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25th Annual Kentucky Human Resources Update

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May 14-15, 2013

Louisville Marriott East
Louisville, Ky.

May 30-31, 2013

Hilton Lexington/Downtown
Lexington, Ky.



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Agenda 25th Annual Kentucky Human Resources Update

Day One

8 a.m. Registration and Continental Breakfast (provided)

8:30 a.m. Update on Significant Legal Decisions

Tom Birchfield, Fisher & Phillips, LLP
This program will feature a comprehensive update of the most important judicial decisions of the past year and their practical effect on day-to-day human resource practices for Kentucky employers. We'll cover decisions of the United States Supreme Court, as well as state and federal courts hearing Kentucky cases.

9:30 a.m. Update on NLRB Activities

LOUISVILLE LOCATION – David Hoskins, Frost Brown Todd
LEXINGTON LOCATION – John T. Lovett, Frost Brown Todd
American labor law is in turmoil. The National Labor Relations Board (NLRB) continues to interject itself into the workplace as never before. The NLRB continues to protect employee misconduct and closely review and strike down common employment policies – even those of union-free employers. At the same time, a federal court has ruled the NLRB lacks a validly appointed majority, rendering all of its decisions suspect. Understanding these quickly shifting dynamics is a must for employers currently managing a unionized workforce and also for those employers aiming to stay union-free.

10:45 a.m. Update on Unemployment Insurance

LOUISVILLE LOCATION – Jay Inman, Littler Mendelson P.C.
LEXINGTON LOCATION – Christi R. Lee, Littler Mendelson P.C.
Kentucky's annual jobless rate fell to 8.2 percent in 2012, but that 8.2 percent comprises more than 170,000 Kentuckians who remain out of work. Both state and federal legislatures continue to develop laws to tackle unemployment and perceived unemployment discrimination, and in these changing times, keeping current remains essential. This update will discuss pending state and federal legislation and current laws governing unemployment insurance and their overall financial impact on employers. It will also provide guidelines for employers to determine if and when they should contest or challenge an unemployment claim. The update will walk attendees through the process of challenging a claim, including how to develop a record that will give you the best chance of success and what to bring to any proceedings that may occur.

11:45 a.m. Update on COBRA & HIPAA

Cynthia Effinger, McBrayer, McGinnis, Leslie & Kirkland, PLLC
Many of the provisions of the Affordable Care Act have already taken effect, but we can expect many more to follow as 2014 approaches. On January 17,

2013, the Department of Health and Human Services issued final regulations that will require changes to HIPAA-related policies and procedures. Compliance with these regulations is required by September 23, 2013. With the health reform provisions already in place and Medicaid set to expand in 2014, is there still a need for COBRA? How will the Health Exchanges affect COBRA? These two Acts have far reaching implications for every HR department and the cost of noncompliance is high. Join us for this update to discuss federal deadlines and legislation and what employers must do this year to keep up with the sweeping changes in HR law.

12:30 p.m. Lunch (provided)

1:15 p.m. Update on Social Media in the Workplace

Mitzi D. Wyrick, Wyatt Tarrant & Combs, LLP
As social networking becomes an everyday phenomenon, employers must confront how to address issues arising from their employees' use (and misuse) of these avenues. Specifically, employers need to know why they should have a social networking policy and what should be in (and, equally important, what should not be in) a social networking policy. Employers should be also aware of when it is appropriate to discipline an employee for his or her postings on social networks. This presentation will address these topics as well as

the latest cases concerning social networking issues.

2:15 p.m. ERISA Update

Brandon McGrath, Bingham Greenebaum Doll LLP
Fiduciaries face many risks and obstacles in their roles. Several recent decisions from the U.S. Supreme Court and the Courts of Appeals have provided instruction and guidance on how fiduciaries should act. Recent decisions involving 401(k) fee issues, stock drop issues, and subrogation claims provide practical guidance on how plan fiduciaries should carry out their duties and what actions they need to take to protect themselves and their plans. This session will cover recent court decisions related to these topics and the practical lessons to be learned for plan fiduciaries.

3:30 p.m. Wage and Hour Update

James D. Cockrum, Frost Brown Todd LLC
Courts and administrative agencies continue to issue new and important rulings covering all aspects of wage and hour law. Employee representatives continue to pursue class and collective actions. This program will provide an update on the most recent developments in wage and hour law, including overtime exemptions and "off the clock" and "working time" issues, and provide practical day-to-day advice for employers of all sizes and industries.

5 p.m. Day one adjourns

Day Two

8 a.m. Registration and Continental Breakfast (provided)

8:30 a.m. Update on Kentucky Workers' Compensation Law

Kenneth J. Dietz, Lucas & Dietz PLLC
This presentation will cover the highlights (or lowlights) of Kentucky Workers' Compensation law. Human Resource questions dealing with the effect of placing an employee back to work on the workers' compensation claim will be answered and the importance of effective interaction between the human resource manager, workers' compensation adjuster and counsel will be discussed. Here is your chance to have the most troubling workers' compensation questions answered.

