

## Agenda

7:45 – 8:30 a.m. **Registration and Continental Breakfast**

8:30 – 9:30 a.m. **The Year in Review in the Courthouses**  
*Presented by Michael Messerschmidt*

The 2014-2015 term of the U.S. Supreme Court once again considered significant employment cases, issuing decisions on pregnancy discrimination, religious accommodation, whistleblower rights, pay for time spent at security screenings and the EEOC's obligation to attempt conciliation. The Maine Supreme Court also gave us significant guidance on the scope of protected activity under Maine's Whistleblower Protection Act. Did the Courts alter the landscape for employers? Learn what effect these decisions may have on your work place.

9:45 – 10:45 a.m. **Legal Challenges Posed by the Changing Workplace**  
*Presented by Elizabeth Olivier*

Today's workplace is rapidly evolving. The increased use of technology and mobile devices, dramatic changes to the workforce, itself, growing demands for work/life balance, and attitudes of personal rights and freedom impact employee expectations and are transforming the work environment. This session will address some of the thorny legal issues employers encounter as they work to adapt and/or develop policies and practices to address these issues while maintaining a work environment that best meets their needs.

**Managing Mental Impairments and Substance Abuse Under the ADA and MHRA**  
*Presented by Kevin Haskins*

Managing employees with mental impairments or substance abuse issues can present a challenge for employers. Questions as to whether an employee is "disabled" and therefore entitled to an accommodation under federal and state disability laws can be difficult to assess. Employers also encounter questions regarding how to handle the interactive process with an employee with mental impairments or substance abuse issues, or how and when it can enforce workplace policies when a violation may be attributable to an employee's impairment.

**Evolving Health Care Strategies for Employers Under the Affordable Care Act**  
*Presented by Charlie Dingman and Glenn Tulloch*

As we move toward full implementation of the Affordable Care Act, basic IRS compliance issues are giving way to strategic challenges that may arise from how and when subsidies are available, mismatches between benefit designs on and off the Exchange, and other emerging, sometimes unexpected, consequences of the changing health insurance landscape. Glenn Tulloch, a seasoned health benefits advisor and frequent speaker at our annual seminars, will join Preti health lawyer Charlie Dingman to lead an interactive discussion of some of the current challenges and opportunities.

10:50-11:50 a.m. **Deconstructing the New FLSA Overtime Regulations**  
*Presented by Matthew LaMourie*

At long last, the anxiously-awaited changes in the FLSA's regulations covering white collar overtime exemptions have been published and public comments have been rolling in. We will help you evaluate what these changes to the overtime rules are likely to mean for your organization and workforce, how to bolster the factual bases for your exemption classification decisions, and how to ensure that any pay plan modifications you elect to implement are FLSA-compliant.

## **Maine's Anti-Discrimination Law: Presenting Your Best Defense**

*Presented by Stephen Langsdorf and Amy Sneirson*

Navigating the process of responding to unlawful discrimination claims filed by employees can be tricky. Advancing your arguments in an effective manner requires preparation, planning and a clear grasp of the prevailing legal standards and procedural rules. Amy Sneirson, the Executive Director of the Maine Human Rights Commission, will join Steve in a discussion of the Maine Human Rights Act and will share techniques and approaches that can increase your probability of success in dealing with discrimination claims.

## **Basic Maine Workers' Compensation for Employers**

*Presented by Nelson Larkins and John Cronan*

As an employer it is imperative that you understand the basic procedures of the Maine Workers' Compensation system and how it interacts with other employer obligations. The Maine Workers' Compensation system is extremely precise in its filing and reporting requirements. This session will provide a step-by-step explanation of the system, filing requirements, and practical help on how to control workers' compensation costs.

11:50 – 1:00 p.m. **Buffet Lunch and Networking**

1:00 – 2:00 p.m. **What's New in 2015? Legislative Summary of Labor and Employment Laws**

*Presented by Daniel Walker and Steven Hudson*

The 1st Session of the 127th Legislature was an experience in divided government perhaps never seen before in Maine history, with divisions arising between the Governor and the Legislature; but also within and between the House and Senate, and internally amongst Republicans and Democrats each. This presentation will review the historic dynamics of the 1st session, key issues and enacted legislation for employers, and provide insight into what employers may expect next session.

## **Managing the Difficult Employee: Yes, You Can Actually Manage Them, and Discipline if Appropriate**

*Presented by Peter Callaghan*

Every manager has had to cope with a difficult employee at one time or another. It's not easy to handle the employee who is in a protected class, who has taken a leave of absence, who engages in protected conduct or who needs an accommodation. It can be difficult to decide what to do when the employee's performance suffers or they violate a company rule, but failing to address these issues promptly and decisively, or mishandling the issues, can make the matter worse. This session will present best practices to retain control of the difficult employee and provide the employer with confidence to take appropriate action.

## **What's New in Maine Workers' Compensation and Practical Tips to Avoid Employee Claims**

*Presented by Nelson Larkins and John Cronan*

This session will provide an update on new workers' compensation laws, rules, and case law that may affect employers. Additionally, we will teach you how to effectively handle workers' compensation medical issues, benefits, discipline and termination issues, and the concept of independent contractor. You will leave the session with a better understanding of how to proactively avoid employee workers' compensation related issues.

2:05 – 3:30 p.m. **Good Help is Legally Hard to Find**

*Presented by Michael Messerschmidt and Matthew LaMourie*

Finding the right people for your workforce is predicated on having a legally compliant talent recruitment process. Job postings, reviewing applications, conducting interviews, performing background checks and references, social media and evaluating publically-available information about job candidates are all functions that pose legal traps for employers. The Preti Flaherty Players will explore the legal aspects of the hiring process through four short, humorous and ambiguous videos. Pulled together by Socratic questioning and audience participation: 1) HR generalists will see themselves preparing the content for job postings and handling candidate interviews; 2) experienced HR managers will deconstruct senior-level decision-making sessions in which job candidates are evaluated; and 3) everyone will benefit from a fresh look at the use of social media in the hiring process.