

OTHER OPPORTUNITIES

- **Landlord-Tenant Law Update**
Charleston, WV – October 6, 2010
- **Fundamentals of Employment Law**
Pittsburgh, PA – August 18, 2010

Check our website or call us for more info!

REFERENCE MATERIALS

Seminar Manual

The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its price is included in the registration fee.

Audio Recording

This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

STERLING BOOKSTORE

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NEW REALITIES IN EMPLOYMENT LAW:

Compensation Issues Under FLSA/Wage and Hour; Hot Topics: The Latest Interpretations of Current Employment Law; ADA Update; Coping With Leave Laws; Employment Issues in the Paperless Workplace; and Employment Arbitration and Mediation Agreements: "Mandatory vs. Voluntary?"

PRESENTERS: Drew M. Capuder with Capuder Fantasia PLLC; Kathleen Abate with Cohen, Abate & Cohen, L.C.; and Patrick F. Roche, Attorney at Law

Seminar #9WV03113 Manual only \$75

EMPLOYMENT LAW UPDATE:

Employment Law Developments; Stay out of Jail: Immigration Compliance Issues for Employers; Wage & Hour and the FLSA; Sexual, Racial, and Other Harassment in the Workplace; Privacy in the Workplace and Conducting an Internal Investigation; Protecting At-Will Employment; and Developments in FMLA Compliance and the Overlap of ADA, FMLA, and WC When Dealing with Absences of Ill, Injured, and Disabled Employees

PRESENTERS: Scott K. Sheets with Huddleston Bolen LLP; and Adam L. Maynard and Brian J. Moore with Dinsmore & Shohl LLP

Seminar #9WV01076 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

ADVANCED WORKERS' COMPENSATION:

WC Update and Case Law; Effective Claims Handling Strategies; The Benefit Review Process; Resulting and Course Of: Overview & Update; A.M.A. Guides: Which Edition and How to Use it; A View From the Chair of the West Virginia Workers' Compensation Board of Review; Ethical Issues in Workers' Compensation Practice; and Medical Treatment/Vocational Rehabilitation Issues

PRESENTERS: Thomas C. Cady with West Virginia University College of Law; Mary Elizabeth Snead with Robinson & McElwee PLLC; Andrew N. Richardson with Wells Fargo Disability Management; and Rita F. Hedrick-Helmick with the Offices of the Insurance Commissioner

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3rd Annual Fundamentals of Employment Law

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3rd Annual

Fundamentals of Employment Law



Morgantown, WV
October 20, 2010



Presented by:

Drew M. Capuder, J.D.

- Capuder Fantasia PLLC

J. Robert Russell, J.D.

- Shuman, McCuskey & Slicer, PLLC

Patrick F. Roche, J.D.

- Attorney at Law

Janis P. White, M.D., J.D.

- Steptoe & Johnson PLLC

(See complete biographies inside)

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WHO SHOULD ATTEND

- Attorneys:
 - Employment and Labor
 - Human Resources
 - Employee Benefits
 - General Practice
 - Health Care
 - New Attorneys
- Human Resource Professionals
 - Health Care Insurers
 - Business Owners
 - Managers
 - Supervisors
 - CIS Managers
 - Payroll Professionals

MEET THE FACULTY

DREW M. CAPUDER, J.D., a partner in Capuder Fantasia PLLC and of counsel to Manchin & Aloï PLLC in Fairmont, focuses on employment litigation and consulting, business litigation and consulting, representing medical professionals in licensing board issues, and mediation. He has completed both the basic and advanced courses in mediation skills conducted by the West Virginia State Bar. Mr. Capuder is the author of *Drew Capuder's Employment Law Blog*. He is also an adjunct faculty member at Fairmont State University teaching legal and ethical issues in media. Mr. Capuder has been a guest many times on the Wednesday morning law talk program in the series *Ask the Experts* on radio station WAJR. He was interviewed by WBOY Television regarding the lawsuit West Virginia University filed against Coach Rodriguez. Mr. Capuder is a member of the West Virginia State Bar, the Marion County Bar Association, the West Virginia Employment Lawyers Association, and the State Bar of Texas. He is licensed to practice law in Texas and West Virginia. Mr. Capuder received his B.A., with honors, from the University of Southwest Louisiana-Lafayette (now named the University of Louisiana), and his J.D. from the University of Houston Law Center.

