

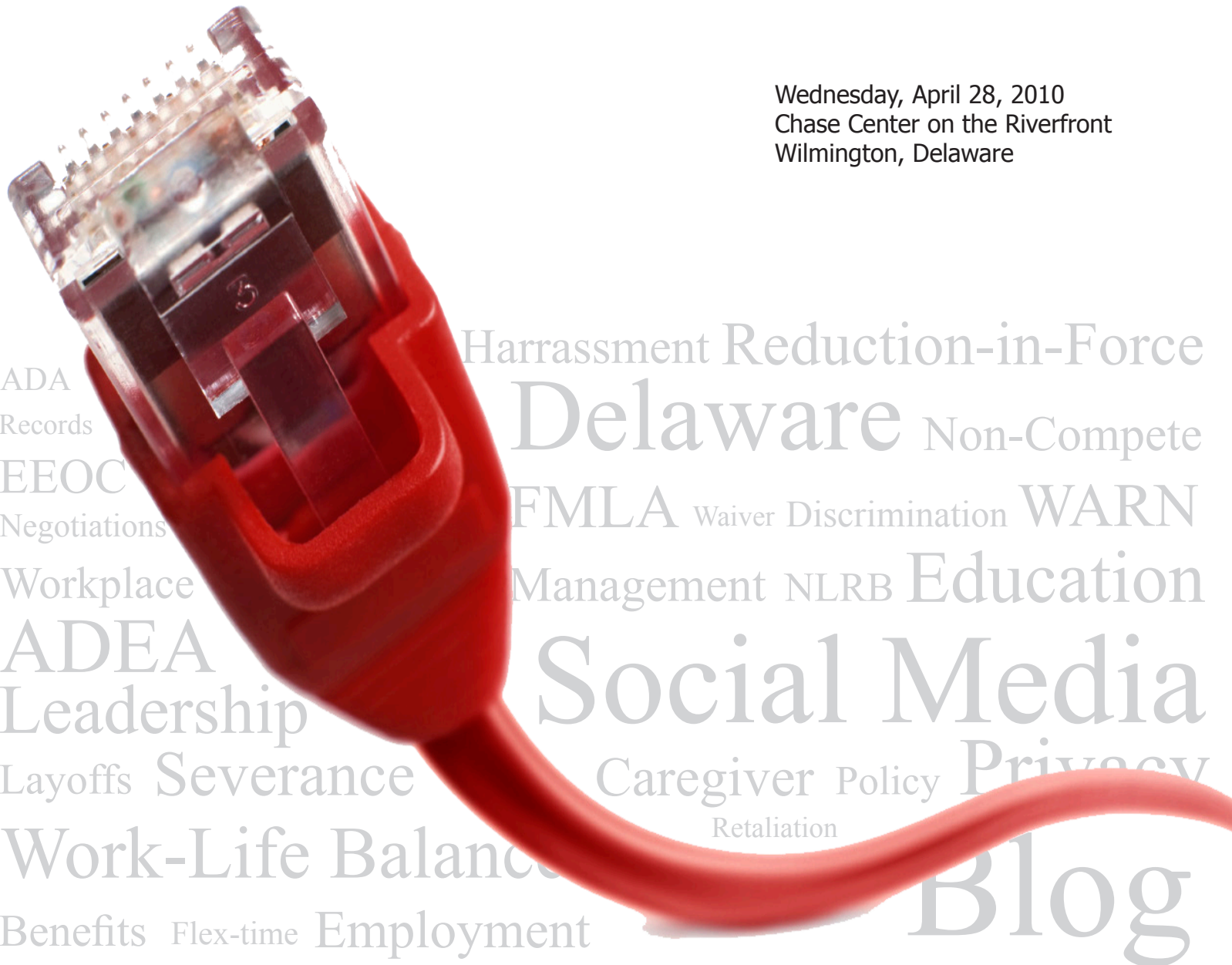


YOUNG CONAWAY
STARGATT & TAYLOR, LLP

2010 ANNUAL EMPLOYMENT LAW SEMINAR

Making Connections

Wednesday, April 28, 2010
Chase Center on the Riverfront
Wilmington, Delaware



ADA
 Records
 EEOC
 Negotiations
 Workplace
 ADEA
 Leadership
 Layoffs
 Severance
 Work-Life Balance
 Benefits
 Flex-time
 Employment
 Harrassment
 Reduction-in-Force
 Delaware
 Non-Compete
 FMLA
 Waiver
 Discrimination
 WARN
 Management
 NLRB
 Education
 Social Media
 Caregiver
 Policy
 Privacy
 Retaliation
 Blog

Morning Agenda

8:30 a.m. - 9:00 a.m.

