



**JUST THE FACTS**

**We take the tough issues head-on  
at Gentry Locke's 2014 Labor  
& Employment Law Symposium.**

**Lynchburg:**

Wednesday, March 12, 2014

[www.gentrylocke.com/LE2014-L](http://www.gentrylocke.com/LE2014-L)

**Roanoke:**

Tuesday, March 18, 2014

[www.gentrylocke.com/LE2014-R](http://www.gentrylocke.com/LE2014-R)

**GENTRY LOCKE**  
**RAKES & MOORE<sup>LLP</sup>**  
*Attorneys*



## JUST THE FACTS

- **Minimize workplace legal risks.**
- **Stay ahead of legal claims and government enforcement.**

**\$175 per attendee.** Rate includes parking, complimentary continental breakfast and lunch, and all materials.

This program has been pre-approved by the HR Certification Institute for 6.0 (General) credit hours toward PHR, SPHR and GPHR recertification.

*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.*



# AGENDA

- 7:45am – 8:15am: **Continental Breakfast and Sign-in**
- 8:15am – 8:30am: **Welcome and Introduction**
- 8:30am – 9:00am: **Hot Topics in Employment Law**  
Todd Leeson
- 9:00am – 9:45am: **Mastering the Maze: Workers' Compensation, FMLA and the ADA**  
Cate Huff and David Paxton
- 9:45am – 10:15am: **The Labor Board Comes Alive**  
Todd Leeson
- 10:15am – 10:30am: **Break**
- 10:30am – 11:15am: **The Era of the Whistleblower**  
Justin Lugar and David Paxton
- 11:15am – Noon: **Sex Discrimination: What it Looks Like in 2014**  
Paul Klockenbrink
- Noon – 1:15pm: **Lunch: Defusing Violent Workplace Situations**  
Special guest speakers from local police departments
- 1:15pm – 1:45pm: **HR Survivor**
- 1:45pm – 2:30pm: **Annual Technology Update**  
Josh Johnson and John Thomas
- 2:30pm – 2:45pm: **Break**
- 2:45pm – 3:30pm: **2014 – The Current State of Employee Benefits**  
Brooke Rosen and Kevin Holt
- 3:30pm – 4:15pm: **Wage & Hour Claims under the FLSA**  
Lindsey Coley

**Lynchburg:** Wednesday, March 12, 2014  
Craddock Terry Hotel and Event Center

**Roanoke:** Tuesday, March 18, 2014  
The Hotel Roanoke & Conference Center

# SESSION DETAILS

## **Wage & Hour Claims under the FLSA**

### **Lindsey A. Coley**

Wage and hour claims under the Fair Labor Standards Act have again hit a record high. These claims are the proverbial low-hanging fruit for lawyers who will represent your employees. We will focus on the current trends and hot issues facing employers in the never-ending stream of wage and hour litigation, including the latest developments regarding misclassification of employees, off-the-clock work, and miscalculation of overtime. We'll discuss strategies to aggressively attack these claims early in the process and we'll explore to what extent offers of judgment and/or confidential settlements are effective or even permissible for these types of claims.

## **Sex Discrimination: What it Looks Like in 2014**

### **Paul G. Klockenbrink**

Over 20 years have passed since the 1991 testimony by Anita Hill before the Senate Judiciary Committee, and yet sexual harassment and sexual discrimination issues still continue to perplex the courts and create difficult issues for employers. We'll cover some of the most recent and novel ideas behind sexual harassment and sexual discrimination claims, including gender orientation, transgender issues, gender stereotyping and gender identity, as well as caregiver discrimination. This presentation will also address the unique investigatory and retaliation issues that arise once complaints are made.

## **Hot Topics in Employment Law**

### **Todd A. Leeson**

HR professionals and employment law practitioners work tirelessly to keep abreast of the latest trends and developments. We'll cover the "hot" topics that will likely impact your workplace. We'll discuss new EEOC and DOL initiatives, workplace bullying, hiring pitfalls, termination challenges, and advice on protecting your key company information and personnel.

## **The Labor Board Comes Alive**

### **Todd A. Leeson**

The NLRB has a full complement of five confirmed members for the first time in a decade. They are poised to issue new opinions and new rules that should be of concern to all businesses (union or non-union). For example, the NLRB will likely enact new pro-union election rules. In addition, company handbooks, email, and social media policies will continue to be under siege. We'll discuss what you need to do to remain union-free and how to avoid liability under the National Labor Relations Act.

## Annual Technology Update

**Joshua C. Johnson and John R. Thomas**

In a year that brought us Edward Snowden and the NSA hacking scandals, attention is increasingly focused on the proper limits of privacy and the supervision of technology. Learn more about the rights and responsibilities of employers in policing and managing social media, the implications of “Bring Your Own Device” (BYOD) policies, employee tracking, and other opportunities and pitfalls for employers. We will also discuss electronic retention of documents and electronic media, and the steps that businesses will need to take to preserve and process electronic evidence for litigation.

## Defusing Violent Workplace Situations

**Guest speakers from Lynchburg and Roanoke City Police departments**

Are there factors that, when present, might indicate the likelihood of a violent workplace incident? What policies and actions should be implemented in the event of such an incident, and what has worked to defuse or de-escalate such situations to a safe, nonviolent resolution? A police department representative from the Cities of Lynchburg (March 12th) and Roanoke (March 18th) will provide expert advice.

