

Employment Law: Beyond the Basics

Lancaster, PA - July 16, 2015

Early Registration

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- See inside for details.

PRESENTED BY:

Keely Jac Collins, *King, Spry, Herman, Freund & Faul, LLC*

Gregory E. Monskie, *BennLawFirm*

James F. Devine, *Devine Law Offices, LLC*

Micah T. Saul, *Devine Law Offices, LLC*

Thomas R. Davies, *Harmon & Davies, P.C.*

Lori L. Buntman, *Harmon & Davies, P.C.*

(See complete biographies inside)

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Lancaster, PA - July 16, 2015

Employment Law: Beyond the Basics

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AGENDA

- I. **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
 - C. Monitoring and creating policies regarding Internet, email, texting, and other electronic communications
 - D. Use of social networking sites in the employment context: risks, best practices, and policies
 - E. Off the job behavior, e.g., blogging and dating
 - F. The NLRB and social media
 - G. Case law studies
- II. **Advanced FMLA and ADA Issues**
 - A. FMLA and ADA updates and EEOC guidelines
 1. Expansion of what can be considered a "disability"
 2. What constitutes accommodation according to the EEOC
 3. How new ADA rules impact HR
 4. Effect on FMLA and other leave policies
 5. Discrimination
 - B. Overlap of FMLA and ADA
- III. **Sexual, Racial, and Other Harassment and Discrimination**
 - A. Recent legislation and court cases
 - B. Domestic partnership issues
 - C. Harassment vs. discrimination
 - D. Is it *quid pro quo*, harassment, or just obnoxious behavior?
 - E. What constitutes a hostile workplace environment?
 - F. Employer liability principles as they affect management of complaints
 - G. Liability for claims of harassment by third parties
- IV. **NLRB's Expanding Agenda**
 - A. Overview of the NLRB, its procedures and jurisdiction issues
 - B. Representation elections: proposed changes and recent decisions, union elections/decertification, rules to follow
 - C. Extension of the reach of the NLRA
 1. Impact on employers: both union and non-union
 2. Impact on bargaining unit
 3. What is covered by the NLRB definition of Section 7 Rights
 4. NLRB posting requirements and the impact on communications with employees
 - D. Policies that are *per se* violations of the NLRA
 - E. NLRB activities and cases, e.g., Boeing, Fresenius USA Manufacturing
- V. **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
- VI. **FLSA/Wage & Hour Crackdown**
 - A. Classification issues
 1. Exempt vs. non-exempt
 2. Independent contractor vs. employee
 3. Voluntary Classification Settlement Program (VCSP)
 - B. Pitfalls in employers' use of independent contractors, contingent workforce, and staffing agency employees to avoid payroll taxes
 - C. On the clock or off the clock
 - D. Rise of collective/class action lawsuits
 - E. E-Verify®, I-9 audits, and state and federal laws
- VII. **Termination Best Practices**
 - A. Legal considerations, e.g., WARN Act, OWBPA, employee agreements
 - B. Structuring severance/separation packages, COBRA
 - C. RIF, layoffs, early retirement, performance
 - D. Terminations: strategies for avoiding claims

Sterling Education Services may alter the agenda due to circumstances beyond our control.

DETAILS

DATE: Thursday, July 16, 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:

DoubleTree Resort by Hilton

2400 Willow Street Pike

Lancaster, PA 17602

717-464-2711

Map available online

WHO SHOULD ATTEND

- Human Resource Professionals
- Business Owners
- Managers
- Supervisors
- CIS Managers
- Payroll Professionals
- Attorneys:
 - Employment and Labor
 - Employee Benefits
 - General Practice
 - New Attorneys

SUMMARY

It is essential to understand the emerging developments in employment law. With the EEOC cracking down on employee classification and the NLRB redefining Section 7 rights, employment law problems can arise unexpectedly and the results can be costly. This seminar will help you understand the emerging critical developments and updates to provide the best management to your employees and best counsel to your clients. Our speakers provide expertise and insight to complex issues, ready to share their years of experience at both the state and federal level with you. Attend this seminar to expand your knowledge and enhance your abilities "beyond the basics." **Register today!**

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New Jersey attorneys who take courses approved in another state will receive **1:1 credit for courses approved in that jurisdiction through reciprocity**. Please call if you have questions.



