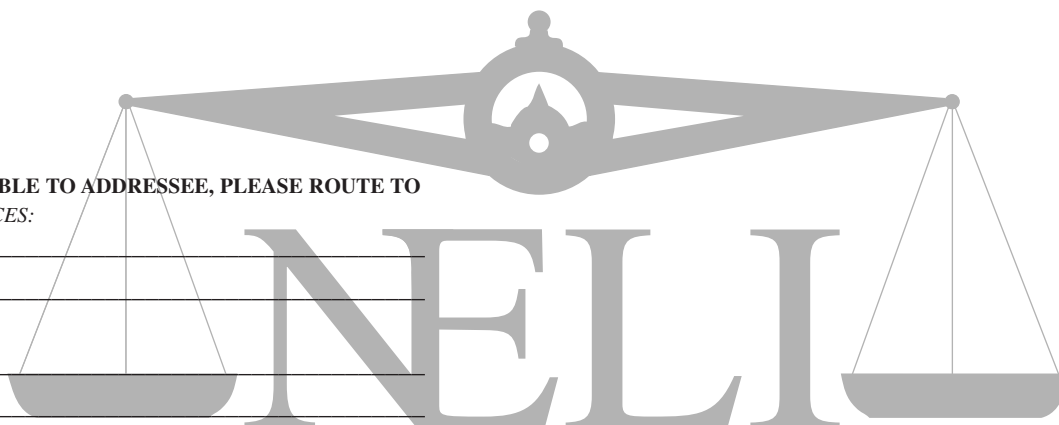


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THE NATIONAL EMPLOYMENT LAW INSTITUTE
Presents the 31st Annual National Conference on Developments in Employment Law

EMPLOYMENT LAW CONFERENCE

*The Definitive Advanced-Level Update of the Most Important Developments
Affecting the Employment Policies and Practices of Business and Government*

Chicago, Illinois
November 11-12, 2010
Four Seasons Hotel

New Orleans, Louisiana
November 18-19, 2010
The Ritz-Carlton

San Francisco, California
December 2-3, 2010
Westin St. Francis

Washington, D.C.
December 9-10, 2010
Westin Washington D.C. City Center

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Please accept my registration for the:

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 Washington, D.C. • December 9-10 • Westin Washington D.C. City Center

Registration Fee: \$895

Early Registration Fee: \$845

(Payment received by Oct. 20, Oct. 27, Nov. 10, Nov. 17 respectively.)

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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.

Registration fee: \$895; Early discounted fee: \$845 if payment is received prior to Oct. 20 (Chicago), Oct. 27 (New Orleans), Nov. 10 (San Francisco), Nov. 17 (Washington, D.C.). Special government employee fee: \$795. Includes non-refundable administrative fee (see cancellation policy below). **Payment in full is required prior to the Conference.**

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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. – 4:30 p.m. Mountain Time, 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.

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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 Law Conference* 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.

Chicago — Four Seasons Hotel, 120 East Delaware Place, Chicago, IL 60611 • (312) 280-8800 • Deluxe King – \$295 (exclusive of current 15.4% tax)

Reservation cut-off date: October 20, 2010

New Orleans — The Ritz-Carlton, 921 Canal Street, New Orleans, LA 70112 • (504) 524-1331 • Deluxe Room – \$199 (exclusive of current 13% tax)

Reservation cut-off date: October 27, 2010

San Francisco — Westin St. Francis, 335 Powell Street, San Francisco, CA 94102 • (415) 397-7000 • Traditional – \$279; Deluxe – \$309 (exclusive of current 15.6% tax)

Reservation cut-off date: November 10, 2010

Washington, D.C. — Westin Washington D.C. City Center, 1400 M Street N.W., Washington, D.C. 20005 • (202) 429-1700 Standard Room – \$259 (exclusive of current 14.5% tax)

Reservation cut-off date: November 17, 2010

• Lower room rates may be available through hotel websites! •

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.

