



NATIONAL EMPLOYMENT LAW INSTITUTE

# CALIFORNIA EMPLOYMENT LAW BRIEFING

2nd  
Annual!

*A Comprehensive Two Day Advanced-Level Program  
Addressing California-Specific Developments  
Affecting Employment Policies and Practices of Business and Government*

## San Francisco, CA

June 18-19, 2013  
(Tuesday/Wednesday)  
Parc 55 Wyndham Hotel

## Los Angeles, CA

June 26-27, 2013  
(Wednesday/Thursday)  
Omni Los Angeles Hotel

***Provides between 12 and 14.5 CLE/CEU credit hours.***

### FACULTY

AARON L. AGENBROAD, Esq.  
*Jones Day  
San Francisco, California*

ZACH P. HUTTON, Esq.  
*Paul Hastings LLP  
San Francisco, California*

MANDANA MASSOUMI, Esq.  
*Dorsey & Whitney  
Costa Mesa, California*

MARIA A. AUDERO, Esq.  
*Paul Hastings LLP  
Los Angeles, California*

DANA A. KRAVETZ, Esq.  
*Michelman & Robinson, LLP  
Los Angeles, California*

JAY J. WANG, Esq.  
*Fox, Wang & Morgan, P.C.  
San Jose, California*

JASON A. GELLER, Esq.  
*Meckler Bulger Tilson Marick & Pearson LLP  
San Francisco, California*

ANDREW R. LIVINGSTON, Esq.  
*Orrick, Herrington & Sutcliffe, LLP  
San Francisco, California*

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

### 2013 PROGRAM SCHEDULE

MID-YEAR EMPLOYMENT LAW CONFERENCE  
*San Francisco, CA, May 2-3 • Washington, D.C., May 9-10  
Chicago, IL, May 16-17*

ADA WORKSHOP SERIES  
*August - Los Angeles • Chicago • September - Houston • New York  
Washington, D.C. • San Francisco • Seattle*

EMPLOYMENT DISCRIMINATION LAW UPDATE  
*San Francisco, CA, July 11-12 • Chicago, IL, July 18-19  
Washington, D.C., July 25-26*

AFFIRMATIVE ACTION WORKSHOP & BRIEFING  
*Chicago, IL, October 2-4 • San Francisco, CA, October 9-11  
Washington, D.C., October 16-18 • Austin, TX, October 23-25*

PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE  
*Washington, D.C., August 15-16  
San Francisco, CA, August 22-23*

EMPLOYMENT LAW CONFERENCE  
*Chicago, IL, November 14-15 • Washington, D.C., November 21-22  
San Francisco, CA, December 5-6 • New Orleans, LA, December 12-13*

# REGISTRATION AND ORDER FORM

*Please accept my registration for the:*

## 2013 CALIFORNIA EMPLOYMENT LAW BRIEFING

- San Francisco • Tuesday, June 18 & Wednesday, June 19  
Parc 55 Wyndham San Francisco - Union Square
- Los Angeles • Wednesday, June 26 & Thursday, June 27  
Omni Los Angeles Hotel

Registration Fee:.....\$895.00

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

(Paid Registration received by May 28 - San Francisco; June 4 - Los Angeles.)

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

## 2013 California Employment Law Briefing Manual

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

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

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(Note: Confirmations and program announcements sent via e-mail.)

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

**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 Registration Fee: \$845.00 if payment is received prior to May 28 (San Francisco) and June 4 (Los Angeles). 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** depending upon the jurisdiction. NELI's programs are approved for CLE credit in all 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, although registrants may be required to file for credit on their own behalf in some jurisdictions.

Email [neli@neli.org](mailto:neli@neli.org) for discount information!

## 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 ACCOMMODATIONS (Limited!)

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 *California Employment Law Briefing* 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.

**San Francisco - Parc 55 Wyndham San Francisco**  
55 Cyril Magnin Street, San Francisco, CA 94102  
(415) 392-8000 • (800) 697-3103  
Run-of-House Single/Double - \$229.00  
(exclusive of current 15.6% tax)  
**Reservation cut-off date: May 28, 2013**

**Los Angeles - Omni Los Angeles Hotel**  
251 South Olive Street, Los Angeles, CA 90012  
(213) 617-3300 • (800) THE-OMNI  
Deluxe Single/Double - \$239.00  
(exclusive of current 15.6% tax)  
**Reservation cut-off date: June 4, 2013**

• Lower rates may be available on hotel websites •

# 2013 CALIFORNIA EMPLOYMENT LAW BRIEFING AGENDA

## DAY ONE

*San Francisco - Tuesday, June 18*

*Los Angeles - Wednesday, June 26*

**7:45 Program Check-In & Continental Breakfast**

**8:30 California Wage & Hour Update**

In consideration of California's complex wage and hour provisions, we will provide in-depth coverage on this expansive topic including compensable work time, proper calculation of the regular rate of pay, pay stub configuration, meal period certifications, wage deductions, business expense reimbursement, new developments under the administrative, executive, professional, outside sales and highly compensated employee exemptions, and *many* other California-specific wage and hour issues.

