



# HR SPRING TRAINING

2011 ANNUAL  
EMPLOYMENT LAW SEMINAR

WEST CONFERENCE

**4.26**

Fetzer Center  
Western Michigan University  
KALAMAZOO

EAST CONFERENCE

**5.12**

MSU Management  
Education Center  
TROY

Presented by

**MILLER  
CANFIELD**

# GENERAL SCHEDULE

Miller Canfield's Annual Employment Law Seminar is designed for corporate counsel, human resource professionals and business executives who need to stay ahead of the ever-changing labor and employment legal curve.

## MORNING AGENDA

- 8:00 – 8:30 Registration and Seating
- 8:30 – 8:45 Welcome
- 8:45 – 9:30 Hot Topics/Legislative Update
- 9:30 – 10:15 Vital Signs Check for Health Care Reform
- 10:15 – 10:30 Break
- 10:30 – 11:30 Mitigating the Legal Risks of Social Media in the Workplace
- 11:30 – 12:00 Questions and Answers
- 12:00 Lunch

## AFTERNOON AGENDA

- 1:15 – 2:15 Workshops
- 2:15 – 2:30 Break
- 2:30 – 3:30 Workshops

## WORKSHOPS

1. Drug Testing Under Michigan's Medical Marijuana Law: Is Your Drug Testing Policy Going Up in Smoke?
2. Immigration as a Second Language: Key Concepts, Terms and Who Can Pay the Bill
3. The F in FMLA Does Not Stand for FREE (runs at 1:15 and 2:30)
4. How Independent are Your Contractors? (runs at 1:15 and 2:30)
5. Wage and Hour Audit: Employer Best Practices and What to Do if Faced with Such an Audit
6. It's a Mad World: How to Best Avoid Liability When Managing an International Workforce
7. USERRA: Military Duty and Employment
8. No Union? You Can Still Get in Trouble with the NLRB (or MERC)

# AGENDA + WORKSHOPS

## AGENDA

### 8:45 a.m. **Hot Topics/Legislative Update**

**WEST:** Kurt N. Sherwood **EAST:** Saura J. Sahu

After two years of Democratic control of the labor and employment legislative agenda, Republicans again control the House of Representatives and the State government, and now we have the Tea Party. How has this powershift changed the legislative agenda? How will it continue to do so? Are the Obama, Democrat, or “organized labor” agendas dead? Can the Obama administration pursue its agenda via regulatory changes? Kurt and Saura will provide a legislative update, their predictions, and hot topics for 2011.

### 9:30 a.m. **Vital Signs Check for Health Care Reform**

**WEST:** Douglas L. Callander

**EAST:** Carolyn P. Cary and Christopher M. Trebilcock

Does a new Congress mean changes to Health Care Reform? Learn about proposals or repeals on the horizon, newly issued regulations, and how these may impact your business.

### 10:30 a.m. **Mitigating the Legal Risks of Social Media in the Workplace**

**Adam S. Forman**

Your organization may be fully on the social media bandwagon or still struggling to see the value. Regardless, there are benefits and legal pitfalls associated with the use of social media tools by organizations and employees. Using a hypothetical, Adam will walk the audience through an array of key legal and business issues and risks that can arise relating to employees’ use of social media, starting with the application and hiring process, through the employment relationship, and ultimately, to discipline and discharge.

## 1:15 p.m. WORKSHOPS

### **Drug Testing Under Michigan’s Medical Marijuana Law:**

#### **Is Your Drug Testing Policy Going Up in Smoke?**

**WEST:** Kurt P. McCamman **EAST:** Charles T. Oxender

Michigan’s medical marijuana law took effect on April 4, 2009, yet many questions remain about its impact on employer’s obligations and rights, including drug testing. Kurt and Chuck will weed through the issues and discuss the ways in which it may profoundly impact how employers deal with drugs and drug testing in the workplace.

### **Immigration as a Second Language:**

#### **Key Concepts, Terms and Who Can Pay the Bill**

**Karen Phillippi McAmmond**

This interactive session will provide immigration concepts, key points to remember when employing foreign nationals, and discussion about payment of legal fees and costs from an immigration context.

### **The F in FMLA Does Not Stand for FREE**

**WEST:** Kurt N. Sherwood **EAST:** Megan P. Norris

Leave issues (FMLA, Medical Leave, Personal Leave, etc.) and pay issues (Short-Term Disability, Long-Term Disability and Workers’ Compensation, etc.) are distinct concepts, given an employee might qualify for leave yet not qualify for pay, or could theoretically qualify for pay yet not qualify for leave. Are you sometimes confusing these two distinct concepts? We’ll take a careful look at the interplay between leave issues and how they interact with pay issues.

## **How Independent are Your Contractors?**

**WEST:** Leigh M. Schultz **EAST:** Brian Schwartz

As the economy slowly recovers, employers are scouring their options to maintain payroll flexibility. One common practice – hiring independent contractors instead of employees – may inadvertently expose employers to legal liability. With renewed emphasis on employee misclassification, we will provide an overview of the tests for determining when someone is an independent contractor.

