THE NATIONAL EMPLOYMENT LAW INSTITUTE
presents the Twenty-Sixth Annual
EMPLOYMENT LAW BRIEFING

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

Key West, Florida
March 4-7, 2007
Casa Marina Resort

Las Vegas, Nevada
March 18-21, 2007
Four Seasons Hotel

Also Inside: In-House Training, Counseling & Related Services
2007 Program Schedule & NELI Publications
REGISTRATION INFORMATION

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

Registration Fee: $1395.00; Early discounted fee: $1295.00 if payment is received prior to Feb. 6 (Key West), Feb. 19 (Las Vegas). Includes non-refundable administrative fee (see cancellation policy below). Payment in full is required prior to the Briefing.

Group rates: For three or more persons attending the Briefing representing the same business establishment, contact the Institute for fee schedule and policies.

Substitutions: The names of persons substituting for confirmed registrants must be submitted to the Institute prior to the Briefing.

Cancellation Policy: Cancellations and requests for refunds must be confirmed in writing and addressed to the Registrar. Prepaid registrations cancelled more than ten business days prior to the Briefing will be refunded, less a $150 administrative fee; those cancelled ten or fewer business days prior will receive a fee credit, less a $250 administrative fee. Transfers are permitted subject to this administrative fee. 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 Briefing Manual upon request in full consideration of fees paid. Unpaid cancellations/unpaid no-shows are liable for registration fees.

CONTINUING EDUCATION

NELI is an approved sponsor in jurisdictions with mandatory CLE requirements. Attorneys applying for credit should check the registration form. Registrants may be required to file for credit on their own behalf in some jurisdictions; NELI will provide the necessary forms and proof of attendance. NELI is a State Bar of California MCLE approved provider. NELI is also recognized by professional associations as an approved CEU/CPE provider. HR professionals should apply through their organization’s continuing education program. NELI will validate forms and provide proof of attendance. This program will provide between 18-21.5 CLE hours (including 2 hours of Ethics), depending upon the jurisdiction.

For CLE CREDIT, provide state and bar numbers.

REGISTRATION PROCEDURE

MAIL: Send completed registration/order form with 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 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.

RESORT ACCOMMODATIONS

Registrants are responsible for making their own resort reservations. Room blocks are limited and accommodations at 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 the National Employment Law Institute’s Employment Law Briefing to qualify. A limited number of rooms at group rates are available pre and post actual meeting dates. After the cut-off date, the resorts will only accept reservations at the group rate on a space available basis. All rates are per night and net non-commissionable. If you experience difficulty with reservations, please call NELI for assistance.

Key West - Casa Marina Resort •
www.casamarinaresort.com
1500 Reynolds Street, Key West, Florida 33040
(305) 296-3535 • (866) 397-6342
Room Rates - $235 SS/DD Non-Ocean View Room
$315 SS/DD Ocean View Room
(room rates exclusive of current 11.5% tax)

Reservation cut-off date: February 6, 2007

Las Vegas - Four Seasons Hotel •
www.fourseasons.com/lasvegas
3960 Las Vegas Boulevard South, Las Vegas, Nevada 89119
(702) 632-5000
Room Rates - $295 SS/DD Superior Room
(room rates exclusive of current 9% tax)

Reservation cut-off date: February 19, 2007
2:45 pm Open Registration
3:30 pm Developments in Equal Employment Opportunity Law
Annual update of Supreme Court and significant appellate court cases and their application and implications for employment practices and litigation in key substantive and procedural areas, including discrimination based on race, religion and national origin (including profiling issues), equal pay and pregnancy discrimination, damages and backpay, class actions and many others.
Zachary Fasman

5:30 pm Refreshment Break

5:45 pm Recent Developments in Labor-Management Relations
Review of significant labor issues affecting union and non-union employers alike, including developments with respect to protected activity issues, neutrality agreements, supervisory workforce questions, union information requests, responses to corporate campaigns, duty to bargain, and related issues.
Andrew Kramer

