



Technical Assistance for Employers Program  
800 NE Oregon St Ste. 1045  
Portland, OR 97232

# 29<sup>th</sup> Annual Employment Law Conference December 4-5, 2013

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Join us December 4-5, 2013  
for BOLI's 29<sup>th</sup> Annual  
Employment Law Conference  
Sponsored by Technical Assistance for Employers

*Bureau compliance experts and Oregon's top  
employment law attorneys provide you with the  
latest information and most effective tools to keep you in  
compliance - and out of court!*

### REGISTRATION INFORMATION

Conference Package	\$499.00 / person
Early-Bird Registration (by Nov. 20)	\$449.00 / person
3 or more people from same employer (no early-bird)	\$449.00 / person
Single-Day Package	\$369.00 / person

**Conference Package:** Registration packages includes attendance for one or both days, catered breakfast and lunch, and conference materials (binder or flash memory stick).

**Registration by FAX:** You may fax your registration if you are using a credit card or purchase order (please include P/O number) for payment to **(971) 673-1384 (confidential fax)**.

**Registration by mail:** Please return your registration form with payment to: **BOLI -TA, 800 NE Oregon St #1045, Portland, OR 97232**. Payment must accompany registration form, VISA / MasterCard payment, or purchase order number.

**Confirmations:** Your registration will be confirmed only via email if it is received 5 or more working days before the conference.

**Cancellation Policy:** For a refund (minus a \$25 processing fee), or a voucher for full credit towards any BOLI -TA seminar in the next 12 months., you must cancel within 5 working days before the conference. Without advance notice, we cannot issue refunds or credits. You are welcome to send a substitute in your place if you cannot attend.

**Accommodations and Parking:** For a list of nearby accommodations, please contact us at (971) 673-0825 or visit the Portland Visitors Association at [www.pova.com/visitors](http://www.pova.com/visitors). The Oregon Convention Center is located at the Convention Center MAX stop and is serviced by trains every 8 to 15 minutes. Parking is available at the convention center for \$9/day. There are numerous events at the convention center, so please arrive early to ensure yourself a parking space.

**Questions? Contact us at (971) 673-0825 or by email at [bolita@boli.state.or.us](mailto:bolita@boli.state.or.us)**

Do you want your materials presented in a Conference Binder **or** as a PDF Portfolio on a USB flash memory stick?

Conference Binder     USB Flash Memory Stick (requires Adobe® Reader)

#### DAY 1 PLAN December 04, 2013

**8:30-10:00 AM**

White Collar     Conducting Internal Investigations     Caselaw Update     Rightful Discharge

**10:15-11:45 AM**

ADA Updates     Social Media     Caselaw Update (continues)     Rightful Discharge (continues)

**12:45-2:15 PM**

Documenting Good Deeds & Discipline     Hurricane I-9     Labor Law for Non-Represented     Workers Comp Claim

**2:30-4:00 PM**

Background Checks     Hurricane I-9 (continues)     Health Care Reform     Workers Comp Claim (continues)

#### DAY 2 PLAN December 05, 2013

**8:30-10:00 AM**

The Workplace Revolution     Workplace Harassment     ADA Accommodation     2013 Legislative Update

**10:15-11:45 AM**

Wage & Hour Updates     Discipline & Documentation     ADA Accommodation (continues)     2013 Legislative Update (continues)

**12:45-2:15 PM**

Dealing with Drugs & Alcohol     What to do When you Receive a BOLI Charge     OFLA/FMLA     Road Trip

**2:30-4:00 PM**

Privacy & Confidentiality     BOLI CRD Complaint Process     OFLA/FMLA (continues)     Road Trip (continues)

You may fax your registration if you are using a credit card or purchase order (please include P/O number) for payment to **(971) 673-1384 (confidential fax)**. You may also mail this form to **BOLI, 800 NE Oregon St Suite 1045, Portland, OR 97232**.



