



SHRMLV 2016 October Conference
Session Summaries
(Alphabetical)

15 Things Your CEO Won't Tell You About HR But I Will (KEYNOTE)

Jonathan Segal – Attorney, Duane Morris

We hear a lot of HR professionals talking about wanting a seat at the table. Less often discussed is why we are sometimes excluded. It is painful to hear the criticisms. It is more painful to be unaware of, and therefore, unable to counteract them. This seminar discusses how HR can increase its effectiveness in dealing with the C-suite. Among the issues discussed: (1) avoiding overuse of HR lingo; (2) overemphasizing consistency as opposed to thinking; (3) failing to understand the business of your business; (4) avoiding risk rather than managing it; and (5) forgetting that human resources requires a delicate balance of law, business and humanity so we must learn to live comfortably in the gray. And, by the way, don't ask for a seat at the table. Take it.

Ban the Box Legislation and What It Can Mean for PA Businesses

Jeff Tucker – Attorney, King, Spry, Herman, Freund & Faul LLC

Ban the box policies, also referred to as "clean slate" or "fair chance" policies are in place in dozens of states. While Pennsylvania is not one (yet), Philadelphia's drastic amendments to its city ordinance on criminal records screening made late last year should not go unnoticed by employers in other cities across the state. This session will cover what Pennsylvania employers need to know about asking job applicants about their criminal histories.

Countdown to November: The Washington Outlook for HR Public Policy (KEYNOTE)

Lisa Horn – Director of Congressional Affairs, SHRM (National)

In an election season that has been less than conventional, voters will head to the polls in November to elect a new president and decide which party or parties will control the 115th Congress. Key workplace issues are front and center on the campaign trail including compensation equity, paid maternity/paternity leave, immigration reform, the Affordable Care Act and tax reform. Efforts to consider new workplace flexibility options and address labor-management practices are all at the forefront of Congress as it tries to conclude its business for the year. The Obama administration is also trying to put the finishing touches on its workplace regulatory legacy with changes to the overtime regulations, changes to labor-management relation practices and new requirements for federal contractors. How will these issues affect your workplace? This session will provide an overview of current congressional activity, a preview of potential issues for a new Congress and administration, and an up-to-date discussion on current federal regulatory activity.

Creating an LGBT Friendly Workplace (KEYNOTE)

Mike Cohen – Attorney, Duane Morris

Legal protections continue to emerge for lesbian, gay, bisexual, transgender and queer (LGBTQ) employees. Employers seeking to create a LGBTQ-inclusive workplace face a number of challenges ranging from effectively managing employee relations issues to designing inclusive benefits plans. This seminar will provide an overview of recent legal developments impacting LGBTQ employees, including the EEOC's Title VII rulings on sexual orientation and gender identity and the impact of the Supreme Court's marriage decision. The session also will discuss the top compliance challenges for employers and provide

practical guidance on developing and implementing workplace policies and practices that address needs and concerns specific to LGBTQ workers, including those relating to harassment, gender identity-appropriate restroom access, confidentiality and more.

Dazed and Confused by Drug Laws? A Sober, Clear-Eyed Approach to PA's New Medical Donald D Gamburg – Attorney, Ogletree Deakins

The proliferation of medical and recreational marijuana laws continues, with even more states expected to pass laws permitting medical and/or recreational use of marijuana in the near future. Pennsylvania has joined the trend by passing the Medical Marijuana Act, which went into effect on May 17, 2016. Join us as we review the current drug testing landscape and the myriad resulting issues at the state and federal levels, including the implications of medical marijuana used in the workplace, “antidiscrimination” provisions, reasonable accommodation issues, safety concerns, and the legality of drug testing.

DOL Fiduciary Rule – Is your defined contribution plan ready for an audit?

Beirne Wealth Consulting

The Department of Labor (DOL) has recently released the final Fiduciary Rule. These important DOL 401k changes will directly impact plan sponsors and the human resources professionals who assist in administering these types of plans. The DOL is mandating 401k plan sponsors be aware of all fees that participants are paying. There are new rules about rollovers from 401k plans to IRA accounts and the handling of fees charged, as well as making certain that participants are receiving education and advice. Also important to note, the DOL has increased their auditing force from 800 employees to 4,800 employees. These numbers indicate that plans will be looked at and we’re hoping to share information to plan sponsors about what to expect and to make sure their plans are up to speed.

