labor arbitration and mediation. He is a member of the Oregon State Bar, the California State Bar, the American Association of Justice, the Oregon Trial Lawyers Association, the North American Educational Negotiators, the National Association of School Attorneys, the Oregon School Personnel Administrators Association, the Lane County Bar Association, the Multnomah County Bar Association, and the Sacramento County Bar Association. Dr. Harvey received his two Bachelor's Degrees and his Master's Degree from Eastern Oregon University, his J.D. from Concord Law School, and his Ph.D. in Education Policy and Management from the University of Oregon.

ALAN J. THAYER, Jr., founder of Innovative Law Group in Eugene, is a business lawyer and has handled a wide variety of complex business litigation cases and used his litigation experience to help in preventing employee disputes, the forming of new businesses, business transactions, and general business counsel. Recently, Mr. Thayer represented the state of Oregon on the board of directors of the US Chamber of Commerce. He continues to serve as a founding member of the US Chamber's Small Business Council. He also serves on the board of directors and the executive committee for Associated Oregon Industries, the largest statewide business association in the United States and has been actively involved with the Eugene Area Chamber of Commerce. Mr. Thayer received his B.S. from Oregon State University and his J.D., *magna cum laude*, from the Northwestern School of Law of Lewis & Clark College.

DAN WEBB HOWARD, of Gleaves Swearingen LLP in Eugene, has more than twelve years of experience as an employment law attorney and appellate practitioner. As employment law counsel, he offers a comprehensive array of legal services to employers, including advice on complying with the numerous laws that govern the employment relationship, negotiating and drafting contracts of employment, and defending against employment-related claims brought by individuals and the government. Mr. Howard has a particular interest in helping businesses avoid liabilities associated with independent contractor "misclassification," a risk that faces any business using non-employee contractors to provide services to its customers. He is skilled in assisting clients to develop documents and best practices that minimize the risk of a misclassification finding by the government. Mr. Howard received his B.A. from Ohio State University and his J.D. from the U.C. Berkeley School of Law (Boalt Hall).

LAURA T. Z. MONTGOMERY, of Gleaves Swearingen LLP in Eugene, has gained extensive experience litigating cases in many different areas of law, including employment law, business and commercial litigation, real property, construction disputes, and trust and estate disputes in her twenty-two years of practice. Much of her career has focused on defending employers in wrongful discharge, discrimination, and retaliation based employment claims both in state and federal court and in the administrative arena. She is a member of the American Bar Association, the Federal Bar Association, the Lane County Bar Association, the Oregon State Bar Association, the Washington State Bar Association, and the Oregon Women Lawyers Association. Ms. Montgomery received her B.A., with honors, from the University of Oregon and her J.D. from the University of Oregon School of Law.

CHRISTINE M. MOEHL, of Saalfeld Griggs, PC in Salem, has a practice limited to legal matters related to the Employee Retirement Income Security Act (ERISA), including both health care plans and qualified retirement plans. Ms. Moehl assists public and private sector plan sponsors, third-party administrators, and investment professionals in all aspects of establishing and operating employee benefit plans. She is particularly adept at designing health and retirement plans to fit the individual needs of her clients, as well as assisting plan sponsors and fiduciaries in complying with ERISA, the Internal Revenue Code, and Health Care Reform. Ms. Moehl is a board member and program chair of the Western Benefits Conference and she is a frequent speaker on employee benefits topics. She was selected by her peers for inclusion in Super Lawyers® Rising Stars® and she is a member of the American Society of Pension Professionals and Actuaries (Associated Professional Member), the Oregon State Bar, and the Marion County Bar. Ms. Moehl received her B.A. from Lewis & Clark College and her J.D., *cum laude*, from the Northwestern School of Law of Lewis & Clark College.

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Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by October 23rd**

Reference Materials:

- Add audio to your registration for \$157*
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- Audio only \$257*
- Audio/manual package \$347*

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FUNDAMENTALS OF EMPLOYMENT LAW - Seminar # 14OR12327

Hiring and Terminating Employees in the Current Economy; The PPACA/Obamacare: What Employers Need to Know; FLSA/Wage and Hour Critical Issues; Correctly Using Independent Contractors in Oregon; ADA and FMLA Updates and Interplay; Sexual, Racial, and Other Harassment in the Workplace; Privacy and Social Media in the Workplace

PRESENTED BY:

Alan J. Thayer, Jr. with Innovative Law Group; Randy J. Harvey with Bassinger & Harvey; Frank C. Gibson with Hutchinson, Cox, Coons, Orr & Sherlock, P.C.; and Dan Webb with Howard, Gleaves Swearingen LLP

Manual only \$75

A PRACTICAL GUIDE TO WORKERS' COMPENSATION - Seminar # 13OR12333

The Use of Social Media in Investigating Claims; Untimely Claim Filing; Novel Issues of Course and Scope/Subjectivity; Combined Conditions: Compensable Injuries and Preexisting Conditions; Legislative and Case Law Update; Temporary Partial and Total Disability Benefits; Ethical and Professional Behavior

PRESENTED BY:

Dean J. Lederer with Lyons Lederer, LLP; David C. Johansen with Wallace, Klor & Mann, P.C.; Christo J. de Villiers with MacColl Busch Sato, PC; Aaron E. Clingerman with The Law Offices of Dye & Clingerman; Steven M. Schoenfeld with Schoenfeld & Schoenfeld, P.C.; Allison B. Lesh with Moore, Jensen & Lesh; and Larry D. Schucht with SAIF Corporation

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

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- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

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REFERENCE MATERIALS

SEMINAR MANUAL:

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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.**

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