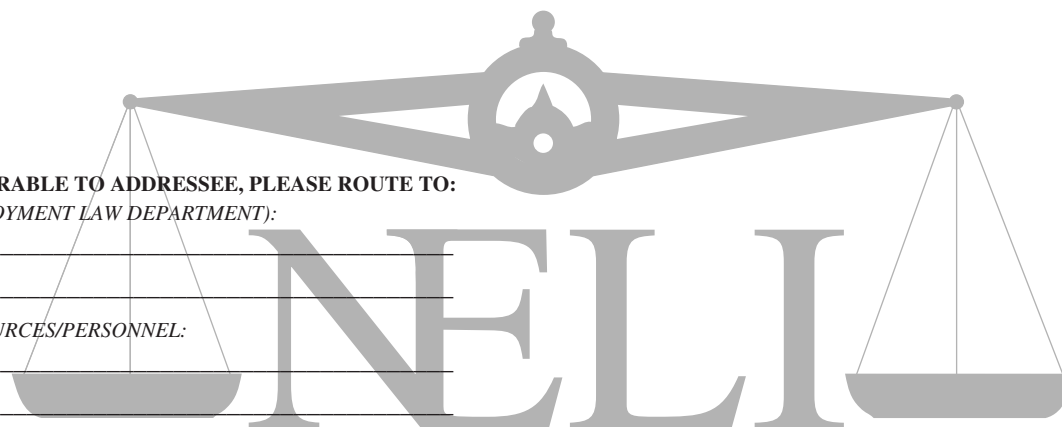


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THE NATIONAL EMPLOYMENT LAW INSTITUTE
Presents the 34th Annual

EMPLOYMENT DISCRIMINATION LAW UPDATE

*The Definitive Annual Advanced-Level Update of the Most Significant
Developments in EEO and Their Impact on Employment Practices*

San Francisco, CA
July 15-16, 2010
Westin St. Francis

Chicago, IL
July 22-23, 2010
Four Seasons Hotel

Washington, D.C.
July 29-30, 2010
Westin D.C. City Center

Also Inside:
TELECONFERENCES, PUBLICATIONS & PROGRAM SCHEDULE

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2010 EMPLOYMENT DISCRIMINATION LAW UPDATE

- San Francisco, CA, July 15-16 • Westin St. Francis
 Chicago, IL, July 22-23 • Four Seasons Hotel
 Washington, D.C., July 29-30 • Westin Washington, D.C. City Center

Registration Fee:\$895.00

Early Registration Fee:\$845.00

(Paid registrations received by June 23, June 30 and July 7 respectively.)

I am unable to attend, but wish to order the:

Employment Discrimination Law Manual CD \$149 or Print \$169 = _____

I wish to order the following publications in searchable CD or print:

Employment Law Deskbook CD or Print \$200 = _____

Resolving ADA Workplace Questions (28th Ed.) CD \$199 or Print \$219 = _____

or *28th Edition Supplement* CD \$149 or Print \$169 = _____

Affirmative Action Workbook CD \$149 or Print \$169 = _____

Affirmative Action Resource Manual CD \$99 or Print \$119 = _____

HR Guide to Answering ADA Workplace Questions (7th Ed.) CD \$99 or Print \$100 = _____

-- (Newly updated!) CD \$99 or Print \$100 = _____

Public Sector EEO & Employment Law Manual CD \$149 or Print \$169 = _____

Shipping and Handling (\$7.00 for print copy, no charge for CD) = _____

CO residents add 7.7% sales tax (publications only) CO tax = _____

Buy both CD and print version for \$50.00 more! TOTAL \$ _____

NOTE: FOR CLE CREDIT, provide state and bar numbers.

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NOTE: Street address and name required for UPS delivery of publications.

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Signature _____ Date _____

E-Mail _____

(Note: Confirmations & Program Announcements sent via e-mail.)