Drafting and Litigating Restrictive Covenants in the Lehigh Valley

Loren Speziale, Kimberly A. Spotts-Kimmel, Zachary R. Fowler - Attorneys, Gross McGinley LLP

At an increasing rate, employers and employees are facing litigation based upon restrictive covenants in their employment agreements. This presentation will highlight the importance of carefully drafted restrictive covenants and related agreements. Three employment law practitioners will walk you through the considerations including types of restrictive covenants and how these covenants apply to employers and employees in different industries as well as various types/levels of employees (C-suite, contract, at-will, etc.). Topics will include drafting non-competition and non-solicitation agreements (scope and duration), important intellectual property protections, how and when agreements containing restrictive covenants should be presented, and what happens when the employment relationship ends and enforcement of the restrictive covenant is threatened or pursued. This topic is particularly important for regions akin to the Lehigh Valley, given the limited pool of skilled employees and regional competition.

Employee Handbooks – What they Should Contain

Jeff Tucker – Attorney, King, Spry, Herman, Freund and Faul LLC

Employee handbooks are an effective tool for employers to communicate important information to employees from outlining employee benefits to defining conduct and disciplinary policies. Moreover, the handbook is the employer’s first opportunity to stop disputes and litigation before they arise. This session will go over the basics of what a useful handbook should contain as well as what it should not contain.

Entering the Brave New World of Measurement and Stability Periods

Elizabeth Patterson - Managing Consultant, NFP Corporate Benefits

Now that employers have completed their first round of ACA Employer Reporting, the intricacies of administering the Look-back method for determining Full-Time Employees are becoming increasingly apparent. With the 4980h(a) penalty moving to the 95% threshold in 2016, proper understanding and controls are crucial. This presentation will also explain how employers can manage life events for employees during stability periods. The first half of our presentation will contain a refresher regarding

how measurement and stability work for different types of employees: Full-time, Part-time and Variable. The second half of this presentation will present real employer questions and situations with an analysis of how to apply measurement and stability periods and how employer reporting for 2016 will be impacted.

Ethical Boundaries: How to understand and explore the liabilities inherent in your business Employment Practices Liability

Brian Block - Brian M. Block, MA, ARM, ARM-P

This is focused on avoiding allegations of a hostile work environment or any other EEOC issue, and is specifically designed to help companies recruit, hire, train, manage their workforce on a daily basis, and to assist in understanding how the hierarchy within your company can create failsafe policies for progressive discipline and termination. This workshop is designed for all levels of HR Professionals, Supervisors and Administrators. Upon completion of this workshop the participants will: Understand ethical employment practices exposures; including risks to senior staff, and the Company. Be able to define the principles related to liability and negligence. Be able to understand and examine the relationship between day-to-day practices, ethical boundaries, and good risk management. Find out what to do on the front end to avoid costly mistakes. Learn techniques on how to lower the impact of a claim.

Five Ways for HR to Eradicate FMLA Abuse

Eric Meyer - Attorney, Dilworth Paxon

No, it's not the Friday and Monday Leave Act, although sometimes it may feel that way. It's the Family and Medical Leave Act. Among other things, the FMLA was intended to afford job-protected leave for employees with serious health conditions. That leave can be taken all at once, or intermittently or on a reduced schedule. So, what do you do when you suspect that an employee is abusing the FMLA? I dunno. Just kidding. This dry, humorless session will arm you with five tips – more if you're nice – to curb FMLA abuse. Attendees will apply case studies to real-life workplace situations, learn how to train managers to address these issues, learn proactive steps that HR can take now to stop the abuse before it begins and master best practices to take back to your company

FMLA – How to Practically Comply with a Law That Is Determined to Trip You Up

Debra R. Franklin - Attorney and Vice President of Human Resource Solutions, Murray Securus

In this session, we will discuss how to practically comply with FMLA in a way that minimizes employers' risk of liability. Bring your FMLA "war stories" and we will work together to interpret your worst FMLA nightmares with a soothing elixir of policy statements, forms, templates and a recommended training program for line managers and supervisors.

How to Navigate Alcoholism and Substance Abuse under the FMLA/ADA

Eric Meyer - Attorney, Dilworth Paxon

At some time in their lives, millions of Americans have abused drugs and alcohol. While many are in recovery, others continue their struggle. Inevitably, your workplaces will feel the impact. Are you prepared to address the resulting disability and leave-related issues? Intended for an audience of all levels, this session will provide an overview of the applicable employment laws, address the available accommodations and leave options under the ADA and FMLA, provide case studies (including, Steve Sarkisian, the former head coach of the USC Trojans, who has sued his former employer for \$30 million after claims to have been fired due to alcoholism), and offer best practices to apply in your company. Attendees will understand how alcoholism and drug use invoke the ADA/FMLA, identify accommodations for affected employees, apply case studies to real-life workplace situations, learn how to train managers to address these issues and aster best practices to take back to their organizations.

