

# DRIVING TOWARD SUCCESS: CRITICAL ISSUES IN MANAGING YOUR BUSINESS



2016 Employer Conference

September 13, 2016

The Hotel Roanoke

<b>7:30</b>	<b>Registration</b> (Roanoke Foyer)
<b>7:45 - 8:30</b>	<b>Breakfast</b> (Roanoke F)
<b>8:30- 8:45</b>	<b>Welcome</b> (Roanoke D) Ellen Marie Hess, Commissioner, Virginia Employment Commission

## 8:45 - 10:15 - General Session

### Roanoke D

#### Employment Law Update

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.

Victor O. Cardwell, Principal, and Thomas M. Winn III, Principal, Woods Rogers PLC

**10:15 - 10:30** Break (Roanoke Foyer)

## 10:30 - 11:45 Workshops - Session One

Roanoke D	Crystal C/D	Roanoke G/H	Crystal A/B
<p><b>New Overtime Rules and Independent and Contractor Guidance from Department of Labor</b></p> <p>Department of Labor's new overtime rules will be effective December 1. This session will explore the ins and outs of the new rules and offer compliance guidance for the thorny issues you may encounter.</p>	<p><b>Successfully Managing Your Unemployment Insurance Claims</b></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><b>The VEC's Unemployment Insurance Automated Tax Systems</b></p> <p>This will be an overview of the new Unemployment insurance tax system highlighting key functions that employers need to know for reporting tax information.</p> 	<p><b>The Americans With Disabilities Act: How to Avoid Being a Respondent at the EEOC and Defendant in the Local Courthouse</b></p> <p>This presentation will set out the essential elements of the ADA and familiarize the attendee with the terminology. Then we will move on to consider some hypotheticals that require judgment and decision making on reasonable accommodation versus undue hardship to the employer.</p>
<p>Victor O. Cardwell, Principal Thomas M. Winn III, Principal Woods Rogers PLC</p>	<p>William O. Walton, Director Unemployment Insurance Services Virginia Employment Commission</p>	<p>Robert Prettyman Financial Services Manager Virginia Employment Commission</p>	<p>Randy C. Sparks Jr. Kaufman &amp; Canoles</p>

(continue)

12:00 - 1:00

Lunch (Roanoke C)

### 1:00 - 2:15 Workshops - Session Two

Roanoke D	Crystal C/D	Roanoke G/H	Crystal A/B
<p><b>Employer Handbook, Policies, and Manuals</b></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><b>Workers' Compensation: Issues That Impact Premiums</b></p> <p>The focus of the workshop will be an overview of issues facing employers in Virginia: workplace injuries, benefits available, prompt medical treatment, benefits of effective return to work programs, and overview of the Virginia Workers' Compensation Act.</p> 	<p><b>Worker Misclassification: Employee or Independent Contractor</b></p> <p>This workshop will help employers understand and avoid potentially costly errors with the status of workers in their workforce.</p> 	<p><b>Social Media in the Workplace</b></p> <p>The presence of social media in the workplace is no longer new, but the volume and variety of communication is increasing and is problematic for employers. This session examines the prevalence and effects of workers using social media in and out of work, the developing limits on employer use, and how employers may properly make use of lawfully captured communications.</p>
<p><b>Victor O. Cardwell, Principal</b> <b>Thomas M. Winn III, Principal</b> Woods Rogers PLC</p>	<p><b>Vivian Lane</b> Claims Services Manager Virginia Workers' Compensation Commission</p>	<p><b>Geoff Garner</b> Virginia Employment Commission</p>	<p><b>Randy C. Sparks Jr.</b> Kaufman &amp; Canoles</p>

2:15 - 2:30

Break (Roanoke Foyer)

### 2:30 - 3:45 Workshops - Session Three

Roanoke D	Crystal C/D	Roanoke G/H	Crystal A/B
<p><b>Immigration Law</b></p> <p>This workshop will provide a review of the changes/potential changes in immigration law, including:</p> <ul style="list-style-type: none"> <li>» Practical guidance on proper I-9 compliance including the process of completion and case law with regard to penalties.</li> <li>» A review of which documents may be used, the most common mistakes found during audits, and step-by-step best practices on how to respond if the organization is subjected to an ICE audit.</li> </ul>	<p><b>Successfully Managing Your Unemployment Insurance Claims</b></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><b>A Primer On Labor Market Information: Building Intelligence in a Data Driven World</b></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><b>The Fair Labor Standards Act</b></p> <p>This presentation will help employer representatives reach full compliance with the most important minimum wage and overtime provisions of the FLSA. We will also peer into the crystal ball to identify changes effectuated by executive order and Department of Labor interpretations. Employers get out your checkbook.</p> 
<p><b>Anthony Monioudis</b> Woods Rogers PLC</p>	<p><b>William O. Walton, Director</b> <b>Unemployment Insurance Services</b> Virginia Employment Commission</p>	<p><b>Timothy O. Kestner, Director</b> Economic Information &amp; Analytics Virginia Employment Commission</p>	<p><b>Randy C. Sparks Jr.</b> Kaufman &amp; Canoles</p>

