

NATIONAL EMPLOYMENT LAW INSTITUTE

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(303) 861-5600  
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THE NATIONAL EMPLOYMENT LAW INSTITUTE

Presents the 33rd Annual

# EMPLOYMENT LAW CONFERENCE

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

**Chicago, IL**

November 8-9, 2012

Four Seasons Hotel

**Washington, D.C.**

November 15-16, 2012

Ritz-Carlton Pentagon City

**New Orleans, LA**

November 29-30, 2012

Ritz-Carlton New Orleans

**San Francisco, CA**

December 6-7, 2012

Westin St. Francis

# REGISTRATION AND ORDER FORM

***Please accept my registration for the:***

## 2012 EMPLOYMENT LAW CONFERENCE

- Chicago, IL, November 8-9 • Four Seasons Hotel
- Washington, D.C., November 15-16 • Ritz-Carlton Pentagon City
- New Orleans, LA, November 29-30 • Ritz-Carlton New Orleans
- San Francisco, CA, December 6-7 • Westin St. Francis

**Registration Fee:** .....\$895.00

**Early Registration Fee:** .....\$845.00

(Paid Registration received by October 17 & 24 and November 7 & 14, respectively.)

- I am unable to attend. Please send me the:

### Employment Law Conference Manual

**Print** \_\_\_ copies @ \$169.00..... \_\_\_\_\_

**Searchable CD** \_\_\_ copies @ \$149.00..... \_\_\_\_\_

**Print & Searchable CD** \_\_\_ copies @ \$219.00.... \_\_\_\_\_

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

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

(Describe) \_\_\_\_\_

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## ■ 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: \$895.00; Early Discounted Fee: \$845.00 if payment is received prior to October 17 (Chicago), October 24 (Washington, D.C.), November 7 (New Orleans) and November 14 (San Francisco). Payment in full is required prior to the program.**

**Group Rates, Discounts and Substitutions** are available and permissible. Email [neli@neli.org](mailto:neli@neli.org) 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 EDUCATION

This program will provide between 12-14.5 CLE/CEU hours, including one hour of Ethics, depending upon the jurisdiction. NELI's programs are approved for CLE credit in jurisdictions with mandatory CLE requirements. To apply for CLE credit, please complete box on registration form. NELI will provide the necessary forms and proof of attendance. NELI is a State Bar of California MCLE approved provider, is recognized by professional associations as an approved CEU/CPE provider, and is an approved provider of HRCI/SHRM.

As always, NELI will file in as many jurisdictions as you are licensed for no additional fee, although registrants may be required to file for credit on their own behalf in some jurisdictions.

## ■ REGISTER BY:

### MAILING ADDRESS:

**NELI, P. O. Box 1189, Golden, CO 80402**

**PHONE: (303) 861-5600**, 8:00 a.m. - 4:30 p.m. Mountain Time

**FAX: (303) 861-5665**

**INTERNET: [www.neli.org](http://www.neli.org)**

**EMAIL: [registrar@neli.org](mailto:registrar@neli.org)**

## ■ HOTEL RESERVATIONS

For NELI's group rate, reservations must be made directly with the hotel (not through a travel agent). Room blocks are limited and 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, please call NELI. After the cut-off date, reservations at the group rate are on a space available basis.

### **Chicago - Four Seasons Hotel**

120 East Delaware Place, Chicago, IL 60611

(312) 280-8800

Deluxe King - \$319.00 (exclusive of current 15.4% tax)

**Reservation cut-off date: October 17, 2012**

### **Washington, D.C. - Ritz-Carlton Pentagon City**

1250 South Hayes Street, Arlington, VA 22202

(703) 415-5000 or (800) 241-3333 - Call-In Code NLW

Single/Double - \$279.00 (exclusive of current 10.25% tax)

**Reservation cut-off date: October 24, 2012**

### **New Orleans, LA - Ritz-Carlton New Orleans**

921 Canal Street, New Orleans, LA 70112

(504) 524-1331 - Call-In Code DER

Single/Double - \$229.00 (exclusive of current 13% tax)