This seminar has been **approved** for **6.75 general recertification credit hours** toward the **PHR, SPHR, HRBP, HRMP, and GPHR** recertification through the **HR Certification Institute**. For more information about Human Resource certification or recertification, please visit www.hrci.org.



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Other continuing education credit may be available. Please **contact Sterling** to inquire.

MEET THE FACULTY

KEELY JAC COLLINS, of King, Spry, Herman, Freund & Faul, LLC in Bethlehem, represents public and private sector employers, both in litigation and consulting matters. Ms. Collins has litigated cases before most of Pennsylvania's courts, including federal and state courts. In addition to litigation and consulting matters, she has published articles on employment matters, including the Affordable Care Act, the Family Medical Leave Act, employee privacy matters, employee leave, and social media use. Ms. Collins is admitted in practice by the Pennsylvania Supreme Court, the U.S. District Court for the Eastern and Middle Districts of Pennsylvania, the U.S. Court of Appeals for the Third Circuit, and the U.S. Supreme Court. She serves as vice president on the board of directors for Turning Point of the Lehigh Valley. Ms. Collins received her B.A. from Lebanon Valley College and her J.D. from Widener University School of Law, where she was a member of the *Widener Law Journal*.

GREGORY E. MONSKIE, of BennLawFirm in York, focuses his practice in the areas of employment discrimination law and media law. Mr. Monskie is admitted to practice before the courts of the Commonwealth of Pennsylvania and the U.S. District Court for the Middle District of Pennsylvania. He is a member of the Pennsylvania Bar Association and the York County Bar Association. Mr. Monskie received his undergraduate degree from the Berklee College of Music in Boston and his J.D. from The Dickinson School of Law at Pennsylvania State University.

JAMES F. DEVINE, managing partner of Devine Law Offices, LLC in Lancaster, has successfully litigated workers' compensation and employment cases for over twenty years. His expertise includes the interplay between the ADA, the FMLA, and employment law concerns surrounding discipline and discharge and drug and alcohol abuse. Mr. Devine also has extensive experience defending employers in EEOC and PHRC claims. He frequently lectures on current employment law issues such as discrimination, harassment, internet policies, and the maintenance of an aging workforce, and he provides in-house training for insurance carriers and specialized employers. He is a member of the Lancaster Bar Association, the Pennsylvania Bar Association, and the American Bar Association. Mr. Devine earned his B.A. at Franklin & Marshall College and his J.D. at the University of Pittsburgh.

MICAH T. SAUL, of Devine Law Offices, LLC in Lancaster, concentrates his practice in the areas of employment law, workers' compensation, and premises and general liability. Mr. Saul also has experience in drafting service contracts, independent contractor agreements, operating agreements, and other corporate documents, and he has represented his clients before magisterial district justices, arbitration panels, and various courts throughout Pennsylvania. He is a member of the Lancaster Bar Association and the Pennsylvania Bar Association. Mr. Saul received his B.S. from the University of Pittsburgh and his J.D. from the Widener University School of Law.

THOMAS R. DAVIES, a partner of Harmon & Davies, P.C. in Lancaster, concentrates his practice on the representation of employers in labor and employment-related matters and in the area of construction law. He has experience representing both public and private clients before federal and state courts, administrative agencies, and mediators and arbitrators. Mr. Davies regularly speaks on labor, employment, and construction issues at seminars for personnel professionals, attorneys, and business leaders. He previously served as a trial attorney with the National Labor Relations Board. Mr. Davies received his A.B. from Lafayette College and his J.D. from the Duquesne University School of Law.

