

2015

ESSENTIAL EMPLOYMENT LAW

A Practical Course in the Basics



DALLAS

September 2, 2015
Cityplace Conference
Center

AUSTIN

September 30, 2015
Norris Conference
Center

HOUSTON

October 14, 2015
Norris Conference
Center – CityCentre

Earn up to 7.75 Hours of CLE Credit

TX Legal Specialization Credit Approved for Civil Appellate Law, Civil Trial Law and Labor and Employment Law

SHRM-CPSM/SHRM-SCPSM Credit Approved

PHR, SPHR and GPHR Recertification Credit Expected

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INSTRUCTORS

Connie L. Cornell, PHR is a founding partner of Cornell Smith Mierl & Brutocao, LLP, an Austin labor and employment law firm. She is Board Certified in Labor and Employment law by the Texas Board of Legal Specialization and is also certified as a Professional in Human Resources by the national Society for Human Resource Management.

Michael W. Fox is a shareholder in the Austin office of Ogletree Deakins, a national labor and employment law firm. He has represented employers in employment law matters for more than 35 years, is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and is a Fellow in the College of Labor and Employment Lawyers.

WEDNESDAY MORNING

7:45 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr
Texas Is an "At Will" State... So Why Worry?

An overview of the legal aspects of the employment relationship and how tort law has been adapted in the workplace. Answering the client or the supervisor who thinks employment law begins and ends with "employment-at-will": What about terminating an employee for theft? Is there ever an obligation to give a reference on a former employee? How can a handshake get a manager sued for assault? What is intentional infliction of emotional distress? Can employee violence really be prevented? Is negligent retention really a cause of action?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

9:15 a.m. 1.00 hr

Discrimination and Harassment

Understanding the difference between disparate treatment and disparate impact, and why it matters. Why do you need to know about the "shifting burden of proof"? How can you prevent liability for harassment even after it occurs?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

10:15 a.m. Break

10:25 a.m. .50 hr

Retaliation: Winning the Battle, Losing the War
Why is retaliation the most dangerous cause of action, and what can you do about it?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

10:55 a.m. 1.00 hr

Wage and Hour: An Old Law in a Modern World

Learn the basics of wage and hour law and why violations of the Fair Labor Standards Act have exploded. Among the areas covered are: Who is exempt and who is not, and what difference does it make? What is working time? How is overtime calculated? What are the most common mistakes and how do you avoid them?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

11:55 p.m. Pick Up Lunch

Included in registration.

WEDNESDAY AFTERNOON

LUNCHEON PRESENTATION

12:15 p.m. .83 hr

Q&A with the Instructors

Real-world questions are answered by the experts. Submit your questions, comments and/or experiences in advance to ConferenceQA@utcle.org or come armed with your toughest questions. This session is designed to be interactive. Audience participation is encouraged!

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

1:05 p.m. Break

1:15 p.m. .50 hr

Family Medical Leave Act (FMLA): The Other Major Entitlement Act

The FMLA was the first federal act that required an employer to provide time off for employees. Learn the basics of the law which has been amended to cover additional types of leave.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

1:45 p.m. 1.00 hr

Defensive Documentation from Hiring to Firing

Recognize the vulnerable points in the employment relationship and learn the best practices in documentation to minimize the number of problems and maximize the chances of successfully defending the employer's actions when challenged. Understand the value and risks posed by offer letters, disciplinary documentation, performance evaluations, and termination paperwork.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

2:45 p.m. Break

2:55 p.m. .75 hr

Handbooks/Employment Policies 2015

Avoid common mistakes in policy drafting. Adopt provisions that support the company's good faith compliance efforts and help reduce potential liability in audits and litigation. Understand how recent NLRB decisions affect even non-unionized employers.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

3:40 p.m. 1.00 hr

Investigating Sensitive Employment Complaints

The investigation of an employee's complaint may be critical to an employer's only means of avoiding liability. The investigator may be a witness and the notes may be evidence. Learn how to investigate and document the process.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

