



Employment law problems are different from other commercial legal problems. Employment lawsuits, labor disputes, or workplace safety risks—to name a few—can damage employee morale, affect your public image, and hit the bottom line hard. What’s more, the motives of your management are often at issue. We can help.

Lawyers at Constangy handle all aspects of labor and employment law on behalf of employers.

Class Action Defense

Employment Litigation Prevention and Defense

Labor Relations

Affirmative Action

Occupational Safety and Health

Wage and Hour Law

Employee Benefits and ERISA Litigation

Business Immigration

Trade Secrets

Workers’ Compensation

www.constangy.com



Ahoy there, mateys! It is time for the best labor & employment seminar on the seven seas. As the dangers of navigating the world of human resources and employment law continue to change and grow, staying up to speed and preparing for the future become even more important. From uncertain legislative action, unpredictable juries and unprecedented lawsuits, human resource professionals, legal counsel and business owners are facing new challenges on a daily basis. To keep your business from crashing into the rocks and your treasures from being pillaged by the pirates, you need to chart your course in advance and plot out your strategies for success. Staying abreast of the latest rules and regulations, legal developments and compliance strategies will make for smooth sailing. Please join us as we sail the seven seas of labor and employment law at the Constangy, Brooks, Smith & Prophete 2019 employment law seminar. This day-long event offers 11 informative sessions of all of the latest information and practical advice needed to avoid an HR shipwreck.

The Constangy, Brooks, Smith & Prophete, LLP Labor & Employment Law Workshop is an interactive program designed for human resource professionals, corporate counsel, supervisors and managers, and business owners. The program includes a seminar manual, as well as a continental breakfast, lunch and cocktail reception at the end of the day. The seminar is a cost-effective opportunity to get answers to questions and specific practical advice from our employment lawyers. Participants in previous years’ programs have told us that this is the most valuable seminar they attend all year.

**To Register**

Register and pay online at www.constangy.com, or complete the attached registration form and mail it with payment to Constangy, Brooks, Smith & Prophete, LLP at P.O. Box 1840, Tampa, FL 33601. Forms may also be faxed to 813.223.2515 or emailed to dkey@constangy.com.

**Registration Fee**

The cost is \$225 per person for the first registrant from a company and \$200 for each additional person from that company. The fee includes all reference materials, continental breakfast, lunch, cocktail reception and parking.

**Accommodations**

For a listing of nearby hotels, please contact Doris Key at 813.223.7166 or dkey@constangy.com

*The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.*



**Continuing Education Credit**

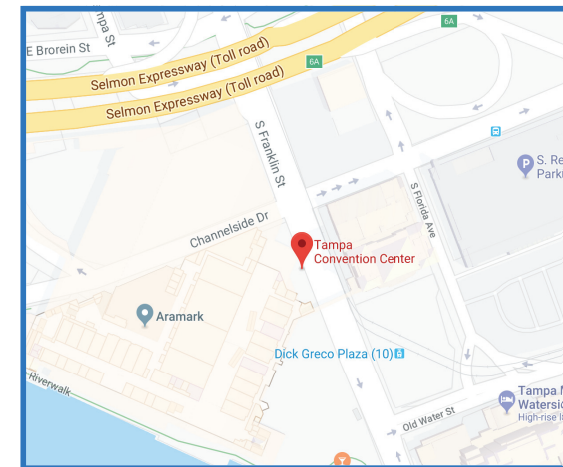
It is the tradition of Constangy, Brooks, Smith & Prophete, LLP to provide programs that meet the CLE requirements of the State Bar as well as certification credits through the Society for Human Resource Management. This program has been submitted for 6.0 general credits.

For more information, contact Doris Key at 813.223.7166 or dkey@constangy.com.

To learn more about dates and locations of workshops in other cities, visit www.constangy.com, or call your Constangy attorney.

**Tampa Convention Center**

333 S. Franklin St., Tampa, Florida  
813.274.8511  
Thursday, February 21, 2019



**Directions**

From I-275 South, exit 45A.  
From I-275 North, exit 44.  
Follow signs for Tampa Street.  
Entrance to Convention Center parking garage is at intersection of Brorein and Tampa Streets.



**Annual Labor & Employment Law Workshop**  
Tampa Convention Center | Tampa, FL  
Thursday, February 21, 2019

This program is proudly sponsored by:





You may also register and pay online at [www.constangy.com](http://www.constangy.com)

(Please Print)  
In Tampa on February 21, 2019 (Deadline February 14)

Name \_\_\_\_\_

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State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Special Need/Dietary \_\_\_\_\_

One-day employment law workshop  
(first attendee from company): \$225 \_\_\_\_\_

One-day employment law workshop  
(each additional attendee from company): \$200 \_\_\_\_\_

Total Fees Remitted: \_\_\_\_\_

Credit Card Payment: MC VISA Am. Exp.

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Make checks payable to: CONSTANGY, BROOKS, SMITH & PROPHETE, LLP. Mail form with payment to Constangy, Brooks, Smith & Prophete at P.O. Box 1840, Tampa, FL 33601. Forms may be faxed to 813.223.2515 or emailed to [dkey@constangy.com](mailto:dkey@constangy.com).

**Written cancellations that arrive at least one week prior to the event will be refunded.**



**8:00–8:30 All Aboard:  
Registration & Continental Breakfast**

**8:30–8:45 Introduction**

**8:45–10:00**

**The Newest Scuttlebutt:  
Recent Developments in Employment Law** **David Steffen**

As every sailor knows, the crew must be prepared for whatever the seven seas may hold. Employers are no different. They must be ready to respond to the onslaught of court opinions, new regulations, and laws that shape how we conduct our operations. This presentation will address the significant court cases, government regulations and other legal developments from the last year that impact a company's day-to-day employee relations issues and address practical responses to these changes.

