



The Bureau of Labor and Industries proudly presents the 27th Annual

Employment Law Conference 2011

December 1 & 2

Day 1 - Thursday, December 1, 2011

Day 2 - Friday, December 2, 2011

Session Times Conference Rooms B110-B119 and C120-C124

7:30 - 8:10 a.m. Registration, Check-in and Breakfast

8:10 - 8:25 a.m. Introduction in Rooms B113-B116

	B110-B112	B117-B119	C120-C122	C123-C124
8:30 - 10:00 a.m.	HR on Trial -Dave Riewald	Caselaw Update -Todd Hanchett & Karen O'Connor	Rightful Discharge -Rich Meneghello	Managing Intermittent Leave in an ADA World -Kathy Hindman
10:00 - 10:15 a.m.	Break			
10:15 - 11:45 a.m.	HR on Trial -continues	Caselaw Update -continues	Rightful Discharge -continues	Managing Intermittent Leave in an ADA World -continues
11:45 - 12:45 p.m.	Lunch			
12:45 - 2:15 p.m.	Best Practices of Labor Management Committees -David Thompson	Follow the Money: Avoiding Common Mistakes in Paying Employees -Jamie Carlton & Rebecca Watkins	Social Media in the Workplace -Anne Denecke	Who's in Charge Here? -Elizabeth Falcone and Leah Lively
2:15 - 2:30 p.m.	Break			
2:30 - 4:00 p.m.	Oregon Wage and Hour Update -Kent Pearson	Lawful Hiring Practices -Shari Lane	Managing a Modern Workforce -Amy Alpern and Caroline Guest	When Policies Attack -Elizabeth Falcone and Leah Lively

Session Times Conference Rooms B110-B119 and C120-C124

7:30 - 8:30 a.m. Check-in and Breakfast

	B110-B112	B117-B119	C120-C122	C123-C124
8:30 - 10:00 a.m.	Keeping Up with Healthcare Reform -Tom Kramer	Hurricane I-9 -Ron Guerra	Managing Drugs and Alcohol in the Workplace -Fran Barnwell and Emily Shults	Legislative Update -Dan Grinfias
10:00 - 10:15 a.m.	Break			
10:15 - 11:45 a.m.	Sexual Harassment -Lisa Brown	Hurricane I-9 -continues	Termination, Trips, Traps and Best Practices -Jeff Brecht and Elizabeth Semler	Legislative Update -continues
11:45 - 12:45 p.m.	Lunch			
12:45 - 2:15 p.m.	Documenting Employee Performance -Maryann Yelnosky and Jennifer Warberg	E-Verify -Ron Guerra	Veterans' Issues -Tom Mann	Dealing Effectively with Unacceptable Employee Behavior -Lisa Amato
2:15 - 2:30 p.m.	Break			
2:30 - 4:00 p.m.	BOLI and EEOC Claims Process -Panel	Unlocking the Secrets of Silent Defectors -Jennifer Bouman-Steagall	Discipline and Discharge in the Public Sector -Barb Bloom	Interaction of Leave Laws, Injured Workers and ADA -Krishna Balasubramani and Aaron Bass

Day 1 Thursday, December 1, 2011

HR on Trial 8:30-11:45 a.m.

Speaker: Dave Riewald
Your company has just been sued by a former employee! Dave will take you on the journey from the filing of the complaint through the trial. This will be an informative and entertaining look at the litigation process with some movie and video clips sprinkled in along the way. See how HR's everyday actions and decisions impact the end result and learn tips that could help you avoid finding yourself under the microscope of a lawsuit. This session is intended for HR practitioners and managers at all levels and in both the private and public sectors.

Caselaw Update 8:30-11:45 a.m.

Speakers: Todd Hanchett and Karen O'Connor
The experts bring you the latest in employment law developments with this popular caselaw update. Find out how the most recent court decisions could influence your company policies and practices.

Rightful Discharge 8:30-11:45 a.m.

Speaker: Richard Meneghello
You'll learn lawful and effective techniques for ridding your workforce of employees who deserve to be fired and for documenting those employees who deserve discipline. Never again will you be intimidated by federal and Oregon laws protecting employee rights; Oregon employers have some important rights, too, including the right to fire employees with bad attitudes. This program will show you how.

Managing Intermittent Leave in an ADA World 8:30-11:45 a.m.

Speaker: Kathy Hindman
Intermittent and reduced schedule leaves can be difficult to manage, particularly when an employee's medical condition is affecting his/her ability to perform the job. In this three-hour workshop, we will examine intermittent absences in our ADA world, where the definition of "disability" is broad and deep. Using a day-in-the-life story of an HR Director as our backdrop, we will review intermittent FMLA/OFLA absences, and discuss medical verification, recertification, and second opinions; we will analyze temporary extensions of leave, reassignment and other accommodation options when FMLA/OFLA has expired or is not in the picture. This session does not teach FMLA/OFLA or ADA basics, but is instead a chance to work through more complicated human resources, leave and accommodation issues.

