Thirty-Ninth Annual Labor And Employment Law Update Conference

TARGET OUT OF RANGE



Knoxville Marriott Knoxville, Tennessee November 1-2, 2018



Wimberly Lawson

Attorneys & Counselors at Law

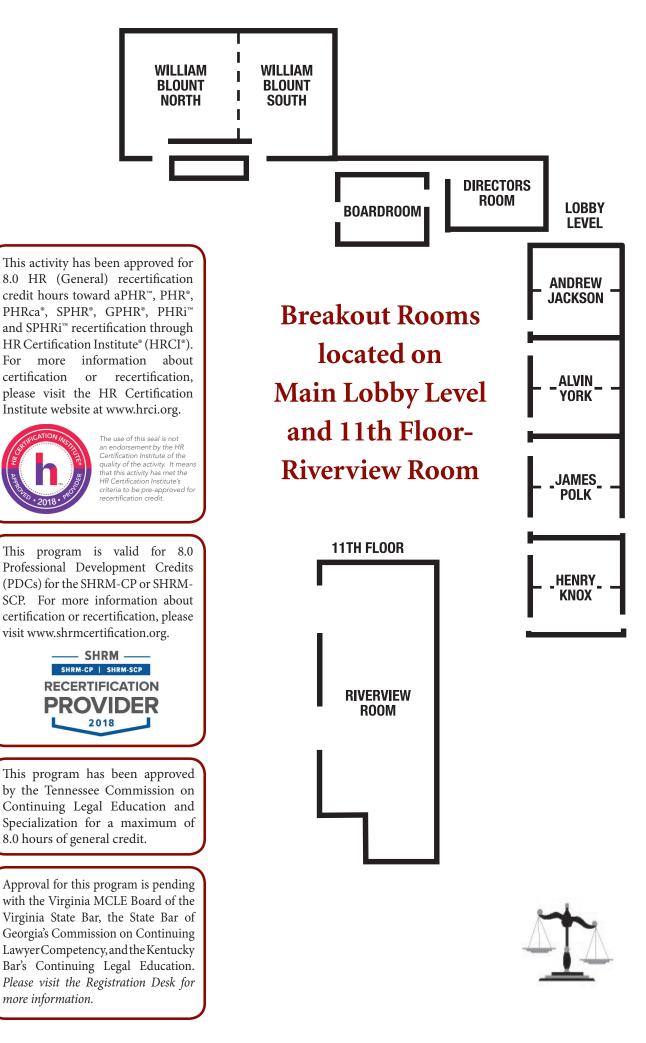
AGENDA

THURSDAY, NOVEMBER 1, 2018

	THURSDAY, NOVEMBER 1, 2018
8:00 AM – 9:00 AM	REGISTRATION AND CONTINENTAL BREAKFAST
9:00 AM – 9:10 AM	Welcome and Introduction
9:10 AM – 9:15 AM	Announcements and Conference Kick-off
9:15 AM – 10:30 AM	GENERAL SESSIONBALLROOM
9:15 – 9:35 9:35 – 9:55 9:55 – 10:10 10:10 – 10:30	A. The Year in Review – What a Difference Another Year Makes!
10:30 AM – 10:50 AM	Networking & Refreshments
10:50 AM – 11:50 AM	Breakout Sessions
	E. Termination Mistakes to Avoid Kelly A. Campbell, Karen G. Crutchfield, Jeffrey M. Cranford
11:50 AM – 1:05 PM	Lunch (as Guests of Wimberly Lawson)
1:05 PM - 1:20 PM	Announcements
1:20 PM – 2:20 PM	General SessionBallroom
2:20 PM – 2:40 PM	Keynote Speaker — Steve Rizzo, Personal Develoment Expert, and Author of "Get Your SHIFT Together!"
2:40 PM – 3:40 PM	Breakout Sessions
	L. A Step-By-Step Guide to FMLA Compliance Jerome D. Pinn, Mary Dee Allen, Suzanne K. Roten
	L. Eric Ebbert, Edward H. Trent, Rosalia Fiorello
	Fredrick J. Bissinger, Rebecca B. Murray, David J. Otten
	O. Tennessee Workers' Comp Update Andrew J. Hebar, T. Joseph Lynch, III, Michael W. Jones
	P. Whistleblowers and Tattletales: Retaliation and Retribution Mary C. Moffatt, J. Eric Harrison, Brent A. Morris
	Q. ADA – Reasonable and Realistic Accommodations and Return-to-Work Issues
	Kelly A. Campbell, Howard B. Jackson, Ann E. Sartwell
	Jeffrey G. Jones, Margaret L. Noland, Carol R. Merchant

