

TENTH ANNUAL
LABOR & EMPLOYMENT LAW CONFERENCE

Preventing and Solving Today's Employment Law Problems

THE GLEACHER CENTER
THE UNIVERSITY OF CHICAGO
OCTOBER 8, 2004

LORD BISSELL  BROOK LLP
ATTORNEYS AT LAW

WHO SHOULD ATTEND

Business Owners Human Resource Professionals CEOs
In-House Legal Counsel Managers with Personnel Responsibility

WHAT YOU'LL GAIN

- Insight on emerging trends
 - Guidelines for avoiding age discrimination claims
 - Suggestions for minimizing legal exposure to harassment claims
 - Guidance on the use of employment agreements
 - An overview of the new overtime regulations
 - An understanding of the rules for conducting background checks
 - Guidelines for handling employee leaves of absence
 - Key information on how federal labor laws affect non-union workplaces
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PREVENTING & SOLVING
TODAY'S EMPLOYMENT
LAW PROBLEMS

LOCATION

The Gleacher Center
450 North Cityfront Plaza Drive
Chicago, Illinois
Phone: 312.464.8787

DRIVING DIRECTIONS

From Interstate 90/94

Exit at Ohio Street. Follow Ohio Street east to Michigan Avenue. Turn right. At the second light, Illinois Street, turn left. At stop sign, turn right. Gleacher Center is on the right.

From Lake Shore Drive

Exit at Grand Avenue. Follow Grand west to Columbus Drive/Fairbanks Court, turn left. At second light, E. North Water Street, turn right. Gleacher Center is straight ahead.

PROGRAM

8:30 - 9:00 a.m.

Registration and Continental Breakfast

9:00 - 9:30 a.m.

Welcome and Summary of New Developments

9:30 - 10:15 a.m.

On a Clear Day, Can You See Forever?

This presentation will examine emerging trends and will try to predict what is likely to happen in the ever-changing field of labor and employment law. The presenters will give our audience a glimpse of the future, so they can start preparing now for the challenges ahead.

10:15 - 10:30 a.m.

Break

10:30 - 11:15 a.m.

Dealing with an Aging Workforce: Recent Developments Under the Age Discrimination in Employment Act

Age discrimination is in the spotlight as employers deal with aging baby boomers and employees who reject the traditional model of retirement at age 65. This Spring, the Supreme Court rejected the concept of "reverse" age discrimination. In its Fall term, it will determine whether neutral employment practices can violate the Age Discrimination in Employment Act. This program will cover these and other legal developments, as well as methods of minimizing risk when terminating older employees.

11:15 - 12:15 p.m.

"Who Wants to be a Labor and Employment Lawyer?"

Back again by popular demand, seminar volunteers will get the chance to compete in our own labor and employment law version of the famous "Who Wants to Be a Millionaire" quiz show. This program will cover a wide variety of labor and employment law topics, enabling you to test your legal knowledge and human resources savvy. While our game show has not made anyone a millionaire, it has proven to be both educational and entertaining.

12:15 - 1:30 p.m.

Lunch

1:30 - 2:45 p.m.

Workshops

A. *The New Overtime Regulations: What Does This Really Mean to You?*

In April 2004, the Department of Labor issued comprehensive revisions to the Fair Labor Standards Act regulations governing the exemptions to overtime for executive, professional, administrative, outside sales, and other specific job classifications. This workshop will explore the new regulations in detail and will provide practical guidance to assist you in applying the regulations to your employees. It will also highlight the effect of a new Illinois law which supercedes some of the revised federal regulations.

PROGRAM

B. Harassment in the Workplace: Protecting Employees and Avoiding Liability

As most employers now know, sexual harassment is not the only form of harassment that is a problem in the workplace. Harassment on the basis of characteristics such as age, race, religion, sexual orientation or disability is also prohibited, and is becoming a growing source of complaints. This workshop will discuss the various types of prohibited harassment, how to prevent harassment from occurring, when an employer is liable for the actions of its employees, and how employers can avoid liability if harassment occurs.

C. Anatomy of an Employment Agreement

When should an employer use a written employment agreement? What should be in the agreement? This workshop will provide practical advice on how employers can use written employment agreements to minimize employment disputes. Provisions discussed will include the duration of the agreement, severance benefits and noncompete provisions.

Break

Workshops

D. Conducting Lawful Investigations in Light of the New Fair and Accurate Transactions Act

In 2003, Congress revised the Fair Credit Reporting Act (FCRA) when it passed the Fair and Accurate Credit Transactions Act (FACT Act). The FACT Act allows employers much greater flexibility with respect to investigations of misconduct by current employees. This workshop will explore the impact of the FACT Act revisions and discuss the specific steps required to comply with the requirements of the FCRA that still apply to background checks of applicants and employees.

E. Leaves of Absence: A Guided Tour

Learn how to navigate your way through employee leaves of absence without ending up at the courthouse. This workshop will take a practical approach to compliance with the applicable laws, including the Family and Medical Leave Act, the Americans with Disabilities Act, workers' compensation laws and the new Illinois Victims Economic Safety and Security Act. Attending this workshop will help you avoid getting lost in the morass of laws and regulations that apply to employee leaves!

F. Labor Law for the Non-Union Employer

The National Labor Relations Act, which governs relations between employers and unions, also imposes a number of little-known, but important, requirements on non-union employers. This workshop will provide answers to such important questions as: Can employees be prohibited from discussing wage/salary levels? Does a non-union employee have the right to choose a co-worker to be present at an investigatory interview? Can anything be done if there are signs of underground union organizing? Can a union be accidentally recognized as the employees' bargaining representative?

