

# Human Resource Law Boot Camp

Ensure Legal Compliance and Protect  
Against Employment Claims

PLAINVIEW,  
NEW YORK  
APRIL 1, 2020

## Credit Information

NY CLE - 7.0

CT CLE - 6.0

NJ CLE - 7.2

PA CLE - 6.0

CPE for Accountants/NASBA - 7.0

NY CPE for Accountants - 7.0

HRCI - 6.0

SHRM CP/SCP - 6.0

IACET - 0.6

*See inside for details.*

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## Faculty

Sharon N. Berlin  
*Lamb & Barnosky, LLP*

Robert D. Lipman  
*Lipman & Plesur, LLP*

Michael A. Miranda  
*Miranda Slone Sklarin  
Verveniotis LLP*

Jeffrey N. Nanness  
*Nanness, Chalet  
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# SEMINAR OUTLINE

## I. FLSA Essentials:

### **Practically Applying the Most Recent Legal Perspectives**

9:00 - 10:00, Robert D. Lipman

- A. Primary Duties Test:  
Recognizing the Top Pitfalls
- B. Salary Test Legal Essentials
- C. Independent Contractor Issues
- D. Off-the-Clock Work and Unauthorized Overtime
- E. Addressing Employer Errors:  
Essential Safe Harbor Policies to Have

## II. Social Media Policies:

### **Balancing Employer Needs and Employee Rights**

10:00 - 10:45, Jeffrey N. Naness

- A. Social Media and NLRA Violations for Non-Union Employers
- B. To What Extent May Employers Limit Social Media Use?
- C. Using Private Social Media Accounts for Business Purposes
- D. Using Social Media in Hiring Decisions
- E. Best Practices for Creating and Updating Social Media Policies

## III. Drugs and Alcohol in the Workplace: Marijuana and Other Considerations

11:00 - 11:45, Jeffrey N. Naness

- A. Accommodating Medical Marijuana Users:  
Do Employers Have to?
- B. Drug Testing Considerations for Current and Prospective Employees
- C. Firing and Disciplining Medical Marijuana Users:  
Current Legal Perspectives
- D. Creating Drug and Alcohol Policies That Leave no Room for Interpretation

## IV. Hiring and Firing:

### **Legal Do's and Don'ts for Crucial HR Functions**

12:45 - 2:00, Sharon N. Berlin

- A. Crafting Legally Compliant Job Descriptions
- B. What Employers Can and Can't Ask About Criminal Backgrounds, Credit Histories, etc.
- C. How Enforceable are Non-Compete, Non-Solicit and Confidentiality Agreements?
- D. Verifying Immigration Status - E-Verify and Other Considerations

- E. Legally Defensible Termination Documentation
- F. Terminating Employees on Leave
- G. Separation Agreements and Releases:  
With Examples

## V. Using Handbooks to Protect Against Legal Liabilities: With Example Policies

2:15 - 3:20, Michael A. Miranda

- A. Handbook Scope:  
How Much is Too Much?
- B. What Topics You Must Include:  
With Example Language
- C. Key Disclaimers You Can't Forget
- D. Avoiding Implied Contractual Relationships
- E. Essential Updates:  
NLRB and Other Concerns
- F. Updating Handbooks:  
With Checklists

## VI. Employee Relations: Legal Solutions for Sensitive Workplace Issues

3:20 - 4:30, Michael A. Miranda

- A. Granting Employee Leave:  
FMLA, ADA and Other Considerations
- B. Return-to-Work Policies After Leave
- C. Disciplinary Actions
- D. Investigating Misconduct
- E. Answering Discrimination and Harassment Complaints
- F. Workplace Safety and Security Issues:  
Firearms, Disgruntled Employees, Domestic Violence, etc.
- G. Creating Performance Improvement Plans
- H. Employee Evaluations:  
Best Practices

\*If needed, the above agenda may be changed to best accommodate all of our attendees.

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# SEMINAR OVERVIEW

## A Full Day Brimming With Employment Law Best Practices

The rapid pace of change in the employment law arena requires constant vigilance on the part of HR professionals. It's all too easy to miss a seemingly minor detail and have your employer face a financially debilitating lawsuit as a result. Don't let your company's employment policies and procedures fall into legal obsolescence and fail to provide safeguards. Let our experienced attorney faculty provide you with up-to-date information on the FLSA, handbooks and more. Take away indispensable legal information you can use to reinforce your company's HR practices - **register today!**

- Get the latest FLSA perspective and ensure your wage and hour practices are up to speed.
- Determine if the language of your organization's handbook contains potential legal landmines.
- Handle hiring and firing issues with confidence - know which practices will land you in hot water.
- Ensure your company's social media policy provides maximum legal protections.
- Confidently investigate misconduct, create performance improvement plans and more.

## WHO SHOULD ATTEND

This **intermediate level** seminar on HR legal issues is of benefit to:

- Human Resource Professionals
- Attorneys
- Corporate Executives
- Accountants
- Payroll Professionals
- Paralegals

## CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar.

For detailed credit information, please contact us at **866-240-1890** or visit us at **nbi-sems.com**.