## **Wage and Hour Audit: Employer Best Practices and What to Do if Faced with Such an Audit**

**WEST:** Kalyn D. Redlowsk **EAST:** Michael A. Alaimo

The DOL is aggressively enforcing wage and hour laws now more than ever – even providing employees with attorney referrals and an estimate of backpay owed, even if the DOL declines to proceed on the attorney's behalf. This more aggressive approach will likely lead to an increase in the number of FLSA lawsuits filed against employers. It is therefore critical that employers review their pay policies and practices, as well as the job duties of their exempt employees, to ensure compliance with the FLSA and know what to do if the DOL comes knocking at the door.

## **2:30 p.m. WORKSHOPS**

### **The F in FMLA Does Not Stand for FREE**

**WEST:** Kurt N. Sherwood **EAST:** Megan P. Norris

Leave issues (FMLA, Medical Leave, Personal Leave, etc.) and pay issues (Short-Term Disability, Long-Term Disability and Workers' Compensation, etc.) are distinct concepts, given an employee might qualify for leave yet not qualify for pay, or could theoretically qualify for pay yet not qualify for leave. Are you sometimes confusing these two distinct concepts? We'll take a careful look at the interplay between leave issues and how they interact with pay issues.

### **It's a Mad World: How to Best Avoid Liability When Managing an International Workforce**

**WEST:** Joseph W. Uhl **EAST:** Joseph W. Uhl and David M. McNevin

Joe and David will discuss legal issues employers must consider when transferring employees between countries, outlining the extraterritorial application of various employment laws, applicability of arbitration agreements as well as forum and venue-selection provisions, U.S. Alien-Tort Act Claims, privacy laws, validity of employment contracts and the advantages and disadvantages of hiring local employees vs. expatriated employees.

### **USERRA: Military Duty and Employment**

**WEST:** Kalyn D. Redlowsk **EAST:** Scott R. Eldridge

The military is strained and so are employers. What rights do employees called to military duty have? And, what are employers' rights and responsibilities under the law? We will explain these rights and responsibilities and help you avoid some common employer mistakes.

## **How Independent are Your Contractors?**

**WEST:** Leigh M. Schultz **EAST:** Brian Schwartz

As the economy slowly recovers, employers are scouring their options to maintain payroll flexibility. One common practice – hiring independent contractors instead of employees – may inadvertently expose employers to legal liability. With renewed emphasis on employee misclassification, we will provide an overview of the tests for determining when someone is an independent contractor.

## **No Union? You Can Still Get in Trouble with the NLRB (or MERC)**

**WEST:** Douglas L. Callander **EAST:** Richard J. Seryak and John Willems

Even if your workforce is non-union, you still may be covered by "labor law" statutes. As a private or public employer, you may engage in conduct that could result in charges being filed with the NLRB or MERC, or give fodder to unions looking to organize your employees. Learn about your risks and exposure under this often overlooked area of the law. Topics include: Weingarten rights of non-represented employees; unlawful interference, discipline and discharge of employees engaged in protected concerted activity; establishing and dealing with employee committees; unlawful interrogation of employees; and surveillance of employees in the non-union setting.

# MILLER CANFIELD

[millercanfield.com/EmploymentLawSeminar](http://millercanfield.com/EmploymentLawSeminar)

## EMPLOYMENT LAW SEMINAR REGISTRATION

*Register Today!* The all-day seminar includes continental breakfast and lunch. In addition to oral presentations, attendees will receive seminar materials on a flash drive. Cost is only \$85 per person; after April 8th, cost is \$95. Hard copy binders can be purchased for an additional \$25.

This program has been approved for 5.0 recertification credit hours toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI home page at [www.hrci.org](http://www.hrci.org).



### *Three Ways to Register:*

PHONE: 313.496.7548  
E-MAIL: [herrick@millercanfield.com](mailto:herrick@millercanfield.com)  
ONLINE: [millercanfield.com/EmploymentLawSeminar](http://millercanfield.com/EmploymentLawSeminar)

No refunds will be provided for cancellations within one week prior to seminar; however, substitutions will be accepted.

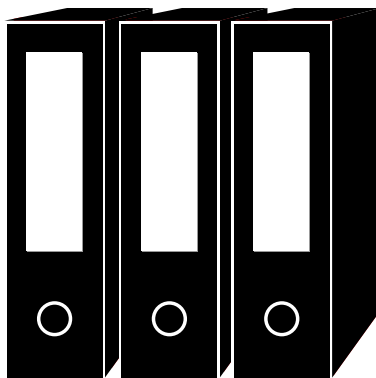
Please register by April 19, 2011, for WEST Conference and May 5, 2011, for EAST Conference.

### **WEST CONFERENCE**

Fetzer Center, Western Michigan University  
2350 Business Court  
Kalamazoo, Michigan 49008  
269.387.3232 | [FetzerCenter.com](http://FetzerCenter.com)

### **EAST CONFERENCE**

MSU Management Education Center  
811 West Square Lake Road  
Troy, Michigan 48098  
248.879.2456 | [MECTroy.com](http://MECTroy.com)





# HR SPRING TRAINING

2011 ANNUAL EMPLOYMENT LAW SEMINAR

WEST CONFERENCE

**4.26**

Fetzer Center  
Western Michigan University  
KALAMAZOO

EAST CONFERENCE

**5.12**

MSU Management  
Education Center  
TROY

**MILLER  
CANFIELD**

150 West Jefferson, Suite 2500  
Detroit, Michigan 48226