Registration and Breakfast

9:00 a.m. - 9:15 a.m.

Welcome and Opening Remarks

Section Chair, Barry M. Willoughby

9:15 a.m. - 10:15 a.m.

Labor & Employment Law Update

Moderator: *Barry M. Willoughby*

Panelists: *Sheldon N. Sandler, William W. Bowser, Teresa A. Cheek, and Maribeth L. Minella*

The purpose of this segment is to provide attendees with a review of key changes to the workplace that have been initiated by recent legislation and important court decisions. Highlights include: Employee Free Choice Act (EFCA); Family and Medical Leave Act (FMLA); Americans with Disabilities Act (ADA); healthcare reform and the workplace; U.S. Supreme Court decisions; off-duty conduct; and other legal trends which may impact the workplace.

10:15 a.m. - 10:30 a.m.

Break

10:30 a.m. - 11:30 a.m.

Hotter than Hot: FLSA Class Actions, Overtime & Independent Contractors

Speakers: *Scott A. Holt, Adria B. Martinelli and Margaret M. DiBianca*

Wage-and-hour claims continue to be some of the most costly to employers. Multi-million dollar settlements are common in the context of collective actions brought under the Federal Labor Standards Act (FLSA). And there is no sign that the wave of claims will slow down any time soon. This session will review the overtime provisions of the FLSA and the most common mistakes made by employers when determining what is and is not compensable time. Another focus has been on independent contractors and how to make sure that they are properly classified. The U.S. Department of Labor commenced a crackdown on misclassification of employees as a result of a 2009 report concluding that lost revenues as a result of misclassification were substantial. In Delaware, the General Assembly passed its own law in 2009 imposing penalties on construction industry employers who improperly classify their employees as independent contractors. Presenters will help guide employers through this treacherous area and avoid being the target of a misclassification investigation.

Afternoon Agenda

11:30 a.m. - 1:00 p.m.

Lunch and Keynote Address

Keynote Speaker, *Honorable John McMahon*,
Secretary of Labor, State of Delaware

Secretary John J. McMahon is currently the Secretary of Labor for the State of Delaware. The Department's primary responsibilities are to connect Delawareans to employment, training resources, monetary benefits, workplace protections, and labor market information to promote financial independence.

Secretary McMahon's leadership in the Department focuses on job and training development for constituents, identification of best practices to properly utilize stimulus funding and ensuring that each client receives the services they need, and connecting those clients to other Department's services.

1:00 p.m. - 1:55 p.m.

Breakout Session One

A. **Social Networking in the Workplace**

Speaker: *Margaret M. DiBianca*

The impact of social media sites like Twitter, Facebook and LinkedIn is undeniable but, also, undefined. Hundreds of millions of Americans use these sites and others like them for an expanding number of reasons. Social media is not limited to any generation. In fact, Baby Boomers are more likely Twitter users than their younger counterparts. It's no surprise that social media is causing tremendous changes in the workplace, particularly in areas like how employers recruit and hire new employees. Employers have to look beyond standard recruiting tactics if they hope to secure the most sought-after candidates. But, the venture into the realm of social media is not without its risks. Before employers "request a friend," they need to know how to do it right and not expose their organization to unwanted legal liability. This segment will review how social media sites are changing America's workplace for everyone.

B. **Beyond Pink and Blue: Trends in Sex and LGBT Discrimination Law**

Speakers: *Teresa A. Cheek and Lauren Hudecki*

Title VII's prohibition of sex discrimination has come a long way since its inception in 1964. As interpreted early on, it prohibited only adverse employment actions made because of a person's sex (e.g., refusing to hire a qualified candidate because she is a woman). This segment will chart the course that courts have taken over the years in expanding the scope of Title VII's protection, including recent developments in same-sex sexual harassment and gender stereotyping. We will also discuss how this expansion has created some protections for LGBT employees, as well as how recent legislation has filled in the gaps where those protections were lacking.

Afternoon Agenda

2:05 p.m. - 2:55 p.m.