**NY CLE - 7.0** - This course has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 7.0 credit hours. 7.0 hours can be applied to the Areas of Professional Practice requirement. This live format program is appropriate for experienced attorneys. Nontraditional credit is available for the recording + manual for experienced attorneys only.

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## OUR DISTINGUISHED FACULTY

**SHARON N. BERLIN** is a partner with Lamb & Barnosky, LLP, where she represents management in private and public sector labor and employment law matters, including investigations, disciplinary proceedings, arbitrations, collective bargaining, and federal and state court litigation. She also serves as general counsel to school districts. Ms. Berlin is secretary to the New York State Bar Association's Municipal Law Section and chair of that section's Employment Relations Committee. She is also a member of the New York State Bar Association's Labor and Employment Law Section.

**ROBERT D. LIPMAN** is an attorney with the New York office of Lipman & Plesur, LLP. His main areas of expertise are wage and hour law, as well as employment law. Mr. Lipman has lectured and written extensively on employment-related matters. He has lectured for the Federal Bar Council, as well as programs sponsored by Cornell University's School of Industrial and Labor Relations, the American Bar Association, the New York Chapter of the American Trial Lawyers Association, and the National Employment Lawyers Association. Mr. Lipman co-wrote "What Supervisors Need to Know About Sexual Harassment," an award-winning online training program. Mr. Lipman was a contributor to the ABA/BNA Fair Labor Standards Act treatise. He is a certified arbitrator for the National Association of Securities Dealers. Mr. Lipman is a member of the National Employment Lawyers Association, the American Bar Association (member, Labor and Employment Law Section), the New York State Bar Association (Labor and Employment Law Section) and the Nassau County Bar Association (past chairman, Wage-Hour Subcommittee).

Detailed biographies can be found on our website at [nbi-sems.com](http://nbi-sems.com).

**MICHAEL A. MIRANDA** is a partner with the New York law firm of Miranda Slone Sklarin Verveniotis LLP. He has extensively litigated insurance coverage disputes and has prevailed in the State Court of Appeals three times on coverage defenses for insurers. Mr. Miranda also litigates on municipal liability and employment discrimination cases. He leads the firm's employment practices counseling group and serves as outside counsel to a number of private companies to deal with their everyday employment issues. Mr. Miranda has often defended private and public employers in disputes ranging from sexual harassment to racial discrimination. He also has experience in defending wage, overtime, uniform, and spread of hours claims pursuant to the Fair Labor Standards Act and New York Labor Law. Mr. Miranda is admitted to practice in New Jersey and New York, as well as the relevant federal courts for these jurisdictions.

**JEFFREY N. NANESS** is an attorney with Naness, Chaiet & Naness, LLC. Mr. Naness has well over two decades of experience representing management in labor relations, employment law, and related litigation. Mr. Naness has represented private sector companies, municipalities and public benefit corporations in all facets of employment and labor law, including collective bargaining, human resource advice, and litigation counsel. On a number of occasions, he has been brought in to assist primary counsel in complex restrictive covenant and employment law cases. Mr. Naness also excels in counseling his clients to avoid exposure to costly employment litigation. He is the president of the Labor and Employment Relations Association - Long Island Chapter and a member of the Suffolk Bar Association, the Nassau County Bar Association, the New York State Bar Association, the Accountants/Attorneys Networking Group, and the Association of Boutique Law Firms.

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  - Jan. 14** Legal Ethics: Top 10 Mistakes in Everyday Practice (84911)
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#### Audio Courses

##### MINI LAW SCHOOL FOR HR PROFESSIONALS

© May 2019 (Product ID: 82230FP)

As employment-related litigation rates continue to rise, employers must look for ways to proactively protect themselves in a legal manner. Human resource compliance can be one of the most costly and time-consuming aspects for a business; can you streamline the process and prevent unnecessary risk? This guide will get you up to speed so you can return to work confident in your abilities. Know the fundamentals of human resources: from hiring to firing and everything in-between. Order today!

By: Scott H. Casher, Sharon N. Berlin, Robert D. Lipman, Matthew J. Mehnert, Jeffrey N. Naness and Ana C. Shields.

OnDemand - \$359 CD & Manual - \$239

CLE Hours: 7.00 • Expire Date: 05/15/2021

#### Video Courses

##### TIPS FOR DEALING WITH DIFFICULT EMPLOYEES

© June 2019 (Product ID: 82721FP)

Managing problem employees in a litigious society is difficult - but retaining underperformers, troublemakers, and those who abuse their benefits is not the solution. This strategic legal guide will reveal tips for identifying and curing problem behavior, as well as bulletproof practices and documentation that will keep employers out of the courtroom. Tactically improve productivity in the workplace while avoiding legal hazards - order today!

By: Laurie A. Petersen, David Keesling and Stanley Lubin.

OnDemand - \$339 DVD & Manual - \$229

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REGISTRATION TIME 8:30 — 9:00 am

SEMINAR TIME 9:00 am — 4:30 pm

Complimentary snacks and refreshments are provided. Lunch is on your own.

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\*Pre-registration is encouraged. If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.

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