

Human Resource Law From Start to Finish

» *Safeguarding the Employment Lifecycle:
What You Need to Know*

Allentown, PA — November 2, 2015

Harrisburg, PA — November 3, 2015

Wilkes-Barre, PA — November 4, 2015

Presented By

Alexia Kita Blake

R. Michael Carr

Kieran M. Casey

Debra R. Franklin

John S. Harrison

Kathryn Simpson

Eric J. Stark

Ronald T. Tomasko

Credit Information

PA CLE - 6.0

NJ CLE - 7.2

HRCI - 6.0

IACET - 0.6

CPE for Accountants/NASBA - 7.0

See inside for details!

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SEMINAR OUTLINE

I. Successful Hiring and Recruitment Steps

9:00 - 10:00, Written by Eric J. Stark

Presented by Debra R. Franklin in Allentown, Eric J. Stark in Harrisburg and Kieran M. Casey in Wilkes-Barre

- A. Drafting Accurate Job Descriptions
- B. Job Applications:
Getting the Data You Need
- C. Proper Way to Conduct Background Checks
- D. Screening References
Through a Filter of Reality
- E. The Job Offer or Rejection Letter
- F. Checklist for a Legal Hire
- G. Orientation and Training
- H. Immigration Compliance Documents
(I-9 and E-Verify)
- I. IRS and Federal Compliance Documents
(SS-4, W-4, Form 940)

II. Employee Handbooks and Policies in the 21st Century

10:15 - 11:00, Written by Kathryn Simpson

Presented by R. Michael Carr in Allentown, Kathryn Simpson in Harrisburg and Alexia Kita Blake in Wilkes-Barre

- A. Guidelines for Whether Your Organization Should or Should Not Have a Handbook
- B. Ensuring Handbook Style Fits
with Corporate Culture
- C. Revising the Old vs. Starting Anew
- D. Topics That Should be Included
- E. Key Language to Include in Your Handbook

III. Alternative Dispute Resolution in the Employment Context

11:00 - 11:45, Written by R. Michael Carr

Presented by R. Michael Carr in Allentown and Wilkes-Barre and Ronald J. Tomasko in Harrisburg

IV. Wage and Benefit Issues

12:45 - 1:30, Written by R. Michael Carr

Presented by R. Michael Carr in Allentown and Wilkes-Barre and Eric J. Stark in Harrisburg

- A. State-Specific Wage and Hour Laws
- B. What Qualifies as Overtime?
- C. Differences to be Aware of:
Salaried Exempt vs. Salaried Non-Exempt
- D. Options for Employees
Reporting Time Worked
- E. Handling Deductions from Wages
- F. Leave Policies
- G. Part-Time Employees and Temps:
Wage and Benefit Obligations
- H. Unpaid Internship and Training Programs
- I. Benefits:
Health Insurance and Flex Spending
 1. Modifications to the Consolidated Omnibus Reconciliation Act of 1985 (COBRA)
 2. Change to Flexible Spending Accounts

V. Other Employment Laws You Need to Know

1:30 - 2:30, Written by Alexia Kita Blake

Presented by Debra R. Franklin in Allentown, Eric J. Stark in Harrisburg and Alexia Kita Blake in Wilkes-Barre

- A. Older Workers' Benefit Protection Act (OWBPA)
- B. Family and Medical Leave Act (FMLA)
- C. Age Discrimination and Employment Act (ADEA)
- D. Americans with Disabilities Act (ADA)
- E. Title VII of the Civil Rights Act
and Sexual Harassment
- F. Pregnancy Discrimination Act (PDA)

VI. Workplace Behavior and Privacy - Current Developments

2:45 - 3:30, Written by Kieran M. Casey

Presented by John S. Harrison in Allentown, Kathryn Simpson in Harrisburg and Kieran M. Casey in Wilkes-Barre

- A. Employee Surveillance
- B. Searches of Desks, Smartphones, Lockers, Vehicles, Equipment, Etc.
- C. Monitoring Employee Communications:
Calls, Email and Internet Use
- D. Dress Code/Personal Appearance
- E. Drug and Alcohol Testing
- F. Psychological and Personality Tests
- G. Workplace Violence:
Harassment and Bullying
- H. Off-Duty Behavior and Activities

VII. Discipline and Discharge - Necessary Documentation

3:30 - 4:30, Written by John S. Harrison

Presented by John S. Harrison in Allentown, Kathryn Simpson in Harrisburg and Alexia Kita Blake in Wilkes-Barre

- A. Putting a Discipline Policy
in Place Proactively
- B. What to do When There is no Policy
Addressing an Offense
- C. Evaluating Employee Performance
While Mitigating Liability
- D. What Goes in the Discipline/
Discharge Letter?
- E. At What Point Should Discharge
be Considered?
- F. Minimizing Liability When Discharging
an Employee
- G. Common Mistakes to Avoid
During Discharge
- H. Waivers and Releases -
Their Use After Termination

*If needed, the above agenda may be changed to best accommodate all of our attendees.

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SEMINAR OVERVIEW

A Comprehensive Primer on Labor and Employment Law

As employment-related litigation rates continue to rise, employers must look for ways to proactively protect themselves in a legal manner. Human resource compliance can be one of the most costly and time-consuming aspects for a business; can you streamline the process and prevent unnecessary risk? This program will get you up to speed so you can return to work confident in your abilities. Know the fundamentals of human resources: from hiring to firing and everything in-between.