6:45 pm Welcoming Reception (Hosted by NELI)
Monday, March 5

7:30 am Selected Ethics Issues
Conflicts of interest, ex parte access to current and former managers and employees, pretrial investigations, electronic investigations and communication, improper acquisition and inadvertent disclosure of information and documents from opposing parties, court enforcement of professionalism and civility codes, and other issues.
Dennis Duffy

9:30 am Trade Secret Claims and Covenants Not To Compete
Carefully defining your trade secret, how the HR department can help position an effective case, what to do when you find another company’s trade secrets have infected your workplace and/or product, whether to file a pre-emptive “first-strike” lawsuit to defeat or clarify a claim, and setting up “clean-rooms” and minimizing the risk of hiring top talent who will be accused of stealing trade secrets.
Steve Hymowitz

10:30 am Refreshment Break

10:45 am Employee Benefits in a Changing Global Economy
Detailed discussion of critical issues employers are facing today in relation to benefits, both in union and non-union settings, including retiree health care, active employee health care, moving away from defined pension benefit plans, including the impact of the recently enacted Pension Protection Act of 2006, and related issues, all with significant financial repercussions for employers.
Andrew Kramer

11:45 am Responding to and Preventing Retaliation Claims
Impact of U.S. Supreme Court decision in Burlington Northern Santa Fe Railway v. White determining the standard for a viable retaliation claim, practical guidance for preventing retaliation and responding to claims, protected employee conduct, employer conduct giving rise to claims, factors which must be examined to demonstrate retaliation (“adverse actions”), key elements of claims, proof issues, EEOC guidance, and a checklist of relevant questions for investigating claims.
Zachary Fasman

Tuesday, March 6

7:30 am Administering, Monitoring, and Securing Electronic Communications in the Workplace
Examination of law and technology issues impacting employers in areas including the implementation of policies regarding electronic communications and computer usage, the legality - under the Wiretap Act and the Stored Communications Act - of monitoring employees’ e-mails, Internet activity, blog postings and metadata creation, and securing the contents of employer-provided mobile devices, including laptops, PDAs, cell phones and memory sticks.
Robert Brownstone

9:00 am Developments in the Law of Harassment
Judicial and EEOC developments, what constitutes severe and pervasive conduct, when and how to establish an affirmative defense, actions employers should implement to reduce exposure to liability, including proper policies, procedures and training, elements of an adequate investigation, confidentiality, privacy and privilege, and the continuing violations doctrine in harassment cases.
Megan Norris

10:00 am Refreshment Break

10:15 am ADA Developments: “Disability” and “Qualified”
Discussion of the latest developments on the meaning of “disability” and “qualified,” including how to analyze particularly difficult conditions such as stress, learning disorders, migraines, depression, and epilepsy, judicial and agency expansion of what are "major life activities," how courts determine whether an impairment is “substantially” limiting, why claims of “record of” and “regarded as” disabilities are quickly growing, how qualification standards (such as licensing requirements) are being increasingly scrutinized by courts, whether attendance, ability to handle workplace stress, lifting, shifts, and rotating tasks are essential, the danger of “inflated” performance evaluations, and how to deal with conflicting doctors’ notes.
David Fram

11:45 am Settlement of Employment Disputes
Recent case law developments on the enforcement of waivers of employment claims, compliance with the OWBPA, strategies for successfully negotiating a settlement, including pre-litigation disputes and a separation agreement, viability of additional clauses in settlement agreements, including non-competition, non-solicitation, and confidentiality, special issues in the settlement of class actions, and tax issues arising from settlement payments.
Dennis Duffy

Wednesday, March 7

7:30 am Hot Spots in Wage & Hour Law and Litigation
The “continuous work rule” conundrum, the “production worker dichotomy,” limitations of the computer professional exemption, opposing class certification motions, transitioning from “exempt” to “non-exempt” status - “look forward” only, or retroactively as well, the collision of Sarbanes-Oxley “certification” requirements with attorney-client privileged self-audits, and other timely issues.
Steve Hymowitz

