

*An Intensive Two Day Seminar on*

# Employment Law and Internal Investigations for Corporate Counsel

Employment law for in-house General Counsel who are not employment experts

Live Webcast Available!

**May 24 & 25, 2016**

Seattle, Washington

1201 Third Avenue Building, 49th Floor

**Credits:** WA CLE 10.25 (call about others)

**Quick when/where:** 8:30 a.m., 1201 Third Avenue

**Featuring Speakers From:**

- Cable, Langenbach, Kinerk & Bauer, LLP
- Expeditors
- Foster Pepper PLLC
- K&L Gates LLP
- Karr Tuttle Campbell
- Lane Powell PC
- Miller Nash Graham & Dunn LLP
- Patterson Buchanan Fobes & Leitch Inc. P.S.
- Perkins Coie LLP
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**Employment Law for Corporate Counsel Conference**

May 24 & 25, 2016 | Seattle, Washington  
 1201 Third Avenue Building, 49th Floor

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- 8:00 Registration Opens
- 8:30 Introduction & Overview  
**Elicia N. Johnson, Esq., Program Co-Chair**  
*Associate General Counsel*  
 Scan Health Plan ~ Long Beach, CA  
**Linda D. Walton, Esq., Program Co-Chair**  
*Perkins Coie LLP ~ Seattle, WA*
- 8:45 Special In-House Counsel Opening Panel  
 Identifying what you need to know for effectively dealing with employment issues in your particular workplace; tips for fitting employment issues into a myriad of other responsibilities  
**Linda D. Walton, Esq., Program Co-Chair, Moderator**  
**Elicia N. Johnson, Esq., Program Co-Chair**  
**McCray S. Pettway, Esq., Director, Global Legal Services**  
*Expeditors ~ Seattle, WA*
- 10:00 What Non-Union Employers Need to Know About the National Labor Relations Board's Expansion of Labor Law  
 The impacts of recent NLRB decisions and rulemaking: How non-unionized employers evaluate their workplaces in social media, email, mandatory arbitration agreements, class action waivers, confidentiality requirements in internal investigations.  
**James M. Shore, Esq.**  
*Stoel Rives LLP ~ Seattle, WA*
- 10:45 Break
- 11:00 Independent Contractors: When Are They Considered to be Employees?  
 Distinctions between employees and independent contractors; why it matters; impact of technology and the new "on demand" economy; federal, state, local initiatives and enforcement efforts  
**Kenneth J. Diamond, Esq.**  
*Winterbauer & Diamond PLLC ~ Seattle, WA*
- 11:45 New U.S. Labor Department (DOL) Joint Employer Liability Rules as an Emerging Major Issue in Franchising, Contracting, and Temporary Staffing  
 How joint employment is more likely to be found in both vertical arrangements (one company contracts with another) and in horizontal arrangements (one worker is employed by two related companies); tips on approaches for reducing potential liability

**Suzanne J. Thomas, Esq.**  
 K&L Gates LLP ~ Seattle, WA

- 12:30 Lunch (on your own)
- 1:45 Fair and Equal Pay as an Emerging Issue  
 Federal update; trends at the state and local level; the substantially similar work standard and its relationship to job titles; prohibitions against secrecy policies relating to pay rates  
**Linda D. Walton, Esq., Program Co-Chair**
- 2:30 Complying with FMLA and Other Leave Laws  
 Understanding FMLA and other time-off requirements under federal and Washington law; review of significant FMLA cases and regulatory developments; tips for managing employee leaves  
**Steven R. Peltin, Esq.**  
 Foster Pepper PLLC ~ Seattle, WA
- 3:15 Break
- 3:30 The Drama of Inappropriate Behavior: Harassment and Discrimination  
 Substantive rules and the art of conducting effective and non-disruptive investigations; tips for conducting internal investigations and resolving volatile situations  
**Jennifer S. Divine, Esq.**  
 Miller Nash Graham & Dunn LLP ~ Seattle, WA
- 4:15 Disabilities and Reasonable Accommodation  
 Practical tips in working with the EEOC on employer obligations regarding reassignment; impacts of the Frisino case  
**Onik'a Gilliam, Esq.**  
 Patterson Buchanan Fobes & Leitch Inc. P.S. ~ Seattle, WA  
 ADA and Washington's law against discrimination: Employers' obligations; what to expect from employees; training supervisors to recognize possible triggers to the accommodation process; how to respond to employee requests; documenting interactive process  
**Kathy L. Feldman, Esq.**  
 Karr Tuttle Campbell ~ Seattle, WA
- 5:15 Continue the Exchange of Ideas: Reception for Faculty and Attendees

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## About the Conference

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*Many general counsel hired to focus on deal making are surprised to find how much time they spend on the drama from human workplace relationships. This program is designed for in-house lawyers and human resource professionals, and for private business lawyers serving in a general counsel role. In addition to an overview of the substantive law, you'll receive practical tips for conducting internal investigations and diffusing volatile situations, such as harassment allegations.*