**Reservation cut-off date: November 7, 2012**

### **San Francisco - Westin St. Francis**

335 Powell Street, San Francisco, CA 94102

(415) 397-7000 • Traditional - \$229.00; Deluxe - \$249.00

(exclusive of current 15.6% tax)

**Reservation cut-off date: November 14, 2012**

• Lower rates may be available on hotel websites •

## DAY ONE

**7:45 Program Check-In & Continental Breakfast****8:30 Developments in Equal Employment Opportunity**

Annual update of Supreme Court cases and the most significant appellate and trial court cases and their application and implications for employment practices and litigation in key substantive and procedural areas, including race, sex, color, religion, national origin, gender and pregnancy discrimination, the ADEA and USERRA, retaliation, damages, injunctive relief, class actions and other issues.

*Chicago - Brian Bulger*

*Washington, D.C. - Neal Mollen*

*New Orleans - Michael Gray*

*San Francisco - Jeff Wohl*

**10:30 Refreshment Break****10:45 Cutting Edge Wage & Hour Issues**

Thorough coverage of exempt status issues, including the administrative, executive, professional, outside sales and highly compensated employee exemptions, key issues involving the proper calculation of time worked, the regular rate of pay and overtime, the use of the fluctuating workweek, proper calculation of back and base pay following employee conversions from exempt to non-exempt, and developments in class and collective action litigation post-Dukes.

*Chicago - Greg Utken*

*Washington, D.C. - Howard Radzely*

*New Orleans - Ellen Boshkoff*

*San Francisco - Kirby Wilcox*

**12:00 Luncheon (Hosted by NELI)****1:00 Independent Contractor Misclassification**

Continued focus of the plaintiffs' bar and federal and state employment, tax and workers' compensation authorities on the misclassification of workers as independent contractors ("ICs"), including current IRS and DOL initiatives, legislative efforts to expand protection of ICs (including possible changes to the FLSA), protection of intellectual property, company policies/practices employers should/should not apply to ICs, selected new problematic state laws and misclassification tests, the fictions that separate corporations or franchisees, or hiring through staffing companies, eliminate exposure, and advice to establish, maintain and defend IC decisions, including a self-audit checklist and the use of arbitration agreements and class action waivers to limit possible exposure.

*Chicago & San Francisco - Ann Marie Painter*

*Washington, D.C. & New Orleans - Chris Parlo*

**2:15 Recent NLRA Developments**

Analyzing the effect of a controversially reconstituted National Labor Relations Board expanding employee rights especially for non-unionized workplaces, changes in labor relations regulations and enforcement policy under the Obama Administration, pending federal legislation and its potential impact on employers, the current state of unions, and a review of important recent court and NLRB decisions.

*Chicago - Joe Torres*

*Washington, D.C. - Trish Dunn*

*New Orleans - Steve Suflas*

*San Francisco - Curt Kirschner*

**3:15 Refreshment Break****3:30 e-Workplace: Social Media, Privacy and Information Security Policies**

Analysis of key legal, technology and human resources issues relating to workplace privacy and data security as employers decide how intensely to scrutinize employees and applicants both inside and outside the workplace's physical and virtual walls, covering cutting-edge developments as to social-networking postings, restrictions on forced disclosure of personal logins/passwords, ownership of contact lists and the legally compliant contours of conducting various types of background checks.

*Chicago - Adam Forman*

*Washington, D.C. - Julie Rubin*

*New Orleans & San Francisco - Bob Brownstone*

**5:00 Adjourn**

## DAY TWO

**7:30 Program Check-In & Continental Breakfast****8:00 Ethics in Labor and Employment Law**

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/inadvertent disclosure of information and documents, access to metadata and social media information, settlement and negotiations, "ghostwriting" of communications, court enforcement of professionalism and civility codes, and more.

*All Locations - Dennis Duffy*

**9:00 ADA Update: Recent Developments on "Qualified" and "Reasonable Accommodation"**

Discussion of the wave of recent cases on both "qualified" and "reasonable accommodation," including cases concerning whether attendance, shifts, and mandatory overtime are essential functions, the dangers of inflated performance reviews, the importance of training supervisors concerning "triggers" to the reasonable accommodation interactive process, and analysis of particular requests, such as leave, non-competitive reassignment, an "irritant-free" environment, work-at-home, shift changes, and parking.

