

# *BS&K Statewide Labor and Employment Law Breakfast Briefing Series*

## *Solving the HR Puzzle*

### **Albany**

The Desmond

### **Batavia**

The BEST Center @  
Genesee Community College

### **Binghamton**

Holiday Inn Arena

### **Buffalo**

Hyatt Regency

### **Corning**

Radisson Hotel

### **Melville**

Melville Marriott

### **Kingston**

Holiday Inn Kingston

### **New York City**

BS&K New York Office

### **Rochester**

Woodcliff Hotel

### **Syracuse**

S.U. Sheraton

Attorney Advertising

### **SESSION ONE**

**The Nuances (Old and New) of  
New York Labor and Employment Laws**

### **SESSION TWO**

**Downsizing, Rightsizing,  
Reductions-in-Force: A Rose by Any  
Other Name is Still Employment Loss**

### **SESSION THREE**

**Drafting Effective Internet and  
Electronic Workplace Policies –  
Blogs, Twitter, Facebook,  
LinkedIn and MySpace**

### **SESSION FOUR**

**How the Obama Administration is  
Changing the Landscape for Employers**

**BOND, SCHOENECK & KING, PLLC**  
ATTORNEYS AT LAW • NEW YORK FLORIDA KANSAS



## SERIES SCHEDULE

### **Albany ■ The Desmond**

Session 1: November 17, 2009  
Session 2: December 7, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Batavia ■ The BEST Center @ Genesee Community College**

Session 1: November 18, 2009  
Session 2: December 16, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Binghamton ■ Holiday Inn Arena**

Session 1: November 12, 2009  
Session 2: December 8, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Buffalo ■ Hyatt Regency**

Session 1: November 11, 2009  
Session 2: December 8, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Corning ■ Radisson Hotel**

Session 1: November 10, 2009  
Session 2: December 10, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Melville ■ Melville Marriott**

Session 1: November 11, 2009  
Session 2: December 4, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Kingston ■ Holiday Inn Kingston**

Session 1: November 18, 2009  
Session 2: December 3, 2009  
Session 3: January 2010  
Session 4: February 2010

### **New York City ■ BS&K NY Office**

Session 1: November 13, 2009  
Session 2: December 8, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Rochester ■ Woodcliff Hotel**

Session 1: November 13, 2009  
Session 2: December 4, 2009  
Session 3: January 2010  
Session 4: February 2010

### **Syracuse ■ S.U. Sheraton**

Session 1: November 6, 2009  
Session 2: December 15, 2009  
Session 3: January 2010  
Session 4: February 2010

## OVERVIEW

BS&K's Statewide Labor and Employment Law, Employee Benefits and Executive Compensation, and Immigration Law Practice is pleased to continue its on-going program of providing Senior Executives, General Counsel, and HR Professionals with timely insight and information concerning the ever-shifting landscape in the employment environment. The following four topics will offer a thorough review of major areas that concern and currently affect the workplace.

### **HRCI Recertification Credit**

These programs have been submitted to the HR Certification Institute.

## AGENDA

Please note time difference between Downstate and Upstate locations.

## DOWNSTATE

### Garden City / New York City

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

Registration and Continental Breakfast

9:00 a.m. to 10:30 a.m.  
Program

## UPSTATE

### All Other Cities

8:00 a.m. to 8:30 a.m.

Registration and Continental Breakfast

8:30 a.m. to 10:00 a.m.  
Program

## SESSION ONE

### **The Nuances (Old and New) of New York Labor and Employment Laws**

There are many aspects of New York State labor and employment law (old and new) that are unique, not readily discernible, and often counterintuitive. At this breakfast briefing, we will shine the light on these many nuances and review successful employer options for compliance. The areas to be covered include:

1. New Statutes (2008-2009)
  - A. Criminal Conviction Issues
  - B. Base Rate and Overtime Notification
  - C. Commission Sales Requirements
  - D. Human Rights Law Changes (domestic violence protection and enhanced monetary remedies)
2. Special Notice and Other Requirements for Policies and Handbooks
  - A. Vacation
  - B. Sick and Personal Leave
  - C. Wages
  - D. Discipline
  - E. Employment Application
3. New York EEO Law
  - A. State Division of Human Rights Law (coverage, aider and abettor, individual liability)
  - B. New York City Human Rights Law
    1. Coverage
    2. Special harassment issues
    3. Differences from state and federal law



## SESSION TWO

### **Downsizing, Rightsizing, Reductions-in-Force: A Rose by Any Other Name is Still Employment Loss**

Recently, the U.S. unemployment rate hit a 26-year high. Employers faced with the lingering effects of last year's unprecedented downturn continue to modify their employment levels.

At this breakfast briefing, we will cover:

1. The mistakes employers have made, and can make, when they impose furloughs.
2. The various phases of a successful reduction-in-force.
3. The do's and don'ts of using the various tools of risk management in a RIF (e.g., effective separation agreements, voluntary retirement programs, lawful selection criteria).
4. Unemployment Insurance issues.
5. Federal and State Warn Act issues.

