

KUTAK ROCK LLP

ANNUAL EMPLOYMENT LAW SEMINAR

COMPLEX EMPLOYMENT ISSUES: LIMITING YOUR EXPOSURE

WEDNESDAY, NOVEMBER 6, 2013

9:00 A.M. - 4:00 P.M.

SCOTT CONFERENCE CENTER, 6450 PINE STREET, OMAHA, NE 68106

COST: \$50 (FREE FOR KUTAK ROCK CLIENTS AND PREVIOUS ATTENDEES)

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RSVP ONLINE BY OCTOBER 31:

WWW.KUTAKROCK.COM/ELSEMINAR

† Approved for 6.0 hours of CLE credit (including 1.0 hour of ethics credit) in Nebraska; and approved for 6.0 hours of CLE credit in Iowa.

† Accreditation from HRCI (Human Resource Certification Institute) is approved.

Atlanta • Chicago • Denver • Fayetteville • Irvine • Kansas City • Little Rock • Los Angeles
Minneapolis • Oklahoma City • Omaha • Philadelphia • Richmond • Scottsdale • Washington, D.C. • Wichita

AGENDA AND TOPICS INCLUDE:

8:30 a.m. - 9:00 a.m.

Registration and continental breakfast

9:00 a.m. - 11:45 a.m.

All Things Retaliation:

From Hire to Fire, Everything You Need to Know to Limit Your Exposure

For the third year in a row, retaliation claims are the most common basis for charges filed against employers, comprising nearly 40% of all claims. Kutak Rock lawyers will provide timely presentations on the most significant retaliation-related issues, including:

- Critical information about defending against all types of retaliation claims;
- Pivotal changes in retaliation law based on recent Supreme Court rulings;
- Effective strategies for preventing both frequently filed retaliation claims as well as uncommon claims; and
- Crucial information to prevent retaliation claims throughout the employment relationship, from the hiring process, through employment, and even after employee separation.

10:30 a.m. - 10:45 a.m.

Break

11:45 a.m. - 12:00 p.m.

Break to serve lunch (lunch will be provided)

12:00 p.m. - 1:00 p.m.

Special Luncheon Presentation

Diversity in the Workplace: Theory and Practice ***1.0 hour ethics CLE credit in Nebraska***

Together, our two distinguished guest speakers will provide a primer in identifying institutional implicit bias that may be present in the hiring process, developing strategies for overcoming such bias, and creating a diverse and inclusive workplace.

- **Professor Palma Strand**, Professional Responsibility Professor of Law at Creighton University, will provide insight into the nature of implicit bias and its relevancy to potential employment law claims.
- **Yvonne Method Walker**, Director of Diversity at Union Pacific and cofounder of Omaha Diversity Week, will continue the discussion by explaining the business case for diversity in the workplace and providing practical advice for preventing bias in hiring and throughout employment.

1:00 p.m. - 3:45 p.m.

Packing Your Employment Law Toolbox: ***Innovative Strategies for Handling Complex Employment Law Issues***

In these focused, common-sense presentations, Kutak Rock lawyers will provide practical “tools” for handling situations that affect all employers, including:

- Employment policies and practices relating to, among other things, investigation of employee complaints, handling accommodations for mental disabilities, wage and hour compliance, immigration and I-9 changes, and specific protections afforded to Nebraska employees;
- Example procedures addressing recent developments in federal and state-specific law (including paid time off in Nebraska); and
- Best practices for protection of confidential and proprietary information, addressing concerns such as espionage through wearable technology, risks and benefits of “bring your own device” policies, and enforceable methods of preventing unfair competition or use of sensitive information.

2:30 p.m. - 2:45 p.m.

Break

3:45 p.m. - 4:00 p.m.