9:30 a.m. Update on EEOC's New Guidance Regarding Criminal Background Checks

Wendy C. Hyland, Counsel, Fisher & Phillips LLP
Last spring, the Equal Employment Opportunity Commission issued new policy guidance related to the use of criminal background checks in employment. The guidance provides that employer hiring policies which include blanket exclusions of people with criminal records have a disparate racial impact and therefore run afoul of federal civil rights legislation. The new guidance supersedes the EEOC's previous posi-

tion on the issue of criminal background checks, released in 1987. Learn best practices on how to protect your business and make the best hiring decisions while avoiding potential pitfalls in this session.

11 a.m. Accommodation Without Surrender: Beyond the ADA Amendments Act

LOUISVILLE LOCATION – Jeff Calabrese, Stoll Keenon Ogden PLLC
LEXINGTON LOCATION – Larry A. Sykes, Stoll Keenon Ogden PLLC
Since the passage of the ADA Amendments Act in 2008, the scope of employers' non-discrimination and reasonable accommodation obligations has expanded significantly. Through a brief review of the expanded law and a discussion of several common workplace scenarios, this session will provide information necessary to manage your workforce efficiently while avoiding ADA pitfalls.

Noon Lunch (provided)

12:45 p.m. FMLA Update

LOUISVILLE LOCATION – Demetrius Holloway, Stites & Harbison, PLLC
LEXINGTON LOCATION – Mauritia Kamer, Stites & Harbison, PLLC
Have you ever felt unsure of the steps that you needed to take when an employee requested leave? Felt frustrated by an employee who you thought

might be taking advantage of intermittent leave or leave to care for a family member? FMLA is a complicated and often confusing law. According to the EEOC and the U.S. Department of Labor, FMLA issues are among the top five legal challenges for companies. Don't wait until a mistake makes you learn the hard way about FMLA. Come learn what you can do to protect your company and yourself.

1:45 p.m. Update on Employee Benefits

Benjamin J. Evans, Bingham Greenebaum Doll LLP
In this time of increasing regulation of benefit plans, employers offering a range of benefits to their employees must stay informed of current legal developments. The Department of Labor's fee disclosure regulations are intended to equip fiduciaries with more fee information. Plan fiduciaries now face the burden of making (and documenting) prudent service provider decisions. In 2014, the employer "play or pay" shared responsibility rules under the Affordable Care Act come into effect. This presentation will address what employers should prioritize in 2013 with respect to benefits compliance.

3 p.m. Health Care Reform Update: Employer Planning for the Affordable Care Act

Doug McSwain and Sherry Porter, Wyatt, Tarrant & Combs, LLP
Employers are confronted with a plethora of strategic planning issues as they prepare for compliance with the Affordable Care Act (ACA). There are a dizzying array of regulations that have been issued and with which employers must become familiar, and weave into their strategic planning process as 2014 approaches. This presentation acquaints employers with the many planning considerations that your organization needs to confront to comply with the ACA. For example, do you know whether the ACA's employer mandate applies to your workforce? How does the size of your workforce get counted under the ACA? What options are realistic for your organization to come into compliance with the ACA's employer mandate? What are some of the pros and cons of your organization attempting to avoid or minimize making any changes in employee health benefit coverage? What exposure and risks are there for not coming into compliance or slow-walking compliance?

4:30 p.m. 25th Annual Kentucky Human Resources Update adjourns

More Info

About the Speakers

Years of professional experience you can trust

who should attend?

Managers and supervisors; administration directors; business owners and CEOs; human resources personnel; employee relations specialists; personnel directors and managers; senior HR professionals and HR consultants.

why attend?

For much of the past decade there were very few legal and regulatory changes in the area of HR law. However, in recent years the tide has turned and it seems like everything has changed – FMLA, ADA, Workers' Compensation, Unemployment Insurance and the list goes on. We'll help you keep up with the latest legal developments and gain a greater understanding of their effects on day-to-day issues in the workplace. Attend this highly-rated seminar and learn how to tackle these tough issues and much more. If you are responsible for personnel or human resources at your organization, this seminar was designed with YOU in mind.



hrci recertification

This program has been approved for recertification credit hours toward PHR, SPHR and GPHR through the Human Resource Certification Institute (HRCI). You will receive one (1) general credit hour for each course-hour completed. For more information about certification or recertification, please visit the HRCI homepage at www.hrci.org.

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Continuing education credits may be recognized by your professional board. Contact your own board to find out what's required. A certificate of completion will be provided at the course conclusion.

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cancellations/substitutions

Cancellations must be made no later than five business days prior to the program for a full refund. After this date, no cash refunds will be granted. Substitutions are welcome. Special accommodations made upon request.

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Kentucky Chamber

464 Chenault Road

Frankfort, KY 40601

location and lodging

☐ May 14-15, 2013 (80893)

Louisville Marriott East

1903 Embassy Square

Louisville, KY 40299

Tel: 502-491-1184

Room Rate: \$115*

Cutoff Date: April 29, 2013

☐ May 30-31, 2013 (80894)

Hilton Lexington/Downtown

369 West Vine Street

Lexington, KY 40507

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