8:30 am ADA Developments: “Reasonable Accommodation”
Discussion of the latest developments, including how to train supervisors to recognize and handle requests for accommodation, what to do when the employee or the employee’s doctor does not cooperate in the process, whether “regarded as” disabilities must be accommodated, whether leave policies must be modified as an accommodation, how to handle “reassignment” and light duty issues, whether work-at-home, shift changes, or smoking breaks are required, and undue hardship issues, including whether “cost” is ever an effective argument.
David Fram

10:00 am Refreshment Break

10:15 am Architecture of a Private Non-Discrimination Compliance Audit
What the HR department should be doing to position effective discrimination analyses, the proper definitions of “applicant” and “promotion,” how to properly architect “adverse impact” analyses for hires, promotions and involuntary terminations, when to use a Fisher’s Exact or a “Z” test to measure selection disparities, HR documentation needed to fuel efficient “regression analyses” of compensation systems, and how to keep your private self-audit confidential and privileged, especially if you are a federal contractor or subcontractor.
Megan Norris

11:15 am Electronic Discovery - Preserve or Destroy
Examination of the key eDiscovery issues in employment litigation in the post 12/1/06 era under the newly amended Federal Rules of Civil Procedure, including overall electronic-information-management, retention/destruction policies, early-stage discovery planning, forms/formats of production, and protection of privileged information.
Robert Brownstone

Sessions Monday through Wednesday conclude at 12:45 pm
2:45 pm  Open Registration

3:30 pm  Developments in Equal Employment Opportunity Law
Annual update of Supreme Court and significant appellate court cases and their application and implications for employment practices and litigation in key substantive and procedural areas, including discrimination based on age, race, religion and national origin (including profiling issues), equal pay and pregnancy discrimination, damages and backpay, class actions and many others.

J Jeffrey Wohl

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Review of significant labor issues affecting union and non-union employers alike, including developments with respect to protected activity issues, neutrality agreements, supervisory workforce questions, union information requests, responses to corporate campaigns, duty to bargain, and related issues.

Andrew Kramer

6:45 pm  Welcoming Reception (Hosted by NELI)

Monday, March 19

7:30 am  Administering, Monitoring, and Securing Electronic Communications in the Workplace
Examination of law and technology issues impacting employers in areas including the implementation of policies regarding electronic communications and computer usage, the legality - under the Wiretap Act and the Stored Communications Act - of monitoring employees’ e-mails, Internet activity, blog postings and metadata creation, and securing the contents of employer-provided mobile devices, including laptops, PDA’s, cell phones and memory sticks.

Robert Brownstone

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John Fox

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David Fram

Tuesday, March 20

7:30 am  Selected Ethics Issues
Conflicts of interest, ex parte access to current and former managers and employees, pretrial investigations, electronic investigations and communication, improper acquisition and inadvertent disclosure of information and documents from opposing parties, court enforcement of professionalism and civility codes, and other issues.

Dennis Duffy

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Judicial and EEOC developments, what constitutes severe and pervasive conduct, when and how to establish an affirmative defense, actions employers should implement to reduce exposure to liability, including proper policies, procedures and training, elements of an adequate investigation, confidentiality, privacy and privilege, and the continuing violations doctrine in harassment cases.

Patricia Gillette

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Robert Brownstone

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NELI Publications

**Employment Litigation Workbook**  Developed by distinguished practitioners who actively litigate in Federal and State courts, this research and reference Workbook addresses important legal developments which impact the process of litigating employment cases, the nuts-and-bolts of litigation, unique aspects of employment litigation, and emerging “cutting-edge” issues. Chapter topics include: Practice & Procedure Case Law Developments, Negotiating and Documenting Settlements, Effective Discovery Practice, Summary Judgment, Liability for Statutory Awards of Attorneys’ Fees and Calculation, Jury Instructions A to Z, E-Discovery and Electronic Information Management, Arbitration and Other ADR Processes. Most chapters contain a detailed table of authorities. Current through June 2006.

