Fundamentals of Employment Law

Las Vegas, NV - August 26, 2015

Presented by:
John B. Marcin, Marcin Lambirth, LLP
Jon Eric Garde, JEGLAW LTD
James T. Tucker, Armstrong Teasdale LLP
Bernadette A. Rigo, Selman Breitman LLP
Brian J. Pezzillo, Pezzillo Lloyd Law Firm
(See complete biographies inside)

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Fundamentals of Employment Law

AGENDA

I. Hiring and Terminating Employees in the Current Economy
   A. Hiring qualified employees
      1. Credit checks: compliance with the Fair Credit Reporting Act
      2. Criminal background information: what are the rules?
   B. Handling terminations and layoffs
      1. Legal considerations, e.g., WARN Act, OWBPA, RIF
      2. Structuring severance and separation packages, COBRA
      3. Tips and traps, e.g., employment agreements, unemployment compensation claims
      4. Termination: strategies for avoiding claims

II. 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:
       monitoring and creating policies regarding electronic communications
    C. Use of social networking sites in the employment context: risks, best practices, and policies
    D. Off the job behavior, e.g., blogging and dating
    E. Privacy issues in formal complaint procedures
    F. Information disclosure
    G. Case law studies

III. FLSA/Wage and Hour Critical Issues
    A. Update and overview
    B. Contrasting the FLSA and state wage and hour laws
    C. Compensable time: training time, meal time, dressing time, travel time, on-call time
    D. Employee classification: exempt vs. non-exempt, employee vs. independent contractor
    E. Regular and overtime rates, minimum wage, salaries, comp time, tipped employees
    F. Dealing with the Department of Labor: maintaining records and ensuring compliance
    G. Defenses: what’s available, what’s not?
    H. The downside of noncompliance: limitation period, liquidated damages, and attorneys’ fees

IV. ADA and FMLA Updates and Interplay
    A. FMLA, ADA updates, and EEOC guidelines
       1. Expansion of what can be considered a “disability”
       2. What constitutes accommodation according to the EEOC
       3. Shift in prohibited action cases
       4. How new ADAAA rules impact HR
       5. Effect on FMLA and other leave policies
    B. The interplay between the ADA and the FMLA

V. Immigration Law
    A. I-9, E-Verify®, SSN mismatch
    B. Relevant immigration issues and timelines

VI. The 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

VII. Sexual, Racial, and Other Harassment in the Workplace
    A. Recent legislation and court cases
    B. Harassment vs. discrimination vs. obnoxious behavior
    C. What constitutes a hostile workplace environment?
    D. Employer liability principles as they affect management of complaints
    E. Avoiding harassment claims: policy, protection, prompt, and punishment
    F. Liability for claims of harassment by third parties
    G. Conducting a lawful misconduct investigation

Details

Date: Wednesday, August 26, 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:
Embassy Suites Las Vegas
4315 Swenson Street
Las Vegas, NV 89119
702-795-2800
Map available online

Who Should Attend
- Human Resource Professionals
- Health Care Insurance Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
  - Employment and Labor
  - Immigration
  - Employee Benefits
  - General Practice
  - Health Care
  - New Attorneys

Summary

Whether you’re in a small firm or a multinational corporation, or counsel those who are, having a solid foundation in the basic fundamentals of employment law is absolutely essential to success. New developments are emerging out of long-established standards every day, and our presenters are ready to answer your questions about the core concepts and key elements of employment law. Regardless of your current level of expertise, this seminar will help you advise clients, write policies, and administer procedures effectively.