Best Practices of Labor / Management Committees 12:45-2:15 p.m.

Speaker: David Thompson
Learn how to get your labor management committee started, how to improve your current committee, and what to do when your committee goes in the wrong direction.

Follow the Money: Avoiding Common Mistakes in Paying Employees 12:45-2:15 p.m.

Speakers: Jamie Carlton and Rebecca Watkins
Businesses want to make money. Employees work to get money. You want to show your employer how you make it or save it money. Particularly in these economic times, businesses are looking at ways to cut costs and run more efficiently. Employee compensation is often the biggest expense for employers, so deserves some of this attention. Understanding wage laws is important for more than just the payroll person. Decisions and documentation made by supervisors and employers affect whether employees are paid right. Even minor mistakes in paying employees can come with a hefty litigation price tag...wage claims are the most prevalent arena for class action lawsuits against employers. In this session, we'll talk about common wage traps including final paychecks, breaks, travel pay, (continued)

payment for lost/broken equipment, till shortages, and pay during leave. We will also highlight one other money concern in the workplace - employee theft. With knowledge and good recordkeeping practices, you can protect your company's bottom line. This session is geared towards employers, managers, and HR professionals and provides basic to intermediate information on wage laws.

Social Media in the Workplace 12:45-2:15 p.m.

Speaker: Anne Denecke
What is social networking/media and why it is such an important force in the workplace? Topics covered include:
* "Professional" versus "pure" social networks
* How employees use social media
* The most significant internal and external legal risks of employee use of social media
* Developing a workplace social media policy
This session is intended for advanced HR practitioners and managers.

Who's in Charge Here? 12:45-2:15 p.m.

Speaker: Elizabeth Falcone and Leah Lively
Exempt classifications are one of the most difficult issues facing employers today, with class action litigation over overtime being waged in every court in the country. This session will focus on explaining the exemptions, and providing practical examples of how to apply them to actual jobs. Tips will be provided for attempting to determine whether employees are actually performing their jobs as planned.

Oregon Wage and Hour Update 2:30-4:00 p.m.

Speaker: Kent Pearson
In the current economic climate, wage and hour compliance is more important than ever. This advanced session will highlight recent trends and developments in Oregon wage and hour law. Learn how recent legislative changes and court decisions will alter the current wage and hour landscape. This session will also highlight the mistakes commonly made by employers, and discuss ways to avoid them.

Lawful Hiring Practices 2:30-4:00 p.m.

Speaker: Shari Lane
Whether you've interviewed thousands of applicants or only a handful, the hiring process can be tricky business. What questions are you permitted to ask? What questions should you ask? How do you ensure you're getting all the information you need to employ the most qualified and best-suited person for the job, without running afoul of Title VII, the ADEA, the ADA, and Oregon laws? Can you run a criminal background check? Should you? How about a credit check? Should you consider information (negative or positive) gleaned from Facebook? What are the steps to requiring a lawful pre-employment physical exam? Designed for both novices and experienced human resources practitioners, this seminar will help you navigate the precarious path to solid hiring practices.

Managing a Modern Workforce 2:30-4:00 p.m.

Speakers: Amy Alpern and Caroline Guest
As companies demand greater efficiency and productivity, employees who fail to keep up become toxic, manipulating legal protections or filing "pre-taliation" claims to avoid searching for a new job. When their constant negativity damages morale and saps company resources, how should you respond?
In this program we will explore:
* The warning signs of a toxic employee
* Early intervention techniques
* Avoiding and responding to pre-taliation claims
* Effective performance management and termination strategies

When Policies Attack 2:30-4:00 p.m.

Speakers: Elizabeth Falcone and Leah Lively
This session will cover the critical must-have policies for employee handbooks, as well as areas in which employers make mistakes in drafting their handbooks. Attendees will get an inside perspective on what employment lawyers look for when reviewing employment policies, and suggestions as to how to review their own handbooks for potential problems.

Day 2 Friday, December 2, 2011

Keeping Up with Healthcare Reform 8:30-10:00 a.m.

Speaker: Tom Kramer
The 2010 federal health care reform laws are already changing how employers view employee health coverage and the pace of change will accelerate as we approach 2014, subject to legislative and judicial developments. This session will review the changes to date and help you prepare for the changes that may come.

Hurricane I-9 8:30-11:45 a.m.

