

# Employment Law Roulette: Are you hedging your bets?



## Join us for our 10<sup>th</sup> Annual Employment Seminar

Kutak Rock's Employment Group proudly presents its annual Employment Law Seminar. This year's seminar is all about managing risk and will deliver valuable advice on issues related to severance agreements, immigration law, wage and hour law, mental health in the workplace, drug testing, workplace safety, privacy and data security, and ethics.

**November 9 | 8:30 AM - 3:30 PM**

**Scott Conference Center | 6450 Pine St, Omaha**

5 CLE Credits (1 Ethics) in NE and IA Approved  
5 HRCI Credits Approved

**Featuring Special Guest Presenter:**

**Paul Stultz, Deputy Chief Counsel with U.S. Immigration and Customs Enforcement**

[Click here to RSVP](#)

## Agenda and Seminar Topics

8:30 AM - 9:00 AM	<b>Registration and Continental Breakfast</b>
9:00 AM - 9:30 AM	<b>Wage and Hour Lessons Learned from the Original Gambler</b> Gigi O'Hara provides an outline of upcoming wage and hour changes and challenges that may affect your workplace based on lessons from the original Gambler.
9:30 AM - 10:00 AM	<b>Rolling the Dice: Are You Gambling with Workplace Safety?</b> Kate Jones discusses the legal aspects of planning for workplace emergencies, including terror attacks, pandemics, natural disasters and workplace violence.
10:00 AM - 10:20 AM	<b>Break</b>
10:20 AM - 10:50 AM	<b>Keeping Your Poker Face: Updates on Mental Health Issues in the Workplace</b> Meaghan Gandy will discuss mental health issues under the ADA, including new guidance from the EEOC.
10:50 AM - 11:20 AM	<b>Drug Testing Your Employees: Should You Fold Or Go All In?</b> Kasey Cappellano will discuss benefits and risks of drug testing employees, in light of the growing trend of marijuana legalization and new OSHA anti-retaliation guidance, as well as recommendations for those with DOT drug testing requirements.
11:20 AM - 11:50 AM	<b>Cutting Your Losses: How and When to Use Severance Agreements Effectively</b> Marcia Washkuhn will discuss the right time and correct way to minimize risks with severance agreements, as well as provide useful tips on language to include or omit in light of recent legal developments.
11:50 AM - 12:30 PM	<b>Lunch</b> Hosted by Kutak Rock
12:30 PM - 1:30 PM	<b>Playing the Immigration Lottery: Tips for Preparing for Increased Immigration Enforcement and Maximizing Your Winning Potential with Visa Selection</b> Clete Samson will present best practices for employers in preparing for an I-9 ICE audit, and Paul Stultz will present on the history of worksite enforcement and current immigration developments, including the Trump administration's approach to worksite enforcement. Jon Schultz will present on employment-based visa sponsorship issues and trends under the Trump administration.
1:30 PM - 1:45 PM	<b>Break</b>
1:45 PM - 2:15 PM	<b>Improving Your Odds: Avoiding Common Privacy Compliance Pitfalls</b> Elise Dieterich will talk about how three common elements of the employer-employee relationship—background checks, Social Security numbers, and your employee handbook—can cause unexpected problems under state and federal privacy laws, and how to minimize your risk. She will also talk about general data hygiene measures and leave ample time for your questions.
2:15 PM - 3:15 PM	<b>Not Just a Roll of the Dice, Go All In with Ethics Trivia</b> Jacy Hurst Moneymaker and Anna Berman will present an ethics trivia game using real, and sometimes unbelievable, examples from around the country to test your ethics prowess in a fast-paced race to victory.
3:15 PM - 3:30 PM	<b>Raffle Drawing - iPad Mini</b>

RSVP by November 1, 2017  
[Click here to RSVP](#)

*Cost: \$50, No Charge for Kutak Rock Clients and Previous Attendees*

Thursday, November 9, 2017 | 8:30 AM - 3:30 PM  
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### CONTACT:

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## Presenters



**Marcia Washkuhn**, head of Kutak Rock's Employment Group, has extensive experience handling a variety of employment matters for clients across the United States. Her practice focuses on defending employment actions filed under various federal and state laws. She also protects employers from corporate raiding, misappropriation of trade secrets, employee breaches of fiduciary duties, and noncompete agreements. Marcia regularly provides employment advice and training to employers, and has extensive experience responding to complaints filed with the EEOC or state regulating agencies.



