

Employer Opportunities: Managing Employment Relationships



2017 Employer Conference

December 11, 2017

Virginia Crossings

7:30 Registration (Henrico Ballroom)

7:45 - 8:30 Breakfast (Henrico Ballroom Prefunction)

8:30- 8:45 **Welcome** (Henrico A)
Ellen Marie Hess, Commissioner

8:45 - 10:15 - General Session

Henrico A

Recent Developments in Employment Law

This fast paced overview will survey the most important federal and state employment laws with an emphasis on recent developments. Those new to the field will gain valuable exposure to the laws that frame today's workplace, while more experienced managers and human resources professionals will gain cutting edge insight into recent trends and further movement within the field.

Robert J. Barry, John M. Bredehoft and Randy C. Sparks Jr., Kaufman & Canoles

10:15 - 10:30 Break (Prefunction)

10:30 - 11:45 Workshops - Session One

Henrico A	Henrico B	Brunswick (Level 3)	Chesterfield (Level 3)
<p>Employer Handbook, Policies, and Manuals</p> <p>A well-written employee handbook is the cornerstone of the employer-employee relationship. This session covers important handbook topics from A to Z (or almost Z)—from Anti-Discrimination Policies, Background Checks, and Compensation, to Terminating Employees, Union Issues, and more.</p>	<p>The Fair Labor Standards Act</p> <p>There could be some changes to the salary level rules. We will break down what you should expect.</p>	<p>Harassment in the Workplace</p> <p>Workplace harassment is often one of the most emotional and troubling workplace concerns. Employers must anticipate such matters to avoid them by using compliant policies and effective training.</p> <p>This presentation will explore the law of workplace harassment and provide practical guidance for staying out of this kind of trouble.</p>	<p>Social Media in the Workplace</p> <p>Don't let your policies lag behind technology. Stay up to date with the latest changes to e-communications, social media, and electronic privacy issues, as well as document retention regulations, record keeping, and more.</p>
<p>Randy C. Sparks Jr. Kaufman & Canoles</p>	<p>Robert J. Barry Kaufman & Canoles</p>	<p>John M. Bredehoft Kaufman & Canoles</p>	<p>Laura G. Gross Kaufman & Canoles</p>

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12:00 - 1:00

Lunch (The Glen)

1:00 - 2:15 Workshops - Session Two

Henrico A	Henrico B	Brunswick (Level 3)	Chesterfield (Level 3)
<p>Family Medical Leave Act</p> <p>This session will feature a step-by-step guide to ensuring compliance while focusing on some of the more nettlesome concerns, such as managing intermittent leave, how to handle leave exhaustion issues, and FMLA interaction with ADA, USERRA, and Workers Compensation.</p>	<p>Worker Misclassification: Employee or Independent Contractor</p> <p>This workshop will help employers understand and avoid potentially costly errors with the status of workers in their workforce.</p>	<p>Successfully Managing Your Unemployment Insurance Claims</p> <p>This session will provide employers with an overview of the process followed to adjudicate claims for unemployment insurance. These initial decision and appeal processes are utilized to render decisions when claims are contested.</p>	<p>Labor Market Information: Building Intelligence in a Data Driven World</p> <p>This workshop will give an overview of Labor Market Information (LMI) data, how that data can be used, and what resources are provided by the Virginia Employment Commission such as LMI Tools, to quickly access labor market data; explore the <i>Occupational Profile</i>; and access the <i>Community Profile</i> publications.</p>
<p>Robert J. Barry & Laura G. Gross Kaufman & Canoles</p>	<p>Geoff Garner Special Investigator Virginia Employment Commission</p>	<p>William O. Walton, Director Unemployment Insurance Services Virginia Employment Commission</p>	<p>Timothy O. Kestner, Director Virginia Employment Commission</p>

2:15 - 2:30

Break (Prefunction)

2:30 - 3:45 Workshops - Session Three

Henrico A	Henrico B	Brunswick (Level 3)	Chesterfield (Level 3)
<p>Navigating the VEC's Adjudication Process</p> <p>This workshop will cover the process of providing temporary assistance to those who become separated from their employment through no fault of their own</p>	<p>Worker Misclassification: Employee or Independent Contractor</p> <p>This workshop will help employers understand and avoid potentially costly errors with the status of workers in their workforce.</p>	<p>Successfully Managing Your Unemployment Insurance Claims</p> <p>This session will provide employers with an overview of the process followed to adjudicate claims for unemployment insurance. These initial decision and appeal processes are utilized to render decisions when claims are contested.</p>	<p>Labor Market Information: Building Intelligence in a Data Driven World</p> <p>This workshop will give an overview of Labor Market Information (LMI) data, how that data can be used, and what resources are provided by the Virginia Employment Commission such as LMI Tools, to quickly access labor market data; explore the <i>Occupational Profile</i>; and access the <i>Community Profile</i> publications.</p>
<p>Sam Lupica Chief Operating Officer Virginia Employment Commission</p>	<p>Geoff Garner Special Investigator Virginia Employment Commission</p>	<p>William O. Walton, Director Unemployment Insurance Services Virginia Employment Commission</p>	<p>Timothy O. Kestner, Director Virginia Employment Commission</p>

3:45

Closing

Speaker Biographies

(Listed in Alphabetical Order)

Robert J. Barry, Esquire, Kaufman & Canoles, PLC

Mr. Barry is a member in the Labor and Employment Law Practice Group and the Manufacturing & Distribution Industry Team. His practice concentrates on employment law litigation, day-to-day advice, and long-term strategies for employers in both the public and private sectors. He regularly advises on discipline and discharge, employment discrimination, wage and hour issues, occupational safety and health, restrictions on competition, and unemployment compensation.