LORI L. BUNTMAN is an attorney with Harmon & Davies, P.C. in Lancaster. Prior to joining the firm, Ms. Buntman also interned with UPMC's Corporate Legal Department, worked with attorneys in solo practice, and worked with a Pittsburgh-based employee development and management consultation firm. She is admitted to practice in Pennsylvania and Nevada as well as before the U.S. District Court for the Middle District of Pennsylvania. Ms. Buntman has also studied at the China University of Political Science and the Law, learning all aspects of the Chinese legal system and constitution. She is a member of the American Bar Association, the Pennsylvania Bar Association, and the Lancaster County Bar Association. Ms. Buntman received her B.S.B.A. from Robert Morris University and her J.D. from the Duquesne University School of Law.

Employment Law: Beyond the Basics Lancaster, PA - July 16, 2015

Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by June 4th**

Reference Materials:

- Add audio to your registration for \$157*
- Manual only \$95*
- Audio only \$257*
- Audio/manual package \$347*

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†By providing this information you are agreeing to be added to Sterling's in-house contact lists.

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COMPREHENSIVE EMPLOYMENT LAW - Seminar # 14PA11274

Hiring Strategies and Decisions; Hot Topics in Wage and Hour Compliance; ADA and FMLA Updates and Considerations; Technology in the Workplace: Complications and Considerations; Harassment and Discrimination in the Workplace; Employee Discipline and Termination

PRESENTED BY:

Keith E. Kendall with Scaringi & Scaringi, P.C.; Christopher P. Gerber with Siana, Bellwoar & McAndrew, LLP; Gregory E. Monskie with BennLawFirm; Joseph C. Korsak with The Mazza Law Group, P.C.; Zachary E. Nahass with CGA Law Firm; and Richard C. Seneca with Seneca Law

Audio & Manual Set \$155 **Audio only \$95** **Manual only \$75**

WORKERS' COMPENSATION LAW AND PRACTICE - Seminar # 14PA11301

General Principles of Workers' Compensation In the Course of and Arising Out of Employment; Workers' Compensation Issues; The Interplay of Work Injuries and Third Party Claims; Settlements and Return to Work Issues; Legislative and Case Law Update; Ethical & Professional Behavior

PRESENTED BY:

Ross J. Ventre II with Weber Gallagher Simpson Stapleton Fires & Newby LLP; Charles L. Consagra with Needle, Goldenziel, Pascale & Consagra, P.C.; John C. Mascelli with Mascelli & Paterson; Jennifer Timmeney Callahan with Marshall Dennehey Warner Coleman & Goggin, P.C.; Ross A. Carrozza with Marshall Dennehey Warner Coleman & Goggin, P.C.; and Edwin A. Abrahamsen, Jr. with Abrahamsen, Conaboy & Abrahamsen, P.C.

Audio & Manual Set \$155 **Audio only \$95** **Manual only \$75**

4 Easy Ways to Register:

- **Web:** www.sterlingeducation.com
Enter # in "Express Registration"
- **Mail:** Sterling Education Services
PO Box 3127
Eau Claire, WI 54702
- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. **Please call ahead to confirm the schedule.**

CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

If you cancel 3 or more business days before the seminar you may:

- 1) transfer your registration to another seminar,
- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

PLEASE NOTE: If you do not attend and do not cancel as described above you are not entitled to a refund.

REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

UPCOMING SEMINARS

- **Employment Law: Beyond the Basics**
Reading, PA - May 15, 2015
Philadelphia, PA - July 22, 2015
Scranton, PA - August 4, 2015
- **Fundamentals of Employment Law**
Harrisburg, PA - July 1, 2015
- **Workers' Compensation: The Essentials**
Lancaster, PA - July 15, 2015
- **Fundamentals of Workers' Compensation**
Pittsburgh, PA - July 21, 2015
- **Personal Injury Law**
Philadelphia, PA - July 14, 2015

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