*We start with what non-union employers need to know about the NLRB's expansion of labor law.*

*Building on that groundwork, we move into the essential question of deciding when someone is a contractor or considered an employee in the eye of the law. This includes vertical contractual relationships where your company hires another company to provide workers and horizontal contractual relationships where affiliated companies share workers.*

*Then we move into compensation issues including misperceptions regarding who qualifies for overtime compensation and how to calculate the "regular" rate of pay when bonuses are a big factor in total compensation.*

*Following that, we address working conditions such as reasonable accommodations for disabilities.*

*Companies, particularly in the tech sector, with young workforces plugged into social media, have concerns about protection of trade secrets. You'll learn practical approaches to monitoring employee posts on social media.*

*Employee discipline is a necessary function but potentially a land mine field for any company and we provide practical tips for navigating that. Our final session will provide insights into effective employee handbooks for minimizing problems. Join us for an insightful two days into the issues that often disconcert general corporate counsel.*

**Program Co-Chairs: Elicia N. Johnson, Esq., Associate General Counsel, Scan Health Plan and Linda D. Walton, Esq., Perkins Coie LLP**



**8:30 Overtime and Other Compensation Issues**

Common misclassification issues such as overly broad application of the computer exemption; miscalculation of regular rate of pay; when bonuses must be factored into overtime pay rates; use of volunteers

**Colleen Kinerk, Esq.**

Cable, Langenbach, Kinerk & Bauer, LLP ~ Seattle, WA

**9:15 Social Media and Preservation of Trade Secrets**

What an employer can and can't do for policing social media

**D. Michael Reilly, Esq.**

Lane Powell PC ~ Seattle, WA

**10:00 Break**

**10:15 Employee Discipline: Best Practices**

Handling employee work-related misconduct or a violation of company policy

**Laurence A. Shapero, Esq.**

Riddell Williams PS ~ Seattle, WA

**11:00 Wrap Up Workshop: Key Elements for Effective Employee Handbooks**

Expectations for your employees; legal obligations as an employer; employees' rights

**Julie S. Lucht, Esq.**

Perkins Coie LLP ~ Seattle, WA

**Shannon E. Phillips, Esq.**

Summit Law Group PLLC ~ Seattle, WA

**12:00 Evaluations and Adjourn**



**Related Seminars & Webcast Replays:**

Water Resource Management, Science and the Law	May 3, 2016	Reno, NV
Class Actions	May 5-6, 2016	Seattle, WA
Hydrology and the Law	May 9, 2016	Phoenix, AZ
Environmental Due Diligence	May 16, 2016	Seattle, WA
Public Records Act Litigation	June 8, 2016	Walnut Creek, CA
Cloud Adoption and Data Analytics	July 27, 2016	Seattle, WA
Proving Landslide Claims	July 8, 2016	Los Angeles, CA
Natural Resource Damages	July 14-15, 2016	Santa Fe, NM
New Developments in Technology M&A	July 21-22, 2016	Seattle, WA

See more at [www.lawseminars.com](http://www.lawseminars.com)



**Registration & Other Conference Information**

**To Register:**

Call us at: 206-567-4490

Fax the registration form to us at: 206-567-5058

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Mail the registration form on the front page.

Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for in person or webcast attendance for this program is \$895 with a group rate of \$670 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

**Substitution & Cancellation:**

You may substitute another person at

any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Wednesday, May 18, 2016. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

**Seminar Location:** The conference will be held at the 1201 Third Avenue Building, 49th Floor at 1201 Third Avenue in Seattle, WA 98101. Special thanks to Perkins Coie for making this space available. Contact the Courtyard Seattle Downtown/ Pioneer Square at 206-625-1111 and mention Law Seminars International for reservations at the special nego-

tiated rate of \$209. Rooms are on a first come, first served basis.

**Continuing Education Credits:**

Live credits: This program qualifies for 10.25 WA CLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

**Time Shift Your Content:**

Webcast and audio replays, with printed or electronic course materials, are available for \$905. The course materials alone are available for \$100. Replays will be available within two weeks after the seminar or from the date we receive payment.

## Faculty: Employment Law for Corporate Counsel Conference

**Elicia N. Johnson**, *Program Co-Chair*, is Associate General Counsel at Scan Health Plan. Previously, she was in the Labor and Employment Group at Sheppard Mullin Richter & Hampton LLP.

**Linda D. Walton**, *Program Co-Chair*, partner, Perkins Coie LLP, focuses on defending employees in state and federal employment-related litigation, specifically related to FMLA compliance, Title VII compliance, workplace harassment, and newly emerging employment law issues related to employee and employer use of social media.

**Kenneth J. Diamond**, member, Winterbauer & Diamond PLLC, is experienced in recruitment, hiring, training, and discharge. He works with employers regarding major restructures, compliance audits, and the removal of high-level executives, and has defended employers in discrimination, retaliation, FMLA, reasonable accommodation, contract disputes, and wage and hour class-action cases alleging misclassification of employees.