*Both Locations - Kirby Wilcox, Zach Hutton*

**10:15 Refreshment Break**

**10:30 California Wage & Hour Update** (continued)

**12:00 Luncheon (Hosted by NELI)**

**1:00 California Family Rights Act (CFRA)**

We'll begin with an overview of who is a covered employer; who is an eligible employee; what are qualifying circumstances, including a discussion of serious health condition and military leaves; amount of leave entitlements and associated issues. Next, we'll address obligations associated with managing the leave process, including notice requirements for employees and employers; the differences between certification, clarification and recertification; appropriate and effective contact with the employee's health care provider; rights to second and third opinions; managing intermittent and exigency leave; and benefits during leave, including substitution of paid leave. We will also discuss best practices for assessing "fitness for duty" to return to work, reinstatement and management of performance, and guarding against retaliation or other interference with CFRA rights. In conclusion, we'll cover recent and pending CFRA legislation, including the expansion of CFRA's definitions and coverage.

*Both Locations - Aaron Agenbroad, Maria Audero*

**3:30 Refreshment Break**

**3:45 Trade Secrets/Covenants-Not-To-Compete in CA**

California has its own unique law outlawing most covenants-not-to-competes, even while remaining signatory to the Uniform Trade Secrets Act with over 40 other states. We will discuss what covenants-not-to-competes are lawful in California and what law applies in the rare instance they are lawful, what happens if one seeks to enforce an unlawful covenant, whether the California Courts will enforce a non-compete covenant against a California employee with a choice of law clause other than California, and the dynamic interplay between a public policy which favors the free migration of labor and yet simultaneously also favors the strict enforcement of trade secrets law.

*Both Locations - Jay Wang*

**5:00 Adjourn**

## DAY TWO

*San Francisco - Wednesday, June 19*

*Los Angeles - Thursday, June 27*

**8:00 Continental Breakfast**

**8:30 Other Developments: California Employment Law**  
California employment law is always evolving. We will discuss recent bills, regulations, and key judicial decisions on a variety of issues, including social media, religious dress and grooming, whistleblowers, personnel file rights, disability access reform, wage statements, commission agreements, meal and rest breaks, class action waivers and arbitration, "motivating factor" analysis, the definition of "supervisor" under anti-discrimination law, revised pregnancy regulations, and other hot topics.

*Both Locations - Dana Kravetz*

**10:00 Arbitration in California**

It has been two years since the Supreme Court's important arbitration ruling in *AT&T Mobility v. Concepcion*, and the effects of this case are still being felt throughout the nation. Nowhere is this more true than in California, where the courts have struggled with the meaning of *Concepcion* and its impact on the arbitration of employment claims, often resulting in decisions that are out of step with the Supreme Court. This segment of the program will address the pressing arbitration issues facing employment lawyers in California, including such topics as the enforceability of arbitration provisions and the question of whether the Federal Arbitration Act preempts some of California's unique requirements. In addition, this segment will explore the viability of class action waivers in arbitration agreements, the arbitrability of claims under the Private Attorneys General Act, and the National Labor Relations Board's pronouncements about arbitration.

*Both Locations - Andrew Livingston*

**11:15 Refreshment and Snack Break**

**11:30 California Fair Employment & Housing Act (FEHA) Disability Requirements**

This session includes a discussion of recent updates and court decisions related to the disability provisions of FEHA, including the State law definitions of "qualified," "disability," and "reasonable accommodation," and possible arguments employers can make in challenging whether someone has a disability. We'll also cover practical considerations for human resources personnel and counsel when facing possible ADA and FEHA issues, such as the employer's obligation to engage in the interactive process, including updates and challenges related to the same. Additionally, we'll address some issues surrounding the interplay between the ADA, FEHA, Pregnancy Disability Leave (PDL), Workers' Compensation, the FMLA, and CFRA.

*San Francisco - Jason Geller*

*Los Angeles - Mandana Massoumi*

**1:45 Adjourn**

## CALIFORNIA EMPLOYMENT LAW BRIEFING MANUAL

Registrants will receive the 2013 California Employment Law Briefing Manual (in both searchable CD and print formats), featuring papers prepared exclusively for our advanced-level review of California-specific developments in employment law and their impact on employment practices. 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.

NATIONAL EMPLOYMENT LAW INSTITUTE  
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