

2022

# ESSENTIAL EMPLOYMENT LAW

A Practical Course in the Basics



August 19, 2022

Thompson Conference Center ■ Austin, Texas

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 Live Webcast August 19

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Earn up to 7.50 Hours of Credit

MCLE Credit Approved in TX, CA, OK, and PA (Hours Vary by Jurisdiction)

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

Professional Accreditation Approved for Human Resources PHR, SPHR, GPHR and SHRM-CPSM / SHRM-SCPSM

Texas Accounting CPE Credit Available

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*Times listed are in Central Time*

### FRIDAY MORNING, AUG. 19, 2022

**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 an intentional infliction of emotional distress? Can employee violence really be prevented? Is negligent retention really a cause of action?

**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, U.S. Equal Employment Opportunity Commission, Houston, TX

**10:15 a.m. 15-Minute 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, U.S. Equal Employment Opportunity Commission, Houston, TX



This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.50 hours, of which 0.00 credit hours will apply to legal ethics/professional responsibility credit. 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).

**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, U.S. Equal Employment Opportunity Commission, 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 Burton, LLP, Austin, TX  
Katrina Grider, U.S. Equal Employment Opportunity Commission, Houston, TX

**1:05 p.m. 15-Minute 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 Burton, 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 Burton, LLP, Austin, TX

**2:50 p.m. 10-Minute 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 Burton, 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 Burton, 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 Burton, LLP, Austin, TX

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

## HOW TO REGISTER

### Online:

www.utcle.org/conferences/EE22/signup

### 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 days prior to the conference.

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" 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 are available in "Your Briefcase" 6–8 weeks after the event.

**TX MCLE Credit Reporting:** 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.

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## REGISTRATION FORM

PLEASE PRINT CLEARLY

EE22

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

Name [ Mr. / Ms. ] \_\_\_\_\_

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Telephone \_\_\_\_\_ Fax \_\_\_\_\_

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

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

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

### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

- Live, In-Person Event Registration . . . . . \$345 | \$395 after August 10  
 Live Webcast Registration . . . . . \$345 | \$395 after August 10

#### Webcast Add-on

*Register for the in-person conference and add on the webcast format for attendance flexibility.*

- Webcast Add-on . . . . . \$75

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

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### POST-CONFERENCE PRODUCTS

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

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6-8 weeks after live event. Hours may vary depending on actual event runtime.*

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

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

- Electronic Post-Course Download (PDF) . . . . . \$156.96 (\$145\*)

**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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**SCAN TO VIEW OUR COVID-19 PROTOCOLS**

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



**AUSTIN**

August 19, 2022

**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**

**August 10, 2022**

*Last day for early registration rates*

**August 12, 2022**

*Last day for full refund cancellation*

**August 15, 2022**

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

**August 19, 2022, 8:20 a.m., CT**

*Conference begins*

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**INSTRUCTORS**

**Connie L. Cornell, PHR** is a founding partner of Cornell Smith Mierl Brutocao Burton, LLP, an Austin labor and employment law firm, representing employers and management through advice, training, and litigation defense. 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 HR Certification Institute.

**Katrina Grider** is the Associate Director for Curriculum, Training, and Education for the Revolving Funds Program at the EEOC. Ms. Grider has 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.

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In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