AGENDA

3:40 PM – 4:00 PM	Networking & Refreshments
4:00 PM – 5:00 PM	General Session Ballroom
4:00 - 4:15 4:15 - 4:30 4:30 - 4:45 4:45 - 5:00	S. OSHA Update
5:00 PM – 6:30 PM	Reception (please join us for scrumptious hors d'oeuvres)
	Friday, November 2, 2018
8:00 AM – 8:20 AM	Continental Breakfast
8:20 AM – 8:25 AM	Announcements Jeffrey G. Jones
8:25 AM – 9:25 AM	General Session Ballroom
8:25 - 8:40 8:40 - 8:55 8:55 - 9:10 9:10 - 9:25	 W. Sexual Harassment – The #TimesUp and #MeToo Movements
9:25 AM – 9:45 AM	Networking & Refreshments
9:45 AM – 10:45 AM	Breakout Sessions
	 Z1. 2018 EEOC Update - Panel Discussion with EEOC and THRC Officials Fredrick J. Bissinger, Brent A. Morris, and Suzanne K. Roten; EEOC Panelists Edmond C. Sims Jr. and Sylvia Hall; and THRC Panelist Beverly L. Watts
	 Z5. You've Been Served! Now What Do You Do? Karen G. Crutchfield, J. Eric Harrison, Jeffrey M. Cranford
	Jeremy JenningsHenry Knox
10:45 AM – 11:00 AM	Networking & Refreshments
11:00 AM – 11:15 AM	Door Prizes
11:15 AM – 12:00 PM	General Session Ballroom
11:15 – 11:30 11:30 – 11:45 11:45 – 12:00	Z8. Employee Handbooks: Is Yours the Last Smartphone? Andrew J. Hebar Z9. Records Retention in the 21st Century Mary C. Moffatt Z10. Cultivating Connections in a Divided Culture G. Gerard Jabaley
12:00 PM	ConclusionBallroom
	DALLINOON



certification

GUEST SPEAKERS

Sylvia D. Hall / EEOC – Sylvia began her federal civil service career in 1983. She lived overseas in Europe for about nine years and the rest of her career spans across Texas, Georgia, and now Tennessee. She is trilingual and speaks fluent German and passable Spanish. Over the course of Sylvia's management career while working forty hours per week, she has obtained a Master's Degree in Management & Human Resources from Houston Baptist University in Houston, Texas, with a minor in English Literature; and a Master's Degree in Criminal Justice from Georgia State University in Atlanta, Georgia, and maintained alumni status at both universities. Prior to transferring to Nashville, Sylvia held the position of Enforcement Supervisory Federal Investigator and Training Coordinator for the EEOC Atlanta District Office, and serves in the same capacity for the Nashville EEOC Area Office. She has an expert working knowledge of all laws enforced by the Commission, and she is continually called upon to speak publicly in her area of expertise.

Edward D. Lanquist, Jr. / Patterson Intellectual Property Law – Ed is the Managing Shareholder with the firm of Patterson Intellectual Property Law. He is an AV-rated lawyer who focuses his practice on patent and trademark litigation, intellectual property counseling, and trademark prosecution. He has litigated and performed appellate work in cases involving patent infringement, trade mark infringement, trade dress infringement, right of publicity, copyright infringement, design patent infringement, and trade secret misappropriation cases. Ed received his J.D., with Honors, University of Tennessee, 1988 and his B.S., Civil Engineering, with Honors, University of Tennessee, 1985. Ed is General Counsel for the Tennessee Bar Association.

Suzanne K. Roten / Brown Law Group – Suzanne is a Partner with Brown Law Group in San Diego, California from June 2011 to present. Previously, she was a Senior Associate in the Knoxville, Tennessee office of Wimberly Lawson Wright Daves & Jones, PLLC from November 2001 to June 2011. Suzanne's practice focuses on labor and employment law. She advises management on federal and state employment law compliance, and she defends employers against claims of discrimination, wrongful discharge, sexual harassment, retaliation and wage and hour disputes in state and federal courts and before governmental agencies. Suzanne has expertise in the area of disability discrimination and reasonable accommodation, and in public accommodation compliance under Title III of the Americans with Disabilities Act. She also provides assistance with executive employment contracts, arbitration agreements and confidentiality agreements, as well as conducting employee complaint investigations. Suzanne's clients include both small and large employers in private sector businesses, as well as non-profit corporations, and she also has considerable experience representing public sector employers.