3:45

Closing

# Speaker Biographies

(Listed in Alphabetical Order)

## **Victor O. Cardwell, Principal, Woods Rogers PLC**

Victor Cardwell is Chair of Woods Rogers' Labor and Employment Law Section. He practices labor and employment law throughout the U.S., focusing on diversity, the Fair Labor Standards Act, and labor/management relations—including union-organizing campaigns and union-avoidance techniques, and workplace violence.

Victor has significant experience before state and federal courts and administrative agencies, including the National Labor Relations Board. He offers counsel to executive and human resources managers on a wide range of employer concerns—from harassment, sexual orientation/transgender, retaliation, and discrimination, to workforce reductions, handbooks and agreements, unfair competition, wage/hour compliance, health and disability, discipline/discharge, and employee leave.

## **Geoff Garner, Special Investigator, Virginia Employment Commission**

Geoff 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, Geoff went to work for the Maryland Department of Labor, Licensing and Regulation as Program Administrator of its Worker Classification Protection Unit.

## **Ellen Marie Hess, Commissioner, Virginia Employment Commission**

Ellen Marie Hess was appointed the Commissioner for 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. She 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, Tim 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. Tim 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.

Tim 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.

## **Vivian Lane, Claims Services Manager, Virginia Workers' Compensation Commission**

Vivian Lane currently serves as the manager of the Claims Services Department. Prior to that she has held over 12 administrative positions in her 28 year career with the Virginia Workers' Compensation Commission. In 2012, Ms. Lane served as the agency's Executive Director in an interim capacity during a brief change in leadership and is a member of the Southern Association of Workers' Compensation Administrators (SAWCA).

## **Anthony H. Monioudis, Esquire, Woods Rogers Law Firm**

Anthony Monioudis began his legal career as a litigator and later embraced immigration law. He is a member of both the Labor and Employment and Litigation sections at Woods Rogers.

Anthony's immigration practice involves assisting businesses and individuals with regard to a variety of visa options. This work consists of preparing and completing all mandated documents as may be required by United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS).

(continue)

For those who desire to stay permanently in the United States as lawful permanent residents, Mr. Monioudis can guide businesses and individuals through the processes involved. From the business side, he can help identify the options available. In those circumstances that require pre-approval from the Department of Labor, he is able to lead organizations through the highly technical compliance process.

As immigration law covers legal work eligibility requirement, he also regularly helps employers with I-9 compliance requirements and how to remedy problems as may be discovered. Service includes workplace audits of I-9 files.

Mr. Monioudis has been recognized on the Best Lawyers in America list for many years, including 2014.

**Robert Prettyman, Virginia Employment Commission**

Bob Prettyman is a graduate of Virginia Polytechnic Institute and State University with a Bachelor of Science degree in Business Management. He has been involved with the tax program administered by the Virginia Employment Commission for 38 years as a tax representative and regional tax manager. He served in Northern Virginia and Southwest Virginia.

**Randy Sparks, Kaufman & Canoles, PLC**

Randy 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**

Bill Walton is the UI Director for the Virginia Employment Commission. He has been employed by the VEC since 1992. As the UI Director, Bill 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.

Bill 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.

**Thomas M. Winn III, Principal, Woods Rogers PLC**

Tom Winn is a Principal in the Labor and Employment Group at Woods Rogers. Best Lawyers in America named Tom as the 2016 Roanoke Lawyer of the Year for Labor Law-Management. Tom advises management on HR issues ranging from discipline/discharge, workforce reductions, handbooks and agreements, harassment, discrimination and retaliation, wage/hour compliance, health and disability, employee leave and benefits, and unfair competition. Tom regularly represents employers regarding these issues before state and federal courts and administrative agencies, including the EEOC, DOL, and OFCCP. He has served as "first chair" counsel at both trial and appellate levels.

Tom also counsels and represents employers in union organizing and decertification campaigns, collective bargaining, grievances/arbitrations, NLRB litigation, strike management, and other issues under collective bargaining agreements. Tom has extensive experience representing government contractors with regard to collective bargaining and Service Contract Act issues. He has served as chief spokesman in union negotiations, and he has handled more than 100 labor arbitration cases.