Register today!
REQUIREMENT TO ATTEND
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MEET THE FACULTY

JOHN B. MARCIN, managing partner of Marcin Lambirth, LLP, practices in employment, business, and real property litigation; wrongful death; and bank and financial institution litigation. Mr. Marcin represents both plaintiffs and defendants in state and federal court. He serves as lead trial counsel for individuals and firms and highly contentious employment matters where breaches of contracts, discrimination, and harassment are litigated, including recently winning a $3.5 million dollar wrongful termination case in Los Angeles, a $1.8 million dollar partnership dispute in Las Vegas, and defending a $6.5 million dollar claim in San Diego. Mr. Marcin is a frequent presenter at professional education programs, including the California State Bar Annual Convention. He is a member of the Los Angeles County Bar Association, the American Bar Association, the Federal Bar Association, the State Bar of California, the State Bar of Nevada, the California Employment Lawyers’ Association, the Nevada Trial Lawyers’ Association, and the American Inns of Court. Mr. Marcin received his B.A. from the University of Massachusetts and his J.D. from the Pepperdine University School of Law.

JAMES T. TUCKER, of counsel with Armstrong Teasdale LLP, focuses his practice in the areas of employment defense and voting rights law. With nearly twenty years of employment law litigation experience, Mr. Tucker works with employers in responding to charges of discrimination, including investigations, preparing position statements, and representation in agency and court proceedings, litigation, and appeals. He represents employers on matters under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the WARN Act, the Uniformed Services Employment and Reemployment Rights Act, and other federal and state employment laws, and he emphasizes preventive law and counseling and advice as ways to reduce the risk that employers face. Mr. Tucker also served as an Assistant Staff Judge Advocate in the U.S. Air Force Reserve, and teaches voting rights law at the University of Nevada-Las Vegas William S. Boyd School of Law. Mr. Tucker received his B.A., magna cum laude, from Barrett Honors College at Arizona State University; his J.D., cum laude, from the University of Florida Levin College of Law; his M.P.A. from the University of Oklahoma; and his LL.M. and S.J.D. from the University of Pennsylvania Law School.

JON ERIC GARDE, principal of JEG LAW, represents individuals, families, and businesses in immigration and nationality law, including but not limited to employer compliance, investment petitions, employment petitions, family petitions and humanitarian relief, student applications, and humanitarian relief from removal within immigration court and the Board of Immigration Appeals. Mr. Garde is a frequent presenter at professional education programs and he has published numerous articles with regards to immigration matters. Mr. Garde is a member of the American Immigration Lawyers Association and he has served the Nevada AILA chapter through several offices and appointments. Mr. Garde received his B.A. from the University of California at Santa Cruz and his J.D. from the State University of New York at Buffalo School of Law. Mr. Garde has served as a Super Lawyer® by Super Lawyers® magazine, Mountain States Edition. Ms. Rigo received her B.A. from the University of California at Berkeley and her J.D. from Santa Clara University School of Law.

BERNADETTE A. RIGO, of Selman Breitman LLP, practices in immigration and nationality law, including but not limited to employer compliance, investment petitions, employment petitions, family petitions and humanitarian relief, student applications, and humanitarian relief from removal within immigration court and the Board of Immigration Appeals. Mr. Garde is a frequent presenter at professional education programs and he has published numerous articles with regards to immigration matters. Ms. Rigo received her B.A. from the University of California at Berkeley and her J.D. from Santa Clara University School of Law.

BRIAN J. PEZZILLO, member of Pezzillo Lloyd Law Firm, advises clients with regard to employment and labor issues and represents clients in bankruptcy proceedings, and litigates, arbitrates, and resolves claims arising from construction projects. Mr. Pezzillo is a frequent lecturer on topics relating to employment, payment issues, mechanic’s lien claims, public contracting, and construction claims. He is a member of the American Bar Association, the Clark County Bar Association, the Nevada State Bar Association, and the New Mexico State Bar Association. Mr. Pezzillo was also selected as a Mountain States Super Lawyer® in 2013 and 2015. He serves an arbitrator and mediator with the American Arbitration Association as well as an arbitrator with the Financial Industry Regulatory Authority. Mr. Pezzillo received his B.B.A. from the University of New Mexico and his J.D. from the University of New Mexico School of Law.
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