Speaker: Ron Guerra
This seminar will provide you with tools and resources to administer the form I-9 responsibilities with confidence, to understand the civil and criminal risks for non-compliance and what to do when federal agencies conduct a worksite enforcement action.

Managing Drugs and Alcohol in the Workplace 8:30-10:00 a.m.

Speakers: Fran Barnwell and Emily Shults
This presentation will address legal and practical issues when managing employee drug and alcohol use. Beginning with a brief overview of the legal requirements related to drug and alcohol testing, the presentation will provide guidance and legal cautions to assist employers in prevention, investigation and documentation issues, administering progressive discipline or termination, including return to work conditions, and managing any interactive process with the employee or any required accommodations under medical leave and/or disability laws.

Legislative Update for Oregon Employers 8:30-11:45 a.m.

Speaker: Dan Grinfias
This session includes a recap of Oregon's busy 2011 legislative session and covers proposed and enacted legislation in the areas of wage and hour law, civil rights law, employee leaves of absence, jury duty, unemployment benefits, and more. This session is relevant for both public and private sector employers and all levels of HR practitioners.

Sexual Harassment: Strategies for Prevention 10:15-11:45 a.m.

Speaker: Lisa Brown
Learn what constitutes sexual harassment, what employers must do to prevent harassment, and how employers can protect themselves from liability arising out of sexual harassment in the work place.

Termination Trips, Traps and Best Practices 10:15-11:45 a.m.

Speakers: Jeff Brecht and Elizabeth Semler
This presentation will include information on how to terminate employees without getting sued, including pre-termination considerations, documentation and risk analysis. The presenters will discuss the termination meeting and post-termination issues such as COBRA, final paycheck, unemployment claims and personnel file maintenance. The presentation will also focus on post-termination internal communications and employment references.

Documenting Employee Performance 12:45-2:15 p.m.

Speaker: Maryann Yelnosky and Jennifer Warburg
This session will provide practical advice for the effective documentation of employee performance, including performance strengths and areas for improvement. Learn how to use documentation to motivate employees and to document performance shortcomings to insure workplace performance expectations are effectively managed. We will also review the impact of performance documents when litigating the merits of a performance-based termination.

E-Verify 12:45-2:15 p.m.

Speaker: Ron Guerra
Ron will provide tips and guidance about E-Verify requirements.

Veterans' Issues 12:45-2:15 p.m.

Speaker: Tom Mann
Tom will discuss recent legislative actions which strengthen veterans' protections and related workforce issues of interest to Oregon employers. This session will have information applicable to both public and private employers.

Dealing Effectively with Unacceptable Employee Behavior 12:45-2:30 p.m.

Speaker: Lisa Amato
Dealing with difficult employees tries our patience and consumes precious work hours. This advanced seminar is geared toward private employer HR practitioners and managers. We will discuss some of the root causes of performance problems, evaluate the appropriateness of various strategies for clear communication, discuss proper documentation and progressive discipline, and evaluate when it is time to terminate employment and how to minimize negative repercussions. There is no definitive way to prevent an employee from initiating litigation or filing a grievance, but taking proactive steps throughout the employment relationship does help protect the organization from legal problems.

BOLI and EEOC Claims Process 2:30-4:00 p.m.

Speakers: Panel
BOLI and EEOC claims investigators will explain what happens when a claim is filed.

Unlocking the Secrets of Silent Defectors 2:30-4:00 p.m.

Speaker: Jennifer Bouman-Steagall
Most of us are rarely surprised when vocal and outspoken employees choose to leave, but what about the quiet ones? You know the type, and perhaps it was you -- the employee who never complains or talks about leaving, but who silently stew until he or she leaves with hardly a whisper. In that instance, can you explain what happened? Would you be surprised to learn that higher pay, better benefits, and even a bad manager may not be the answer? Suitable for managers and HR professionals at all levels in both the public and private sector, this informative and entertaining program explores the top hidden reasons why employees really leave and offers effective retention strategies for the modern day employer.

Discipline and Discharge in the Public Sector 2:30-4:00 p.m.

Speaker: Barb Bloom
An overview for public sector supervisors, managers, and Human Resources professionals regarding employee performance management, discipline, and discharge with a focus on unique discipline and constitutional due process issues.

Interaction with Leave Laws, Injured Worker and ADA 2:30-4:00 p.m.

Speakers: Krishna Balasubramani and Aaron Bass
Explore the overlap of laws governing the treatment of disabled and injured employees as well as those who require medical or military leave. Discuss how various departments in your company may need to coordinate actions to ensure the employee is provided benefits and protections under the ADA, injured workers statutes, and OFLA/FMLA. This session is intended for managers and HR practitioners with advanced knowledge of leave laws.

This program is pending approval for 12 general credit hours toward PHR, SPHR and GPHR certification through the HR Certification Institute.