Chicago - Zach Fasman

New Orleans - Hunter Hughes

San Francisco - Jeff Wohl

Washington, D.C. - Barbara Brown

10:30 Refreshment Break**10:45 Labor-Management Relations Update**

Analyzing pending legislation and its potential impact on employers, the effect of a reconstituted Labor Board, changes in labor relations regulations and enforcement policy under the Obama Administration, the resurgence of labor-initiated state laws, the current state of labor unions, and a review of important recent court and NLRB decisions.

Chicago - Brian Bulger

New Orleans - Steve Sufilas

San Francisco - Curt Kirschner

Washington, D.C. - Denise Keyser

12:00 Luncheon (Hosted by NELI)**1:00 Cutting Edge Wage and Hour Issues**

Exempt status regulation and litigation, including the latest positions taken by DOL, the hottest misclassification cases involving the administrative, executive, outside sales and combination exemptions, key issues in the calculation of compensable hours worked and what must be paid, proactive steps to avoid or favorably settle lawsuits/audits, and challenges outside of FLSA, including meal and rest break violations, failure to reimburse for expenses and unlawful deductions from wages.

Chicago - Michael Gray

New Orleans - Steve Hymowitz

San Francisco - Kirby Wilcox

Washington, D.C. - Howard Radzely

2:15 Independent Contractor Misclassification

Examination of the renewed focus of employment, tax and workers' compensation authorities on the misclassification of workers as independent contractors ("ICs"), review of the latest industries targeted by, and theories of liability of, the plaintiffs' bar, including class-action cases, new issues concerning expense reimbursement, legislative efforts to expand the protection of those classified as ICs (including possible changes to the FLSA), protection of intellectual property and other company policies that can and cannot be applied to ICs, and practical advice to establish, maintain and defend IC decisions.

Chicago & New Orleans - Ellen Boshkoff

San Francisco - John Fox

Washington, D.C. - Chris Parlo

3:15 Refreshment Break**3:30 Internet Security, Privacy and Social Media Policies**

Analysis of key legal, technology and human-resources issues relating to workplace privacy as employers decide how intensely to scrutinize applicants and employees both inside and outside the workplace's physical and virtual walls, covering issues such as background checks and regulating employees' "off-duty" conduct, and cutting edge topics including Web 2.0 communications, as well as the impact of *Quon v. Arch Wireless* on employer's rights to monitor and access employee's electronic communications.

Chicago - Ken Gage

New Orleans & San Francisco - Bob Brownstone

Washington, D.C. - David Fortney

5:00 Adjourn

DAY TWO

7:30 Open Registration & Continental Breakfast**8:00 Ethics in Labor and 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.

All Locations - Dennis Duffy

9:00 ADA Compliance Update

Discussion of the ADA's changes to the definition of "disability" and EEOC's proposed regulations under the ADA, 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 "regarded as" 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

10:30 Refreshment Break**10:45 Latest FMLA Developments**

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.

Chicago & New Orleans - Ellen McLaughlin

San Francisco - Martha Gates

Washington, D.C. - Megan Norris

12:00 Retaliation and Whistleblowing Revisited

Why retaliation claims are skyrocketing and how courts across the country have become sharply 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," tips on how to avoid and address these claims to decrease liability with separate focus on the attendant explosion of federal whistleblower legislation, developments under Sarbanes Oxley and what all of this means for employers going forward.

Chicago - Brenda Feis

New Orleans - Jill Rosenberg

San Francisco - Paul Cane

Washington, D.C. - Greg Keating

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

Available in print and searchable CD formats.

Registrants will receive a comprehensive manual containing in-depth papers and supporting reference materials, together with case notes and sample forms, prepared exclusively for the Conference and not available from any other source. This extensive manual will serve as an excellent research and reference deskbook. Those unable to attend may purchase a copy by completing the necessary information on the Registration/Order form. The manual will be available following the conclusion of the Conference series.



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