List Price $150.00

**Resolving ADA Workplace Questions (21st Edition)**  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.  Chapter headings include “Disability,” “Qualified,” “Reasonable Accommodation,” “Direct Threat,” Drug, Alcohol, and Other Conduct Rules, Disability-Related Questions & Medical Exams, and Checklists for Handling ADA Issues. Current through September 2006.

List Price $200.00

**Affirmative Action Workbook**  This revised edition contains updated chapters on AA basics and on writing AAP’s with the most authoritative step-by-step approach available - together with sample forms. A separate chapter contains recently issued regulatory and policy directives, with an exhaustive directory to other helpful and relevant documents. Additional chapters address the applicant issue, audit strategies, and for the first time ever two chapters presenting statisticians views on how to properly perform adverse impact and compensation analyses authored by Joan Haworth and Finis Welch, two of the leading statisticians in the country.  Author and editor, John C. Fox, Esq.  Current through November 2006.

List Price $200.00


List Price $150.00
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EMPLOYMENT LAW BRIEFING MANUAL
Registrants will receive the 2007 Employment Law Briefing Manual containing papers and supporting reference materials prepared exclusively for this Briefing. This extensive two-volume set addresses substantive, procedural, and practical issues of critical concern to human resource professionals and counsel, and will serve as an excellent research and reference workbook with a chapter for each topic in the agenda. Those unable to attend may purchase a copy by completing and faxing or mailing the Registration/Order Form, or by contacting NELI via phone or e-mail. The Manual will become available in April following the Las Vegas Briefing.

IN-HOUSE TRAINING, COUNSELING AND RELATED SERVICES
NELI conducts in-house training programs tailored to meet your specific requirements on virtually all human resource practices, with noted expertise on ADA, Affirmative Action Audits, and EEO in general. We also provide advice and counsel, as well as expert witness services, during administrative proceedings and litigation, conduct independent and impartial investigations into employee complaints of discrimination, including harassment and other alleged mistreatment, and perform comprehensive audits of human resource practices. For scheduling or to obtain further information regarding these services, contact our office at (303) 861-5600.

2007 PROGRAM SCHEDULE

ADA & FMLA COMPLIANCE UPDATE
San Francisco, CA, April 12-13 • Chicago, IL, April 19-20
Washington, D.C., April 26-27

HUMAN RESOURCES CONFERENCE
San Francisco, CA, May 3-4 • Chicago, IL, May 10-11
Washington, D.C., May 17-18

EMPLOYMENT LITIGATION WORKSHOP
San Francisco, CA, June 7-8 • Washington, D.C., June 14-15

EMPLOYMENT DISCRIMINATION LAW UPDATE
San Francisco, CA, July 19-20 • Chicago, IL, July 26-27
Washington, D.C., August 2-3

PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE
Washington, D.C., Aug. 23-24 • San Francisco, CA, Aug. 30-31

AMERICANS WITH DISABILITIES ACT WORKSHOP
Seattle, WA, Sept. 7 • Los Angeles, CA, Sept. 11
San Francisco, CA, Sept. 19 • Chicago, IL, Sept. 21
Washington, D.C., Sept. 24 • Denver, CO, Sept. 26

AFFIRMATIVE ACTION BASICS/BRIEFING
Chicago, IL, Oct. 3-5 • Austin, TX, Oct. 10-12

EMPLOYMENT LAW CONFERENCE
Chicago, IL, Nov. 8-9 • San Francisco, CA, Nov. 15-16
New Orleans, LA, Nov. 29-30 • Washington, D.C., Dec. 6-7

Visit us on the Internet at www.neli.org