



The Missouri Bar
**Labor & Employment Law
Committee**



James M. Paul, Chair
David M. Kight, Vice-Chair
Marsha B. Fischer, Vice-Chair

326 Monroe Street
Post Office Box 119
Jefferson City, Missouri 65102
573/635-4128

Jane C. Drummond, Vice-Chair
Stephen C. Thornberry, Vice-Chair
Nancy J. Morales Gonzalez, Vice-Chair

May 11, 2006

**LABOR AND EMPLOYMENT LAW COMMITTEE
SPRING COMMITTEE MEETING
CAPITOL PLAZA HOTEL - JEFFERSON CITY, MISSOURI
MAY 12, 2006 - 10:00 a.m. to 12:00 p.m.**

REPORT OF THE CLE/SYMPOSIUM COMMITTEE

I. Annual Labor and Employment Symposium

The Symposium is going to be held on November 10th and 11th at the Stoney Creek Inn Hotel in Columbia. **Note that November 11th is the Missouri vs. Kansas football game in Columbia.** We are looking for speakers, panelists, volunteers and ideas. Attached is last year's brochure.

II. Labor and Employment Deskbooks

As many of you are aware, we are in the early stages of planning a complete re-write of the two existing Labor and Employment Deskbooks. We have attached the existing and proposed tables of contents for both. Please review them and let me know if you are interested in participating as an author or an editor.

Thanks for coming to the Spring Committee Meeting!

Very truly yours,

DAVID M. KIGHT



Providing Excellence in CLE for Over 44 Years

12.3
MCLE
hours
1.0 ethics
hours

Labor & Employment Law Symposium

Columbia
October 21-22, 2005
Stoney Creek Inn
2601 Providence Road

MoBarCLE and the Labor & Employment Law Committee are proud to present this quality seminar

Friday, October 21, 2005

- 9:00 - 9:30 **Registration**
- 9:30 - 9:35 **Welcome**
James M. Paul, *Lathrop & Gage, LC*
Chair, The Missouri Bar Labor & Employment Law Committee
- 9:35 - 10:50 **Recent Case and Legislative Update** - An in-depth look at the year's most significant labor and employment decisions and recently-enacted legislation affecting employment practitioners.
Speakers: **Jane C. Drummond**, General Counsel, *Missouri Department of Health and Senior Services*
 Timm W. Schowalter, *Lashly Baer*
- 10:50 - 11:00 **Refreshment Break**
- 11:00 - 12:00 **"Tag You're It:" Recognizing and Avoiding State and Federal Retaliation Claims** - Panel discussion addressing how to navigate the mine field of a retaliation claim, including topics such as state statutory and common law retaliation claims, protected activity, adverse employment actions, causal links, and how to handle employee complaints to minimize risk.
Panelists: **Lynne J. Bratcher**, *Bratcher Gockel & Kingston, LC*
 Gregory A. Rich, *Weinhaus, Dobson, Goldberg & Moreland*
 Margaret A. Hesse, *Tueth, Keeney, Cooper, Mohan & Jackstadt, PC*
- 12:00 - 12:20 **Lunch** (*included with program*)
- 12:20 - 1:00 **State of Labor Unions in Missouri and the United States**
Luncheon Speaker: **Herb Johnson**, *Missouri AFL-CIO*
- 1:00 - 1:45 **Current Trends in Alternative Dispute Resolution - Mandatory Arbitration Agreements, Jury Trial Waivers and Mediation** - An exploration of the latest trends, developments and strategies for using available ADR tools, including mandatory arbitration agreements and jury waiver agreements.
Speakers: **George L. Fitzsimmons**, *George L. Fitzsimmons, LLC*
 James S. Margolin, *Law Office of James S. Margolin*
 John R. Phillips, *Blackwell Sanders Peper Martin*
- 1:45 - 2:35 **Plaintiff/Defendant Breakout Sessions:**
Attendees will break into two groups for strategic discussions
Employee-side and employer-side attorneys will each have their own separate sessions to discuss issues facing each group. From dealing with individual plaintiffs on the one hand to in-house counsel on the other, attorneys can discuss trial strategies and share the latest information on legal and case developments.
Plaintiff Counsel: **Mary Anne Sedey**, *Sedey & Ray, PC*
 D. Eric Sowers, *Sowers & Wolf, LLC*
Defense Counsel: **William C. Martucci**, *Shook Hardy & Bacon, LLP*
 Sarah L. Farrell, *CHRE, Managing Consultant, Strategic Human Resources Solutions, BKD, LLP*
- 2:35 - 2:45 **Refreshment Break**
- 2:45 - 3:45 **Jury Instructions and MAI Update** - A detailed panel discussion of the new MAI jury instruction for MHRA discrimination claims, as well as changes to the Model Eighth Circuit Jury Instructions.
Panelists: **Hon. Laura Denvir Stith**, *Supreme Court of Missouri*
 Kimberly A. Jones, *Blackwell Sanders Peper Martin*
 Larry M. Schumaker, *Schumaker Center for Employment Law, PC*