Q&A Session

KUTAK ROCK LLP PRESENTERS:



Marcia Washkuhn, head of the Omaha office's labor and employment group, has extensive experience handling a variety of employment matters across the United States. She has defended employment actions filed under various federal laws, including Title VII, the FMLA, the FLSA, the ADA, and the ADEA, as well as similar state laws. Her practice also focuses on protecting employers from corporate raiding, misappropriation of trade secrets and employee breaches of fiduciary duties and noncompete agreements. Ms. Washkuhn also regularly provides employment advice and training to employers and assists with drafting and reviewing employment agreements, employee handbooks and employment policies. She has defended corporate clients in ERISA and employee benefits litigation as well as represented management in labor arbitrations. Additionally, Ms. Washkuhn has extensive experience handling and responding to complaints filed with the EEOC or state regulating agencies, and she has presented seminars and training for employers on various employment issues, including sexual harassment.



Gigi O'Hara has successfully defended clients in various state and federal courts against various employment claims, including discrimination, harassment, retaliation, equal pay violations, FMLA violations, whistleblower retaliation, breach of contract, defamation, constructive discharge, wage and hour class actions and FLSA collective actions. She regularly assists employers in responding to claims of discrimination, harassment and retaliation filed with the EEOC, as well as with state and local administrative agencies. Ms. O'Hara frequently advises clients regarding wage and hour issues, including minimum wage and overtime compensation, exemptions, deductions, compensable hours worked, and donning and doffing. She also assists employers conduct internal position audits and classification investigations, as well as navigate wage and hour audits conducted by the U.S. Department of Labor, Wage and Hour Division. She consults with clients regarding unemployment claims, harassment investigations, drafting and enforcing employment contracts, drug testing, background checks, employee performance issues and discipline, terminations and separation agreements, misappropriation of trade secrets, and breaches of fiduciary duties. She also represents and advises employers in matters arising under the National Labor Relations Act.



Kate Jones conducts a litigation and appellate practice with emphasis on employment law matters and business-related disputes. Ms. Jones defends employers against discrimination, harassment, retaliation, wrongful discharge and breach of contract claims under state and federal law, including Title VII, the ADEA, the FMLA and the ADA. She also represents clients in connection with administrative proceedings, including those involving the EEOC and state fair employment agencies. Ms. Jones has experience prosecuting and defending claims involving breach of restrictive covenants, breach of fiduciary duties and duties of loyalty, tortious interference with business relations, and trade secret misappropriation. In addition, Ms. Jones counsels clients on day-to-day personnel issues. As a chair of the firm's ERISA Litigation Practice Group, Ms. Jones devotes a significant portion of her practice to ERISA litigation matters. She represents employers, fiduciaries and plan administrators in defense of ERISA claims, including denial of benefits, improper claim processing and breach of fiduciary duty.



Kasey Cappellano focuses her practice in litigation and employment law, including discrimination and harassment suits, FMLA claims, wrongful discharge, misappropriation of trade secrets, tortious interference and breach of employment agreements, as well as claims made to state agencies and equal employment opportunity commissions. Ms. Cappellano advises clients in drafting non-competition, non-solicitation and other employment agreements. In addition, she advises clients in connection with day-to-day employment issues.



Homero Vela conducts a diverse civil litigation, regulatory and risk management practice with an emphasis in defending employers against employment lawsuits, including those alleging discrimination and harassment and complaints before equal employment opportunity commissions. Mr. Vela also has experience defending state wage and hour claims and assists clients with day-to-day employment law advice. In addition to employment litigation, Mr. Vela has experience reviewing and drafting employee handbooks and employment policies. Mr. Vela also advises management and employers on immigration matters and has experience with nonimmigrant visas, labor certifications, and employer sponsored green cards.

Guest Presenters

Palma J. Strand is a professor of law at Creighton University. Professor Strand previously clerked for Justice Byron R. White on the United States Supreme Court, and was an Adjunct Professor and Hewlett Fellow at Georgetown University Law. Professor Strand has worked with a public school system regarding cross-cultural dialogue and elimination of the minority achievement gap, and co-authored a book regarding use of cultural competence training to challenge institutional racism.

As Union Pacific Railroad's Director/Diversity, **Yvonne Method Walker** is currently responsible for leading and managing the company's diversity and inclusion strategies and initiatives. Ms. Walker has developed and implemented a significant number of company-wide training programs focusing on Diversity and Inclusion, Emotional Intelligence, EEO and Career Development Strategies, and is a frequent guest lecturer on these topics.