Catherine E. Shuck / General Counsel, East Tennessee Children's Hospital – Cathy is the Vice President for Legal Services / General Counsel at East Tennessee Children's Hospital. Previously, she was Of Counsel with the Knoxville, Tennessee office of Wimberly Lawson Wright Daves & Jones, PLLC, which she joined in September 2009. Her practice involved training and counseling regarding the Patient Protection and Affordable Care Act and handling special assignments. Cathy received her B.A. from Northwestern University and her J.D. from Boalt Hall at the University of California, Berkeley, where she was a member of the Order of the Coif. She was the Senior Articles Editor for the Berkeley Journal of Employment and Labor Law, and her Comment written for the journal was cited by the U.S. Supreme Court in 2004. Following law school, she served as a law clerk to Justice E. Riley Anderson of the Tennessee Supreme Court, and to Judge William A. Fletcher of the U.S. Court of Appeals, Ninth Circuit. Cathy has been admitted to practice in the U.S. District Courts for the Eastern and Middle Districts of Tennessee as well as the U.S. Court of Appeals, Sixth Circuit. She is also a member of the Knoxville and Tennessee Bar Associations, the East Tennessee Lawyers Association for Women, the Hamilton Burnett Inns of Court, and is a Fellow of the Knoxville Bar Foundation.

Edmond C. Sims Jr. / EEOC – Edmond was named District Deputy Director in the Memphis District Office of the EEOC in January 2017. He is responsible for the management of all Memphis Office Enforcement, Finance, Information Technology, and Human Resources Management functions within the District, which encompasses the states of Tennessee, Arkansas, and northern sixteen counties of Mississippi. Edmond earned his B.S. degree in Business Administration from Baker University, Baldwin, Kansas in 1994, and his Master's Degree in Public Administration from Troy University, Troy, Alabama in 2003. He started his career with the EEOC in 2007 as an Investigator and was subsequently promoted to District Resource Manager in 2009 before assuming his current position in 2017. During his tenure as an Investigator, his performance led to his selection as the FY2008 and FY2009 Investigator of the Year for the Memphis District, as well as the CY2009 Federal Executive Association Memphis Metropolitan Area Federal Employee of the Year, in the Outstanding Specialist category. Edmond was further selected as one of the EEOC Chair's Gold Award Winners for CY2014 based on his outstanding performance in the areas of Human Resources, Financial Management and Information Technology. He is a frequent speaker on a variety of employment discrimination issues across the District.

Beverly L. Watts / THRC – Beverly was appointed Executive Director of the Tennessee Human Rights Commission in July 2007. Prior to her current appointment she served as Special Advisor to the Chair at the U.S. Equal Employment Opportunity Commission responsible for state and location relations. Beverly has more than 25 years of civil rights enforcement and education experience in the public and private sector. She is considered an expert on civil rights issues including U.S. legislation such as Title VI, Title IX (having served as one of the first Title IX coordinators in the country during her tenure at the U.S. Office of Civil Rights), Section 504 and ADA, Title VII, Title VIII and other state, local and international human rights laws. She is a graduate of Tennessee State University, Southern Illinois University and has attended Duke University Leadership Program for State Executives and the Harvard University John F. Kennedy School of Government.

Please be sure to stop by and say hello to this year's exhibitors.





At **Dolly Parton's Stampede**, we can create memories for your group that are second to none. Our 31st season for The Stampede began on January 19, 2018. The show is highlighted by a friendly competition between the North and the South, and features 32 magnificent horses, an amazing cast of top-notch riders, a stampede of buffalo, and longhorn steer. These majestic animals roamed the prairies of the West and can now be found right here at the Stampede. You get all of this fun plus a delicious four-course meal!

During *Celebration!* Dinner Show, you will join us for an experience that is like no other, full of non-stop daring acrobatics, soaring aerialists, and death-defying feats while the arena is transformed by state-of-the-art multi-dimensional lighting effects. This spectacular dinner and show will have you on the edge of your seat throughout the evening. This dinner and show *Celebration!* features a delicious all you can eat meal!

Both Shows located in Pigeon Forge, Tennessee | visit us at https://dollyparton.com





First Tennessee@Work provides a full financial wellness program to help reduce the financial stress in the workplace – at no cost to the company. Employees of participating companies will receive personal assistance to help simplify the complicated financial world, onsite financial empowerment classes, and an exclusive financial benefits package providing participating employees with additional value on first rate financial products and services.