JANIS P. WHITE, M.D., J.D., of counsel with Steptoe & Johnson PLLC and a pathologist in Clarksburg, focuses her practice in the areas of health care, medical professional liability, and product liability. Prior to graduating from law school, Dr. White was a member of the medical staff of United Hospital Center in Clarksburg. She is a member of the American College of Legal Medicine, the American Medical Association, the American Bar Association, the College of American Pathologists, and the American Society of Clinical Pathologists. Dr. White received her B.S., M.D., and J.D. from West Virginia University, where she was selected Order of the Coif.

J. ROBERT RUSSELL, J.D. of counsel with Shuman, McCuskey & Slicer, PLLC in Morgantown, practices in employment defense litigation, governmental entity liability, and medical professional liability. He is a member of the West Virginia Bar, the Defense Trial Counsel of West Virginia, and the Defense Research Institute. Mr. Russell received his B.S. from James Madison University in Harrisburg and his J.D. from the West Virginia University College of Law, where he was selected Order of the Coif and executive editor of the *West Virginia Law Review*.

PATRICK F. ROCHE, J.D., a sole practitioner in Fairmont, practices in the areas of employment law, family law, commercial litigation, intellectual property, probate and trust, construction, and real estate litigation. Mr. Roche served nine years as a Marine Corps Judge Advocate as a labor attorney for the Department of the Navy and as a Special Assistant U.S. Attorney. Upon his retirement from the Marine Corps, Mr. Roche was a prosecutor for the State of Florida for two years before joining a mid-sized law firm in Melbourne, Florida, where he ultimately became a named partner. While member of that firm, Mr. Roche served as the outside general counsel for a major residential builder. Mr. Roche is a member of the American Bar Association, and he is licensed to practice law in the states of West Virginia, North Carolina, and Florida. Mr. Roche received his B.A., with honors, from the University of Mary Washington and his J.D. from Wake Forest University.

FUNDAMENTALS OF EMPLOYMENT LAW

DATE: Wednesday, October 20, 2010

REGISTRATION: 8:00 a.m.

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

LUNCH: (on your own) 12:00 - 1:00 p.m.

LOCATION:

Euro-Suites Hotel

501 Chestnut Ridge Road

Morgantown, WV 26505

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Fundamentals of Employment Law

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Morgantown - October 20, 2010

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- \$137 audio **with registration**, a **\$100 savings!**

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SEMINAR AGENDA

I. Hiring & Terminating Employees in the Current Economy

- A. Hiring qualified employees
 1. Credit checks: are you in compliance with the Fair Credit Reporting Act?
 2. Criminal background information: what are the rules?
 3. I-9, E-Verify®, interviewing, testing, SSN mismatch
- B. Social networking sites and employment-related decisions
 1. The use of social networking sites in the employment context
 2. Employer risks with using social networking sites for employment decisions
 3. Best practices and policies to minimize employer risk
- C. Handling terminations and layoffs
 1. Legal considerations – WARN Act, OWBPA, RIF
 2. Structuring severance/separation packages; COBRA
 3. Tips and traps: opposing unemployment compensation claims
 4. Termination of the "difficult" employee – strategies for avoiding claims

II. Compensation Issues Under FLSA/Wage and Hour

- A. Update and overview
- B. Contrasting the FLSA and state wage and hour laws
- C. Issues of pay, hours, and employee classification
e.g., exempt vs. nonexempt, employee vs. independent contractors

III. Employee Privacy in the Workplace

- A. Whose computer is it? employer's right to monitor e-mail
- B. Wireless communications
- C. Personal information and data security:
storage, treatment, and breach notification
- D. Evaluating performance
- E. Privacy issues in formal complaint procedures
- F. Conducting a lawful misconduct investigation
- G. Employee off-duty misconduct
- H. Information disclosure

IV. ADA and FMLA Update

- A. Recent changes and developments with the ADA
- B. Recent changes and developments with the FMLA
- C. Thoughts on the interplay between the ADA and the FMLA

V. Sexual, Racial, and Other Harassment in the Workplace

- A. Recent legislation and court cases, including Ledbetter Fair Pay Act
- B. Is it harassment or just obnoxious behavior?
- C. What constitutes a hostile workplace environment?
- D. Employer liability principles as they affect management of complaints
- E. Avoiding harassment claims: the 4 P's
(policy, protection, prompt, and punishment)
- F. Liability for claims of harassment by third parties

VI. Health Care Reform: an Overview

- A. Requirements for employers to comply with the law
- B. Incentives and penalties for employers' compliance or failure to comply
- C. Early retirees' temporary reinsurance program
- D. Tax credits available to eligible small businesses
- E. Participation in SHOP exchanges
- F. Changes to flexible spending and health savings accounts
- G. W-2 reporting changes for employers

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