2:45 - 3:00 p.m.

3:00 - 4:15 p.m.

SEMINAR SPEAKERS



Steven H. Adelman is the chair of Lord, Bissell & Brook LLP's Labor and Employment Law Practice Group. He has handled hundreds of proceedings before the NLRB, the EEOC, various state fair employment agencies, OSHA, arbitrators, and the federal courts. Steve is a frequent speaker on various labor and employment law topics. He co-authored the chapter on employment discrimination law in the Illinois Institute for Continuing Legal Education (IICLE) publication *Organizing and Advising Illinois Businesses* and is sole author of the chapter on the Occupational Safety and Health Act in the IICLE *Labor Law Handbook*. Steve has been inducted as a Fellow of the College of Labor and Employment Lawyers and was selected as a leading attorney in the area of labor and employment law by both Leading Attorney Network and Leading Lawyers Network.



R. Clay Bennett, an attorney in the Labor and Employment Law Practice Group, has more than 25 years' experience representing employers in labor and employment law, including unionization, NLRB practice, collective bargaining, strike management, arbitrations, wage and hour law, OSHA practice, affirmative action, and employment-at-will and discrimination cases, from initial agency investigations through court proceedings. Clay's OSHA practice includes advising employers on hazard avoidance and inspections. He was involved in several of the early cases involving the constitutionality of OSHA warrantless inspections and Fourth Amendment protections against unlawful search and seizure. Clay was on the faculty of the National Institute of Trial Advocacy at Northwestern University School of Law, participating in its Negotiation Program.



Laurence A. Hansen has more than 20 years of experience in the area of taxation, with emphasis on employee benefits and executive compensation. He has represented national clients in many complex corporate and employee benefits transactions, including plan mergers and terminations. Larry also advises Lord, Bissell & Brook LLP's litigators on ERISA fiduciary duty and prohibited transaction matters. In that capacity, he argued a landmark case before the 11th Circuit Court of Appeals, which held that excess plan assets following termination of a pension plan belong to the sponsoring employer, rather than the plan participants. Larry also serves as counsel to retirement and medical plans covering thousands of employees of church organizations throughout the United States.



Kevin D. Kelly is an attorney in the Labor and Employment Law Practice Group. He litigates labor and employment cases in district and appellate courts and in arbitration. He also frequently counsels and assists clients with a variety of employment issues, including harassment investigations, wage and hour compliance reviews, employee handbook reviews, ADA reasonable accommodation issues, and FMLA compliance. He has detailed experience with arbitration agreements in the employment context. He has prepared and implemented arbitration programs for clients, and in 2000, he successfully enforced one such arbitration program in federal court. Kevin also is particularly experienced with the Fair Credit Reporting Act (FCRA). He frequently counsels clients on FCRA compliance, both inside and outside of the employment context.



Camille N. Khodadad is an attorney in the Labor and Employment Law Practice Group. Camille represents employers in discrimination matters before the Illinois Department of Human Rights, the U.S. Equal Employment Opportunity Commission, the U.S. Office of Civil Rights and state and federal courts. She also has handled cases under other employment-related statutes, including ERISA, the Worker Adjustment and Retraining Notification Act, OSHA and the Fair Labor Standards Act. Camille counsels clients on a wide variety of labor and employment matters, including employee discipline, termination, compliance with federal and state discrimination laws, workplace violence and preparation of employee handbooks, and has frequently conducted training programs on those topics.



Kathryn Montgomery Moran is an attorney in the Labor and Employment Law Practice Group. Kathryn counsels clients on a variety of matters with a view to avoiding costly litigation and tries employment law cases before juries, judges, administrative law judges and arbitrators. Kathryn was the 2000-2001 chair of the Chicago Bar Association, Labor and Employment Law Committee, and the author of a chapter on "Contractual Exceptions to the Employment at Will Doctrine" for the IICLE's *Employment Termination Handbook*, published in 2002. She is currently vice chair of the American Bar Association, Tort and Insurance Practice Section, Employer-Employee Relations Committee. Kathryn has been selected as a leading Illinois attorney in the field of employment law by the Leading Attorney Network and Leading Lawyers Network.

REGISTRATION FORM

PREVENTING & SOLVING
TODAY'S EMPLOYMENT
LAW PROBLEMS

TENTH ANNUAL LABOR & EMPLOYMENT LAW CONFERENCE THE GLEACHER CENTER ~ THE UNIVERSITY OF CHICAGO ~ OCTOBER 8, 2004

Please use a separate copy of this form for each registrant.

Name/Title _____
Company _____
Street Address _____
City _____ State _____ ZIP _____
Telephone (____) _____ Fax (____) _____
E-mail _____

Workshop Preferences

(Please note that workshops are assigned on a first-come, first-served basis. Regrettably, you may not be assigned your first preference.)

First Afternoon Session

1st choice: _____ 2nd choice: _____

Second Afternoon Session

1st choice: _____ 2nd choice: _____

Would you like to be a contestant in our game show? _____ Yes _____ No

Registration Fees

	On or before September 17	After September 17
First registrant	\$150.00	\$170.00
Additional registrations	\$100.00	\$110.00
Program materials only	\$ 90.00	\$100.00

Please indicate if you would prefer program materials in a
binder _____, on a *CD* _____ or *both* _____.

PAYMENT

Please make check payable to **Lord, Bissell & Brook LLP**. Send check with registration form(s) to:

Lord, Bissell & Brook LLP
Attention: Julie Wente
115 South LaSalle
Chicago, IL 60603
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