First Tennessee is focused on providing superior financial services every day through a network of locations statewide and around the region. We're *honored to be recognized both regionally and nationally* for our service and the strength of our culture.

To learn more about the @Work program, contact Amy Moffitt at 865-824-4020 or amoffitt@ftb.com





Five Star Food Service – Doug Allen, Brandon Christoffer – (865) 410-1881 | Brandon.Christoffer@Fivestar-corp.com

Snacks and refreshments are a must in today's workplace. Coffee keeps us going and snacks keep us fueled. Providing your team with the snack and refreshment resources they need has never been easier!

Our services include traditional **vending**, unattended **micro-markets**, **office coffee**, **water filtration units**, **snack pantries**, **catering** and **more**. Easily update your breakroom with a service by Five Star. We inventory, deliver and maintain all equipment and food, making customer service our number one priority.

Request a FREE Demo by reaching out to one of our sales team members.

Learn more at www.fivestar-food.com





Hearthside Cabin Rentals / Large Cabin Rentals is the premier cabin rental company in the Great Smoky Mountains! Whether you're planning a large company retreat or have employees coming for a weekend getaway, we have you covered! Log Cabins from 1 to 18 bedrooms, sleeping 2 to 86 people under one roof, and with amenities from theater rooms, to hot tubs, to indoor swimming pools! We have exactly what you are looking for. "You've Never Stayed Anywhere Like This Before!"

www.largecabinrentals.com www.hearthsidecabinrentals.com



Retirement Specialty Group, Inc. – D. Anthony Wright, President, CEO & Sr. Financial Advisor (931) 738-4733 | www.retirementspecialtygroup.com

Retirement Specialty Group is a secure retirement planning firm. Our financial strategies are used to develop retirement plans for employers and their employees. We provide retirement plans to businesses which includes 8% matching on employee contributions (meaning the employer has no out-of-pocket matching). There is no risk to principal or interest earned of the employee's secure retirement plan. And there are also no third party administrative fees to employers (saving the employer hundreds of thousands of dollars each year). Retirement Specialty Group provides the staff and handles everything (adding to your bottom line). We believe this makes us your partner for success!



HR Professionals Magazine – Cynthia Y. Thompson, Editor/Publisher – 901.598.0123 | cynthia@hrprosmagazine.com

Subscribe to HR Professionals Magazine! Stay up to date with breaking news updates that matter to the HR professional. Read interviews from top HR professional executives, get web exclusives, invites to seminars and events, and more! Our contributors are all local HR specialists, educators, and attorneys who are highly regarded as experts in their field. The *digital version* of our magazine is *free* to all Tennessee, Mississippi, Georgia, Kentucky, Arkansas and Alabama SHRM members.

Advertise with HR Professionals Magazine! Our magazine is the most authoritative and closely read HR trade publication in Tennessee, Mississippi, Georgia, Kentucky, Arkansas and Alabama. Get *maximum coverage* and reach your target – our readership is over 40,000 and includes executive-level decision makers, directors and managers, SHRM members, and HR professionals in all fields including Benefits, Compensation Analysts, Employee Relations, HRIS Analysts, Payroll, Recruiting, and Organizational Development and Training. We also have over 12,000 digital subscriptions and over 30,000 page views per month at our website.

Please contact Cynthia or visit our website at http://hrprofessionalsmagazine.com



"We Empower and Represent Business in Tennessee Since 1912." The Tennessee Chamber of Commerce & Industry/Tennessee Manufacturers Association serves as the primary voice of diverse business and manufacturing trade interests on major employment and economic issues facing public policy decision-makers in Tennessee. We also work to foster harmonious relationships between the various elements of the Tennessee business community and to serve as an umbrella organization for companies, trade associations and chambers of commerce to work together for the economic health of the state.

www.tnchamber.org www.tnmfg.org



TIS Insurance Services, Inc. (TIS) is an independent, privately-owned insurance agency serving over 6,000 individuals and businesses across 48 states since 1945. TIS has over 150 employees and is headquartered in Knoxville, TN. Recognized nationally as a Top 100 Agency by ranking 74 out of 30,000 independent agencies by Insurance Journal magazine, TIS is the largest independently owned agency in Tennessee. TIS also holds Best Practices status from the Independent Insurance Agents and Brokers Association and is a Trusted Choice Agency.