"Legally Happy": How to Legally Inspire a Happy Workforce

Keely Jac Collins – Attorney, King, Spry, Herman, Freund and Faul LLC

According to recent case law from federal courts around the country, a hostile work environment is created from the top down: Where employees lack a sense of purpose and recognition at work, the atmosphere is ripe for workplace bullying, resulting in sympathetic plaintiffs and, ultimately, costly settlements and jury verdicts. The prevailing scientific theories of happiness compel an understanding that a workplace atmosphere of gratitude, where employees find meaningful work, as opposed to simply a paycheck, is essential to maintaining a workplace that is free from hostility. However, in order for a workforce to be "legally happy" employers must also truthfully and accurately record performance issues in order to avoid claims of unlawful discrimination and retaliation. The outcome of the presentation would be for attendees to be inspired and have the tools to create a "legally happy" workplace, by balancing the aspiration of a happy workforce with the legal realities.

Medical Marijuana: What it Means for Local Businesses

Jeff Tucker – Attorney, King, Spry, Herman, Freund & Faul LLC

With a majority of states permitting medical marijuana, how does an employee's legal use of this drug affect the employee's rights and the employer's duties under other laws? Employers need to be aware of the risks and obligations that come with an employee's use of medical marijuana to the extent the ADA and FMLA provide some protection to medical marijuana users.

New DOL Rules on FLSA Overtime Exemptions – Now What? How about a Tool Kit?

Debra R. Franklin - Attorney and Vice President of Human Resource Solutions, Murray Securus

The DOL issued the final rules for the FLSA salary threshold on May 18. Between now and the implementation date of December 1, what do employers need to do to comply and administer effectively. We will talk about setting salaries, monitoring off-site work, timekeeping, how to calculate overtime properly, how to account for bonus and incentive pay, and more. Participants will come away with a useful tool kit for administering under the new rules

Qualifying Events: A Needed Refresher

Elizabeth Patterson - Managing Consultant, NFP Corporate Benefits

Throughout the plan year, employees will have various reasons to want to change the coverage that they elected at open enrollment. We will discuss qualifying events, as we walk attendees through: New ACA life events, HIPAA special enrollment rights, Permissible qualifying Events, Employee certification of events. In addition to life events, we will review how the use of the lookback and stability period methodology impacts coverage changes.

Safety, Security & Conflict Avoidance

Dr. Diana Sorrentino – Principal, Lehigh Valley Paladin

The Safety, Security & Conflict Avoidance Concepts & Strategies, is a safety program that teaches the concepts and strategies you can use to avoid situations where violence may develop.

The N.I.O.S.H. – National Institute for Occupational Safety & Health surveys show that 74% of all acts of workplace violence are perpetrated by an individual who is known to one of more employees with-in the organization. The Safety, Security & Conflict Avoidance seminar will focus on those aspects with-in the business and corporate environment which directly relate to Workplace Violence and Sexual Harassment. This course focuses exclusively on being able to recognize issues which may develop into a violent situation; whether in the office, on company property or outside the workplace, as a means for a proactive course of action rather than reactive.

The EEOC: What to Worry About in 2016

Deirdre Kamber Todd – Attorney, Kamber Law Group

Discrimination claims are at a historical all-time high; claim after claim, the EEOC is busier than ever. For employers, this means that every termination, every demotion, even non-adverse acts can land you in front of the EEOC. With so many terminations, demotions, and other cost-saving initiatives occurring, moreover, employers continue to be plagued with the constant threat of discrimination and harassment claims. Come learn about recent decisions and their impact, best practices in doing the dirty work, a/k/a adverse acts, and how to be best prepared if the EEOC comes calling. Hot topics include: Use of background screening, Gender discrimination in hiring based on perceived "inability to do the job," Gaps in resumes and gender bias in "caretaking leave," Sexual orientation and sexual preference cases, The EEOC's new Wellness Notice, The continued battle over equal pay and gender disparity, Pregnancy, lactation rights, infertility and caretaking leave for men, ADA accommodation in light of today's technology, The status of marijuana as medical treatment under the ADA, Work/life balance and the EEOC, and Retaliation claims

The Updated FLSA White Collar Exemptions - It's Not Just About the Money: How to Prepare for, Implement, and Communicate the Changes