John M. Bredehoft, Esquire, Kaufman & Canoles, P.C.

Mr. Bredehoft is a member in the Labor and Employment Law Practice Group of Kaufman & Canoles. His practice emphasizes litigation and litigation-avoidance strategies, and regularly includes discrimination and harassment matters, executive contracts, trade secret and computer crime cases, and advice and litigation on covenants restricting post-employment competition. He is admitted to practice in Maryland and the District of Columbia, as well as in Virginia.

Geoff Garner, Special Investigator, Virginia Employment Commission

Mr. Garner is a Special Investigator with the Targeted Audit and Investigative Enforcement Unit at the Virginia Employment Commission. He was educated at St. John's College and St. Joseph's University and has a JD from Rutgers and a MA from the Naval War College. He was a Navy JAG for 20 years, and his assignments included the carrier USS THEODORE ROOSEVELT during Operation Enduring Freedom, TF-134 in Iraq, and teaching at the U.S. Naval Academy. After retiring from the Navy in 2011, Mr. Garner went to work for the Maryland Department of Labor, Licensing and Regulation as Program Administrator of its Worker Classification Protection Unit.

Laura G. Gross, Kaufman & Canoles, PLC

Ms. Gross has more than 20 years of experience representing employers before various governmental agencies, defending employers in employment-related litigation, counseling employers on various employment issues, and training employees on human resource and employment law issues.

Ellen Marie Hess, Commissioner, Virginia Employment Commission

Ms. Hess was appointed Commissioner of the VEC on January 12, 2015. She was previously appointed Deputy Commissioner at the Virginia Department of Motor Vehicles (DMV) by Governor McAuliffe. There she oversaw the agency's legislative, legal, and policy functions, as well as the Highway Safety Office. She was with DMV since January 2008 and has more than 20 years' experience in policy and regulatory functions in state government.

Prior to her service at DMV, she was the Director of Labor and Employment Law at the Virginia Department of Labor and Industry and a Staff Attorney with the Virginia Department of Taxation. She also gained private sector experience as In-house Counsel at Heilig-Meyers Furniture Company. Ms. Hess received a bachelor's degree with honors from Virginia Commonwealth University and a juris doctor from the University of Richmond.

Timothy O. Kestner, Director, Economic Information & Analytics, Virginia Employment Commission

As Director of the Economic Information & Analytics Division, Mr. Kestner manages the daily operations of Virginia's official source of labor market information. He is also responsible for developing and distributing new and innovative LMI products.

Prior to his current position, Mr. Kestner was a senior research economist in the division for twenty four years. He was responsible for tracking and reporting on Virginia's economy as it related to the workforce, along with developing economic impact assessments of existing and declining industries. He continues to serve as a senior staff member to the Virginia Board of Workforce Development. As editor of the Economic Indicators, a VEC/EIA publication, he writes a quarterly abstract on the state and national economies that appears in the publication.

Mr. Kestner has authored numerous articles and routinely participates in the public discussion regarding industrial changes in Virginia. He has tracked and reported on the Defense Base Closure and Realignment Commission (BRAC) for more than a decade. He has developed close relationships with the Commonwealth's universities, and serves as a consultant to local planning boards and county administrators.

Salvatore Lupica, Chief Operating Officer, Virginia Employment Commission

Mr. Lupica currently serves as the chief operating officer of the Virginia Employment Commission. Mr. Lupica practice experience includes commercial litigation in the areas of construction, employment, and securities. He has authored a number of professional works including a review of workers' compensation law in 2006 appearing in the University of Richmond Law Review, and a series of

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articles on the rights and remedies of parties under the Virginia Workers' Compensation Act. He has done consulting work in organizational and business development. His experience as an educator includes advising doctoral candidates in dissertation development, and varied lecturing at the university and high school level. His board memberships include the Institutional Review Boards of Virginia Commonwealth University and the Virginia Department of Rehabilitative Services. He is also a composer and pianist.

Randy C. Sparks, Jr., Kaufman & Canoles, PLC

Mr. Sparks is a member of the Labor and Employment Law Practice Group at Kaufman & Canoles. He concentrates his practice in employment litigation, representing employers in employment discrimination, sexual harassment, breach of employment contract, non-compete, and wage and hour claims before various state and federal courts and administrative agencies. Randy also advises and trains clients on lawful employment practices and other workplace issues.

William O. Walton, Unemployment Insurance (UI) Director, Virginia Employment Commission

Mr. Walton is the UI Director for the Virginia Employment Commission. He has been employed by the VEC since 1992. As the UI Director, He is responsible for the administration of the UI benefit and tax programs in accordance with the Unemployment Compensation Act. Prior to being named UI Director, he 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. Prior to becoming an office manager, he had experience working as a supervisor, hearing officer, and workforce services representative.