



Employment Law From A to Z in the District of Columbia

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This seminar is designed for human resource managers, payroll professionals, operations managers, presidents, vice presidents, supervisors, managers, controllers, accountants and attorneys.

WASHINGTON, D.C.

NOVEMBER 8, 2007

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Critical Issues on the Agenda

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- 8:00 AM – 8:30 AM **Registration**
- 8:30 AM – 9:30 AM **ADA** — *Frank C. Morris Jr.*
- Determining When an Individual Is Substantially Limited in a Major Life Activity
 - Who Is a Qualified Individual With a Disability?
 - What Is a Reasonable Accommodation?
 - The Direct Threat and Other Defenses
- 9:30 AM – 10:30 AM **FMLA** — *Frank C. Morris Jr.*
- What is a Serious Health Condition?
 - Handling Employee Leave Requests
 - The FMLA and Attendance and Production Bonuses
 - The Intermittent Leave Morass
- 10:30 AM – 10:40 AM **Break**
- 10:40 AM – 10:55 AM **Electronic Platform Issues** — *Frank C. Morris Jr.*
- Controlling Employee Use and Misuse of E-Mail, Internet, and Cell and Camera Phones
 - Employee Blogging and Social Networking Site Postings
 - The 10 Commandments Every Employer Needs
- 10:55 AM – 12:35 PM **Dealing With Wage and Hour Law Issues** — *John J. Rigby*
- Recent Developments in Wage and Hour Law
 - Coverage Under the Fair Labor Standards Act
 - Common Violations
 - Overtime Requirements
 - Minimum Wage Requirements
 - State Wage and Hour Laws
 - Enforcement of the FLSA
 - Exempt vs. Nonexempt Status
 - Flexible Hours and Irregular Schedules
 - Independent Contractors
 - Retaliation Under the Fair Labor Standards Act
 - Arbitration of FLSA Claims
- 12:35 PM – 1:35 PM **Lunch (On Your Own)**
- 1:35 PM – 2:55 PM **Noncompetition and Confidentiality** — *George B. Breen*
- Why Every Employer Needs Confidentiality Protection
 - What Is a Lawful Noncompetition Agreement?
 - How to Maximize the Likelihood of Court Enforcement
 - Why and When Some Employers Need Noncompetition Agreements
- 2:55 PM – 3:05 PM **Break**
- 3:05 PM – 4:05 PM **Discipline and Termination** — *Patricia A. Exposito*
- Responding to Employee Performance Problems and Policy Violations
 - Performance Evaluations
 - Progressive Discipline
 - Making the Termination Decision
 - Factors to Consider
 - Releases of Claims
 - Communicating the Termination Decision
 - Communications With the Employee
 - Communications With Third Parties
- 4:05 PM – 4:30 PM **Questions and Answers** — *George B. Breen, Patricia A. Exposito, Frank C. Morris Jr. and John J. Rigby*

Registration

Employment Law From A to Z Washington, D.C. ■ November 8, 2007



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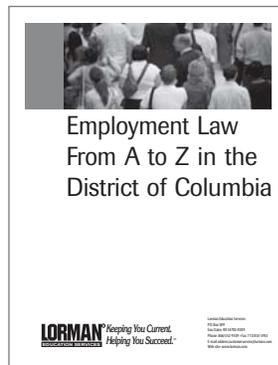
George B. Breen is partner in the law firm of Epstein Becker & Green, P.C., in its Washington, D.C., office. Mr. Breen is an experienced civil litigator who is affiliated with the firm's Labor and Employment, Litigation and Health Care, and Life Sciences Practices. His practice includes the defense of complex civil litigation matters, including ADA and EEO claims, before all state and federal trial and appellate courts in Virginia, Maryland and the District of Columbia. Mr. Breen also advises clients on and litigates noncompetition and confidentiality matters. He is the past president and current director of the District of Columbia Defense Lawyers Association, and he frequently lectures and writes on issues involving trial practice. He is the co-author of *Trying the Wrongful Death Case in Washington, D.C.* (2003). Mr. Breen earned his undergraduate degree in government from Connecticut College and his law degree from The Catholic University of America's Columbus School of Law.