**10:10–11:15 Finding Your Sea Legs**

**Protecting Your Treasure: Understanding the FLSA Exemptions** **Angelique Lyons**

As FLSA lawsuits continue to dominate the court dockets, successfully applying the FLSA white collar exemptions remains critical for employers of all sizes. Further complicating the issue is the local scuttlebutt that the Department of Labor plans to issue a Notice of Proposed Rule Making regarding the exemptions in early 2019. With these constantly shifting tides, employers need to stay updated and informed. This session is designed to assist employers in navigating these murky waters and to provide practical advice on protecting their treasures.

**New Buccaneers: Avoiding Mistakes in the Hiring Process** **Gregg Moran and Phillip Harris**

A ship is only as good as its crew, and you should demand nothing but the best in yours. This session explores the major legal reefs you must navigate when assembling your mateys, including background checks, equal opportunity employment, salary requests, social media reviews, and the use of artificial intelligence to screen applicants. Learn how to tell the seadogs from the landlubbers, as we help you tackle these challenging hiring issues.

**Smooth Sailing: Preparing Your Case to Win at the EEOC** **Mike Malfitano**

A former employee filed an EEOC charge but you know that you didn't discriminate, so the response should be smooth sailing, right? Well, it is not that simple. You have to convince the EEOC investigator that discrimination was not part of your motivation for the termination by telling a story that is (1) truthful and accurate; and (2) makes you look like the good guy and makes the former employee look like a pirate attempting to steal the company's treasure. Marshalling the facts to tell your story and fitting the facts



within the legal principles behind the discrimination claim is an art. Doing it well will sink your former employee's case.

**11:15–11:30 Sail Ho! (Coffee Break)**

**11:30–12:30 Maintaining the Course**

**Shiver Me Timbers: Addressing Intermittent FMLA and Other Complicated Leave Issues** **Cherie Silberman**

Family and Medical Leave Act (FMLA) and other non-routine requests for medical leave can lead to a real shipwreck if not handled appropriately. This interactive session will help your ship's captain handle complex and nuanced FMLA issues and provide tips for curbing intermittent FMLA abuse. The discussion will include when to seek recertification, how to handle underperformers on a reduced schedule, and how to request a second opinion. This presentation will also address best practices to avoid unexpected pitfalls including the tricky interplay between the ADA and workers' compensation laws.

**Swabbing the Deck: Changes to the Obama-Era NLRB** **Tim Davis**

Join us as we look through the spyglass at the past two years of the NLRB under the Trump administration, including changes to the rules regarding handbooks, status on joint employers and the makeup of the Board. We will also look to the future to see what lies ahead so that we can prepare your ship for the next voyage.

**All Hands on Deck: Adapting to a Gig Economy** **Sean Douthard**

Thanks to the advances of modern technology, employers now have greater flexibility than ever before in filling staffing needs and developing flexible working arrangements. Likewise, employees are demanding greater flexibility in assignments and working arrangements. This has led to the development of what is often referred to as the "gig" economy. This presentation will discuss the legal implications that come along with gig employees and help you decide whether such an arrangement may or may not be the right fit for your business.

**12:30–1:45 A Visit to the Galley (Lunch)**

**1:45–3:00**

**Walk the Plank: Test Your Termination Knowledge** **Angelique Lyons**

Before you send an employee for a walk off the plank, you need to consider the many legal pitfalls waiting to sink your ship. Join us for this interactive session to test your knowledge regarding termination do's and don'ts, and the myriad of legal issues swirling around the termination of an employee. This session will provide answers to all of your termination questions, and provide practical advice to avoid becoming shark bait.



**3:00–3:15 Fire in the Hole! (Snack Break)**

**3:15–4:30 The Final Voyage**

**Mutiny on the High Seas: Managing Employees in an Entitlement Era** **Phillip Harris**

From dress code violators to employees posting about work on social media, managing difficult employees can be a real headache. This presentation will cover employer obligations and employee rights as it relates to issues such as whether you need to allow your employees to work from home and how to control use of cell phones at work. Questions such as whether you can enforce your no-tattoo policy and whether you can fire an employee who called out sick but tweeted that they were on the beach (and much more) will be answered during this lively and practical session.

**Setting the Course: Navigating #metoo Claims** **Cherie Silberman**

Sexual harassment lawsuits and charges of discrimination are now on the rise, and employers must be equipped with the right tools to prevent incidents in the workplace and minimize risks to the crew. Having an anti-harassment policy and periodic training is not enough to keep you out of dangerous waters. This session will address challenging issues, such as handling complaints brought against chief level officers, and explore the best methods for conducting difficult investigations. We will also chart a course for your company to develop progressive strategies to ensure your ship can sail smoothly.

**Rough Seas Ahead: Handling the Challenges of an Aging Workforce** **Robin Midulla**

The makeup of your crew has changed drastically since the days of pirates. It is believed that only 20% of pirates lived past the age of 25. On the other hand, it is projected that by 2020, more than 25% of the US workforce will be over the age of 55. As the workforce continues to age, employees wait longer to retire, and job opportunities continue to grow, employers must prepare to address the challenges of an aging workforce. This session will explore the issues associated with the aging workforce, including the Age Discrimination in Employment Act and the Older Workers Benefit Protection Act of 1990, and provide practical suggestions for smooth sailing into the sunset.

**4:30–5:30 A Cup O' Grog (Cocktail Party)**