



## 11th Annual Virginia Labor and Employment Law Seminar

Hemlock Haven Conference Center  
Hungry Mother State Park  
Marion, Virginia

Thursday, September 22, 2016  
8:00 a.m. – 4:30 p.m.

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**BAKER DONELSON**

EXPAND YOUR EXPECTATIONS<sup>SM</sup>

# The Schedule

8:00 a.m. – 8:25 a.m. Registration at Ferrell Hall

8:25 a.m. – 8:30 a.m.

## Welcome & Introduction

*Jennifer P. Keller*

8:30 a.m. – 9:20 a.m.

## The Ultimate HR Checklist for Reducing Legal Risks

Looking for a really effective way to simplify your HR life? Well, look no further. Join Jennifer Keller for the top ten HR checklist for reducing legal risks. Topics to be covered include managing FMLA leave, ADA reasonable accommodations, exempt vs. non-exempt FLSA classifications, independent contractors versus employees, terminations, investigations and more.

*Speaker: Jennifer P. Keller*

9:20 a.m. – 10:10 a.m.

## Best Your Competition with Restrictive Covenants: Using Noncompetes, Nonsolicitation Covenants and Confidentiality Agreements as Effective Weapons

This presentation will help you and your company assess whether and under what circumstances you can lawfully hire talent away from your competitors, and it will provide the latest insight into how to use restrictive covenants like noncompetes, nonsolicitation clauses, and confidentiality agreements to protect your interests.

*Speaker: Steven H. Trent*

10:10 a.m. – 10:25 a.m. **Break**

10:25 a.m. – 11:15 a.m.

## Alice Through the Looking Glass: An HR Professional's Guide Through the Litigation Process

Every HR Professional understands that part of the job is to help your organization defend against lawsuits by employees. Those of you who have gone through the litigation experience may, however, have felt a little like Alice falling down the rabbit hole, as the process can be complicated and confusing. Join Matthew Davison for an interactive discussion of the litigation process from the viewpoint of an HR Professional. Topics to be covered include:

- An overview of each phase of the litigation process;
- The HR Professional's role during each phase; and
- Strategies to help HR Professionals navigate their way through each stage of litigation process.

*Speaker: Matthew D. Davison*

11:15 a.m. – 12:00 p.m.

## HR Goes into Overdrive to Comply with New Overtime Regulations

The clock is ticking. Many employers must comply with the new overtime regulations. During this session, we will review the [new overtime rules](#), discuss their implications and suggest ways to comply. Plan now because the Final Rule becomes effective as of December 1, 2016.

*Speaker: Drew Hutchinson*

12:00 p.m. – 12:15 p.m.

## Walk or Ride Shuttle to The Restaurant

12:15 p.m. – 1:15 p.m.

## Lunch at The Restaurant (Provided)

1:15 p.m. – 1:30 p.m.

## Networking/Return to Ferrell Hall

1:30 p.m. – 2:25 p.m.

## EEOC Issues Guidance Addressing Leave as an Accommodation under the ADA

Long awaited guidance from the EEOC addressing leave as an ADA reasonable accommodation has finally arrived. The May 9, 2016 guidance includes details about the following:

- When and how an employer can communicate with the employee and the health care provider as part of the required interactive process;
- The scope of an employer's responsibility to grant leave related to a flare up of an employee's disabling condition, treatment or other matters related to the disability;
- What factors may be considered in determining whether leave is an undue hardship; and
- The interaction of leave as a reasonable accommodation with FMLA leaves, state leave laws, short/long term disability and workers' compensation leaves.

Join us for an in depth look at the new EEOC guidance to determine if your policies and procedures require an update to remain in compliance.

*Speaker: Christie M. Hayes*



# The Schedule

2:25 p.m. – 3:20 p.m.

## Transgender Individuals in the Workplace

Several states have recently enacted laws that limit the rights of transgender individuals. In the workplace, however, federal law protects transgender individuals from discrimination. As a result, employers are increasingly faced with the question of what to do when an employee raises the issue of his or her gender identity, especially in light of the recent state legislative trends. During this session, we will review the interplay between state laws that affect transgender individuals and federal laws prohibiting discrimination against transgender employees. We will provide some useful tips for employers when faced with an issue in this area of developing law.

Speaker: Matthew D. Davison

3:20 p.m. – 3:35 p.m. **Break**

3:35 p.m. – 4:30 p.m.

## Understanding Employee Motivation

Motivation drives employees in the workplace. Whether an employee is a top performer or a poor performer, dedicated to the job or intending to leave, behaving or misbehaving, a motivational force is driving them. In this session, employers will learn about the motivational forces at play in the workplace and develop a greater understanding of the things that make employees do what they do.