Please Detach Along Dotted Line at Left

REGISTRATION FORM (please use one form per participant)

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Participant Name: \_\_\_\_\_

Participant Email: \_\_\_\_\_

Both Days     Day 1 only     Day 2 only    Amount Due \$ \_\_\_\_\_

Payment must accompany registration form. Please make checks payable to: Oregon Bureau of Labor and Industries

Payment Method:  VISA     MasterCard     Check    Purchase order # \_\_\_\_\_

Credit Card No: \_\_\_\_\_ Exp: \_\_\_\_\_

Printed Name on Card: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

# BOLI's 29<sup>th</sup> Annual Employment Law Conference

Day 1, Wednesday December 04, 2013

»»»Speaker bios available soon on BOLI Website««

7:30 AM - 8:10 AM -Registration and Check-In

8:10 AM - 8:25 AM -Introduction & Breakfast in Rooms B113 - B116

8:30 AM - 10:00 AM	<b>White Collar</b> -Sean Driscoll & Elizabeth Falcone	<b>Conducting Internal Investigations</b> -Brenda Baumgart & Anne Mersereau	<b>Caselaw Update</b> -Richard Liebman & Todd Lyon	<b>Rightful Discharge</b> -Rich Meneghello
10:00 AM - 10:15 AM	<b>B R E A K</b>			
10:15 AM - 11:45 AM	<b>ADA Updates</b> -Lisa Brown	<b>Social Media &amp; Electronic Activity</b> -Emily Shults	<b>Caselaw Update</b> -continues	<b>Rightful Discharge</b> -continues
11:45 AM - 12:45 PM	<b>L U N C H</b>			
12:45 PM - 2:15 PM	<b>Documenting Good Deeds &amp; Discipline</b> -Rebecca Watkins	<b>Hurricane 1-9</b> -Ron Guerra	<b>Labor Law for Non-Represented Employees</b> -Dan Rowan	<b>The Life of a Workers Comp Claim</b> -Joseph Tam & Matthew Fisher
2:15 PM - 2:30 PM	<b>B R E A K</b>			
2:30 PM - 4:00 PM	<b>Background Checks</b> -Jennifer Warberg	<b>Hurricane 1-9</b> -continues	<b>Health Care Reform</b> -Iris Tilley	<b>The Life of a Workers Comp Claim</b> -continues

**ADA Updates: Lisa Brown**

-How does the ADA apply to employees with epilepsy, cancer, diabetes, intellectual disabilities, bipolar disorder, mental health disabilities and other types of long-term illnesses?

This session will cover the updated guidance from the U.S. Equal Employment Opportunity Commission (EEOC) addressing how the Americans with Disabilities Act (ADA) applies to applicants and employees with these types of long term disabilities. Participants will learn when an employer may request medical information from employees with these disabilities; what types of reasonable accommodations might be appropriate; how safety concerns may be addressed by the employer; and actions employers should take to prevent disability-based harassment and discrimination in the workplace. (90 minutes)

**Background Checks: Jennifer Warberg**

-This session will cover the use of employee background checks (what are they and why are they used by employers), the Equal Employment Opportunity Commission's guidance regarding criminal background checks under Title VII, and best practices for complying with both Title VII and the Fair Credit Reporting Act (FCRA). (90 minutes)

**Caselaw Update: Richard Liebman & Todd Lyon**

-Rick and Todd will cover the latest developments in statutes and regulations, recent case decisions, and other hot topics of labor and employment law. This program will summarize changes and developments in the law, and how those changes and developments impact employment and human resources issues. (90 minutes)

**Conducting Effective Internal Investigations: Brenda Baumgart & Anne Mersereau**

-In this session you will learn how to conduct an effective and credible investigation, the impact of recent NLRB rulings on instructing employees to keep matters under investigation confidential, dealing with difficult witnesses and other complexities, tips to manage the attorney-client privilege, and real life examples and practical advice from a seasoned HR professional's perspective. (90 minutes)

**Documenting Good Deeds and Discipline: Rebecca Watkins**

-Memories fade, supervisors come and go, and problems always arise months after you thought an issue was over. Learn why good documentation helps employers - and how to avoid bad documentation. In this session, we will discuss the various tools supervisors can use to track their employees' performance and complaints. Then we'll try some hands on examples to hone those documentation skills. (90 minutes)

**Health Care Reform: An Employer's End-of-Year Guide to Compliance: Iris Tilley**

-While the employer mandate has been delayed until 2015, health care reform remains a significant compliance concern for employers. Whether you are concerned with ensuring plan compliance for 2014, making a coverage decision for 2015, or managing variable hourly and seasonal employees, this seminar will help guide you through the maze of requirements and effective dates. The interactive structure will also leave plenty of time for specific questions and concerns. (90 minutes)

**Hurricane I-9: Ron Guerra**

-This year saw a new and revised Form I-9 introduced, new guidance on immigration compliance by administrative agencies and important new decisions by the courts. This seminar will provide you with tools to weather the storm and resources to administer the form I-9 responsibilities with confidence, to understand the civil and criminal risks for non-compliance and what to do when federal agencies conduct a worksite enforcement action. (180 minutes)

**Labor Law for Non-Represented Employees: Dan Rowan**

-It is not easy for employers to keep up with the numerous state and federal laws covering the workplace. This presentation will address an area that tends to get overlooked—the rights of non-unionized employees under state and federal labor law.

