### Presented by:

- Magdalen Blessey Bickford, *Jackson Lewis P.C.*
- Daisy G. Kane, *Jackson Lewis P.C.*
- Brandon E. Davis, *Phelps Dunbar LLP*
- Alex H. Glaser, *Phelps Dunbar LLP*
- Debra J. Fischman, *Sher Garner Cahill Richter Klein & Hilbert, LLC*

(See complete biographies inside)

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**New Orleans, LA - September 10, 2014**

**Fundamentals of Employment Law**

**9th Annual**
Fundamentals of Employment Law

AGENDA

I. Sexual, Racial, and Other Harassment in the Workplace
   A. Recent legislation and court cases
   B. Harassment vs. discrimination vs. obnoxious behavior
   C. What constitutes a hostile workplace environment?
   D. Employer liability principles as they affect management of complaints
   E. Avoiding harassment claims: policy, protection, prompt, and punishment
   F. Liability for claims of harassment by third parties
   G. Conducting a lawful misconduct investigation

II. Immigration Law
    A. I-9, E-Verify®, SSN mismatch
    B. Relevant immigration issues and timelines

III. FLSA/Wage and Hour Critical Issues
    A. Update and overview
    B. Contrasting the FLSA and state wage and hour laws
    C. Compensable time: training time, meal time, dressing time, travel time, on-call time
    D. Employee classification: exempt vs. non-exempt, employee vs. independent contractor
    E. Regular and overtime rates, minimum wage, salaries, comp time, tipped employees
    F. Dealing with the Department of Labor: maintaining records and ensuring compliance
    G. Defenses: what’s available, what’s not?
    H. The downside of noncompliance: limitation period, liquidated damages, and attorneys’ fees

IV. The PPACA/Obamacare: What Employers Need to Know
    A. What is the Affordable Care Act?
    B. How it will affect small and large businesses
    C. Timeline for provisions
    D. Questions and answers

V. ADA and FMLA Updates and Interplay
    A. FMLA, ADA updates, and EEOC guidelines
       1. Expansion of what can be considered a “disability”
       2. What constitutes accommodation according to the EEOC
       3. Shift in prohibited action cases
       4. How new ADAAA rules impact HR
       5. Effect on FMLA and other leave policies
    B. The interplay between the ADA and the FMLA

IV. Hiring and Terminating Employees in the Current Economy
    A. Hiring qualified employees
       1. Credit checks: compliance with the Fair Credit Reporting Act
       2. Criminal background information: what are the rules?
    B. Handling terminations and layoffs
       1. Legal considerations, e.g., WARN Act, OWBPA, RIF
       2. Structuring severance and separation packages, COBRA
       3. Tips and traps, e.g., employment agreements, unemployment compensation claims
       4. Termination: strategies for avoiding claims

VII. Privacy and Social Media in the Workplace
    A. Balancing an employer’s right to know vs. employee’s privacy
    B. Wireless devices and employee’s and employer’s privacy violations: monitoring and creating policies regarding electronic communications
    C. Use of social networking sites in the employment context: risks, best practices, and policies
    D. Off the job behavior, e.g., blogging and dating
    E. Privacy issues in formal complaint procedures
    F. Information disclosure
    G. Case law studies

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MEET THE FACULTY

MAGDALEN BLESSEY BICKFORD, a shareholder of Jackson Lewis P.C., is engaged in representing management and employers in labor and employment litigation. She also provides consultation to employers regarding best practices in the workplace, policy and procedure implementation, management training and education, and general counsel. Ms. Bickford is a member of the American Bar Association, the Louisiana Bar Association, the Defense Research Institute, the New Orleans Bar Association, the Society of Human Resources Management, the Human Resources Management Association of New Orleans, and the Women’s Professional Council. She has litigated, lectured, and counseled extensively in all areas of employment law. She has been recognized for her work by Chambers USA, Best Lawyers®, and CityBusiness. Ms. Bickford earned her B.A., cum laude, at Loyola University-New Orleans and her J.D. at Loyola University New Orleans School of Law.

DAISY G. KANE, of Jackson Lewis P.C., represents employers and management nationwide regarding a broad range of employment-related legal issues. Her experience includes, among other areas, whistleblower claims, harassment, discrimination, retaliation, employer policies and training, wage payment, ADA, ADEA, Title VII, FMLA, FLSA, and Louisiana state employment law. Ms. Kane also has jury trial experience in employment discrimination. She is a member of the Louisiana State Bar Association and the New Orleans chapter of the Hispanic National Bar Association, and is also a member of the firm’s Hispanic National Affinity Group. Ms. Kane earned her B.A. at Newcomb College and her J.D. at Tulane Law School in New Orleans, where she was inducted into the Order of the Barristers.

BRANDON E. DAVIS, of Phelps Dunbar LLP, practices in the areas of labor and employment, and business, employment-based, and family-based immigration. His employment litigation practice includes representing employers in the defense of employment related claims alleging retaliation, discrimination, and workplace harassment under federal and state statutes. Mr. Davis also handles EEOC charges and other administrative complaints through the administrative and judicial process. As part of his administrative practice, he also provides on-site and off-site compliance training on immigration laws and training on best practices for compliance. Mr. Davis has been listed in Louisiana Super Lawyers® as a Rising Star® in the areas of labor and employment and immigration. He is a member of the New Orleans Bar Association, the Louisiana State Bar Association, the American Bar Association, the Federal Bar Association, the National Bar Association, and the American Immigration Lawyers Association. Mr. Davis received his B.B.A., magna cum laude, from Loyola University and his J.D. from Tulane University.

ALEX H. GLASER, of Phelps Dunbar LLP, practices in the areas of labor and employment law with a concentration in employee benefits and executive compensation, including health care. His practice includes the design, implementation, and administration of tax-qualified and non-qualified plans and arrangements. He also drafts and amends employment agreements, non-competition agreements, and severance agreements. Mr. Glaser also practices in the area of immigration law, where he assists clients with hiring foreign employees and interfacing with federal and state regulatory agencies. He is a member of the Louisiana State Bar Association, the New Orleans Bar Association, the American Bar Association, the American Health Lawyers Association, the Louisiana Hospital Association, the National Association of Stock Plan Professionals, the Southwest Benefits Association, and the Association of Employee Benefit Planners. Mr. Glaser received his B.B.A., with honors, from Northwestern University and his J.D. from Tulane University Law School.

DEBRA J. FISCHMAN, of Sher Garner Cahill Richter Klein & Hilbert, LLC, defends school districts and other governmental bodies and agencies and private employers in employment and professional liability matters consisting of wrongful termination; breach of contract; breach of tenure; retaliation; discrimination; and ADA, ADEA, Title VII, and Title IX violations. She also practices in toxic torts, commercial litigation, family law, and personal injury litigation. Ms. Fischman has been recognized by Best Lawyers® in America since 2012, by Louisiana Super Lawyers® from 2010-2012, and by the Martindale-Hubbell® Bar Register of Preeminent Women Lawyers in 2011. She is a Fellow of the Louisiana Bar Foundation and a member of the Association of Women Attorneys, the Louisiana State Bar Association, the New Orleans Bar Association, the Federal Bar Association, and the Bar Association of the U.S. Fifth Circuit Court of Appeals. Ms. Fischman received her B.S., magna cum laude, from Newcomb University and her J.D. from Tulane Law School.
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