Conference Speakers

Amy Alpern is an attorney with the firm of Littler Mendelson	Aaron Bass is with the firm of Sather, Byerly and Holloway	Jamie Carlton is with the firm of Sather, Byerly and Holloway	Ronald Guerra is a member of Jordan Ramis P.C. Labor and Employment Law practice group	Leah Lively is a trial attorney with the firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.	Emily Shults is an attorney with Bullard Smith
Lisa Amato is an attorney with Wyse Kadish, LLP	Barb Bloom is a shareholder with Bullard Law	Anne E. Denecke, P.C. , focuses on management, employment and labor law, corporate diversity counseling and human resources consulting	Caroline Guest is an attorney with the firm of Littler Mendelson	Tom Mann is the Director of the Oregon Department of Veterans Affairs (ODVA)	Elizabeth Semler is with the firm of Sussman Shanks, LLP
Brad Avakian is the Commissioner of the Bureau of Labor and Industries	Jennifer Bouman-Steagall is the founder of Employment Law Outsourcing, LLC	Elizabeth Falcone is an attorney with the firm of Ogletree, Deakins, Nash, Smoak and Stewart, P.C.	Todd Hanchett is with the firm of Barran Liebman, LLP	Rich Meneghello is a partner with the Portland office of Fisher & Phillips, LLP	David Thompson is an attorney with Bullard Smith
Krishna Balasubramani is with the firm of Sather, Byerly and Holloway	Jeff Brecht is a member of Sussman Shank's Business Litigation and Employment Law groups.	Dan Grinfias , a former BOLI Civil Rights Investigator and TA Program Coordinator is Of Counsel to the firm of Buchanan, Angeli, Altschul & Sullivan, LLP	Kathryn M. Hindman is a shareholder with Bullard Law	Karen L. O'Connor is with the firm of Barran Liebman, LLP	Jennifer Warberg is with the firm of Bullard Smith
Francis Barnwell is an attorney with Bullard Smith	Lisa Brown is an attorney with Bullard Law		Tom Kramer is with the firm of Bullard Smith	Kent Pearson is with the firm of Bullard Smith	Rebecca A. Watkins is with the firm of Sather, Byerly and Holloway
			Shari Lane is a former BOLI operations manager and is the founder of Northwest Employment Law, LLC	David Riewald is a shareholder with Bullard Law	Maryann Yelnosky is a shareholder with Bullard Law.



Bureau of Labor and Industries
 Technical Assistance for Employers Program
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Updates, legislative changes, practical tips and applications, forms and policies that employers need to build a better workplace.

Bureau compliance experts and Oregon's top employment law attorneys provide you with the latest information and most effective tools to keep you in compliance - and out of court.



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Registration Information

(please use one form per participant)

Conference Package.....\$489 per person
 Early-Bird Registration (by November 10, 2011).....\$429 per person
 Three or more people from same employer (no early-bird).....\$429 per person
 Single-Day Package.....\$349 per person

◇◇◇All options include conference manual, breakfasts, lunches & snacks◇◇◇

Registration by FAX: You may fax your registration if you are using a credit card or purchase order (please include PO number) for payment to (971) 673-1384.

Registration by Mail: Please return your registration form with payment to:
Bureau of Labor and Industries -TA, 800 NE Oregon St Ste. 1045, Portland, OR 97232.
 Payment must accompany registration form, VISA or MasterCard payment, or Purchase Order number.

Confirmations: Your conference registration will be confirmed only via email (if it is received 5 or more working days prior to the conference). Please provide the appropriate email address.

Cancellation Policy: For a refund (minus a \$25 processing fee), or a full credit towards the price of any seminar in the following 12 months, you must cancel your registration 5 business days before the conference. Without advanced notice, we cannot issue refunds or credits. You are most welcome to send a substitute from your organization, if you cannot attend.

Accommodations: Call the Technical Assistance office for a list of nearby accommodations, or check the Portland Oregon Visitors Association website at: www.pova.com/visitors. For additional information, call Donald in our Portland office at (971) 673-0825.

Transportation & Parking: Tri-Met MAX Lightrail stops at the Oregon Convention Center every 8 to 15 minutes. Parking at the Convention Center is \$8/day. There are numerous events at the convention center, so please arrive early to ensure yourself a parking space.

Company Name: _____

Address: _____

City: _____ State/Zip: _____

Participant Name: _____

Both Days | Day 1 (12/1/11) | Day 2 (12/2/11) | Amount Due \$ _____

~Payment must accompany registration form. Please make checks payable to: Bureau of Labor and Industries.

Payment Method | VISA | MasterCard | Check | Purchase Order # _____

Credit Card No: _____

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