Over the last several years, we have seen an increase in cases involving unfair labor practice complaints against employers whose employees are not represented by a union. Recent guidance from the National Labor Relations Board related to social media and other workplace policies suggests that the Board is taking a closer look at employees' labor rights in non-unionized settings. The presentation will address several common settings where issues involving the labor rights of non-represented employees are likely to arise, including union organizing campaigns, use of social media, confidentiality policies, and workplace safety. Scenarios and a dash of humor help illustrate key concepts, and questions at the end of the presentation are welcome. (90 minutes)

**Rightful Discharge: Rich Meneghello**

-Does it seem to get harder and harder to terminate your employees without being afraid of stepping on a legal landmine? Fear no more! This session will teach you lawful and effective techniques for ridding your workforce of employees who deserve to be fired and for documenting those employees who deserve discipline. By the end of this session you'll have a step-by-step blueprint for the "perfect termination," and learn valuable practical lessons that you can put into practice right away. This could be the most worthwhile HR presentation you'll ever attend! (180 minutes)

**Social Media & Electronic Activity: Emily Shults**

-This presentation will review the current status of laws and regulations affecting employer obligations and employee expectations regarding the discovery, use and prohibition of social media and electronic activity in the workplace. We will also highlight hot topics, best practices, current court cases and Oregon's new legislation (effective January 1, 2014) regarding employer's access to employees' personal social media accounts (90 minutes)

**The Life of a Workers' Compensation Claim: Joseph Tam & Matthew Fisher**

-This session will help you navigate the complexities of the workers' compensation system, administer the OFLA / FMLA paperwork, track the protected leave, deal with the injured worker's return to work and any related accommodation issues. (180 minutes)

**"White Collar" Exemptions to Overtime Laws: Elizabeth Falcone & Sean Driscoll**

-Exempt classifications are one of the most difficult issues facing employers today, with class action litigation over overtime being waged in every court in the country. This session will focus on explaining the so-called white collar exemptions, and providing practical examples of how to apply them to actual jobs. Tips will be provided for attempting to determine whether employees are actually performing their jobs as planned. (90 minutes)

## Day 2, Thursday December 05, 2013

7:30 AM - 8:25 AM -Breakfast in Rooms B113 - B116

8:30 AM - 10:00 AM	<b>The Workplace Revolution</b> -Amy Alpern & Brain Weeks	<b>Workplace Harassment</b> -Jeff Brecht & Elizabeth Semler	<b>ADA Accommodation</b> -Jamie Carlton & Krishna Balasubramani	<b>2013 Legislative Update</b> -Dan Grinfas
10:00 AM - 10:15 AM	<b>B R E A K</b>			
10:15 AM - 11:45 AM	<b>Wage and Hour Updates</b> -Kent Pearson	<b>Discipline &amp; Documentation</b> -Shari Lane	<b>ADA Accommodation</b> -continues	<b>2013 Legislative Update</b> -continues
11:45 AM - 12:45 PM	<b>L U N C H</b>			
12:45 PM - 2:15 PM	<b>Dealing with Drugs &amp; Alcohol in the Workplace</b> -Clarence Belnavis	<b>What to do When you Receive a BOLI Charge</b> -Amanda Bolliger	<b>OFLA/FMLA</b> -Joseph Tam	<b>Road Trip: Embracing the Journey of Change</b> -Jennifer Bouman-Steagall
2:15 PM - 2:30 PM	<b>B R E A K</b>			
2:30 PM - 4:00 PM	<b>Privacy &amp; Confidentiality</b> -Jeff Burgess	<b>BOLI CRD Complaint Process</b> -Eric Yates & Mimi Purdue	<b>OFLA/FMLA</b> -continues	<b>Road Trip: Embracing the Journey of Change</b> -continues

**2013 Legislative Update: Dan Grinfas**

-Oregon's busy 2013 legislative session included consideration of well over 100 employment-related bills. Some of the enacted legislation has already taken effect, and more takes effect on Jan. 1, 2014. Make sure you're prepared! This information-packed session covers a wide variety of new legislation of interest to Oregon private and public sector employers, including wage and hour laws, civil rights laws (social media privacy, intern rights, disability law), leave laws (OFLA bereavement, Veterans Day, domestic violence leave, Portland paid sick leave ordinance) and more! (180 minutes)