Do you require any accommodation, due to a disability, to attend this program? No Yes

(Describe) _____

Method of Payment (Please Note: Prepayment is Required):

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Name as it appears on card _____

REGISTRATION INFORMATION

Early registration is advised. Registrations will be confirmed by e-mail or another method if requested. On-site registrations are subject to space availability.

Registration Fee: \$895; Early Discounted Fee: \$845 if payment received prior to June 23 (San Francisco), June 30 (Chicago), July 7 (Washington, D.C.). Includes non-refundable administrative fee (see cancellation policy below). **Payment in full is required prior to the program.**

Please e-mail neli@neli.org for available discounts!

Group Rates & Substitutions are available and permissible. Contact NELI for more information.

Cancellation Policy: Cancellations must be confirmed in writing and addressed to the Registrar. Registrations cancelled more than ten business days prior to the program may elect to receive a full fee credit, or a refund less a \$150.00 administrative fee. Those cancelled ten or fewer business days prior to the program will receive a fee credit, less a \$250.00 administrative fee. Transfers between cities must be pre-approved. Fee credits may be applied during the next 12 month period to any of the Institute's programs or publications. Paid no-shows will receive the program manual upon request in full consideration of fees paid. Unpaid cancellations and unpaid no-shows are liable for the registration fee.

CONTINUING LEGAL/PROFESSIONAL EDUCATION

NELI's programs are approved for CLE credit in all jurisdictions with mandatory CLE requirements. Attorneys in states with mandatory CLE should enter their Bar number on the registration form. Registrants may be required to file for credit on their own behalf in some jurisdictions. In such cases, NELI will provide the necessary forms and proof of attendance. NELI is a CA MCLE approved provider. This program will provide between 12-14.5 CLE hours, depending upon the jurisdiction. NELI is an approved provider with HRCI, an affiliate of SHRM. This program will provide 12.0 hours of educational credits for recertification.

REGISTRATION PROCEDURE

MAIL: Please complete and mail the registration form together with your check, or credit card information, to the National Employment Law Institute, 1601 Emerson Street, Denver, Colorado 80218.

TELEPHONE: Call (303) 861-5600, 8:00 a.m.-5:00 p.m. Mountain time, with complete registration information, including method of payment, for immediate confirmation.

FAX: Fax completed form to (303) 861-5665.

INTERNET: Register directly from our website at www.neli.org or e-mail complete information to registrar@neli.org.

HOTEL ACCOMMODATIONS

To receive NELI's preferred group rate, registrants must make their own room reservations directly with the hotel (not through a travel agent). Room blocks are limited and discounted group rates cannot be guaranteed after the listed cut-off dates, and may be fully booked even before then. Reserve early and state that you are attending NELI's *Employment Discrimination Law Update* to qualify. If you experience difficulty securing a reservation, please call NELI for assistance. After the cut-off date, the hotels will only accept reservations at the discounted rate on a space available basis.

• Lower rates may be available through hotel website! •

San Francisco — *Westin St. Francis*

335 Powell Street, San Francisco, CA 94102 • (415) 397-7000
Single/Double - Traditional - \$279.00, Deluxe - \$309.00
(exclusive of current 15.6% tax)

Reservation cut-off date: June 23, 2010

Chicago — *Four Seasons Hotel*

120 East Delaware Place, Chicago, IL 60611 • (312) 280-8800
Single/Double - \$250.00 (exclusive of current 15.4% tax)

Reservation cut-off date: June 30, 2010

Washington, D.C. — *Westin Washington D.C. City Center*

1400 M Street, N.W., Washington, D.C. 20005 • (202) 429-1700
Single/Double - \$219.00 (exclusive of current 14.5% tax)

Reservation cut-off date: July 7, 2010

TELECONFERENCES

The National Employment Law Institute now offers a variety of Teleconferences throughout the year, focusing on cutting edge developments in all areas of employment law. For complete information, please visit our website -- www.neli.org. New this Spring:

WAGE & HOUR/INDEPENDENT CONTRACTOR MISCLASSIFICATION

June 3 and 10, 2010 -- 1:00 p.m. EST

The Administration is pressuring employers to properly determine which "workers" are "employees" and which are "Independent Contractors," and plaintiff's lawyers have recently followed suit with numerous highly celebrated class-actions alleging employer misclassification of "Independent Contractors." At the same time, the Administration is also poised to rigorously enforce the federal Fair Labor Standards Act by cracking down on inappropriate "exemptions" from overtime.

