

2013 Southwestern Employer Conference – June 21, 2013 ♦ Hotel Roanoke

Schedule	Location				
	Roanoke Ballroom A/B	Roanoke Ballroom C/D	Roanoke Ballroom E/F	Roanoke Ballroom G/H	Crystal Ballroom A/B
8:00	Registration (Roanoke Foyer)				
8:15 - 8:45	Breakfast				
8:45 - 9:45		General Session Welcome: <i>John Broadway</i> Conference Details: <i>Marilyn Carter</i> Effective Leadership for Business Development <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				
		Wage and Hour Update <i>Victor Cardwell, Esquire</i> Woods Rogers Law Firm	Strengthening Workforce Education and Service to the Community <i>Jim Poythress</i> Vice President for Workforce Development Services Virginia Western Community College Roanoke	Effective Participation in the VEC's Adjudication Process <i>Salvatore "Sam" Lupica</i> Chief Operating Officer Virginia Employment Commission	Understanding Virginia's Labor and Employment Laws <i>Courtney Malveaux</i> , Commissioner Department of Labor and Industry
10:45 - 11:00	Break (Roanoke Foyer)				
11:00 - 12:00	Breakout Session 2				
		Managing Your Business Strategically <i>James M. Burke</i> , Director <i>Linda Pierce</i> , Consultant/Faculty Performance Management Group Virginia Commonwealth University	The Impact of Health Care Reform on Employers <i>Joshua R. Treece, Esquire</i> Woods Rogers Law Firm	Effective Participation in the VEC's Adjudication Process <i>Salvatore "Sam" Lupica</i> Chief Operating Officer Virginia Employment Commission	OSHA's Top 10 <i>Lee Willis</i> , Regional Safety Director <i>Milford Stern</i> , Voluntary Protection Program Manager <i>Kevin Grissom</i> , Voluntary Protection Program Regional Coordinator, Virginia Department of Labor and Industry
12:00 - 1:00	Lunch				
1:15 - 2:30	Breakout Session 3				
			The Impact of Health Care Reform on Employers <i>Joshua R. Treece, Esquire</i> Woods Rogers Law Firm	How You Can Use Online Virginia Labor Market Data <i>David R. Tysinger</i> , Economist Virginia Employment Commission	The VOSH Inspector is Here: Now What? <i>Lee Willis</i> , Regional Safety Director <i>Milford Stern</i> , Voluntary Protection Program Manager <i>Kevin Grissom</i> , Voluntary Protection Program Regional Coordinator, Virginia Department of Labor and Industry
2:30	Adjourn				

The Virginia Employment Commission
presents



The 21st Century Workforce *Looking Forward*

2013 Southwestern Employer Conference

Breakout Sessions and Speaker Bios

Effective Participation in the VEC's Adjudication Process

Participants will acquire a basic familiarity with the structure of the agency's claims adjudication process including appeals. They will also be provided with an understanding of the legal principles relevant to unemployment insurance issues including qualification and eligibility for benefits.

Salvatore Lupica, Chief Operating Officer, Virginia Employment Commission

Mr. Lupica currently serves as the chief operating officer of the Virginia Employment Commission. His 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 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. Sam's 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.

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.

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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 Job Seekers.
- 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.

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, Ph.D.

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, M.B.A.

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.

OSHA's Top 10

A key component of complying with OSHA requirements is conducting effective self inspections. Far too often during OSHA inspections, hazards/violations are observed that should have been found and corrected during these self inspections. Failure to find these routine hazards could jeopardize employee safety and health and ultimately result in OSHA issuing citations and fines. This session will review the Top 10 OSHA citations of these routine hazards, so that they can be incorporated into your site's self inspection checklists. Kevin Grissom, Regional Coordinator for Virginia's Voluntary Protection Program, will examine the most commonly cited safety and health standards and provide some guidance in complying with these requirements.

The VOSH Inspector is Here: Now What?

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. Lee Willis, Regional Safety Director, and Milford Stern, Voluntary Protection Program Manager, will discuss the various reasons, responsibilities, rights, and expectations that VOSH has of Virginia's employers and employees.