A large staff of professionals is available to assist with all types of Risk Management and Insurance including Personal Insurance, Commercial Business, Healthcare Services, Employee Benefits, Construction and Surety Bonds, and Financial Services. TIS has the expertise and resources required to deliver tailored and effective solutions; private ownership ensures immediate responsiveness to the needs of the clients.

For more information about TIS Insurance Services, Inc., visit www.TISins.com or call 800.328.0293.



Willis Towers Watson (NASDAQ: WLTW) is a leading global advisory, brokering, and solutions company that helps clients around the world turn risk into a path for growth. With roots dating to 1828, Willis Towers Watson has 40,000 employees serving 140 countries.

We design and deliver solutions that manage risk, optimize benefits, cultivate talent, and expand the power of capital to protect and strengthen institutions and individuals. Our unique perspective allows us to see the critical intersections between talent, assets and ideas — the dynamic formula that drives business performance. Willis Towers Watson is trusted by the world's leading organizations. We work with 78% of the Fortune Global 500, 81% of the Fortune 1000 (U.S.), 86% of the FTSE 100, 80% of the S&P/TSX 60, and thousands of non-Fortune 1000 firms with a strong middle-market proposition underpinned by an integrated delivery model.

Todd Harrison, Senior Vice President - Client Advocate, Employee Benefits

615.872.6062 | Todd.Harrison@willistowerswatson.com | www.willistowerswatson.com

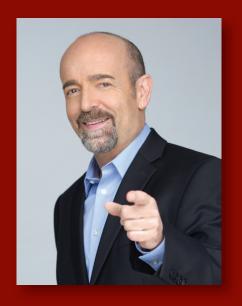
Sonny Pittman, Client Advocate

615.872.3767 | Sonny.Pittman@willistowerswatson.com | www.willistowerswatson.com

Wimberly Lawson Wright Daves & Jones, PLLC, is the exclusive Tennessee member of the *NATIONAL WORKERS' COMPENSATION DEFENSE NETWORK*, a nationwide network of independent AV-rated law firms providing employers and insurers with access to the highest quality representation, education, expertise, counsel and advice in workers' compensation and related employer liability fields.



S teve Rizzo is the Attitude Adjuster. You can't attend one of his keynote speeches or seminars, or read his books, and leave with the same attitude. He's a personal development expert, comedian, motivational speaker, and author of "Get your Shift Together." His popular PBS special brought him into millions of homes. It's no surprise that he's been inducted into the Speakers Hall of Fame, an honor bestowed upon fewer than 200 speakers worldwide since 1977.



K E Y N O T E S P E A K E R

Steve Rizzo

Perhaps one of Steve's greatest achievements was the stellar degree of success he achieved as a comedian, being chosen as a Showtime Comedy Allstar and sharing the stage with Jerry Seinfeld, Rodney Dangerfield, Eddie Murphy, Ellen DeGeneres and many more giants of comedy.

Steve will engage you with laughter as he challenges you to *Shift* your focus and way of thinking to discover greater enthusiasm, increased productivity and new levels of success. As one of his clients once said, "Never has my group learned so much and laughed so hard in one sitting! Thanks for the ride!"



Wimberly Lawson is a full-service labor, employment, workers' compensation, immigration, governmental and commercial law firm representing management exclusively. The Firm has affiliated offices in Knoxville, Morristown, Cookeville, and Nashville,

Tennessee; Atlanta and Athens, Georgia; Washington, D.C.; and Greenville, South Carolina. Wimberly Lawson is a successor to the labor law practice of the former firm of Mitchell, Clarke, Pate, Anderson & Wimberly which was founded in 1948 and known for its representation of the Mitchell family and its "Gone with the Wind" movie interests.

While we remain successful in representing our clients' interests in union organizing campaigns, all NLRB matters, employment law litigation matters and immigration/nationality issues, our Firm also retains more traditional legal roles. Our sophisticated litigation practice ranges from proceedings before state and federal governmental agencies to trials at all levels of state and federal courts. Our attorneys have successfully defended against all types of employment discrimination and wrongful discharge claims including class actions, trade secrets, tax, pension and benefit lawsuits.

Wimberly Lawson strives to deliver the highest quality legal service in a timely, cost-effective, and ethical manner. Our monthly Employment Law Newsletter keeps clients abreast of labor and employment issues as they occur. We also present an annual update conference which summarizes the past year's developments while anticipating future legal trends. Our attorneys maintain their competitive edge by writing articles, attending legal education courses and preparing and delivering seminars sponsored by many national, regional and local organizations.