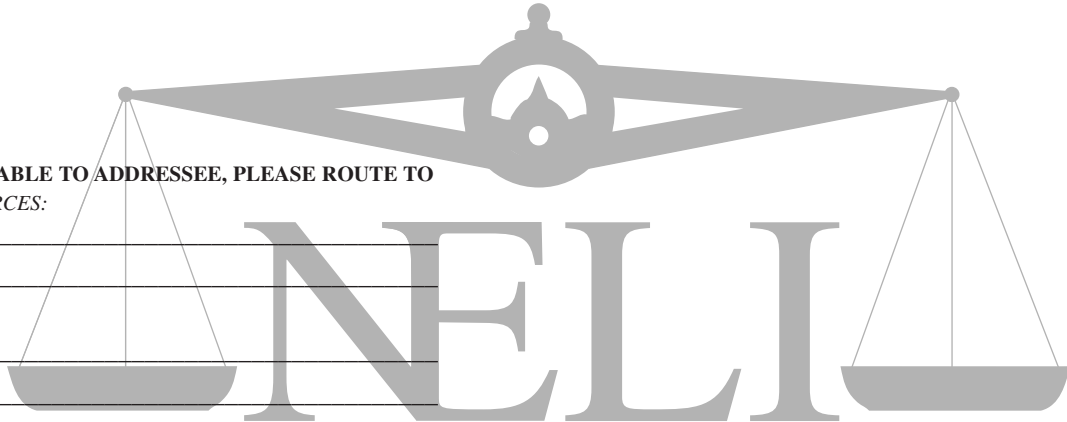


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THE NATIONAL EMPLOYMENT LAW INSTITUTE
Presents the Twenty-Ninth Annual

EMPLOYMENT LAW BRIEFING

*The nation's most thorough advanced-level program analyzing legal developments
and their practical application to employment practices and litigation*

Clearwater Beach, Florida
March 7-10, 2010
Sandpearl Resort

Las Vegas, Nevada
March 21-24, 2010
Four Seasons Hotel

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- Clearwater Beach, Florida • March 7-10, 2010
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Early registration is advised. Registrations will be confirmed by e-mail or another method if requested. On-site registrations are subject to space availability.

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TELEPHONE: Call **(303) 861-5600**, 8:00 a.m. – 5:00 p.m. Mountain Time for immediate confirmation.

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(727) 674-4100 • (877) 726-3111
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Reservation cut-off date: February 5, 2010

Las Vegas - Four Seasons Hotel • www.fourseasons.com/lasvegas
3960 Las Vegas Boulevard South, Las Vegas, Nevada 89119
(702) 632-5000 • (877) 632-5000
Room Rate - \$175.00 SS/DD Superior Room
(room rate exclusive of current 12% tax)
Reservation cut-off date: February 19, 2010

AGENDA

Sunday

2:45 pm Open Registration

3:30 pm Recent Developments in EEO Law

Annual update of Supreme Court and significant appellate and trial court cases and their applications and implications for employment practices and litigation in key substantive and procedural areas, including religious, national origin, age and pregnancy discrimination, harassment, damages and injunctive relief, class actions, and more.

Brian Bulger (FL=Florida) • Jeff Wohl (NV=Nevada)

5:15 pm Refreshment Break

5:30 pm Legislative and Executive Branch Update

A review of the Obama Administration's emphasis on labor and employment issues over the past year, including new enforcement personnel and priorities, and new regulatory and Executive initiatives, also state and federal legislative activity, including pending and anticipated legislation, and compliance issues from both the legal and human resource perspectives with an eye toward practical issues for employers.

Steve Suflas (FL) • Kevin Hamilton (NV)

6:45 pm Welcoming Reception (Hosted by NELI)

Monday

7:30 am Labor-Management Relations: Re-Focused

Analyzing pending legislation and the impact on existing employment policies (Employee Free Choice Act/Respect Act), the affect of changes at the National Labor Relations Board on current case law and what existing law is likely to be changed, and how the Obama Administration is impacting and will continue to impact labor enforcement policy.

