



## 2011 LABOR AND EMPLOYMENT SEMINAR

*The Wynfrey Hotel  
Birmingham, Alabama  
September 29 - 30, 2011*

### **Thursday, September 29**

*Registration and Continental Breakfast, 7:45 – 8:15 a.m.*

*Morning Session*

1. **Welcome and Recent Developments in Labor and Employment Law**  
8:15 – 9:05 a.m. M. Jefferson Starling, III
  
2. **Writing it Right**  
9:05 – 9:55 a.m. Lisa J. Sharp  
Daniel E. Harrell
  - Performance evaluations
  - Disciplinary actions and termination notices
  - Notes and Supervisor Files
  - Investigation Memos

*Refreshment Break 9:55 – 10:15 a.m.*

3. **Immigration Enforcement Update**  
10:15 – 11:00 a.m. Wendy Padilla Madden  
Douglas B. Kauffman
  - Overview of Alabama Immigration Law
  - Update on Federal Enforcement
  - Update on Other State Immigration Laws
  - No Match Letters Are Back
  - Social Security Number Randomization
  
4. **Identifying the Right Message to Judges and Jurors in a Challenging Environment**  
11:00 a.m. - 12:00 noon Sherry Salmons, Salmons Consulting, Inc.  
Chicago, IL



*Lunch: 12:00 noon – 1:10 p.m.*

Lunchtime Entertainment: **Carlos Pino, Jazz Guitar Soloist**

*Afternoon Session 1:10 p.m.*

- 5. A Case Study: Evaluating Risk With an Office Altercation** Douglas B. Kauffman  
1:10 - 2:00 p.m. Lisa J. Sharp

*Refreshment Break 2:00 – 2:20 p.m.*

- 6. Thursday Workshops—First Session**  
2:20 - 3:15 p.m.

**A. Managing Employee Attendance While Complying  
With the FMLA, ADA, and Other Leave Laws**

- What Happens When the FMLA and ADA Intersect?
- What Options Are Available to Curtail Abuse?
- USERRA and Other Leave Laws

Brent T. Cobb  
Daniel E. Harrell

**B. e Workplace Policies**

- Social Media, Privacy and Business: Can They Coexist?
- A “Walk-Through” of a Hypothetical Scenario
- Do Your Policies Manage These Risks?

Aaron L. Dettling  
Kelly F. Pate

**C. Our Government’s War on Independent Contractors**

- Misclassification? What’s That?
- Tax Liabilities
- Benefit Plan Issues
- Minimum Wage and Overtime Issues

Dorman Walker

*Refreshment Break 3:15 – 3:35 p.m.*



**7. Thursday Workshops—Second Session**

3:35 - 4:35 p.m.

**A. Simple But Costly FLSA Compliance Mistakes**

- An overview of FLSA “white collar” exemptions
- Compliance Mistakes and How to Avoid Them

Aaron L. Dettling

Susan Nettles Han

**B. The Regulation Threat**

- Agency Inaction v. Congressional Action
- How Recent Regulatory Changes Affect Your Business

Dorman Walker

Kelly F. Pate

**C. Employee Benefits and Compensation Update**

James W. King



**Friday, September 30**

*Continental Breakfast 8:00 a.m.*

*Opening Remarks 8:30 – 8:35 a.m.*

- 8. Lessons From The Trenches/Attorney Roundtable**  
8:35 - 9:10 a.m.
- You Bring the Tough Scenarios
  - We Bring the Solutions
  - Lessons From Recent Trials
- M. Jefferson Starling, III  
Douglas B. Kauffman  
Brent T. Cobb
- 9. Friday Workshops—First Session**  
9:15 - 10:05 a.m.
- A. ADA/AA and GINA: New Regulations, New Problems**
- Douglas B. Kauffman  
Daniel E. Harrell
- B. OSHA: Where Engineers Write The Regulations**
- Recent Rule Changes
  - Recent Enforcement Emphasis
  - What’s On the Way
- Jenelle D. Evans  
M. Jefferson Starling, III
- C. Aggressive Hiring Practices**
- Criminal and Credit Checks and other other “Aggressive” Screening Methods
  - Drug Testing and Psychological Examinations
  - Are “Aggressive” Screening Methods Putting Your Business at Risk?
- Aaron L. Dettling

*Refreshment Break 10:05 - 10:25 a.m.*



**10. Friday Workshops—Second Session**

10:25 - 11:15 a.m.

**A. The Alabama Immigration Act**

- In Depth Review of the Law
- Employer Compliance Strategies

Wendy Padilla Madden

Douglas B. Kauffman

**B. Employment Law 101**

- Overview Of The Primary Federal And State Employment Laws
- How To Address Some Common HR Issues

Brent T. Cobb

Susan Nettles Han

**C. The Pro-Union NLRB: Back to the USSR?**

M. Jefferson Starling, III

**11. Neat Freaks vs. Pack Rats: How Document Retention Practices Can Make or Break Your Litigation Defense**

11:20 a.m. - 12:00 p.m.

- Document Retention
- Litigation Hold Letters
- Electronic Discovery

Lisa J. Sharp

Susan Nettles Han

**Closing Program**

12:00 p.m. - 12:15 p.m.

- Audience participation exercise
- Door Prizes!