**Gigi O'Hara** is an accomplished trial attorney who devotes her practice to labor and employment defense. She recently achieved a defense verdict in under an hour in a Title VII lawsuit in federal court. She also defends wage and hour cases across the U.S. and has achieved decertification in several class and collective actions. She advises clients on wage laws and compliance, and defends audits and investigations brought by the DOL. She was recognized by *Benchmark Litigation* as one of its "Top 250 Women in Litigation" for the past two years, and selected as a "Local Litigation Star" for 2018.



**Kate Jones** conducts a litigation and appellate practice with emphasis on employment law matters. She defends employers against discrimination, harassment, retaliation, wrongful discharge and breach of contract claims under state and federal law. Kate also devotes a significant portion of her practice to ERISA litigation matters, representing employers, fiduciaries and plan administrators in defense of ERISA claims, including denial of benefits, improper claim processing and breach of fiduciary duty.



**Kasey Cappellano** has significant experience litigating matters asserted under federal and state anti-discrimination laws, with an excellent track record in obtaining summary judgment in cases. She also handles cases involving noncompete agreements, corporate raiding, misappropriation of trade secrets and breaches of fiduciary duties by employees, officers or directors. Kasey regularly counsels employers on day-to-day issues and has significant experience drafting employment-related documents such as employment agreements, restrictive covenants, severance agreements and employee handbooks.



**Clete Samson** focuses his practice in immigration law, worksite compliance, employment law, and litigation. For nearly a decade, he served as a federal trial attorney for the U.S. Department of Homeland Security. Deeply knowledgeable about the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986, he counsels on the preparation and maintenance of the Form I-9, the civil penalties for improper compliance, the civil and criminal penalties for hiring and employing individuals without employment authorization, worksite enforcement and other related issues. Clete is also well-versed in P-1B visas for internationally-recognized entertainment groups performing in the U.S.



**Meaghan Gandy** focuses her practice on employment litigation. She represents employers in all stages of employment litigation and provides day-to-day counsel on a wide variety of employment issues. She defends employers against discrimination, harassment, retaliation and wrongful discharge claims under state and federal law. Meaghan has been successful in defending employers against charges of discrimination, harassment and retaliation filed with the Equal Employment Opportunity Commission and state fair employment agencies.



**Elise Dieterich**, Kutak Rock's Client Security and Privacy Counsel and a Certified Information Privacy Professional (CIPP-US), possesses more than 25 years of experience advising clients on a wide range of matters affected by government regulation, focusing during the past 15 years on privacy and data security matters. Elise is also an experienced litigator and mediator in a wide range of business disputes.



**Jacy Hurst Moneymaker** practices in the areas of health care regulation, compliance and business transactions. She counsels clients on health care governance, Stark Law compliance, HIPAA reporting and compliance, the Anti-Kickback Statute, 340B compliance and Medicare/Medicaid compliance. She negotiates and drafts a wide range of contracts for health care organizations and advises Federally Qualified Health Centers on regulatory compliance issues including HRSA and the Federal Tort Claims Act.



**Anna Berman** has a multi-disciplinary practice that includes complex commercial litigation, insurance and coverage work, auto finance, employment matters, and creditor's rights issues. She counsels clients on risk management strategies, as well as various aspects of the litigation process, including mediations, arbitrations, trial, and appeal. Anna also devotes a portion of her time to *pro bono* initiatives, including the provision of service to veterans and active duty military; and a neighborhood in Kansas City's urban core.



**Jon Schultz**, an immigration and commercial litigation attorney, focuses his practice on assisting employers to develop and implement regulation-compliant immigration petitioning systems, including the preparation of I-1B, L-1, E-3, and other non-immigrant visa petitions, preparing and filing PERM labor certifications, and filing Lawful Permanent Resident (green card) applications.

### GUEST SPEAKER

**Paul R. Stultz** has served as a Deputy Chief Counsel with U.S. Immigration and Customs Enforcement (ICE) since 2003, having started his career in federal government with the legacy U.S. Immigration and Naturalization Service (INS) in 1988 as a District Counsel. A frequently sought speaker, he has presented at more than 100 immigration law seminars including federal, state, and local law enforcement; criminal justice systems, county attorneys and public defenders; and Nebraska and Iowa State Bars or affiliates. Paul was a guest instructor at an INS law enforcement academy in Artesia, New Mexico, and he has held several temporary duty assignments including INS associate appellate counsel to the Board of Immigration Appeals; acting INS Regional Counsel, Central Region, Dallas, Texas; and member INS command center legal staff September in Washington, D.C. He earned his J.D. from Creighton University Law School.