Andy Kramer (FL) • Curt Kirschner (NV)

8:45 am ADA: Who is an "Individual with a Disability"

Discussion of the ADA Amendments Act changes to the definition of "disability" and the EEOC's proposed regulations under the ADAAA, including revisions to the definition of "major life activities," whether to analyze an individual as medicated, the meaning of "substantially limits" (both for cases arising before and after the effective date of the ADAAA), including seriousness and duration issues, and discussion of the dramatic new definition of "regarded as," including practical advice for training supervisors on how to avoid "regarded as" claims.

David Fram (Both Locations)

10:15 am Refreshment Break

10:30 am E-Discovery: Proactive Policies/Reactive Strategies

Exploration of key e-discovery law and technology issues in employment cases, including day-to-day information management as to current and departing employees, early-stage discovery planning, forms/formats of production, and protection of privileged information and work product.

Bob Brownstone (Both Locations)

Tuesday

7:30 am Ethics & Professionalism in Labor & Employment

Examination of conflicts of interest, attorney-client privilege and waiver, ex parte access to current and former managers and employees, pre-trial investigations, electronic investigations and communications, employee confidential communications using employer-provided computers and email, in-house counsel ethical issues, improper acquisition and inadvertent disclosure of information and documents, access to metadata and electronic information, settlement and negotiations, "ghostwriting" of employer/employee communications, court enforcement of professionalism and civility codes, and other issues.

Dennis Duffy (Both Locations)

9:30 am Hot Topics in Retaliation and Whistleblowing

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 and examples of "unreasonable opposition."

Greg Keating (FL) • Pat Gillette (NV)

Tuesday (continued)

10:30 am Refreshment Break

10:45 am Annual Wage & Hour Law Update

New developments in exempt status regulation and litigation, focusing on the administrative, executive, computer, and outside sales exemptions, key issues in the calculation of the regular rate of pay and overtime, top picks for items to address in the context of wage and hour audits, time keeping traps for the unwary, focusing on pay frequency and timeliness and why getting it right is so important, and other key issues that are triggering the current wave of wage and hour litigation.

Ellen Boshkoff (FL) • Kirby Wilcox (NV)

11:45 am Immigration Compliance in a New Era

Immigration legislation affecting employers, implications of comprehensive immigration reform for business, employment verification, including E-Verify and I-9 compliance and increased audits by DHS, immigration and customs enforcement (ICE), national investigation initiative by the Obama Administration, H-1 B visa and green card backlogs, problems with alien employment certification applications, intra-company transferee issues, global workforce planning, and best-practices for employers.

Bo Cooper (Both Locations)

Wednesday

7:30 am ADA: "Reasonable Accommodation Developments"

Discussion of the latest developments on reasonable accommodation obligations, including the ADAAA's changes on whether accommodation is required in "regarded as" cases, what triggers the interactive process, how to train supervisors and managers on this issue, how employers should interact and document the process, what to do when the affected employee does not cooperate in the process, and discussion of the latest cases on leave, non-competitive reassignment, light duty, rescission of discipline, work-at-home, shift changes, and irritant-free workplace requests.

David Fram (Both Locations)

9:00 am The FMLA: One Year Later

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.

Megan Norris (FL) • Ellen McLaughlin (NV)

10:15 am Refreshment Break

10:30 am Employment Preferences: Doing "The Right Thing"

The U.S. Supreme Court's blockbuster 2009 decision in the New Haven firefighter testing case (*Ricci v DeStefano*) reminded us again of the tender tight-rope employers walk when attempting preferential employment actions. This prompts an examination of how "recruitment" permits preferential treatment, how certain statutes "permit" and others "require" preferential treatment of certain "protected classes," and when an employer goes too far in preferential hiring, promotions, assignments and compensation.

John Fox (Both Locations)

11:30 am Benefit Issues for the Non-Specialist

With benefit issues dramatically impacting labor and employment lawyers and their clients more than ever, we will focus on the following areas of broad application: update on recent ERISA litigation, including benefit claims, fiduciary duty litigation, cash balance plans, and other plan investment issues; severance plans, an important tool in the current downsizing of work forces; IRC § 409A, a major factor in any executive compensation scenario or any negotiations impacting upper echelon officers; COBRA and other health plan issues.

Howard Shapiro (Both Locations)

12:45 pm Program Adjournment

*Sunday session concludes at 6:45 pm.
Monday through Wednesday sessions conclude at 12:45 pm.
Time slots of sessions subject to change.*



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