## Mastering the Maze: Workers’ Comp, FMLA and the ADA

**W. David Paxton and Catherine J. Huff**

An update on the latest developments in defending workers’ compensation claims, and helpful tips on how HR professionals can best deal with FMLA and ADA obligations that are inevitably part of the process when a sick or injured worker files a workers’ compensation claim.

## 2014 – The Current State of Employee Benefits

**Brooke C. Rosen and Kevin W. Holt**

The world of employee benefits is in flux with critical developments. With the confusion over the ACA and the Supreme Court overturning DOMA, there are a lot of questions about how benefit plans work and what employers need to do in order to be in compliance in 2014. We will offer tips for planning and input from our experienced ERISA attorneys on potential pitfalls we see brewing on the employee benefits horizon.

## The Era of the Whistleblower

**Justin M. Lugar and W. David Paxton**

Many people believe OSHA is concerned only about workplace safety issues, and are unaware that this agency has been tasked with the responsibility to enforce 22 federal regulatory schemes in a wide range of industries. Understanding the process involved is critical, as the Obama administration has now set up a website ([whistleblower.gov](http://whistleblower.gov)) to solicit and encourage claims. In addition to OSHA, there is a rising tide of claims against employers who have any interaction with the government under the False Claims Act, and every employer and HR professional needs to understand what “qui tam” means and be aware of the consequences of *qui tam* claims.

# PRESENTERS

## 2014 Symposium Co-chairs:



**Lindsey Coley** is a partner in Gentry Locke's Labor & Employment and General Commercial practice groups. Lindsey's practice focuses on assisting private businesses and government contractors with employment-related compliance issues; responding to complaints filed with the EEOC, DOL, and OFCCP; and developing employment policies and contracts to protect the interests of the employer. Lindsey also regularly advises individuals on issues relating to estate and trust administration and estate planning. Lindsey is a member of the Board of Directors for Roanoke Valley SHRM and has been named a *Virginia Super Lawyers Rising Star* for three years in a row.



**Paul Klockenbrink** is a partner in Gentry Locke's Labor & Employment group. Paul advises and represents employers throughout Virginia regarding employment law issues, as well as the litigation of non-compete agreements, insurance defense matters, and business-related claims. Paul is a frequent speaker at national and regional employment law seminars and also leads the firm's Restaurant & Hospitality practice group. During his 20+ years with Gentry Locke, Paul has brought cases to trial that involve discrimination, retaliation, sexual harassment, non-competition, defamation, malicious prosecution, and premises liability, among others.

## Additional Presenters:



**Kevin Holt** is a partner specializing in commercial, employment, and ERISA litigation. Kevin represents companies and individuals in business and contract disputes, including complex financial and real estate matters. His employment practice focuses on representing companies in diverse matters, including non-competition agreements and retaliation claims. He represents employers, insurance carriers, and plan fiduciaries in defending ERISA claims involving life, health, accident, and disability benefits.



**Cate Huff** practices in the Insurance and Workers' Compensation practice groups and has litigated in general district and circuit courts throughout the state. Cate graduated *magna cum laude* from Virginia Tech and received her J.D. from Liberty University.



**Josh Johnson** litigates complex commercial cases with a focus on construction and government regulatory matters. Josh is the chair of Gentry Locke's e-discovery and information governance initiative, and he advises clients and lawyers on discovery strategies in litigation. He represents individuals, corporations, and governmental entities in a wide variety of complex civil actions. Josh is the former chairman of the Corporate and Commercial Litigation Section for the Virginia Association of Defense Attorneys, and he is the President-Elect of the Roanoke Chapter of the Federal Bar Association.



**Todd Leeson** has almost 25 years of experience defending companies in the "alphabet soup" of employment litigation (e.g., Title VII, ADA, ADEA, FLSA, FMLA, and NLRA). He also regularly handles labor union matters for companies, as well as non-compete disputes that arise with departing executives. He is the Legislative Director for the Virginia State SHRM Council. Todd is rated "AV/Preeminent" by Martindale-Hubbell and has been named one of the *Best Lawyers in America* in Labor and Employment Law.



**Justin Lugar** is a litigator who focuses primarily on representing individuals and corporations in connection with criminal and government investigations as well as in commercial litigation. Prior to joining Gentry Locke, Justin was an associate at WilmerHale in London, UK, where he focused on criminal investigations and international arbitration.



**David Paxton** advises and represents businesses, business owners, and executives in the areas of labor and employment law and complex litigation. He coordinates the firm's Labor & Employment group, is a frequent guest speaker at national and regional employment law seminars, and has been included in *Best Lawyers in America* for Labor and Employment Law for the past 15 years.



**Brooke Rosen** is a partner in Gentry Locke's General Commercial practice group, and handles a broad range of commercial matters, including mergers and acquisitions and employee benefits. Brooke works with employers on the implementation of qualified retirement plans, including 401(k) and Employee Stock Ownership Plans (ESOP), executive nonqualified, deferred compensation and incentive programs, cafeteria plans, health benefit plans, and other welfare and fringe benefit arrangements.



**John Thomas** practices in our Labor & Employment and Litigation groups. Prior to joining Gentry Locke, John served as a captain in the U.S. Marine Corps. As a judge advocate, he litigated a variety of cases both as a defense counsel and prosecutor. He currently advises and represents employers in both federal and state court on a variety of issues, including employment discrimination, wrongful termination, trade secrets, labor disputes, and other commercial litigation matters.