**ADA Accommodation: Jamie Carlton & Krishna Balasubramani**

-This session on reasonable accommodation required by the ADA will focus on pre-employment physicals, job descriptions, and how to handle the interactive process. (180 minutes)

**BOLI CRD Complaint Process: Eric Yates & Mimi Purdue**

-BOLI Civil Rights Division experts will discuss the complaint and investigation process for a BOLI complaint. (90 minutes)

**Dealing with Drugs and Alcohol in the Workplace: Clarence Belnavis**

-Studies show that one or more of your employees routinely come to work impaired by illegal and/or prescription drugs or alcohol. This session will walk you through how to identify if an employee is impaired and then how to discipline him/her. At what point can you test someone? What if the test results are inconclusive? Do you have to terminate someone for a positive test? When should you use a last chance agreement? This session will answer these questions and many more. (90 minutes)

**Discipline and Documentation: Shari Lane**

-Issuing discipline is everybody's least favorite management task. You want employees to succeed, and you want your organization to run smoothly and effectively. But if an employee isn't performing satisfactorily, or is being disruptive to the workplace environment, discipline is a necessary evil. We'll discuss how to frame the issues with an eye toward solving the problem (rather than just terminating the employment relationship), and how to document your attempts at resolution in a way that makes it clear the discipline is not based on any protected class. We'll also discuss the additional steps necessary when a medical condition is implicated - again, with the goal of allowing the employee to succeed if at all possible. And we'll cover

strategies and key steps for termination, because sometimes, in spite of your best efforts, that's the only option. (90 Minutes)

**OFLA/FMLA: Joseph Tam**

-Joseph will cover recent changes and developments under OFLA and FMLA, including OFLA bereavement leave, new posting requirements, and FMLA guidance on same-sex marriage and FMLA coverage. (180 minutes)

**Reaches and Limits of Privacy and Confidentiality in the Workplace: Jeff Burgess**

-Jeff will cover the most common questions regarding privacy in the workplace, include pre-employment background checks, drug testing, social media investigations as screening tools; appropriate and inappropriate interview questions; video surveillance, monitoring telephone conversations, Emails and internet usage; managing medical and other private information; searches and investigations. What are employees' rights and expectations of privacy and what are employer rights and restrictions? Stop in and you'll know! (90 minutes)

**Road Trip! Embracing the Journey of Change: Jennifer Bouman-Steagall**

-Road trips are fun; organizational change, not so much. Are you driving change or navigating others through it? Are you helping map the direction of change, or are you just along for the ride? Change happens whether we like it or not. When managed well, change can bring exciting new experiences, opportunities and innovative ideas. The best-laid plans can also include a few roadblocks, potholes, and the occasional unexpected accident, all of which can make the process of change difficult. We control how we respond to change, and if we can help others embrace it, the road ahead will be much more interesting and productive. If you are ready for an adventure, join us for this interactive and entertaining journey as we learn tips and strategies for directing, shaping and embracing the path of change. (180 Minutes)

**The Workplace Revolution: Robotics, Compliance & the Law: Amy Alpern & Brian Weeks**

-In this presentation, we will unmask hidden employment and labor law compliance requirements of a robotized workplace. They will also explore recommended practical legal compliance steps for both the robotics industry

and the users of robotics. In addition, we will discuss anticipated future regulatory and legislative requirements. (90 minutes)

**Wage and Hour Updates: Kent Pearson**

-This advanced session will highlight recent trends and developments in Oregon wage and hour law and the mistakes commonly made by employers, and discuss ways to avoid them. (90 minutes)

**What To Do When You Receive a BOLI Charge: Amanda Bolliger**

-This presentation will focus on the critical steps employers who have received a BOLI charge should take to best position themselves for potential litigation. Topics will include tips and tools to identify and preserve evidence, key components to include in a charge response, and what employers can expect the impact of litigation to be on their workforce. (90 minutes)

**Workplace Harassment: Jeff Brecht & Elizabeth Semler**

-State and federal laws require employers to ensure workplaces are free from inappropriate conduct that constitutes unlawful harassment and discrimination. During this 1.5-hour session, employment law attorneys Elizabeth Semler and Jeff Brecht will discuss the fundamentals for employers regarding the prevention of, and response to, unlawful harassment and discrimination in the workplace. Elizabeth and Jeff will discuss what the law requires as well as what every employer needs to effectively meet its duties and obligations in this ever-changing area of the law. (90 minutes)

This program is pending approval for 12 general credit hours toward PHR, SPHR, and GPHR certification through the HR Certification Institute.