Register today!

- Understand the importance of thorough and accurate paperwork when hiring new employees.
- Know what a handbook should and should not contain by exploring the advantages and pitfalls of various policies.
- Review alternative dispute resolution tactics that are effective and advantageous for employment-related matters.
- Appropriately apply wage and hour exemption requirements in gray areas such as outside salespeople and highly-paid computer professionals.
- Fully comply with the provisions of the Family and Medical Leave Act (FMLA) when determining whether employees are eligible for emergency leave.
- Remain up to date on the latest developments regarding employee behavior and controversial social media policies.
- Learn the key steps to investigating employee misconduct thoroughly and legally.

WHO SHOULD ATTEND

This **basic-to-intermediate level seminar** examines the current issues in human resource law for:

- Attorneys
- HR personnel
- Accountants
- Presidents and Vice Presidents

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ALEXIA KITA BLAKE is co-owner of Blake & Walsh, LLC, in Scranton, Pennsylvania. She has 26 years of experience representing public and private sector employers, both union and nonunion, in all aspects of labor and employment law. Her practice includes representation of employers in grievance and interest arbitrations; collective bargaining negotiations; unfair labor practice proceedings before the National Labor Relations Board and Pennsylvania Labor Relations Board; defense of discrimination charges before the Equal Employment Opportunity Commission and Pennsylvania Human Relations Commission; unemployment compensation benefits claims before the Office of Job Security and Unemployment Compensation Board of Review; wage and hour and FMLA claims before the U.S. Department of Labor and Pennsylvania Department of Labor & Industry; defense of employment litigation claims in federal and state courts; and counseling employers on a wide range of employment law/personnel issues, including preparation and review of employee handbooks and employer policies; compliance with the Family and Medical Leave Act and Americans With Disabilities Act; sexual harassment training; employee discipline and termination; reduction in force/downsizing issues; and union organizing campaigns. *(Wilkes-Barre location)*

R. MICHAEL CARR concentrates his practice in labor and employment matters, representing management in the defense of age, sex and disability discrimination cases. He is an attorney in the law firm of Stevens & Lee P.C. in the firm's Lehigh Valley office. Mr. Carr has principal responsibility for the negotiation of numerous collective bargaining agreements including agreements with the Teamsters, SEIU and construction unions. He routinely handles disputes involving picketing, unfair labor practices and injunctions. *(Allentown and Wilkes-Barre locations)*

KIERAN M. CASEY is an attorney with Rosenn Jenkins & Greenwald LLP, in Wilkes Barre. He is a member of the firm's labor and employment department, as well as its litigation department. Mr. Casey represents businesses of various sizes, municipalities, health care providers and institutions of higher learning in a wide range of labor and employment law matters. *(Wilkes-Barre locations)*

JOHN S. HARRISON is a partner in the law firm of Broughal & DeVito LLP, where he focuses his practice in general civil and trial practice and employment law. He was admitted to the Pennsylvania Bar in 1988. *(Allentown location)*

DEBRA R. FRANKLIN is an attorney and vice president of Human Resource Solutions with more than 25 years of experience in labor and employment relations and litigation matters involving corporate employers. Ms. Franklin's experience includes all areas of employment discrimination litigation including age, sex, religion, national origin, ADA and FMLA litigation, as well as unemployment compensation, workers' compensation, and wage and hour matters. Additionally, she possesses a full range of labor relations experience, representing clients in both union and union-free environments in matters including collective bargaining, arbitration, representation and decertification elections, and other matters involving unfair labor practice litigation before the NLRB. In addition to her litigation experience, Ms. Franklin has developed and implemented employee handbooks and policies such as electronic media usage policies, workers' compensation case management systems, ADA and FMLA compliance policies, and more. *(Allentown location)*

KATHRYN SIMPSON is a shareholder with Mette, Evans & Woodside and practices in the areas of commercial litigation, professional liability defense, civil rights and employment law, and health law. Ms. Simpson routinely represents clients in complex commercial litigation and professional liability matters. *(Harrisburg location)*

ERIC J. STARK is an attorney with Cipriani & Werner, P.C., and practices primarily in the areas of workers' compensation and employment law. In workers' compensation, he has represented clients from the administrative level up to and including the Pennsylvania Supreme Court. He also has extensive experience in employment law, handling unemployment compensation matters, federal litigation, drafting handbooks, reviewing policies, and advising clients regarding employee issues with the ADA, FMLA and federal and state wage and hour laws. *(Harrisburg location)*

RONALD T. TOMASKO is a partner at JSDC Law Offices. He focuses his practice in labor and employment, workers' compensation, Social Security, municipal law and personal injury. Mr. Tomasko has spoken to or presented at many employment law and workers' compensation conferences and seminars; and served on various national and regional bar association's employment and workers' compensation divisions. *(Harrisburg location)*

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Best Western Premier Central Hotel & Conference Center

800 East Park Drive, Harrisburg PA 17111

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WILKES-BARRE — NOVEMBER 4

Hilton Garden Inn Wilkes-Barre

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Phone: 570-820-8595

SCHEDULE

Registration 8:30 — 9:00 am

Seminar 9:00 am — 4:30 pm

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