

2019

# ESSENTIAL EMPLOYMENT LAW

A Practical Course in the Basics



August 2, 2019

Thompson Conference Center ■ Austin, Texas

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Live Webcast August 2, 2019\*

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Earn up to 7.50 Hours of Credit – Approved in TX, CA, and OK

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 Approved\*(Not Available for Live Webcast)

Texas Accounting CPE Credit Available

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### FRIDAY MORNING, AUG. 2, 2019

#### 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?

Hear an overview of the employment relationship and how tort law has been adapted in the workplace. Discuss how to answer 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?

Katrina Grider, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Houston, TX

#### 9:15 a.m. 1.00 hr

##### Discrimination and Harassment

Understand 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?

Katrina Grider, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Houston, TX

#### 10:15 a.m. Break

#### 10:30 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?

Katrina Grider, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Houston, TX

Are you a 1<sup>st</sup> or 2<sup>nd</sup> year attorney? Attend most UT Law CLE conferences for just \$150!

Call 512.475.6700 to register.

#### 11:00 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. Topics include: 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?

Katrina Grider, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Houston, TX

#### 12:00 p.m. Pick Up Lunch

Included in registration.

### FRIDAY AFTERNOON

#### LUNCHEON PRESENTATION

#### 12:20 p.m. .75 hr

##### Q and A with the Instructors

Experts answer real-world questions. Submit your questions, comments, and/or experiences in advance to [ConferenceQA@utcle.org](mailto:ConferenceQA@utcle.org), or come armed with your toughest questions. This session is designed to be interactive—audience participation encouraged!

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX  
Katrina Grider, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Houston, TX

#### 1:05 p.m. Break

#### 1:20 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. When do you send the various notices and certifications? Avoid common mistakes in completing the paperwork and understand how FMLA can overlap with ADA issues.

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

#### 1:50 p.m. 1.00 hr

##### Handbooks / Employment Policies

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 employer policies.

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

#### 2:50 p.m. Break

#### 3:00 p.m. .75 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 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

#### 3:45 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

#### 4:45 p.m. .25 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. Hear a brief update of the most critical court cases, legislation, and federal agency activity at EEOC, DOL, and NLRB.

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

#### 5:00 p.m. Adjourn

## HOW TO REGISTER

### Online:

www.utcle.org/conferences/EE19

### Mail:

The University of Texas  
School of Law  
ATTN: CLE  
PO Box 7759  
Austin, TX 78713-7759

### Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.

## REGISTRATION BENEFITS

**Full Service Experience:** Registration for the live event includes continental breakfast and a Friday luncheon presentation, along with countless networking opportunities throughout the event.

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" located in your account at www.utcle.org approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA and available in Your Briefcase 4–6 weeks after the live event.

**TX MCLE Credit Reporting:** With your successful submission, either online or in-person, UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at Your Account after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

**Forgot Your Password?** Just select "Forgot password" under "Sign In or Join" at www.utcle.org and an email message will be forwarded to reset the password.

**First Time Logging In?** An account is created at www.utcle.org for conference registrants when registrations or product purchases are submitted for the first time by mail, fax, or phone. The email address provided is the customer's user name.

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## REGISTRATION FORM

PLEASE PRINT CLEARLY

EE19

Bar Card# \_\_\_\_\_  TX  Other State: \_\_\_\_\_  N/A

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Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations, and receipts are emailed to these addresses.*

### LIVE EVENT REGISTRATION—Includes Electronic Course Materials and Luncheon Presentation

Special group registration rates may be available. Call 512.475.6700.

#### Individual Registration

- Individual registration by Friday, July 26 ..... \$345  
 Individual registration after Friday, July 26..... \$395

### LIVE WEBCAST REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase" at www.utcle.org.

- Individual registration ..... \$295

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.**

### POST-CONFERENCE PRODUCTS

#### eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4-6 weeks after live event. Hours may vary depending on actual event runtime.

- Individual eConference ..... \$295

#### Post-Course Electronic Binder – For Research and Self-Study

Comprehensive electronic binder with papers and slides, available for delivery 2–3 weeks after the live event.

- Electronic Post-Course Download (PDF) ..... \$135.31 (\$125\*)

\* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

#### Annual eLibrary Subscription – For Research and Self-Study

Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

- eLibrary 12 Month Subscription ..... \$319.34 (\$295\*)

\* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

### METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)  
 VISA  MasterCard  American Express  P.O. (include a copy of the purchase order upon submission)

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**AUSTIN**

August 2, 2019

**CONFERENCE LOCATION**



**Thompson Conference Center**  
 (on the University of Texas Campus)  
 2405 Robert Dedman Drive  
 Austin, TX 78712  
 512.471.3121

**Parking:**

Complimentary self-parking in Lot 40,  
 at the corner of Red River Street and  
 Dean Keeton Street, and UT Garages  
 (subject to availability)

**KEY DATES**

**July 26, 2019**

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

**July 26, 2019**

*Last day for full refund cancellation*

**July 29, 2019**

*Last day for partial refund cancellation*  
 \$50 processing fee applied

**August 2, 2019 at 8:20 a.m.**

*Conference begins*

**REASONS TO ATTEND**

**Essential Employment Law**, a one-day HR program led by employment law experts Connie Cornell and Katrina Grider, and is designed to provide overviews and updates on issues related to Texas employment law. Content is extensive and exhaustive with topics ranging from employment-at-will to discrimination issues, wage and hour violations, retaliation, FMLA, changes in employment law impacting compliance efforts, and more.

This practical course provides detailed written materials and is ideal for HR professionals and beginning employment lawyers.

**INSTRUCTORS**

**Connie L. Cornell, PHR** is a founding partner of Cornell Smith Mierl & Brutocao, LLP, an Austin labor and employment law firm. Ms. Cornell 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.

**Katrina Grider** is Of Counsel in the Houston office of Ogletree Deakins with over thirty years of extensive experience from both management and enforcement perspectives. Ms. Grider represents employers in state and federal courts, as well as in proceedings before the Texas Workforce Commission, the Equal Employment Opportunity Commission and the Department of Labor. In addition, Ms. Grider conducts training for managers, supervisors, and employees. She is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization.