

**VEC 2013 Northern Region Employer Conference – August 27, 2013 ♦ The Boar’s Head Inn**

Schedule	Location				
	Pavilion II	Pavilion I	Pavilion III	Ednam Hall	Boardroom
7:30	Registration (Pre-Function)				
8:00 - 8:45	Buffet Breakfast				
8:45 - 9:45		<b>General Session</b> Welcome: <i>John Broadway</i> Commissioner, Virginia Employment Commission  Conference Details: <i>Marilyn Carter</i> Employer Services Manager, Virginia Employment Commission  <b>Effective Leadership for Business Development</b> <i>James M. Burke</i> , Director <i>Linda Pierce</i> , Consultant/Faculty Performance Management Group Virginia Commonwealth University			
9:45 - 10:45	Breakout Session 1				
		<b>Managing Your Business Strategically</b> <i>James M. Burke</i> , Director <i>Linda Pierce</i> , Consultant/Faculty Performance Management Group Virginia Commonwealth University	<b>Wage and Hour Update</b> <i>Victor O. Cardwell</i> , Esquire Woods Rogers Law Firm	<b>The Impact of Health Care Reform on Employers</b> <i>Joshua R. Treece</i> , Esquire Woods Rogers Law Firm	<b>Understanding Virginia’s Labor and Employment Laws</b> <i>Courtney Malveaux</i> , Commissioner Virginia Department of Labor and Industry
10:45 - 11:00	Break (Foyer)				
11:00 - 12:00	Breakout Session 2				
		<b>Americans with Disabilities Act/ Family and Medical Leave Act</b> <i>Melissa Wolf Riley</i> , Esquire McGuireWoods LLP	<b>Wage and Hour Update</b> <i>Victor O. Cardwell</i> , Esquire Woods Rogers Law Firm	<b>The Impact of Health Care Reform on Employers</b> <i>Joshua R. Treece</i> , Esquire Woods Rogers Law Firm	<b>VOSH and Commonly Cited OSHA Hazards</b> <i>Elizabeth B. Tomlin</i> , Lead Safety and Health Consultant, Virginia Department of Labor and Industry
12:00 - 1:00	Lunch				
1:00 - 2:00	Breakout Session 3				
		<b>Americans with Disabilities Act/ Family and Medical Leave Act</b> <i>Melissa Wolf Riley</i> , Esquire McGuireWoods LLP	<b>How You Can Use Online Virginia Labor Market Data</b> <i>David R. Tysinger</i> , Economist Virginia Employment Commission	<b>An Overview of the Unemployment Insurance Adjudication and Appeal Process</b> <i>Bill Walton</i> , UI Director <i>Heidi Young</i> , Chief Appeals Examiner, Virginia Employment Commission	<b>Workers’ Compensation: Fundamentals and Cost Savers</b> <i>Laura Collins</i> , Esquire, Insurance Manager Virginia Workers’ Compensation Commission
2:00 - 2:30		<b>FOCUS GROUP</b>			
2:30	Adjourn				

The Virginia Employment Commission  
presents



## The 21<sup>st</sup> Century Workforce *Looking Forward*

### 2013 Northern Region Employer Conference

## Breakout Sessions and Speaker Bios

### **Americans with Disabilities Act/Family and Medical Leave Act**

Medical problems faced by employees and their loved ones can affect attendance, performance, and a myriad of other work-related issues. This workshop will provide an overview of the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA) and strategies to avoid inadvertently running afoul of their provisions, and explore how these laws intersect with workers' compensation law and employer policies.

#### ***Melissa Wolf Riley, Esquire, McGuireWoods LLP***

Melissa has a broad practice encompassing civil litigation and employment consulting. She often handles complex matters that do not fit neatly into a particular practice area. Her civil litigation experience includes employment consulting and litigation, complex commercial and contract litigation, trust and estate litigation, and tort and personal injury litigation. She has practiced extensively in state and federal courts throughout Virginia. She regularly advises employers regarding employment practices and policymaking, and is experienced in handling and conducting EEO investigations and administrative claims. She frequently advises on employment issues arising in the education and healthcare contexts, representing both public and private school systems, as well as colleges and universities, small medical practices, and hospitals. She also has significant experience with technology-related issues, such as social media policies. Melissa's experience in fiduciary litigation includes representing beneficiaries and fiduciaries with respect to risk management issues as well as litigation.

An animal lover, Melissa also has an active animal law practice, in which she assists individuals, animal welfare groups, and commercial entities in a wide variety of areas, including litigation and alternative dispute resolution, risk management, regulatory issues, and product development.

### **How You Can Use Online Virginia Labor Market Data**

This workshop will give an overview of the Labor Market Information (LMI) resources provided by the Virginia Employment Commission, such as how to:

- Navigate the LMI website, Virginia Workforce Connection, and utilize the LMI Tools to quickly access Labor Market Data.
- Access desired Services for Employers and Services for Individuals.
- Explore the Occupational Profiles to view detailed job information, such as wages, supply and demand, related jobs, etc.
- Access the *Community Profile* publication, visit the LMI Store, and learn about two recent surveys conducted by the Virginia Employment Commission.

#### ***David R. Tysinger, Economist, Virginia Employment Commission***

David R. Tysinger is an Economist with the Economic Information Services Division of the Virginia Employment Commission. Mr. Tysinger is a 37-year employee with the Virginia Employment Commission, in which he has held numerous progressive managerial, statistical, and analytical positions. As an economist with the Economic Information Services Division, he specializes in employment and labor data and provides labor market information, data analysis, and technical assistance to other governmental agencies, employers, schools, and the general public. He has a B.S. degree in Political Science/History from Atlantic Christian College and a Theology Certificate from The University of South-Sewanee. He is a member of the Richmond Association of Business Economists and the Virginia Association of Economists. Also, he serves on the John Tyler Community College PEER Executive Committee. He is a proud father of two sons who served our country in the military, fighting terrorism, and are now veterans.

(Continued on Back)

## **The Impact of Health Care Reform on Employers: Employer Penalties under the Shared Responsibility Provision of the Affordable Care Act (a.k.a. the Play or Pay Mandate)**

Beginning January 1, 2014, large employers could face substantial penalties if they: (1) fail to offer coverage to their full-time employees; (2) offer coverage that fails to provide minimum value; or (3) offer coverage that is deemed unaffordable. For many employers, questions abound. How do I know if we are a large employer? What does it mean to offer minimum value or affordable coverage? What are the potential penalties and what can we do to avoid them?

In this session, we will explore the nuances of the Play or Pay mandate and address some of the most frequently asked questions from employers. We will review recent safe-harbor regulations and discuss steps that can be taken to avoid potential penalties.

### ***Joshua R. Treece, Esquire, Woods Rogers Law Firm***

Joshua R. Treece is an attorney at Woods Rogers, PLC in Roanoke, Virginia, where he practices in the firm's Labor and Employment and Litigation sections. Josh focuses his employment practice on issues related to health care reform, discrimination, harassment, unfair competition, E-Verify, and I-9 compliance. His litigation practice concentrates on matters pertaining to contract disputes, business torts, and intellectual property disputes. The North Carolina native is a *magna cum laude* graduate of Appalachian State University. He received his law degree from William & Mary School of Law.

## **Managing Your Business Strategically**

In this session we will discuss strategic plans as well as the strategic leadership needed to turn plans into reality. We will concentrate our discussion on building the optimal conditions for successfully managing the growth and development of your business. We will examine why strategic planning is instrumental in achieving key goals and why most cookie-cutter strategic plans fail. Finally, we will provide specific guidelines about selecting a strategic planning facilitator, where to spend money in the process, and how to curtail some costs.

### ***James M. Burke, Director, Performance Management Group, Virginia Commonwealth University***

Jim Burke is the Director of the Performance Management Group (PMG). He specializes in organizational development and the use of 360 feedback as a means of enhancing self-awareness and effectiveness in the workplace. He has utilized 360 feedback extensively in a variety of public and private sector organizations. Jim has presented widely on developing feedback systems, and he has published on the use of feedback with physicians. Jim provides both group and individual consultation services to managers and leaders, conducts organizational assessments, and presents on a wide variety of topics, including emotional intelligence, leadership, and organizational change. Jim is committed to providing consultation services that truly make a marked difference in the effectiveness of individuals and the quality of the work environments in which they live. Jim has worked in organizational development since 1998. Prior to joining PMG in 2004, Jim served as a consultant and then director at the Workplace Initiatives Program in the Department of Psychology at VCU. Before that, he worked as a psychotherapist and a career counselor. Throughout his career, Jim has always enjoyed helping people find their passion and engage more fully in life—both at work and at home.

### ***Linda Pierce, Consultant/Faculty, Virginia Commonwealth University***

Linda Pierce joined the Performance Management Group (PMG) at Virginia Commonwealth University in 2007, bringing with her extensive professional experience in industry, higher education, and the nonprofit sector. Linda's background includes director positions in the manufacturing environment and public sector and the operation of a management consulting firm for many years. Linda specializes in developing best practices that drive both customer outcomes and financial performance and in optimizing resources. Particular specialties include institutional planning, project implementation and management, performance management systems, team development and communication, leadership, and continuous process improvement. Linda is committed to service delivery beyond the clients' expectations.

## **An Overview of the Unemployment Insurance Adjudication and Appeal Process**

This session will provide employers with an overview of the process followed to adjudicate claims for unemployment insurance. This initial decision and appeal processes are utilized to render decisions when claims are contested.

### ***Bill Walton, UI Director, Virginia Employment Commission***

William O. Walton Jr. (Bill) is the Unemployment Insurance Director for the Virginia Employment Commission. He has been employed by the VEC since 1992. As the Unemployment Insurance Director, Mr. Walton is responsible for the administration of the UI benefit and tax programs in accordance with the Unemployment Compensation Act.

Prior to being named as the UI Director, Mr. Walton was the Acting Chief of Benefits for the VEC. The Chief of Benefits implements policy and procedures to ensure the proper processing of unemployment insurance claims to include extended benefits.

Mr. Walton has also served as a Workforce Services Manager. The responsibilities of that position included oversight of a large office and the services and programs administered through that workforce center. This was accomplished in accordance with the provisions of the Unemployment Compensation Act, Wagner-Peyser Act and the Trade Act. Prior to becoming an office manager he had experience working as a supervisor, hearing officer and workforce services representative.

Bill received his B.S. from Radford University, in Criminal Justice. He has received awards of merit throughout his employment history. Notably, he received the 2005 Commissioner's Outstanding Achievement Award in the category of Leadership.

### ***Heidi Young, Chief Appeals Examiner, Virginia Employment Commission***

Heidi Young currently serves as the Chief Appeals Examiner for the Virginia Employment Commission (VEC). She oversees a staff of 34 appeals examiners and 35 support staff. Heidi has represented employers at unemployment compensation hearings for 10 years. She worked for a Fortune 500 company as manager of Corporate Unemployment and was founder and president of a small business (100 employees) for 18 years. Heidi joined the VEC as an Appeals Examiner; became Assistant Chief Appeals Examiner in 2003; and Chief Appeals Examiner in 2009.

### **Understanding Virginia's Labor and Employment Laws**

The Virginia Department of Labor and Industry's Labor and Employment Law Division is devoted to the protection of employees rights. Today's presentation will discuss the administration and enforcement of state laws governing payment of wages, minimum wage, child labor, the right to work, and certain other provisions related to the workplace.

### ***Courtney Malveaux, Commissioner, Virginia Department of Labor and Industry***

On May 3, 2010, Courtney Malveaux was sworn in as the 17th Commissioner of the Virginia Department of Labor and Industry. Mr. Malveaux was appointed by the 71st Governor of Virginia, Robert F. McDonnell.

Mr. Malveaux serves as President of the National Association of Government Labor Officials, President-Elect of the William & Mary School of Law Alumni Association, and is a Board member of the Greater Richmond Bar Foundation and the Henrico Police Foundation. He is also a Past President of the Hill-Tucker Bar Association and has taught as an Adjunct Professor at the University of Richmond School of Law and at Virginia Commonwealth University. He is a frequent lecturer on labor and employment law subjects and authored an article in the *University of Richmond Law Review* titled "OSHA Enforcement of the 'At Least As Effective As' Standard: Serving Process or People?"

Mr. Malveaux holds a bachelor's degree from the Pennsylvania State University, a master's degree from George Washington University, and a J.D. from the William & Mary School of Law. Mr. Malveaux lives in Richmond with his wife, Mary, and his sons, Jacob and Richard.

### **VOSH and Commonly Cited OSHA Hazards**

Have you ever wondered what would happen when Virginia OSHA shows up at a place of business? There are many reasons that your company may have to communicate with VOSH or even have them enter your business to examine the worksite for compliance with Virginia's worker safety and health regulations. Find out about some misconceptions and some helpful hints you may need to address for compliance with these standards.