Friday, October 21, 2005 (Continued)

- 3:45 - 5:00 **Judicial Panel** - A distinguished panel of state court judges will visit with participants to discuss their procedures for handling employment-related claims in their courts and the latest trends regarding these claims.
Panelists: **Hon. Laura Denvir Stith**, *Supreme Court of Missouri*
Hon. Lisa S. Van Amburg, *Circuit Court of St. Louis City*
Hon. Michael W. Manners, *Circuit Court of Jackson County*
- 5:00 - 6:00 **Judicial Reception**

Saturday, October 22, 2005

- 8:30 - 9:00 **Continental Breakfast**
- 9:00 - 10:00 **Latest Practice Tips Regarding E-Discovery** - The latest developments, court rules and decisions regarding email retention and electronic discovery, including spoliation arguments and cost-shifting, will be analyzed.
Speakers: **Hon. James P. O'Hara**, *U.S. District Court for the District of Kansas*
William C. Martucci, *Shook Hardy & Bacon, LLP*
- 10:00 - 11:00 **Missouri Human Rights Act Update** - An up-to-date report on the quickly evolving interpretations and decisions in cases brought in state court under the MHRA, including individual liability of supervisors, other differences from similar federal laws, and removal tactics.
Panelists: **Joseph K. Eischens**, *Thornberry & Eischens, LLC*
Joseph H. Knittig, *Seyferth Knittig, LLC*
D. Eric Sowers, *Sowers & Wolf, LLC*
- 11:00 - 11:10 **Refreshment Break**
- 11:10 - 12:00 **Ethical Ramifications of Employment Law Practice** - A necessary presentation and analysis of the current law regarding engaging in *ex parte* contact with current and former employees and walking the tightrope of joint representation of an employer and individual supervisors and managers.
Speaker: **Christian A. Stiegemeier**, *Director of Risk Management, The Bar Plan Mutual Insurance Company*
- 12:00 - 12:20 **Lunch** (*included with program*)
- 12:20 - 1:00 **Generational/Age Diversity in the Workplace** - A fascinating exploration of the generational differences among the people we live with, work with and represent everyday.
Luncheon Speaker: **Arin N. Reeves, Ph.D.**, *Athens Group*
- 1:00 **Symposium Adjourns**

Mizzou Game!!!!



Saturday, October 22, 2005
Missouri v. Nebraska



Labor & Employment Law Symposium



*Providing Excellence in CLE
for Over 44 Years*

The Missouri Bar
P.O. Box 119
Jefferson City, MO 65102-0119

Nonprofit Org.
U.S. POSTAGE
PAID
Jefferson City, MO
Permit No. 312

Labor & Employment Law Symposium B

Send payment to: The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102-0119, phone toll-free at 1-888-253-6013 or 573-635-4128, FAX 573-659-8931. Paid registrations may be received by mail, phone, fax, or online at www.mobar.org.