Speaker: Mark A. Fulks

4:30 p.m. **Adjourn**

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## Registration Information

### To Register

Please complete the enclosed form and mail, fax or email it to:

#### Angie Guimond

Baker Donelson

100 Med Tech Parkway

Suite 200

Johnson City, TN 37604

423.928.0181 Fax 423.928.5694

[aguimond@bakerdonelson.com](mailto:aguimond@bakerdonelson.com)

### Fee

The fee for the seminar is \$150 per attendee or \$125 for members of the co-sponsoring organizations.

### Deadline

All registration forms must be received by September 15, 2016. Register early for a guaranteed spot. Refunds will be made for cancellations received one week or more prior to the seminar.

### Dress

This is a retreat atmosphere in a relaxing location. Dress is casual.

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## Seminar Partners

- Appalachian Chapter of the Virginians – SHRM (Bluefield and Tazewell)
  - Bristol Employer Advisory Committee
  - Buchanan County Chamber of Commerce
  - Dickenson County Chamber of Commerce
  - Mountain Empire Human Resources Association
  - Pulaski County Chamber of Commerce
  - Scott County Chamber of Commerce
  - Smyth County Chamber of Commerce
  - Southwest Virginia Chapter – SHRM (Norton/Wise)
  - The Greater Bluefield Chamber of Commerce
  - The Southwest Virginia Alliance for Manufacturing, Inc.
  - Triad Employer Advisory Committee (Buchanan, Russell and Tazewell Counties)
  - Twin County Chamber of Commerce
  - Washington County Chamber of Commerce
  - Wytheville-Wythe-Bland Chamber of Commerce
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# The Speakers



**Matthew D. Davison**

[mdavison@bakerdonelson.com](mailto:mdavison@bakerdonelson.com)

Mr. Davison has first-hand experience with all aspects of employment law and labor relations, having served as in-house counsel for human resources at an NYSE-traded company. His experience includes employment issues related to mergers, acquisitions and reductions in force, as well as EEO and affirmative action compliance. Mr. Davison proactively advises clients on issues and disputes arising under both federal and state employment laws such as Title VII of the Civil Rights Act, the ADA, the Age Discrimination in Employment Act, and the FMLA. He also represents employers before the EEOC and in federal and state courts when litigation ensues. Mr. Davison is licensed to practice in Tennessee, North Carolina and Virginia, and he is a frequent speaker at programs designed to aid employers.



**Mark A. Fulks**

[mfulks@bakerdonelson.com](mailto:mfulks@bakerdonelson.com)

Mr. Fulks concentrates his practice in employment law and commercial litigation. He has successfully defended employers against whistleblower claims, and advises clients on a wide variety of employment and management issues, including strategic management, social media, performance evaluations and employee motivation. Mr. Fulks, a former prosecutor, donates his time to pro bono representation of indigent criminal defendants and accepts appointment to prosecute cases as a District Attorney General Pro Tem. Mr. Fulks is licensed in Tennessee and Virginia.



**Christie Hayes**

[chayes@bakerdonelson.com](mailto:chayes@bakerdonelson.com)

Ms. Hayes has extensive experience in the area of workers' compensation issues, as well as experience counseling clients on a multitude of federal and state employment laws, including the ADA and FMLA. Ms. Hayes defends employers against employment discrimination claims before the EEOC and Tennessee Human Rights Commission, and performs training for employers in the areas of discrimination and harassment prevention, drug-free workplace, union avoidance and similar issues. Ms. Hayes advises clients on a wide variety of issues, including leave, disability accommodation and policy formulation and enforcement. Ms. Hayes is licensed to practice in Tennessee and North Carolina.



**Drew Hutchinson**

[dhutchinson@bakerdonelson.com](mailto:dhutchinson@bakerdonelson.com)

Mr. Hutchinson advises employers on a wide range of employment-related and general business topics and has experience in mediating, arbitrating, and litigating claims based on the Civil Rights Acts, FMLA, ADA, ERISA, state workers' compensation laws and state-specific employment laws. Mr. Hutchinson is licensed to practice in North Carolina, Tennessee, Washington, D.C. and West Virginia.