### ***Elizabeth B. Tomlin, Lead Safety and Health Consultant, Virginia Department of Labor and Industry***

Elizabeth Tomlin has a B.A. degree from Georgia State University (GSU) in Behavioral Psychology and an Associate Degree from GSU as an Emergency Medical Specialist. She worked as an Advanced Paramedic for Atlanta's Grady Memorial Hospital for two years and then entered the field of heavy construction, holding job titles ranging from Safety Engineer to Corporate Safety Director on a wide array of large projects including a compressed air tunnel job, high rises, roads and bridges, power plants, barge facilities, pre-stressed high rise bridges, artificial islands, and underwater tunnels - including the Downtown Elizabeth River and Monitor Merrimac Tunnels in Tidewater Virginia. She began working for the VA Department of Labor and Industry in Norfolk, VA, in February of 1990 as a VOSH Compliance Officer and in October of 1991 became the VOSH Regional Compliance Manager. Moving with her family to the Shenandoah Valley in October of 2001, she transferred to DOLI's Verona Field Office and currently works as a Lead Safety and Health Consultant with the Department's Division of Consultation Services.

### **Wage and Hour Update**

On April 10, 2013, President Obama released his proposed FY2014 budget. Under the proposed budget, the Wage and Hour Division (WHD) of the Department of Labor, the agency tasked with enforcing the Fair Labor Standards Act (FLSA), is slated to receive \$243.3 million (an increase of \$16.4 million over FY2012). The WHD proposed budget includes \$5.8 million for the development of an integrated data management and enforcement case application system "to support its law enforcement and wage determination responsibilities," and WHD vowed to use "[p]enalties, sanctions . . . and similar strategies . . . to ensure future compliance among violators and deter violations among other employers." Although the proposed budget must be approved by Congress, it is clear that increased FLSA enforcement is on the horizon. This session will provide a review and update of wage and hour issues that employers must know to remain in compliance with the FLSA.

### ***Victor O. Cardwell, Esquire, Woods Rogers Law Firm***

Victor O. Cardwell is a partner at Woods Rogers, PLC in Roanoke, Virginia, where he practices in the firm's Labor and Employment section. Victor's employment practice focuses on issues surrounding wage and hour compliance, workplace violence, diversity, and harassment. Victor previously served as Deputy Associate Chief Counsel with the U.S. Department of Labor Benefits Review Board. He has practiced before the National Labor Relations Board and has significant experience before state and federal courts. Victor provides training across the state and has written and lectured on labor and employment law throughout the region. Victor has been named to the Best Lawyers in America list since 2006 and recently has been included among the Super Lawyers in Virginia. *Virginia Living* magazine also named Victor a Legal Eagle. He has a bachelor's degree from the University of Virginia and a law degree from Washington and Lee School of Law.

(Continued on Back)

## **Workers' Compensation: Fundamentals and Cost Savers**

This workshop will cover the many proactive steps an employer can take to minimize and reduce workers' compensation claims and insurance costs and avoid hidden costs and penalties. It includes an overview of when a claim may or may not be covered, coverage requirements, contractor considerations, the value of workplace safety, timely reporting and return to work. On the insurance side it includes tips on reducing insurance premium, understanding your experience modifier and avoiding audit premium.

### ***Laura Collins, Esquire, Insurance Manager***

Laura is a veteran workers' compensation and workplace safety professional whose career path has included Commissioner of Labor and Industry for Vermont, Director of Workers' Compensation for Vermont, General Counsel for the Department of Labor (VT) and nine years as a litigation attorney. She currently serves as Insurance Manager for the Virginia Workers' Compensation Commission overseeing workers' compensation insurance statewide. She has spearheaded several initiatives to expand education to employers and agents. She is also the winner of the 2012 Risk Innovator Award in workers' compensation from Risk and Insurance magazine, as well as the 2012 Responsibility Leader Award.

## **Come Share Your Thoughts with Us!**

Please join us at the end of today's conference for a focus group session in Pavilion I from 2 to 2:30 p.m. We're eager to hear from you about your experiences with the VEC, and we want to learn about ways in which we might better serve your needs. If you don't have time to join us this afternoon, please take a moment to complete our employer survey, found at [www.vec.virginia.gov](http://www.vec.virginia.gov).