Name _____
Address _____
P.O. Box _____
City/State/Zip _____
Phone _____ Fax _____
Bar Number (if admitted in Missouri) _____
E-Mail _____
Name as it should appear on badge _____
 Check American Express Master Card VISA Discover
Credit Card No. _____
Expiration Date _____
Signature _____
(Required for credit card purchase)

Registration Fee:

- \$299 —Lawyer
- \$249 — New lawyer admitted after 1/1/02
- Season Pass
- \$ 75 — Course material only

Program Date and Location:

October 21-22, 2005
Stoney Creek Inn
2601 Providence Rd.
573-442-6400

**Special
Dietary
Needs**

(You will be given a
special place card to
present to the wait
staff)

EXISTING MOBAR LABOR AND EMPLOYMENT CLE DESKBOOK CHAPTERS

| Book | Chapter |
|------------------------------|---|
| Employment Discrimination | 1 Introduction and Overview |
| " | 2 Administrative Process |
| " | 3 Burden of Proof |
| " | 4 Sexual Harassment in the Workplace |
| " | 5 Gender Discrimination |
| " | 6 Age Discrimination |
| " | 7 Race Discrimination |
| " | 8 National Origin Discrimination |
| " | 9 Religious Discrimination |
| " | 10 Discrimination Under the Americans with Disabilities Act |
| " | 11 Affirmative Action |
| " | 12 Remedies |
| " | 13 Alternative Dispute Resolution |

| | |
|---|---|
| Employer-Employee Law Second Edition | 1 Major Constitutional Issues Affecting State Public Sector Employees |
| " | 2 Missouri Public Sector Labor Law |
| " | 3 Statutory Protections for Public School Teachers |
| " | 4 Missouri Open Meetings/Open Records Law (Sunshine Law) |

| Book | Chapter |
|------|--|
| " | 5 Unemployment Compensation |
| " | 6 Employees Not Covered by Labor Agreements |
| " | 7 Employee Rights—Leaves of Absence, Uniformed Services Employment, Workers' Compensation Retaliation, and Related Topics |
| " | 8 Pay, Benefits, and Other Terms and Conditions of Employment |
| " | 9 National Labor Relations Act: A Brief Overview |
| " | 10 Duty of Fair Representation |
| " | 11 Regulation of Handbilling and Picketing |

PROPOSED MOBAR LABOR AND EMPLOYMENT CLE DESKBOOK CHAPTERS

EMPLOYMENT DISCRIMINATION

1. Introduction
2. Missouri Human Rights Act – An Overview
3. Sexual Harassment and Discrimination
4. Title VII of the Civil Rights Act of 1964 – An Overview
5. Gender Discrimination
6. Equal Pay Act
7. Race Discrimination
8. Claims under § 1981 of the Civil Rights Act of 1866
9. Claims under § 1983 of the Civil Rights Act of 1866
10. National Origin Discrimination
11. Religious Discrimination
12. Disability Discrimination
13. Retaliation in Violation of Public Policy
14. Sarbanes - Oxley
15. Discrimination for Protected Concerted Activity under the NLRB
16. Affirmative Action
17. Burden of Proof
18. Remedies
19. ADR in Employment Discrimination
20. Electronic Discovery in Employment Discrimination
21. Time Limitations in Missouri and Federal Law

EMPLOYER-EMPLOYEE LAW

1. Introduction
2. Missouri Public Section Labor Law
3. Public Employees and Teachers
4. Missouri Sunshine Law
5. Unemployment Compensation in Missouri
6. Leaves of Absence
7. Uniform Services Employment and Reemployment Rights Act
8. Fair Labor Standards Act
9. Missouri Wage Payment Act
10. Missouri Service Letter Statute
11. National Labor Relations Act
12. Duty of Fair Representation
13. Strikes, Handbilling & Picketing
14. Occupational Safety and Health Act
15. Worker Adjustment and Retraining Notification Act
16. Privacy Issues in the Workplace – Drug Testing, Surveillance, Polygraphs
17. Immigration Issues in the Workplace and the Immigration Reform and Control Act
18. Non-Compete & Non-Solicitation Agreements
19. Missouri Child Labor Laws
20. Missouri Prevailing Wage Law
21. Health Insurance Portability and Accountability Act
22. Continuation Coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA)
23. Coverage Chart for Missouri and Federal Law
24. Recordkeeping Obligation