

# DOING BUSINESS IN THE NEW VIRGINIA ECONOMY

2015 Central Employer Conference – December 7 ♦ Madison Building, Wyndham Virginia Crossings, Richmond, VA

Time	Events			
7:30	Registration (Henrico Pre-function)			
7:45 - 8:15	Continental Breakfast (Henrico Pre-function)			
8:15 - 8:30	<b>Welcome (Henrico Ballroom A)</b> <i>Ellen Marie Hess, Commissioner, Virginia Employment Commission</i>			
8:30 - 9:45	<b>Workshops - Session 1</b>			
	<b>Henrico Ballroom A</b>	<b>Henrico Ballroom B</b>	<b>Brunswick (3rd Floor)</b>	<b>Chesterfield (3rd Floor)</b>
	<b>The Affordable Health Care Update</b> <i>John M. Bredehoft, Esquire</i> Kaufman & Canoles Law Firm	<b>Effective Participation in the VEC's Adjudication Process</b> <i>Salvatore Lupica, Chief Operating Officer</i> Virginia Employment Commission	<b>How You Can Use Online Virginia Labor Market Data</b> <i>David R. Tysinger, Economist</i> Virginia Employment Commission	<b>Update on Employment Law</b> <i>Neil S. Talegaonkar, Esquire</i> ThompsonMcMullan, PC
9:45 - 10:00	Break (Henrico Pre-function)			
10:00 - 11:15	<b>Workshops - Session 2</b>			
	<b>Henrico Ballroom A</b>	<b>Henrico Ballroom B</b>	<b>Brunswick (3rd Floor)</b>	<b>Chesterfield (3rd Floor)</b>
	<b>Important Issues in Managing Immigration Law</b> <i>John M. Bredehoft, Esquire</i> Kaufman & Canoles Law Firm	<b>Effective Participation in the VEC's Adjudication Process</b> <i>Salvatore Lupica, Chief Operating Officer</i> Virginia Employment Commission	<b>Successfully Managing Your Unemployment Insurance Claims</b> <i>William O. Walton, Director</i> Unemployment Insurance Services Virginia Employment Commission	<b>Workers' Compensation Fundamentals and Coverage Requirements</b> <i>Vivian Lane, Claims Services Manager</i> <i>Suzanne Soule, Insurance Assistant Manager</i> Virginia Workers' Compensation Commission
11:15 - 12:30	<b>General Session: "Why is This Person Still Working Here?" (Henrico Ballroom A)</b> <i>Karen Michael, President, KarenMichael, PLC</i>			
12:30 - 1:30	Lunch (The Glen)			
1:30 - 2:30	<b>Keynote Speaker (Henrico Ballroom A)</b> <i>Maurice Jones, Secretary of Commerce and Trade, Office of the Governor</i>			
2:30 - 2:45	Break (Henrico Pre-function)			
2:45 - 4:00	<b>Workshops - Session 3</b>			
	<b>Henrico Ballroom A</b>	<b>Henrico Ballroom B</b>	<b>Brunswick (3rd Floor)</b>	<b>Chesterfield (3rd Floor)</b>
	<b>New Frontiers in Employment Law</b> <i>John M. Bredehoft, Esquire</i> Kaufman & Canoles Law Firm	<b>Worker Misclassification: Employee or Independent Contractor</b> <i>Salvatore Lupica, Chief Operating Officer</i> Virginia Employment Commission	<b>Successfully Managing Your Unemployment Insurance Claims</b> <i>William O. Walton, Director</i> Unemployment Insurance Services Virginia Employment Commission	<b>Your Personal Brand: Social Media Impacting Your Employability</b> <i>Robyn Diehl McDougale, Associate Professor and Special Adviser, Virginia Commonwealth University</i>
4:00	Closing			

# DOING BUSINESS IN THE NEW VIRGINIA ECONOMY

## Workshops and Speaker Biographies

### Workshops Session 1 — 8:30 - 9:45

#### The Affordable Health Care Update (Henrico Ballroom A)

It's always something – and something new. Yes, there is yet another court challenge, and some regulatory changes, but the Affordable Care Act is here, companies are dealing with it, and you should know what is coming down the pike.

