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THE NATIONAL EMPLOYMENT LAW INSTITUTE
Presents the Fifteenth Annual

EMPLOYMENT LAW WORKSHOP

*Expert Guidance, Pertinent Case Law and Legislative Updates
for Handling Critical Employment Liability Issues*

Chicago, IL
May 6-7, 2010
Four Seasons Hotel

San Francisco, CA
May 13-14, 2010
Westin St. Francis

Washington, D.C.
May 20-21, 2010
Westin D.C. City Center

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2010 EMPLOYMENT LAW WORKSHOP

- Chicago, IL May 6-7 • Four Seasons Hotel
 San Francisco, CA May 13-14 • Westin St. Francis
 Washington, D.C. May 20-21 • Westin D.C. City Center

Registration Fee: \$895⁰⁰

Early Registration Fee: \$845⁰⁰

(Paid Registrations received by April 14, April 21, & April 28, respectively.)

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

I am unable to attend. Please send me the **Employment Law Workbook**.

CD \$149.00 Print \$169.00 **or** Both \$ 219.00 _____

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

Colorado residents add 7.3% sales tax (publications only) _____

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

(Describe) _____

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

■ REGISTRATION INFORMATION

Registration Fee: \$895⁰⁰; Early Discounted Fee: \$845⁰⁰ if payment is received prior to April 14 (Chicago), April 21 (San Francisco), and April 28 (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 and **Discounts** may apply. 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 Workbook upon request in full consideration of fees paid. Unpaid cancellations and unpaid no-shows are liable for the registration fee.

■ CONTINUING 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: Send the completed 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**, 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 Law Workshop* 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!** •

Chicago, IL — *Four Seasons Hotel*

120 East Delaware Place, Chicago, IL 60611 • (312) 280-8800

Single/Double Deluxe Kings – \$295.00

(exclusive of current 15.4% tax)

Reservation cut-off date: April 14, 2010

San Francisco, CA — *Westin St. Francis*

335 Powell Street, San Francisco, CA 94102 • (415) 397-7000

Non-Refundable/Non-Changeable – \$216.75

Single/Double – \$279.00 Traditional; \$309.00 Deluxe

(exclusive of current 14% tax)

Reservation cut-off date: April 21, 2010

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

1400 M Street, N.W., Washington, D.C. 20005 • (202) 429-1700

Single/Double – \$265.00 (exclusive of current 14.5% tax)

Reservation cut-off date: April 28, 2010

DAY ONE

7:45 Open Registration & Continental Breakfast**8:30 Significant Case Law and Legislative Update**

A review of Supreme Court and appellate court cases and their implications for employment practices in key areas such as sex, race, religious, national origin, age, equal pay and pregnancy discrimination, harassment, damages and injunctive relief, as well as an examination at federal legislative activity, including pending and anticipated legislation.

Chicago – Brian Bulger

San Francisco – Kevin Hamilton

Washington D.C. – Ken Willner

10:30 Refreshment Break**10:45 Managing Troublesome Wage and Hour Issues**

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.

Chicago – Greg Utken

San Francisco – Kirby Wilcox & Heather Morgan

Washington, D.C. – Steve Hymowitz

12:00 Luncheon (Hosted by NELI)**1:00 Handling 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.”

Chicago – Jill Rosenberg

San Francisco – Paul Cane

Washington D.C. – Greg Keating

2:15 The Latest on Independent Contractors

Examination of the government's renewed focus on the misclassification of workers as contractors given the drop in payroll reporting and withholding income taxes, the rise of plaintiff lawyer class-action litigation seeking overtime and reimbursement of expenses, expanding statutory restrictions making discrimination against contingent workers unlawful, protection of intellectual property, practical advice about the latest developments to establish, maintain and defend contractor status and reduce legal risk amid shifting litigation trends, and the financial consequences for failing to properly classify workers as “employees.”

All Locations - John Fox

3:30 Refreshment Break**3:45 A New Decade for Privacy Policies**

Examination 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

San Francisco – Bob Brownstone

Washington D.C. – David Fortney

5:00 Adjourn

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

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 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.

Chicago – Ellen McLaughlin

San Francisco – Linda Walton

Washington, D.C. – Corrie Conway

12:00 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.

Chicago and Washington, D.C. – Howard Shapiro

San Francisco – Ward Kallstrom

1:15 Adjourn**Employment Law Workbook**

Available in searchable CD and print formats.

Registrants will receive the *2010 Employment Law Workbook* containing in-depth papers and supporting documents together with sample forms, policies and checklists prepared exclusively for this program and not available from any other source. This extensive Workbook will serve as an excellent research and reference tool. Those unable to attend the program may purchase a copy by completing the necessary information on the Registration/Order form and mailing it to NELI. For rush orders, phone, fax or e-mail NELI. The Workbook will be available for shipment following the program series.



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2010 PROGRAM SCHEDULE • www.neli.org

ADA & FMLA COMPLIANCE UPDATE

*Chicago, IL, April 8-9 • San Francisco, April 15-16
Washington, D.C., April 22-23*

ADA WORKSHOP SERIES

*September • Seattle, San Francisco, Los Angeles,
Chicago, Houston, Washington, D.C., and more.*

EMPLOYMENT DISCRIMINATION LAW UPDATE

*San Francisco, CA, July 15-16 • Chicago, IL, July 22-23
Washington, D.C., July 29-30*

AFFIRMATIVE ACTION WORKSHOP/BRIEFING

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

PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE

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

EMPLOYMENT LAW CONFERENCE

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