*All Locations - David Fram*

**11:00 Refreshment Break****11:15 FMLA Practice and Pitfalls**

Practical guidance on FMLA issues in light of recent case law decisions including the impact of the ADAAA on the definition of adult child, direct v. indirect care of a family member, DOL's proposed regulations, enforcing call-in procedures, managing the employee who refuses to cooperate in the medical certification process, curbing intermittent leave abuse, fraudulent use of leave and the honest belief defense, and what employer conduct can defeat summary judgment.

*Chicago & New Orleans - Ellen McLaughlin*

*Washington, D.C. - Mark Oberti*

*San Francisco - Martha Gates*

**1:15 Adjourn**

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

## EMPLOYMENT LAW CONFERENCE MANUAL

(Available in searchable CD and print formats.)

Registrants will receive the 2012 Employment Law Conference Manual (in both searchable CD and print formats), a definitive research and reference manual, 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. Those unable to attend 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. For those purchasing the Manual, it will be available for shipment following the program series.



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### FACULTY

ELLEN E. BOSHKOFF, Esq.  
*Faegre Baker Daniels LLP*  
*Indianapolis, Indiana*

ROBERT D. BROWNSTONE, Esq.  
*Fenwick & West LLP*  
*Silicon Valley, California*

BRIAN W. BULGER, Esq.  
*Meckler Bulger Tilson Marick & Pearson*  
*Chicago, Illinois*

DENNIS P. DUFFY, Esq.  
*Baker & Hostetler, P.C.*  
*Houston, Texas*

PATRICIA A. DUNN, Esq.  
*Jones Day*  
*Washington, D.C.*

ADAM S. FORMAN, Esq.  
*Miller Canfield, P.L.C.*  
*Detroit, Michigan*

DAVID K. FRAM, Esq.  
*National Employment Law Institute*  
*Golden, Colorado*

MARTHA MICHAEL GATES, Esq.  
*Aerogel-General Corporation*  
*Sacramento, California*

MICHAEL J. GRAY, Esq.  
*Jones Day*  
*Chicago, Illinois*

F. CURT KIRSCHNER, Esq.  
*Jones Day*  
*San Francisco, California*

ELLEN E. McLAUGHLIN, Esq.  
*Seyfarth Shaw LLP*  
*Chicago, Illinois*

NEAL D. MOLLEN, Esq.  
*Paul Hastings, LLP*  
*Washington, D.C.*

MARK J. OBERTI, Esq.  
*Oberti Sullivan LLP*  
*Houston, Texas*

ANN MARIE PAINTER, Esq.  
*Morgan, Lewis & Bockius LLP*  
*Dallas, Texas*

CHRISTOPHER A. PARLO, Esq.  
*Morgan, Lewis & Bockius LLP*  
*New York, New York*

HOWARD M. RADZELY, Esq.  
*Morgan, Lewis & Bockius LLP*  
*Washington, D.C.*

JULIE R. RUBIN, Esq.  
*Astrachan Gunst Thomas Rubin, P.C.*  
*Baltimore, Maryland*

STEVEN W. SUFLAS, Esq.  
*Ballard Spahr LLP*  
*Cherry Hill, New Jersey*

JOSEPH J. TORRES, Esq.  
*Winston & Strawn LLP*  
*Chicago, Illinois*

GREGORY J. UTKEN, Esq.  
*Faegre Baker Daniels LLP*  
*Indianapolis, Indiana*

M. KIRBY C. WILCOX, Esq.  
*Paul Hastings, LLP*  
*San Francisco, California*

JEFFREY D. WOHL, Esq.  
*Paul Hastings, LLP*  
*San Francisco, California*

IF YOU ARE UNABLE TO ATTEND NELI'S NOVEMBER/DECEMBER 2012 CONFERENCE, CONSIDER THE...

## 2013 EMPLOYMENT LAW BRIEFING

VAIL - FEBRUARY 24-27 • DISNEY WORLD - MARCH 3-6 • LAS VEGAS - MARCH 17-20