*John M. Bredehoft, Esquire, Kaufman & Canoles*

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.

#### Effective Participation in the VEC's Adjudication Process (Henrico Ballroom B)

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. 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.

#### How You Can Use Online Virginia Labor Market Data (Brunswick - 3rd Floor)

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* publications, visit the LMI Store, and learn about two recent surveys conducted by the Virginia Employment Commission.

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

Mr. 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.

## Update on Employment Law (Chesterfield - 3rd Floor)

This session will highlight new developments that will affect your business and how you manage your employees. Learn how to maintain the proper balance between human resources and operations that will enable your organization to flourish.

*Neil S. Talegaonkar, Esquire, ThompsonMcMullan, PC*

Mr. Talegaonkar, a shareholder and director of ThompsonMcMullan, PC in Richmond, Virginia, advises employers on compliance with federal and state laws and is often called upon to help management navigate the various day-to-day landmines throughout the lifecycle of the employer-employee relationship. Mr. Talegaonkar drafts and negotiates employment agreements for his clients, which include the tricky issues surrounding non-competes and other restrictive covenants. With respect to employment agreements, he represents employers, executives, physicians, and other licensed professionals. Mr. Talegaonkar has litigated in various state and federal courts a variety of employment issues, including wrongful discharge claims, discrimination and harassment suits, wage and hour claims, the misappropriation of trade secrets, business conspiracy claims, restrictive covenants, and other business torts. He also represents employers before the EEOC and the Virginia Employment Commission. Mr. Talegaonkar has been selected by peers for inclusion in *The Best Lawyers® in America* for 2016 and was recognized as a Virginia Super Lawyer® for 2013 to 2015, as a Rising Star® for 2009 to 2011, and as one of the Top 100 Lawyers in Virginia and one of the Top 50 Lawyers in Richmond for 2015. Mr. Talegaonkar has also been listed among *Virginia Business* magazine's Legal Elite™ for 2009-2014. He is a member of the Virginia State Bar and the 2013 class of Leadership Metro Richmond. Mr. Talegaonkar received his B.A. from Tulane University and his J.D. from the University of Richmond School of Law.

## Workshops Session 2 — 10:00 - 11:15

### Important Issues in Managing Immigration Law (Henrico Ballroom A)

Foreign-born workers are the largest-growing segment of the American workforce, and their employment can hold traps for the unwary.

*John M. Bredehoft, Esquire, Kaufman & Canoles*

### Effective Participation in the VEC's Adjudication Process (Henrico Ballroom B)

Repeat from Session 1.

*Salvatore Lupica, Chief Operating Officer, Virginia Employment Commission*

### Successfully Managing Your Unemployment Insurance Claims (Brunswick - 3rd Floor)

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.

*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, 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 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.

### Workers' Compensation Fundamentals and Coverage Requirements (Chesterfield - 3rd Floor)

This workshop will touch on workers' compensation fundamentals to assist employers in understanding this mandatory, no-fault insurance program. The focus of the workshop will be on actions an employer can take to minimize workers' compensation costs. Workers' compensation fundamentals will provide an overview of the history of workers' compensation, benefits that an injured worker may be entitled to receive, as well as the benefit of an effective to-work program. There will be introduction to coverage requirements, understanding insurance premium, avoidance of audit premium, and the cost savings of workplace efforts. The 2014 law change raising penalties for uninsured employers will also be discussed.

***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's held over 12 administrative positions in her nearly 26-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.

***Suzanne Soule, Insurance Assistant Manager, Virginia Workers' Compensation Commission***

Ms. Soule has been employed with the Virginia Workers' Compensation Commission for over 16 years. Before joining the Commission, she was a paralegal for a general practice law firm in Richmond, Virginia.