This Teleconference will examine the federal government's renewed focus on, as well as the spike in class action lawsuits aimed at, the misclassification of "employees" as "Independent Contractors" and non-exempt employees as "exempt."

Presenters: John C. Fox, Esq. and Jay Wang, Esq.
Fox, Wang & Morgan, P.C., San Jose, California

DISCRIMINATION, HARASSMENT & RETALIATION

June 17 and 24, 2010 -- 1:00 p.m. EST

For those new to the field, those in need of a refresher, or before taking another NELI course, this program will focus on what employers must know to comply with the law and decrease liability as these charges and associated monetary relief continue to skyrocket.

Topics covered: Title VII's ban on discrimination in employment, either by disparate treatment (intentional) or disparate impact (unintentional), establishing a prima facie case, pattern or practice claims, job-relatedness and business necessity, and EEOC charge processing, investigations and determinations • Harassment, reviewing what it takes to establish "quid pro quo" and reach a hostile work environment threshold • Retaliation claims, including what is "protected workplace conduct," what is a "tangible" adverse employment action and whether a causal connection between the two exists.

Presenter: Brian W. Bulger, Esq.
Meckler Bulger Tilson Marick & Pearson, LLP, Chicago, Illinois

NELI'S 2010 LIBRARY

Publications available in print and searchable CD formats.

2010 EMPLOYMENT LAW DESKBOOK

The National Employment Law Institute's 2010 *Employment Law Deskbook* contains 13 chapters in two volumes covering the most significant substantive, procedural and practical issues of general interest and concern to Employment Law Practitioners and Human Resource Professionals. The contributors are highly regarded employment law practitioners from some of the most respected law firms in the United States. Each chapter is a virtual treatise on the topic, with tables of authorities, sample policies, forms and checklists whenever practicable. An invaluable research and reference tool compiled for NELI's 2010 Employment Law Briefing, this is the most comprehensive Deskbook on current employment law "hot topics."

Chapter Headings:

Developments in Equal Employment Opportunity Law • Legislative and Executive Branch Updates • Recent Developments in Traditional Labor Law • Wage and Hour Law • ERISA: Recent Developments, Claims and Issues • Immigration Compliance in a New Era • Preferences in Employment • Responding to and Preventing Retaliation Claims • ADA Updates: Who is an "Individual with a Disability" and "Reasonable Accommodation" • The Family and Medical Leave Act • E-Discovery, ESI and EIM: Proactive Policies and Reactive Duties Ethics and Professionalism Handbook for Labor and Employment Lawyers, Fifth Edition

Published April 2010

List Price for CD or Print Format: \$200.00

RESOLVING ADA WORKPLACE QUESTIONS

(28th Edition)

How Courts and Agencies are Dealing with Employment Issues

This is the most comprehensive publication addressing compliance with the employment provisions of the ADA, essential for employment counsel, human resource professionals, and government enforcement officials who deal with ADA issues that arise every day in the workplace. Now David K. Fram, Director, ADA & EEO Services for the National Employment Law Institute, and former ADA Policy Attorney in the Office of Legal Counsel of the Equal Employment Opportunity Commission in Washington, D.C., has added hundreds of recent cases and policy citations, updated the extremely useful "checklists" for dealing with ADA cases, and addressed the implications of the passage of the ADA Amendments Act in September 2008. New editions are published every six months.

Chapter Headings: "Disability" Issues • "Qualified" Issues • "Reasonable Accommodation" Issues • "Direct Threat" Issues
Drug, Alcohol, and Other Conduct Rules • Disability-Related Questions & Medical Exams • Checklists for Handling ADA Issues

Please Note: Prior purchasers of *Resolving ADA Workplace Questions* will want to update their edition with the current supplement.

