

# EVENTS

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## 27th Annual Labor, Employment, and Immigration Law Forum

Dearborn, MI  
11.7.2014

Butzel Long's Labor, Employment, and Immigration Law Forum will provide attendees with information regarding a wide variety of labor, employment, employee benefits, and immigration issues facing employers today.

***Registration is now closed, but walk-ins are always welcome!***

***If you have any questions, please contact Charmese Wilson at [wilsonc@butzel.com](mailto:wilsonc@butzel.com) or 313.983.6904.***

The HR Certification Institute has pre-approved this event for 3.5 Credit Hours (General).

*For inquiries, please contact Charmese Wilson at [wilsonc@butzel.com](mailto:wilsonc@butzel.com) or 313.983.6904.*

General Schedule

7:15 am - 8:10 am

Registration and Continental Breakfast

8:10 am - 8:35 am

Welcome and Update on New Developments

8:35 am - 8:45 am

Break

8:45 am - 10:00 am

Workshop Session I

### Related Services

Immigration

Labor and Employment

## EVENTS

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10:10 am – 10:15 am

Break

10:15 am – 11:15 am

Workshop Session II

11:15 am – 11:30 am

Break

11:30 am – 12:30 pm

Workshop Session III

12:30 pm – 2:00 pm

Lunch and Presentation

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### **Workshop Session I**

#### **Wage & Hour Training: How To Prevent Costly Violations and Lawsuits (*Rebecca Davies*)**

In 2013, the Department of Labor's (DOL) Wage and Hour Division recovered approximately \$250 million in back wages and enforcement efforts are increasing. This is separate and apart from the numerous private claims now being filed in state and federal court. This seminar will help employers understand their responsibilities under federal wage and hour laws by focusing on the high litigation risk areas.

#### **There Is No Place Like the US! What Every Employer Should Know About Hiring and Retaining Foreign Nationals in the Land of USA. (*Elissa Noujaim Pinto and Efe Poturoglu*)**

This session will explore the most commonly used nonimmigrant visa classifications such as H-1B, L-1, E-2, O-1, TN and B-1 in lieu of H-1B and immigrant classifications including EB1, EB2 and EB3 employment based.

#### **Addressing FMLA Abuses (*Louis Theros and Shanta McMullan*)**

What are an employer's options when abuse of FMLA is suspected? How does an employer safely navigate the tools available to ferret out improper attempts to use FMLA leave without creating potential claims for violation of the Act? What are best practices for dealing with difficult situations under the FMLA like intermittent leave or questionable medical certifications?

## EVENTS

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### **How to Deal with and Manage Difficult People (*John Hancock*)**

Most employers find that 10% of the workforce accounts for 90% of the headaches and time spent by the HR department. These problem employees have various issues; attendance problems, performance problems, attitude problems, and this workshop will offer practical suggestions as to how to identify, and deal with, the problem employee.

### **FMLA and ADA 101 (*Mark Nelson*)**

The Americans with Disabilities Act and the Family Medical Leave Act are two statutes all HR managers need to be familiar with, and stay familiar with. This session will cover the basics of both the ADA and the FMLA including best practices for compliance and addressing day to day situations under each.

### **Workshop Session II**

### **Admissions, Extensions and Amendments, Oh My! Do You Need to be an Immigration Wizard to Figure it Out? (*Reggie Pacis and Bushra Malik*)**

Come along with us down the yellow brick road as we explore obstacles to admission and when to extend or amend based on changes in terms of employment.

### **Misclassification of Employees: Impact On Employee Benefit Plan Liabilities (*Tom Shaevsky and Lynn McGuire*)**

Recent high profile cases and state tax-avoidance prosecution initiatives have put a spotlight on the risks associated with misclassifying an employee as an independent contractor or a leased employee. The potential liability increases exponentially, however, after taking into account the impact of misclassifying an employee for purposes of participation in your employee benefit plans. This session discusses the ways in which employee misclassification can affect employee benefit plan obligations.

### **Hello and Good Bye. Doing Hiring and Firing Right (*Jim Rosenfeld and Scott Patterson*)**

Starting and ending the employment relationship demands attention to various legal issues. Regulators continue to meddle in the hiring process and legal claims arising out of termination are, as always, a concern. This session will address hiring issues such as background checks and documentation issues as well as how to minimize legal risks in terminations.

### **Whistleblower and Retaliation Claims (*Carey DeWitt*)**

Employees complain. Or, an employee makes a claim or assists another in his or her claim. But wait, they might be protected! Whistleblower and retaliation claims are some of the fastest growing employment law claims and can be difficult to defend. What constitutes whistleblowing? What activities can give rise to a retaliation claim? This session will address these and other issues.

## EVENTS

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### **Employment Issues Unique to Government Contractors *(Regan Dahle)***

The White House and OFCCP have been very active lately issuing Executive Orders and Notices of Proposed Rulemaking that have caused the federal contractor community some concern and confusion. During this seminar, we will review all of the recent activity coming out of the Executive Branch and also revisit existing federal contractor obligations, such as compliant affirmative action programs, voluntary offers to self-identify, and posting and recordkeeping requirements.

### **Workshop Session III**

#### **Has ICE Become the New Wicked Witch of the West? Are Your I-9s Ready for an ICE inspection? *(Linda Armstrong and Clara Mager)***

This session will review the requirements for preparing and maintain I-9s, as well as provide guidelines to self audit, how to make corrections during a self audit and procedures to follow during an ICE inspection.

#### **The Long Reach of the NLRB *(Craig Schwartz and Malcolm Brown)***

With a continuing decline in union organizing in the United States, the National Labor Relations Board (NLRB) has sought regulatory relevance in policing personnel policies and policies in non-union work forces. Recently NLRB decisions have set surprising new standards in areas such as protections for non-union employees engaging in concerted activities, employer policies and policies concerning social media, the working and scope of confidentiality and employee conduct policies, and how employers must conduct workplace investigations. This workshop will focus on the standards set by the new NLRB and what employers must do to avoid committing unfair labor practices.

#### **Religious Discrimination and Accommodation Issues In Today's Multicultural Workplace *(Dan Tuke)***

Employers have a legal obligation to accommodate religious practices and expression, but doing so can be difficult. What constitutes protected religious expression in the work place? It is not just prayer or church attendance. Clothing, hair styles and even tattoos have been ruled to be religious expression in certain situations. This workshop will address how these accommodation issues must be analyzed, and strategies to avoid religious discrimination claims.

#### **Dealing With Mental Illness in the Workplace Under the ADA: What is Reasonable Accommodation? *(Tom Patton)***

Addressing employees or job applicants with mental impairments present some of the most difficult issues under the Americans With Disabilities Act (ADA). Mental impairments, like physical impairments can run the gamut from severe to mild, to those which directly affect essential functions of the job or have only a minor affect on job performance. But unlike many physical impairments, mental impairments can come with a stigma that can interfere with proper considerations of the ADA issues

## EVENTS

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presented. What constitutes a disability under the ADA and what, if any, accommodation might be required, what testing may be allowed.

### **Employee sabotage?! It happens. Be prepared (*Bernie Fuhs and Phil Korovesis*)**

In nearly 80-90% of trade secret theft cases in the United States, the alleged thief is someone you know - either an employee or a business partner. This session will assist the employer (executives, legal department and HR department) in analyzing these internal threats to the organization's most valuable information, such as its trade secrets and customer/employee relationships, and adopting effective practices, agreements, security protocols and other protections to ensure that the trade secret remains a secret and that the organization's customers and employees are not unfairly poached.