## SESSION THREE

### **Drafting Effective Internet and Electronic Workplace Policies – Blogs, Twitter, Facebook, LinkedIn, and MySpace**

The evolution of our electronic world has greatly impacted the workplace. Blackberries, iPhones, cell phones with cameras, GPS devices, laptops, etc. have increased productivity and have spawned an explosion in on-line social networking. The use of these networks by employees offer potential value to employers and, at the same time, expose an employer to serious risk if abused.

This briefing session will explore the potential value of these changes, e.g., in using those sites to defend litigation, recruit, gather background information, and market. We will also explore the potential dangers, e.g., discovering protected activity or characteristics, defamation claims, privacy breaches, negligence, harassment, intellectual property issues, confidentiality, etc.

The ultimate goal is to enable employers to identify and assess the values and risks to their organization and draft appropriate policies to address and manage the new technology and social media.

## SESSION FOUR

### **How the Obama Administration is Changing the Landscape for Employers**

The Obama Administration has already appointed key Agency personnel and made dramatic legislative changes that favor organized labor and employees. More are planned over the next few months. Employers need to understand how these changes are likely to impact their workforce and determine how best to adapt and react to the changes.

We have scheduled this briefing for February 2010. However, depending on legislative or other developments, we reserve the right to move this briefing to an earlier date, in place of one already scheduled or change it to a seminar of a half or full day. Current topics include:

1. Status of health care reform and what it means for employers.
2. The Employee Free Choice Act – Labor Law Reform by the Democrats and the AFL-CIO.
3. The new members of the National Labor Relations Board and the expected agenda.
4. One year later – key court decisions interpreting The Lilly Ledbetter Fair Pay Act.
5. Status of other legislation and Executive Orders.

## **Announcing Our New Labor and Employment Law Blog**

We recently launched the first management-focused online blog dedicated to labor and employment law issues affecting both large and small employers with operations in New York State. We invite you to visit and subscribe via RSS feed/email alert at [www.nylaborandemploymentlawreport.com](http://www.nylaborandemploymentlawreport.com). Current blog postings include:

- New York Federal Court Dismisses Donning and Doffing Collective Action
- Questions to Avoid During the Hiring Process

# BS&K's Statewide Labor and Employment Law Breakfast Briefing Series Registration

Register online at [www.bsk.com](http://www.bsk.com)

or complete and return the registration form below.

Please RSVP 10 days prior to seminar.

## Registration Fees (per program)

BS&K Clients - \$25.00    General Public - \$35.00

For those HR Professionals who are between positions, we would like to offer "comps" to these seminars.

## Dates and Locations

Please indicate choice(s) of November and December dates.

January and February dates to follow.

### Albany

- Session 1: Nov. 17, 2009  
 Session 2: Dec. 7, 2009

The Desmond Hotel &  
Conference Center  
660 Albany-Shaker Road  
518-869-8100

### Batavia

- Session 1: Nov. 18, 2009  
 Session 2: Dec. 16, 2009

The BEST Center @  
Genesee Community College  
One College Road  
585-345-6868

### Binghamton

- Session 1: Nov. 12, 2009  
 Session 2: Dec. 8, 2009

Holiday Inn Arena  
2-8 Hawley Street  
607-722-1212

### Buffalo

- Session 1: Nov. 11, 2009  
 Session 2: Dec. 8, 2009

Hyatt Regency  
Two Fountain Plaza  
716-856-1234

### Corning

- Session 1: Nov. 10, 2009  
 Session 2: Dec. 10, 2009

The Radisson Hotel Corning  
125 Denison Parkway East  
607-962-5000

### Melville

- Session 1: Nov. 11, 2009  
 Session 2: Dec. 4, 2009

Melville Marriott Long Island  
1350 Old Walt Whitman Road  
631-673-4325

### Kingston

- Session 1: Nov. 18, 2009  
 Session 2: Dec. 3, 2009

Holiday Inn Kingston  
503 Washington Avenue  
845-338-0400

### New York City

- Session 1: Nov. 13, 2009  
 Session 2: Dec. 8, 2009

BS&K New York Office  
330 Madison Avenue  
646-253-2300

### Rochester

- Session 1: Nov. 13, 2009  
 Session 2: Dec. 4, 2009

Woodcliff Hotel & Spa  
199 Woodcliff Drive  
Fairport  
800-365-3065

### Syracuse

- Session 1: Nov. 6, 2009  
 Session 2: Dec. 15, 2009

Sheraton Syracuse University  
Hotel & Conference Center  
801 University Avenue  
800-395-2105

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

The following people will also attend:

Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-Mail: \_\_\_\_\_

*Refunds will only be made for cancellations received no fewer than 5 business days before event.*

Register online at [www.bsk.com](http://www.bsk.com) or complete and return the registration form to:

Ms. Toko Moyo, Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202

Fax: 315-218-8100 Questions: 1-800-339-8897 E-mail: [tmoyo@bsk.com](mailto:tmoyo@bsk.com)

Please make checks payable to Bond, Schoeneck & King, PLLC.

*This seminar is intended for the invited guests of Bond, Schoeneck & King, PLLC, who reserves the right to deny admission to any applicant.*