Patricia A. Exposito is an attorney in the labor and employment group of the Washington, D.C., office of Winston & Strawn LLP. She has extensive experience defending employers against claims asserted under the Americans with Disabilities Act, the Family and Medical Leave Act, Title VII, the Sarbanes-Oxley Act and other employment laws. She also represents employers in disputes arising from employees' noncompete, nonsolicitation, nondisparagement and confidentiality obligations. In the counseling area, Ms. Exposito provides assistance with employment decisions; employment law compliance; and personnel management policies, procedures and strategies. Ms. Exposito is a member of the District of Columbia Bar and the Labor and Employment Section of the American Bar Association. She received a B.A. degree from the University of Virginia and earned her J.D. degree, magna cum laude, from The Catholic University of America, Columbus School of Law. She can be contacted at 202-282-5000 or by e-mail at pexposito@winston.com.

Frank C. Morris Jr. is a shareholder in the law firm of Epstein Becker & Green, P.C., in the Washington, D.C., office, where he is the director of the Employment and Labor

Litigation Group, and co-director of the Disability Practice Group. He is actively engaged in advising and litigating employment, labor, disabilities, whistleblower and benefits matters on behalf of both private and public sector management. Mr. Morris has argued in the U.S. Supreme Court; and addressed the federal trial and appellate judges of the Judicial Conferences for the 3rd, 4th, 6th, 7th, 8th and 11th Circuits on disability law and developments under the ADA and employment law. He earned a J.D. degree from the University of Virginia School of Law, with honors in labor law, and a bachelor's degree, with distinction, from Northwestern University. Mr. Morris has been an adjunct professor of law since 1984 at The George Washington University Law School, where he teaches employment discrimination law, and claims and litigation.

John J. Rigby is a partner in the law firm of McInroy & Rigby, L.L.P., in Arlington, Virginia, where he concentrates his practice in the area of employment law and regulatory law. Mr. Rigby represents businesses, and both federal and private sector employees in employment-related matters. He has handled a variety of matters under the Fair Labor Standards Act, the Family and Medical Leave Act, and anti-discrimination statutes. Mr. Rigby received his law degree from American University, where he was a member and senior editor of the *American University Law Review*. He is a member of the Virginia, Maryland and District of Columbia bar associations.



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Today – more than ever – the ability to navigate through the maze of federal and state employment laws is an essential supervisory and management skill. But figuring out how to protect employee privacy, write legally sound noncompetition agreements, discipline and terminate employees properly, and handle other key responsibilities can be a headache. This seminar will bring you up to date on the hottest areas of employment law, including ever-changing statutory laws. In one day you'll learn how to head off employee complaints, claims and lawsuits. If you have no time to track and interpret vital regulatory changes on your own, this is one seminar you can't afford to miss.

Learning Objectives:

- The attendee will be able to review recent developments in wage and hour law.
- The attendee will be able to discuss controlling employee use and misuse of e-mail, Internet, and cell and camera phones.
- The attendee will be able to explain how to respond to employee performance problems and policy violations.

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credit hour). Field of Study: Personnel/HR. Prerequisite: None. Level of Knowledge: Intermediate. Teaching Method: Seminar/Lecture. Advance Preparation: None. Delivery Method: Group-Live. Please refer to the information in this brochure for outline, course content and objectives. Upon completion of this course, you will receive a certificate of attendance. Final approval of a course for CPE credit belongs with each state's regulatory board.

This seminar may qualify for 8.0 hours of continuing education toward the Certified Bookkeeper requirement through the AIPB.

Lorman Education Services is an approved provider through the American Payroll Association. This seminar is approved for 5.5 RCHs.

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This program has been approved by the Virginia Mandatory Continuing Legal Education Board for 6.5 CLE credit hours.

This program has been approved for 6.50 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at www.hrci.org.



This seminar has been reviewed and approved for inclusion in the Human Resource Professional

Development Certificate Program and qualifies for 1.0 credit. Each seminar that qualifies for credit toward the HRPD Certificate has been approved by an advisory board made up of leading law firms in the employment industry. The law firms residing on the advisory board are Jackson Lewis LLP, Littler Mendelson and Epstein Becker & Green, P.C. Please visit www.lorman.com/certification/hrpd for more information.

This course has been submitted to the Institute of Certified Records Managers.

This seminar qualifies for 8.0 PACE credit hours for CLU, RHU, REBC, CLF and ChFC.



WASHINGTON, D.C. NOVEMBER 8, 2007

In One Day, You'll Learn:

- The facts about leave laws and how to apply them in your workplace
- Electronic platform do's and don'ts you need to follow now to avoid lawsuits later
- How to implement critical wage and hour basics correctly – stay in compliance with the Fair Labor Standards Act
- Strategies for responding to today's hot issues – including terminating employees without fear of litigation
- How to successfully defend against a disgruntled employee's claims



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