Lee Willis, Regional Safety Director

Lee Willis is serving as Southwest Virginia's Safety Regional Enforcement Director for the Virginia Department of Labor and Industry. With the regional office located in Roanoke, his compliance team of six inspectors covers 32 counties, enforcing state occupational safety and health standards for both the construction and manufacturing industries. He has been with the Virginia Department of Labor and Industry for 19 years.

Lee received his B.S. degree in Environmental Health from East Tennessee State University. Prior to joining the Virginia Department of Labor and Industry, Lee served as a naval officer and is a graduate of the Navy Pilot Training Program and Air Force Command and Staff College.

Lee is a Roanoke native and enjoys water sports, boating, and recreational flying.

Milford Stern, Voluntary Protection Program Manager

Milford J. Stern is the Voluntary Protection Program (VPP) Coordinator for the Virginia Department of Labor and Industry. He has previously served as a VOSH compliance officer in the Roanoke regional office for 14 years before becoming the VPP Coordinator in June of 2005. Prior experience includes: serving as an Inspector for eight years with the Virginia Department of Mines, Minerals and Energy in the Oil and Gas Division located in Abingdon, Virginia, and working with NL Industries based in Oklahoma City, Oklahoma, as a well site engineer after graduating from Virginia Tech in 1981.

Kevin Grissom, Voluntary Protection Program Regional Coordinator

Kevin Grissom joined the Virginia Department of Labor and Industry (DOLI) as VPP Regional Coordinator in April of 2013. Kevin holds a master's degree from the University of Alabama at Birmingham in Public Health with an Industrial Hygiene/NIOSH Hazardous Substances Academic Training (HSAT) focus. Prior to joining DOLI, Kevin served the State of North Carolina for six years as a Health Compliance Officer in the Charlotte office. Kevin also has experience in the private sector as an industrial hygiene consultant.

Strengthening Workforce Education and Service to the Community

Look back, spring forward. Where do we stand? What remains the same and what has changed? What does the data say? Where does this leave us? What does this mean for employers? Where do we want to be in five to eight years? What can we do about it? These are questions that leave us shaking our heads. However, dealing with them spurs us on as we seek collaborative responses to change the status quo and make a difference. In this session, we'll examine what we have learned and discuss some actions we have taken to address the issues and the need for additional success stories to ensure we are making headway in our community. We'll also discuss how the Innovation Blueprint effort factors into this.

Jim Poythress, Workforce and Economic Development Services, Virginia Western Community College

Jim Poythress serves as Vice President for Workforce Development Services at Virginia Western Community College. Previously, Poythress served as the College's Dean of the School of Business, Engineering and Technology for ten years. He has been with Virginia Western since 1992, serving as Associate Professor and Program Head of Accounting prior to becoming Dean. Poythress earned both his BA and MBA degrees from Virginia Tech and has completed additional study at the NARDA School of Management at Notre Dame and at James Madison University.

Poythress participates in numerous civic activities, serving on the Board of Directors for Junior Achievement of Southwest Virginia and the Western Virginia Workforce Development Board. He is a member of the Board of Trustees of the Roanoke Higher Education Authority, the Steering and Technical Committees for the Partnership for a Livable Roanoke Valley, the Roanoke Valley-Alleghany Regional Comprehensive Economic Development Strategy (CEDS) Committee and several New River Valley-Roanoke Valley Innovation Blueprint committees. He is also the College's liaison to Roanoke Valley-Alleghany Regional Commission. Poythress is a member of the Virginia Community College System Workforce Development Services Advisory Council, the Roanoke City Public Schools CTE Advisory Council, the Roanoke County Public Schools CTE Advisory Council, and the Burton Center for Arts & Technology Center for Engineering Advisory Committee. He is also a member of the Virginia Economic Developers Association and a consultant to numerous service area economic recruitment efforts.

Poythress is responsible for the creation of the Regional Academy for Advanced Technology at Virginia Western as well as the Culinary Institute at Virginia Western. He has been recognized by his colleagues and the College for his efforts in the classroom and as an administrator earning the Outstanding Business Division Faculty Award and the Outstanding Administrator Award.

Poythress worked in the business world for many years as an entrepreneur, growing and managing a successful multi-unit, multi-state business prior to becoming an educator.

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, 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?"

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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.

Wage and Hour Update

On April 10, 2013, President Obama released his proposed FY2014 budget. Under the proposed budget, the Wage and Hour Division of the Department of Labor (WHD), 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.