Linda Hollinshead – Attorney, Duane Morris

On May 18, 2016, THE U.S. Department of Labor's ("DOL") published the much-awaited Final Rule amending the "white-collar" exemptions under the Fair Labor Standards Act ("FLSA") (i.e., professional, administrative, executive, computer professionals). Effective December 1, 2016, the Final Rule more than doubles the minimum standard annual salary threshold for exempt status to \$47,476 and will create both legal, business and employee relations challenges for employers. This session will review key provisions of the Final Rule, including the increases to the guaranteed minimum standard salary and the minimum compensation for the highly compensated employee exemption, and the automatic, periodic increases established by the DOL. We will also discuss the manner in which employers may count non-discretionary bonuses, commissions and other incentive pay toward the guaranteed minimum standard salary. The session will also address strategic decisions that must be considered prior to implementing changes to conform with the Final Rule, including: collecting and analyzing data while minimizing risk that an internal audit will be used against the employer; assessing the employee relations impact of converting employees to non-exempt status; the challenges of increases in remote work by non-exempt employees; and training managers on supervising and tracking the work of non-exempt employees.

Transgender Issues - Not Just Schools Need to Face this Issue

Jeff Tucker – Attorney, King, Spry, Herman, Freund and Faul LLC

While employers are generally making advances in promoting work environments that support lesbian and gay employees, employers' treatment of transgender employees is not talked about as often. This session will cover the difficulties transgender employees continue to face in today's workplace and how employers can handle issues that arise

What New with OSHA – An Agency Update

Scott Shimandle – Compliance Assistance Specialist, OSHA

Scott Shimandle (USDOL/OSHA), will provide an update on what OSHA has implemented over the last few years including some new/modified regulations, such as: Confined Space in Construction, Silica, Reporting of Severe Injuries and Fatalities, and the Electronic Reporting (Improved Tracking) of workplace injuries and illnesses. Additionally, he will share information on what OSHA is targeting, has been citing and safety and health resources that should be helpful for enhancing your company's safety and health program.

Workers Compensation Update

Brian Block - Brian M. Block, MA, ARM, ARM-P

The focus of your professional career has been about being the best you can be; whether that involves providing a service, making a sale, manufacturing a product or managing a workforce. This is no easy task and has required persistence, education, experience, and maybe even learning a few things through the “school of hard knocks.” One of the primary tasks of management is to navigate through the maze of responsibilities, accountabilities, and regulatory or legal requirements associated with employee injuries. Managing employee injuries is one of those topics they don’t teach you about in school; yet a mistake can be very costly to your company! Learn the factors that have the greatest impact on your Workers’ Compensation premium and how to CONTROL them to ultimately reduce cost. We will discuss your legal rights as an employer in managing Workers’ Compensation claims and making sure you are benefiting from all of the available credits that can be applied to your policy. At the conclusion of this workshop you will learn: the parameters statutory Workers’ Compensation rules, what is and is not covered, how to create a safety-minded culture, and how to build a sound risk management program to help manage the exposures related to employee injury.

Your Corporate Wellness Program...Are The ACA Fines Coming?

Anthony DaRe – Agency Principal, BSI Corporate Benefits

Shawn Hughes – Vice President, BSI Corporate Benefits

Companies still must comply, more than ever, with healthcare reform compliance. Included in these regulations are ACA laws that relate to wellness programs. The goal of this session is to focus on the “What” and “How” of these specific regulations and provide you information to ensure your wellness programs stay in compliance. Each section will include the following: “The What” of ACA Wellness Regulations and Implementing Successful Programs • What are the ACA laws as they relate to wellness programs • What does and does not work in wellness programs • Carrot and Stick approaches • Third Party Wellness Review • Current Trends and Carrier Tools “The How” of implementing a successful and compliant Wellness Program/Campaign • How to create a step-by-step approach to achieving 50% - 70% participation rates for your wellness programs • How to achieve group/employee interest in specific wellness programs and incentive offerings • Responsibilities for success – Employer, Employee, Carrier, Vendors and Consultants. The goal of this session will focus on these key reforms for wellness programs; as well as, provide you detailed wellness action plans you can implement internally at your companies. This session is recommended for all employer size companies.

Your Last-Minute-Preparation HR checklist for the New DOL Overtime Rules

Eric Meyer - Attorney, Dilworth Paxon

Ok, it’s October. You have less than two months to get ready for the U.S. Department of Labor’s New Overtime Rules. Whether your company has been kicking the can down the road or diligently preparing, it’s important that you’ve covered all of your bases by the time the new Rules take effect. This session will help you do that. Attendees will understand the new Rules and their impact on your business, learn ways to prepare before the Rules take effect, plan how to address the changes with your workforce, uncover and address other potential liabilities AND laugh a little. This session should be fun.