28th Edition April 2010 • List Price Print Format: \$219.00

28th Edition Supplement Print Format: \$169.00

AFFIRMATIVE ACTION WORKBOOK

This Workbook is intended to serve as a reference guide to non-discrimination and affirmative action regulations and requirements pursuant to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Veterans Readjustment Assistance Act of 1974 (38 U.S.C. §4212), as amended.

Contents:

• Recent Major Developments at OFCCP (The new leadership and what to expect; OFCCP's unprecedented 25% budget increase; new legal requirements of interest to Federal Contractors; the seven race/ethnic classifications now used in EEO-1; ongoing regulatory reform; hospitals/clinics back in OFCCP's jurisdiction; Internet application recordkeeping regulations in emerging technology) • Recently Published Federal Government Documents (Recent OFCCP Directives, Memos, Letters and Web Site Pronouncements) • Compensation Data Requests • High Level Questions and Answers re: Audits (Responding to "Notice of Desk Audit" letter, when OFCCP comes on-site; when OFCCP begins "off-site" analysis) • The Four Types of Veterans OFCCP Protects (Aftermath of the V.E.T.S. 2008 regulations and new reporting requirements) • New Emphases on Disability Issues • New Initiatives Affecting Construction Contractors • *Lilly Ledbetter Fair Pay Act* and Compensation • The E-Verify Rule

Editor and Principal Author: John C. Fox, Esq.
Fox, Wang & Morgan, P.C., San Jose, California

Published November 2009 List Price Print Format: \$169.00

THE HUMAN RESOURCE GUIDE TO ANSWERING ADA WORKPLACE QUESTIONS (7th Edition) (Newly updated to include the ADA Amendments Act and EEOC's proposed regulations.)

This publication consists of step-by-step checklists to guide a supervisor, manager, human resource professional, EEO officer, or other in-house personnel in handling everyday ADA workplace issues. Accompanying each checklist is an "expanded" checklist, which summarizes federal agency and judicial decisions in a user-friendly manner. David K. Fram, Director, ADA & EEO Services for the National Employment Law Institute, and former ADA Policy Attorney in the Office of Legal Counsel of the Equal Employment Opportunity Commission in Washington, D.C., has designed this extremely practical stand-alone HR guide so that it may, if desired, accompany the extensive case-oriented citations provided in *Resolving ADA Workplace Questions: How Courts and Agencies are Dealing with Employment Issues*, chapter by chapter.

Chapter Headings: • *Whether Individual Has a "Disability"* • *Whether Individual is "Qualified"* • *How to Determine "Reasonable Accommodation"* • *Whether Individual Poses a "Direct Threat"* • *Additional Information on Drug, Alcohol, and Other Conduct Rules* • *Restrictions on Disability-Related Questions and Medical Examinations*

Published May 2010 List Price Print Format: \$100.00

■ PUBLICATION PURCHASE/RETURN POLICY ■

NELI does not offer a "trial examination" of any publications. Returns are permitted only with prior approval and must be made within 10 business days of receipt of book. All returned publications are subject to a \$50.00 restocking fee.

AFFIRMATIVE ACTION RESOURCE MANUAL

This Manual is prepared especially for federal contractors and sub-contractors as well as those employers which are not contractors but that wish to develop voluntary Affirmative Action Plans using federal contractor requirements under Executive Order 11246 as a model. Experienced Affirmative Action Program writers, planners and managers will also find this Manual useful to update or upgrade existing Affirmative Action Programs and to identify new approaches to affirmative action planning. The highlight of this manual is a chapter containing a Model Affirmative Action Program which has been revised and updated to provide a boiler-plate AAP that conforms with all current requirements from the Office of Federal Contract Compliance Programs (OFCCP).