## **General Session — 11:15 - 12:30**

### **“Why is This Person Still Working Here?” (Henrico Ballroom A)**

***Karen Michael, President, KarenMichael, PLC***

Ms. Michael is the President of KarenMichael, PLC, a work law and human resources consulting firm, specializing in management and leadership training, workplace investigations, HR consulting and special projects, and employment law advice. She is a nationally-recognized workplace expert and sought-after speaker and has presented around the country, including at the national SHRM Conference.

She practiced employment law and litigation at the national law firm, McGuireWoods, for over six years. In that role, Ms. Michael advised clients in the public and private sectors on all matters relating to employment law and litigation. She was a successful trial attorney, practicing in both state and federal courts. Ms. Michael's law practice focused heavily on proactive strategies for organizations, and she developed a special expertise in the area of training managers and employees.

## **Keynote Speaker — 1:30 - 2:30**

### **The Honorable Maurice Jones, Secretary of Commerce and Trade, Office of the Governor (Henrico Ballroom A)**

Maurice Jones was appointed Secretary of Commerce and Trade by Governor Terry McAuliffe in January 2014. Previously, Jones served as Deputy Secretary for the U.S. Department of Housing and Urban Development from April 2012 through January 2014. As the second most senior official at HUD, Jones managed the department's day-to-day operations, the annual operating budget, and the agency's 8,900 employees.

Prior to HUD, Jones was President of Pilot Media, the largest print and digital organization in Hampton Roads, Virginia.

A Kenbridge, Virginia, native, Jones also served as Commissioner of the Virginia Department of Social Services and Deputy Chief of Staff to then-Virginia Governor Mark Warner. At the U.S. Treasury Department, Jones was Special Assistant to the General Counsel and he also served as Legal Counsel to the Community Development Financial Institutions (CDFI) Fund and as Director of the Fund during the Clinton Administration. Jones worked for the law firm of Hunton & Williams in Richmond, Virginia and he was a Partner at Venture Philanthropy Partners, a firm that invests millions in the Washington, DC metropolitan area to assist low-income children.

## **Workshops Session 3 — 2:45 - 4:00**

### **New Frontiers in Employment Law (Henrico Ballroom A)**

From new protected classifications, to new enforcement priorities, to new and weird things employees (and employers) do, this is one area where you need to stay up to date!

***John M. Bredehoft, Esquire, Kaufman & Canoles***

### **Worker Misclassification: Employee or Independent Contractor (Henrico Ballroom B)**

This workshop will help employers understand and avoid potentially costly errors with the status of workers in their workforce.

***Salvatore Lupica, Chief Operating Officer, Virginia Employment Commission***

### **Successfully Managing Your Unemployment Insurance Claims (Brunswick - 3rd Floor)**

Repeat from Session 2.

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

## **Your Personal Brand: Social Media Impacting Your Employability (Chesterfield - 3rd Floor)**

Social media and social networking are great tools in the employment arena that allow individuals to connect with peers in specific areas of interest. The use of social media and networking can open up new paths of communication for individuals seeking employment. Because these resources can be used to the employee's benefit, they should be used with great caution and responsibility.

### ***Robyn Diehl McDougle, Associate Professor and Special Adviser, Virginia Commonwealth University***

Dr. Diehl McDougle is an Associate Professor and Special Adviser, Research and Consultation, L. Douglas Wilder School of Government and Public Affairs, Virginia Commonwealth University. She has a B.S., Psychology, Randolph-Macon College; M.S., Criminal Justice, Virginia Commonwealth University; Ph.D., Psychology, Virginia Commonwealth University.

Dr. Diehl McDougle's primary areas of research are program evaluation, project impact, and the impact of violent crime on youth and community development. Her research involves working with service-based organizations and law enforcement agencies to evaluate the efficacy of programs offered to residents in communities that suffer many of the negative consequences resulting from high levels of crime, specifically violent crime.

### **Welcome Remarks**

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

Ms. 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. Ms. Hess received a bachelor's degree with honors from Virginia Commonwealth University and a juris doctor from the University of Richmond.