4:40 p.m. .33 hr

Changes in Employment Law Impacting Compliance Efforts

HR professionals and legal counsel can better advise employers on compliance efforts if up to speed on the latest changes and trends in employment law. This is a brief update of the most critical court cases, legislation, and federal agency activity at the EEOC, the DOL, and the NLRB.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

5:00 p.m. **Adjourn**

ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.75 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

TX Legal Specialization Credit Approved for Civil Trial Law, Civil Appellate Law and Labor and Employment Law

Approved for 7.75 Credit Hours SHRM-CPSM/SHRM-SCPSM

Approval Expected for 7.75 Hours PHR, SPHR and GPHR Recertification Credit

Approved for 9.00 Hours of CPE Credit (TSBPA Sponsor #250)

NON-COMPETE CAMP

UT Law's inaugural **Non-Compete Camp**—a sophisticated and in-depth discussion of Non-Compete and Trade Secret law—developed by founding Co-Chairs, **Michael P. Maslanka** and **Stephen E. Fox**. Join us in Dallas, September 3 at Cityplace Conference Center.

www.utcle.org/conferences/NC15

REGISTRATION FORM

Online:
www.utcle.org/conferences/EE15
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512.475.6876

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REGISTRATION—Includes Course Materials and Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

1. Select Location and Date:

DALLAS—September 2, 2015
Early registration cutoff Wednesday, August 26

AUSTIN—September 30, 2015
Early registration cutoff Wednesday, September 23

HOUSTON—October 14, 2015
Early registration cutoff Wednesday, October 7

2. Select Registration Type:

Individual registration by cutoff date \$295

Individual registration after cutoff date..... \$345

3. Select Course Materials Format:

Electronic Course Binder Download (PDF) ONLY

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IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3-5 weeks after Houston date. Shipping included.

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CONFERENCECOMPLETE MATERIALS[†]—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 3-5 weeks after Dallas date. Shipping included.

eBinder Download (PDF) \$125

Printed Binder \$175

Audio Download (MP3) \$75

Audio CD Set..... \$125

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ABOUT ESSENTIAL EMPLOYMENT LAW

- Led by employment law experts Connie Cornell and Michael W. Fox
- Provides overviews and updates on issues related to Texas employment law
- Topics include employment-at-will to discrimination issues, retaliation and FMLA
- Ideal for HR professionals and beginning employment lawyers
- Discussion of wage and hour violations and changes in employment law impacting compliance efforts
- Extensive and exhaustive content with detailed written materials

DALLAS

Wednesday, September 2
CONFERENCE LOCATION



Cityplace Conference Center
 2711 North Haskell Avenue
 Dallas, Texas
 214.515.5100

Self-Parking: Complimentary

KEY DATES

August 26, 2015

last day for early registration
 add \$50 for registrations
 received after this time

August 28, 2015

last day for cancellation (full refund)

August 31, 2015

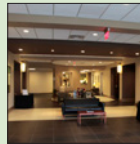
last day for cancellation (partial refund)
 \$50 processing fee applied

September 2, 2015, 8:20 a.m.

Conference begins

AUSTIN

Wednesday, September 30
CONFERENCE LOCATION



Norris Conference Center
 2525 West Anderson Lane, Suite 365
 Austin, Texas
 512.451.5011

Self-Parking: Complimentary

KEY DATES

September 23, 2015

last day for early registration
 add \$50 for registrations
 received after this time

September 25, 2015

last day for cancellation (full refund)

September 28, 2015

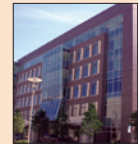
last day for cancellation (partial refund)
 \$50 processing fee applied

September 30, 2015, 8:20 a.m.

Conference begins

HOUSTON

Wednesday, October 14
CONFERENCE LOCATION



Norris Conference Center - CityCentre
 816 Town and Country Blvd.
 Houston, Texas
 713.590.0950

Self-Parking: Complimentary

KEY DATES

October 7, 2015

last day for early registration
 add \$50 for registrations
 received after this time

October 9, 2015

last day for cancellation (full refund)

October 12, 2015

last day for cancellation (partial refund)
 \$50 processing fee applied

October 14, 2015, 8:20 a.m.

Conference begins