Additional chapters address:

• History of the Executive Order Program (Who is covered, defining a contractor and an establishment, Standardized Affirmative Action Formats [SAAF's], and the basis for setting goals) • Miscellaneous Documents re: Affirmative Action Compliance - Beyond the AAP (Other actions contractors must undertake, should availability analyses be "time weighted," parent corporation responsibility for subsidiaries, single-entity analysis) • OFCCP Audit Processes, Remedies and Sanctions (OFCCP sources of authority, current OFCCP compliance evaluation documents, OFCCP audit checklist, OFCCP enforcement remedies, sanctions, debarment authority)

Published November 2009 List Price Print Format: \$119.00

EMPLOYMENT LAW WORKBOOK

Providing essential practice tips from experts in the field, as well as case law and legislative updates for practitioners dealing with liability issues that arise every day in the workplace, with particular attention to all of the new changes in employment law, in addition to those always troublesome areas.

Topics Include: • *Significant Case Law and Legislative Update* • *Managing Troublesome Wage & Hour Issues* • *Handling Retaliation & Whistleblowing* • *Independent Contractors* • *Privacy Policies* • *Ethics in Labor and Employment* • *ADA Compliance Update* • *The FMLA Re-Focused* • *Benefit Issues for the Non-Specialist*

Published June 2010 List Price Print Format: \$169.00

PUBLIC SECTOR EEO & EMPLOYMENT LAW MANUAL

One of the only manuals written and edited exclusively for public sector employers, this compilation of papers and supporting documents provides a comprehensive analysis of major EEO and employment law developments and their impact on public sector employment.

Chapter Headings: • *Annual Review of Major Developments in EEO* • *Religious Discrimination* • *Retaliation Claims* • *Wage and Hour Compliance* • *Agency and Legislative Update* • *ADA/Rehabilitation Act Update: Who is an "Individual with a Disability"* • *The Evolving FMLA* • *Implementing and Monitoring Privacy Policies*

Published August 2009 List Price Print Format: \$169.00

DAY ONE

7:45 Open Registration & Continental Breakfast**8:30 Developments in Equal Employment Opportunity Law**
Annual update of Supreme Court and the most significant appellate and trial court cases and their applications and implications for employment practices and litigation in key substantive and procedural areas, including race, sex, religion, color, national origin, gender and pregnancy discrimination, harassment, and the non-discrimination provisions of the ADEA, GINA, and USERRA, damages and injunctive relief, class actions, and many other issues.

(There will be a fifteen minute break at 10:15 a.m.)

San Francisco — Jeff Wohl

Chicago — Zach Fasman

Washington, D.C. — Ken Willner

12:00 Luncheon (Hosted by NELI)**1:00 Increased Systemic EEO Enforcement**

With increased funding, more staff and experts, and new leadership, EEOC, OFCCP and the Solicitor of Labor are all committed to substantially increasing their systemic enforcement efforts of employers' hiring, promotion and compensation practices- we will thoroughly examine what this means for employers and how they and their counsel can proactively analyze and address these issues, deal with systemic investigations by the agencies and also defend themselves during administrative and court enforcement proceedings involving systemic claims under Section 706 and 707 of Title VII.

San Francisco / Washington, D.C. — Gary Siniscalco

Chicago — Jill Rosenberg

2:15 New Compensation Analysis After Ledbetter

Examination of the impact of the *Lilly Ledbetter Fair Pay Act*, which rejected the U.S. Supreme Court's *Ledbetter* decision to dramatically expand the "continuing violation" theory and increase the period in which employees may go back in time to challenge pay discrimination, focusing on the numerous recent and often conflicting case law decisions the courts are now handing down and discuss what should be done to minimize liability for compensation and benefits decisions and "other practices" the Act now covers, the three ways an employee may go back in time and how far, how to calculate damages, whether and how to perform regression analyses, and whether to retain historical compensation records.

San Francisco / Chicago — John Fox

Washington, D.C. — Steve Suflas

3:30 Refreshment Break**3:45 Hot Topics in Retaliation**

A look at why these claims continue to skyrocket, fueled in part by significant state and federal legislative developments in the past year, and how courts across the country are divided on the application of key elements such as what is "protected activity" and when does an employer take "adverse action" with particular focus on "hot topics" in this area, including third party retaliation, retaliatory harassment, use of the judicial process, examples of "unreasonable opposition," and tips on how to avoid and address these claims to decrease liability.