**Jennifer P. Keller**

[jkeller@bakerdonelson.com](mailto:jkeller@bakerdonelson.com)

Jennifer P. Keller is president and chief operating officer of the Firm. She is a former member of the Firm's board of directors and former chair of the Firm's nationally-recognized Labor & Employment Department. As an employment litigator, Ms. Keller advises clients on a wide variety of issues, including discipline and terminations, benefits issues, leave, disability accommodation, policy formulation and enforcement and similar matters. A substantial part of her practice is providing training for employers in the areas of harassment and discrimination prevention, drug-free workplace, union avoidance and other employment law issues. Ms. Keller also has extensive appellate experience including the briefing and argument of appeals before various state and federal appellate courts. Licensed in Tennessee and North Carolina, Ms. Keller regularly practices in both state and federal courts in those states.



**Steven H. Trent**

[strent@bakerdonelson.com](mailto:strent@bakerdonelson.com)

Mr. Trent represents employers before the NLRB and other state and federal agencies and advises employers on many topics including union avoidance, FMLA administration, reductions in force, wage and hour issues, employee handbooks, drug testing and employment contracts. He also represents the interests of management during the collective bargaining process. His multi-state practice includes defending claims under the Americans With Disabilities Act, Title VII, age discrimination claims, FLSA, Equal Pay Act, breach of contract and retaliation claims of virtually every kind. Mr. Trent is licensed in Virginia and Tennessee.



# Baker Donelson's Labor & Employment Practice

**We're the Resource in Human Resources.** Our labor and employment attorneys offer litigation defense services for administrative and court proceedings at the federal and state level, advice on pre-litigation strategies to reduce legal risks, policy analysis and drafting, compliance audits, management training and labor negotiation.

**We Know People.** We know our clients as people, not just clients. We form business partnerships so we can help clients strategize on the best approach for each situation, and are always looking at the big picture to ensure long-term success.

**We Know Business and Industry.** We work with clients across all types of businesses and industries, and we take pride in understanding exactly how they work and how our clients are positioned in the marketplace. These include local, regional and global companies in the health care, energy, food processing, entertainment, insurance, chemical manufacturing, construction, transportation and distribution industries.

**We Know Labor, Health and Safety.** We help management deal with labor unions during the election phases of union campaigns, and we help with labor agreement negotiation. For clients who have unions already representing their workforce, we pursue management's interests in all phases of the grievance and arbitration process. Our health and safety lawyers offer regulatory monitoring, compliance oversight, training programs and internal auditing protocols, and represent clients before federal and state Occupational Safety and Health regulators.

**We Know Our Alphabet.** Our attorneys stay on top of the latest changes in laws and regulations from A to Z. We provide counseling and strategic advice on all employment-related laws and regulations, and when necessary, we defend our clients in district and federal courts across the country. Attorneys regularly appear before the EEOC, DOL and Occupational Health and Safety boards.

**We Get Around.** Our more than 70 labor and employment-focused attorneys are spread across the Firm's seven states and Washington, D.C. Attorneys are licensed in a total of 15 states and have handled matters in 41 states and the District of Columbia. Over the last three years, the team has tried more than 775 federal court cases, has appeared in the Third, Fourth, Fifth, Sixth, Ninth, Eleventh and District of Columbia Courts of Appeal, and has appeared in 30 District Courts as well as the District of Columbia.

**We Like to Help.** Baker Donelson customizes all in-house management training programs so that clients' management teams will feel comfortable interacting with us and getting answers to their questions. We offer mock trials, case studies, role-playing, quizzes and video vignettes for human resources managers, mid-level managers and front line supervisors.

**We Open Doors for Immigration.** We offer a comprehensive and efficient approach to immigration, guiding clients through the entire range of immigration processes for foreign investors, executives, managers, professionals and other workers and their family members. Our experience and relationships help us cut through to practical solutions, using state-of-the-art systems to drive our best thinking through each step of every case.

**We Play Well With Others.** We want to be your go-to lawyers for every aspect of your company. No matter the legal issue, Baker Donelson's labor and employment attorneys can count on an integrated and experienced team of professionals to assist you in every other aspect of your legal business needs.

**We're Good People.** We are part of a Firm culture that promotes diversity, inclusion and a sincere appreciation for creative approaches to problem-solving. We are proud to have been listed among FORTUNE magazine's "100 Best Companies to Work For" for seven consecutive years, something few other law firms have attained. Many of our offices consistently rank as a Best Place to Work in their cities and states, as well. Our labor and employment attorneys are listed in *Chambers USA*, *Best Lawyers in America*® and *Super Lawyers*, alongside other state-specific accolades. The group also holds a national Tier One ranking in *U.S. News - Best Lawyers in Labor & Employment Litigation and in Employment Law - Management*, along with 14 metropolitan labor and employment Tier One rankings across our states.