Breakout Session Two

C. **Getting to Know GINA**

Speaker: *Adria B. Martinelli*

The first new federal discrimination law in decades—Genetic Information Non-Disclosure Act (GINA)—became effective on November 21, 2009. The EEOC has yet to issue regulations, which were proposed back in March of 2009, leaving employers on their own to interpret this complicated statute. In this session, you will learn your obligations under GINA, including how GINA impacts hiring, promotion, and termination practices. You will also learn definitions critical to understanding GINA, including what constitutes “genetic information,” the elements of a GINA claim, and types of scenarios that might present such a claim – including the role social media may play in a potential claim.

D. **Special Topics in the Public Sector**

Speakers: *William W. Bowser, Deborah Murray-Sheppard and Michael P. Stafford*

Deborah Murray-Sheppard became Executive Director of the Delaware Public Employment Relations Board (PERB) in April 2008. Ms. Murray-Sheppard will join this session’s presenters to review the major decisions and developments in the public sector during the past twelve months, including the continued expansion of PERB’s responsibilities. This session will cover the impact of binding arbitration, as well as the forecast for the year ahead, and predictions about the impact of changes from the initiatives of the Obama administration.

3:10 p.m. - 4:00 p.m.

Breakout Session Three

E. **Protecting Your Business Assets**

Speakers: *Barry M. Willoughby and Scott A. Holt*

In recent hard-hitting economic times, the need to protect business assets using tools like non-compete agreements and trade secret protections is invaluable. In this session, presenters will review how to best draft non-compete and non-solicitation agreements. They will also address the current law on protecting trade secrets and confidential or proprietary information.

F. **Special Rules for Schools**

Speakers: *Michael P. Stafford and Maribeth L. Minella*

Schools and school districts are employers with unique considerations. In this segment, presenters will review issues faced by school-based employers, like: First Amendment and other Constitutional claims by employees, terminating tenured and non-tenured teachers, state-law requirements for teacher personnel files, and special issues relating to teachers use of social networking sites and their off-duty conduct.

Registration

REGISTER TODAY! The cost for this all-day seminar, including continental breakfast, lunch "with the lawyers," and complete seminar materials, is just \$145 per person. For each additional attendee from the same organization, registration is just \$125. *Register early because space is limited!*

Organization _____

Name _____

Title _____

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Telephone _____ **Fax** _____

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Checks should be made payable to:

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Four Ways To Register:

Return your completed registration form and payment information via:

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MAIL: Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
P.O. Box 391
1000 West Street, 17th Floor
Wilmington, DE 19801
ATTN: Felicia Gojmerac

OR ON THE WEBSITE: Visit www.YoungConaway.com/Events and use the online registration form. Someone will follow up with you regarding payment information.

Registrations must be submitted and payment received by April 20, 2010. No cancellations after April 23, 2010. Confirmation of receipt of registration will be sent via email within two business days of being processed.

NOTE: This program has been submitted for 6.5 (General) 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.



CHASE CENTER on the riverfront



Chase Center on the Riverfront

815 Justison Street (formerly
800 South Madison Street)
Wilmington, DE 19801

www.centerontheriverfront.com



FROM NEW YORK/ NEW JERSEY

Take the New Jersey Turnpike South to the Delaware Memorial Bridge. Continue through the toll plaza and stay to the left. Follow the sign that reads south to I-95 & Wilmington/Baltimore. Take I-95 N to Wilmington. Take Exit 6 in Wilmington, DE (Maryland Avenue) and turn right onto Maryland Avenue. Follow the signs to the Riverfront, turning right just before the 1st traffic light. Turn right onto South Madison Street. Turn left onto Beech Street at the light. Turn right onto Justison Street at the light.

FROM PHILADELPHIA NORTH

Take I-95 South to Exit 6 in Wilmington, DE (Martin Luther King Jr. Blvd.). Turn left at the 4th traffic light onto Martin Luther King Blvd. Turn right at the 4th traffic light onto Justison Street.

FROM MARYLAND SOUTH

Take I-95 North to Exit 6 in Wilmington, DE (Maryland Avenue) and turn right onto Maryland Avenue. Follow the signs to the Riverfront, turning right onto Read Street just before the 1st traffic light. Turn right onto South Madison Street. Turn left onto Beech Street at the light. Turn right onto Justison Street at the light.

FROM CHESTER COUNTY NORTH

Take Route 202 south to I-95 south. Take Exit 6 in Wilmington, DE (Martin Luther King Jr. Blvd.). Turn left at the 4th traffic light onto Martin Luther King Blvd. Turn right at the 4th traffic light onto Justison Street.