San Francisco — Pat Gillette

Chicago — Ken Gage

Washington, D.C. — Greg Keating

5:00 Adjourn

DAY TWO

7:30 Open Registration & Continental Breakfast**8:00 ADA Compliance Update**

Discussion of the ADAAA's changes to the definition of "disability" and EEOC's proposed regulations under the ADAAA, including the definition of "major life activities," whether to analyze an individual as medicated, the meaning of "substantially limits," and the dramatic new definition of "regarded as" and how to avoid such claims, a brief overview of the trends on when an individual with a disability is considered "qualified," including what are "essential functions," and the latest developments on reasonable accommodation obligations.

All Locations — David Fram

10:00 Refreshment Break**10:15 The FMLA Re-Focused**

Practical guidance in light of the recent DOL regulations and case developments on managing intermittent leave abusers, how to best utilize DOL forms, appropriate and effective contact with the employee's health care provider, requiring detailed information for notice of leave, the differences between certification, clarification and recertification, avoiding *equitable estoppel* claims, and determining whether an employee is receiving continuing treatment.

San Francisco — Linda Walton

Chicago — Ellen McLaughlin

Washington, D.C. — Megan Norris

11:45 "Top Ten" Overlap Issues Concerning ADA, FMLA, and Other Leave Laws

Discussion of most frequently occurring overlap issues, including whether every serious health condition is now a disability, how to get the most medical information when an employee returns to work from leave, imposing obligations and restrictions while on leave to combat abuse, disciplining an employee for unplanned absences, differing reinstatement obligations, mandatory overtime and enforcing an employee's duty to cooperate in providing information to support a leave, and recommended front-line procedures for supervisors and human resource personnel when dealing with possible overlap questions.

San Francisco — Linda Walton and David Fram

Chicago — Ellen McLaughlin and David Fram

Washington, D.C. — Megan Norris and David Fram

1:15 Adjourn**EMPLOYMENT DISCRIMINATION LAW MANUAL**

Registrants will receive the comprehensive 2010 *Employment Discrimination Law Manual* containing in-depth papers and supporting reference materials, together with case notes and sample forms, prepared exclusively for this program. This extensive Manual will serve as an excellent workbook for future reference and is not available from any other source. Those unable to attend may purchase a copy by completing the information on the Registration/Order form. The Manual will be available for shipment following the program series.

Available in print and searchable CD formats.

Distinctions between California and Federal law will be addressed where appropriate in the San Francisco location.



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2010-11 PROGRAMS

PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE

*Washington, D.C., Aug. 19-20
San Francisco, CA, Aug. 26-27*

AMERICANS WITH DISABILITIES ACT WORKSHOP

*San Francisco, CA, Aug. 31
Seattle, WA, Sept. 2 • Los Angeles, CA, Sept. 8
Boston, MA, Sept. 14 • Newark, NJ, Sept. 16
Houston, TX, Sept. 20
Washington, D.C., Sept. 24
Denver, CO, Sept. 27 • Chicago, IL, Sept. 29*

AFFIRMATIVE ACTION WORKSHOP/BRIEFING

*San Francisco, CA, October 6-8
Austin, TX, October 13-15
Washington, D.C., October 20-22
Chicago, IL, October 27-29*

EMPLOYMENT LAW CONFERENCE

*Chicago, IL, November 11-12
New Orleans, LA, November 18-19
San Francisco, CA, December 2-3
Washington, D.C., December 9-10*

2011 EMPLOYMENT LAW BRIEFING

*St. Petersburg Beach, FL, March 6-9, 2011
Laguna Niguel, CA, March 20-23, 2011*

UPCOMING TELECONFERENCES

Wage & Hour/Independent Contractor
Misclassification

June 3 • June 10

Discrimination, Harassment & Retaliation

June 17 • June 24

Please visit us at www.neli.org for more information.