**Jennifer S. Divine**, partner, Miller Nash Graham & Dunn LLP, is experienced in defending and advising public and private employers in discrimination, sexual harassment, wrongful discharge, whistleblower/retaliation, and wage-and-hour claims. She counsels clients on executive contracts and compensation, severance agreements, noncompetition and nonsolicitation restrictions, disability accommodations, FMLA, and misconduct investigations.

**Kathy L. Feldman**, shareholder, Karr Tuttle Campbell, is a member of the Labor and Employment Department. She counsels employers on sexual harassment, discrimination, wage and hour requirements, the Family Medical Leave Act, personnel policies and procedures, investigation of personnel complaints, the Americans with Disabilities Act, and hiring practices.

**Onik'a Gilliam**, Patterson Buchanan Fobes & Leitch Inc. P.S., focuses on defending school

districts and other public entities in a civil litigation matters, with an emphasis on employment-based and negligence claims. Previously, she was an attorney in St. Thomas, U.S. Virgin Islands, where she focused on civil litigation before the Federal District and Territorial Courts in defense of corporate clients in varying tort and employment matters.

**Colleen Kinerk**, partner, Cable, Langenbach, Kinerk & Bauer, LLP, focuses on commercial and tort litigation as well as counseling, training and prevention work. She represents individuals, private companies, and not for profit entities before state and federal courts, as well as regulatory agencies and commissions, and is a top mediator of employment and tort cases.

**Julie S. Lucht**, partner in the Labor & Employment Practice, Perkins Coie LLP, counsels and defends clients in connection with issues and claims arising under WLAD, Title VII, ADEA, ADA, FMLA, GINA, FLSA, WARN, NLRA, USERRA, as well as drafting employee handbooks, separation and termination agreements, equal employment opportunity policies, sexual harassment policies, employee leave policies, reasonable accommodation policies and employment contracts.

**Steven R. Peltin**, member and chair of the Employment & Labor practice, Foster Pepper PLLC, focuses on helping employers solve problems such as employee discipline and discharge, leaves of absence, discrimination and harassment claims, and threats of employee violence. He also enhances employee handbooks, and prepares and negotiates employment, confidentiality, and non-compete agreements.

**McCray S. Pettway**, Director, Global Legal Services, Expeditors, is experienced in advising C-suite executives and managers on legal issues, including compliance and training, litigation, employment, labor, wage and hour, cyber security, data privacy, and business restructuring.

**Shannon E. Phillips**, Co-CEO, Summit Law Group PLLC, represents private and public sector employers in employment-related litigation in federal and state courts, arbitrations, and in administrative hearings. Specific areas of advice include assistance in disciplining and terminating employees, and drafting employee handbooks and employment agreements.

**D. Michael Reilly**, shareholder, Lane Powell PC, is the Director of the Labor and Employment and Employee Benefits Practice Group. He represents small and large employers in employment litigation and provides advice in claims involving discrimination, wrongful discharge, ERISA and non-ERISA employee benefit claims, retaliation, wage/hour and disability claims.

**Laurence A. Shapero**, principal and Co-Chair of the Employment Group, Riddell Williams PS, advises clients in labor, employment and employee benefits matters. His practice includes litigation and counseling in ADA and FMLA compliance, federal and state wage/hour law compliance, protection of trade secrets and prevention of unfair competition by former employees, workplace privacy rights, prevention of employment discrimination, and workplace harassment.

**James M. Shore**, partner, Stoel Rives LLP, focuses his practice on labor and employment law, including wrongful termination, discrimination, harassment, contract negotiations, arbitrations, trade secrets, restrictive covenants, wage and hour law, and business acquisitions and reorganizations.

**Suzanne J. Thomas**, partner, K&L Gates LLP, focuses on advice, counseling, representation and litigation, including class action litigation, in areas of employment law. She is experienced in conducting and overseeing independent investigations for publicly traded, regulated, private and public employers, including managing issues of privilege and work product.

May 24 & 25, 2016  
Seattle, Washington

1201 Third Avenue Building,  
49th Floor  
1201 Third Avenue  
(206) 694-5000

### Who Should Attend:

*In house general counsel, general business attorneys acting as general counsel, and human resource professionals without dedicated employment law support*

### You Will Learn About:

- Identifying what you need to know for effectively dealing with employment issues in your particular workplace: Special in-house counsel panel
- What non-union employers need to know about the National Labor Relations Board's expansion of labor law
- Independent contractors: When are they considered to be employees?
- New U.S. Labor Department joint employer liability rules
- Fair and equal pay
- Leave policies
- Harassment and discrimination
- Reasonable accommodation and disabilities
- Overtime and other compensation issues
- Social media and preservation of trade secrets
- Employee discipline
- Key elements for effective employee handbooks

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