

Lorman Education Services Presents:

# Employee Discharge and Documentation in New York

This one-day seminar is designed for human resource and payroll professionals, business managers, office managers, directors, presidents, vice presidents, CFOs, controllers, accountants and attorneys.

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Buffalo, NY  
April 16, 2008

## Speakers:

**Mark A. Moldenhauer, Esq.**

**James J. Rooney, Esq.**

*Bond, Schoeneck & King, PLLC*



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*See inside for details.*

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# Critical Issues on the Agenda

*This seminar will be represented by Mark A. Moldenhauer, Esq., and James J. Rooney, Esq.*

8:30 AM – 9:40 AM

## **Discrimination Overview**

- Title VII
- Age Discrimination in Employment Act
- New York Human Rights Law
- New York Labor Law §201-d

9:40 AM – 10:40 AM

## **Avoiding and Coping With Disability Discrimination Claims**

- Who Is an Individual With a Disability?
  - Under the Americans With Disabilities Act
  - Under the NYHRL
- The Duty to Make Reasonable Accommodations
  - According to the Equal Employment Opportunity Commission
  - According to the New York State Division of Human Rights
- Recent Developments

10:40 AM – 10:50 AM

## **Break**

10:50 AM – 12:15 PM

## **Handling Harassment Claims**

- Quid Pro Quo and Hostile Environment
- Developing an Effective Policy
- Responding to a Complaint

12:15 PM – 1:15 PM

## **Lunch (On Your Own)**

1:15 PM – 2:50 PM

## **Workplace Investigations**

- Preparing for an Investigation
- Investigation Techniques
  - Interviewing
  - Documentation
  - Resolution
  - Follow-Up
- Legal Restrictions on Investigative Techniques
  - Federal Statutes
  - New York Statutes
  - Common-Law Privacy Concerns
- Defamation and Workplace Investigations
- Protecting the Content and Results of Workplace Investigations
  - Attorney-Client Privilege
  - Self-Critical Analysis Privilege

2:50 PM – 3:00 PM

## **Break**

3:00 PM – 3:45 PM

## **Progressive Discipline Strategies**

- Notice
- Counseling
- Written Warnings
- Suspension
- Disciplinary Probation
- Last Chance Agreements
- Demotion
- Transfer

3:45 PM – 4:30 PM

## **Workplace Violence – Avoiding Violent Responses to Disciplinary Action**

*Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.*

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# Seminar Highlights

## When can flawed documentation be worse than none at all?

Whether supervising one employee or dozens, documenting performance and conduct issues is often a manager's worst nightmare. Many managers feel that it is too time-consuming, burdensome or just plain distasteful – especially when an employee's performance or conduct falls short of company expectations. Although documenting is not a legal requirement, here are three good reasons why managers need to take the time to properly document significant concerns: you can see whether a manager has been proactive in addressing issues with underperforming employees; you can show that you had legitimate business reasons for disciplining or terminating an employee; and you can minimize – sometimes even avoid – liability for wrongful termination.

Attend this seminar and you will learn what needs to be documented and just how to do it. You'll walk away with practical tips and guidelines for effective and lawful employee discharge and documentation.

### Benefits for You

- Prevent claims of wrongful discharge
- Avoid – and cope with – disability discrimination claims
- Implement progressive discipline strategies
- Tips on conducting workplace investigations
- Find out how to avoid violent responses to disciplinary action

### Professional Manual

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of CDs and the accompanying manual from this program by using the registration form on the back panel.

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**Employment Law From A to Z** – The Hiring Process; At-Will Employment; Employment Discrimination; Wage/Hour Law Compliance; Workplace Disabilities and Leaves of Absence; The Termination Process.

**Faculty:** Barbara E. Hoey, Kelley Drye & Warren LLP; John E. Kiley, Kelley Drye & Warren LLP; Jean Y. Park, Kelley Drye & Warren LLP. ©2007. 180 pages.

<b>Item:</b> 369796TMX	CD and Manual	\$139
369796MAN	Manual Only	\$69
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**Advanced Workplace Investigations** – Workplace Investigations and the Law; Key Issues in Workplace Investigations; How to Properly Conduct, Conclude and Document an Investigation; Interviewing Techniques.

**Faculty:** Speakers; John M. Bagyi, SPHR, Bond, Schoeneck & King, PLLC; Diane Listenader, SPHR, GPHR, CCP, GRP, Lake Associates, Inc. ©2007. 82 pages.

<b>Item:</b> 373644TMX	CD and Manual	\$139
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**Advanced Topics in the Family and Medical Leave Act** – 2006-2007 FMLA Update; Managing Intermittent and Reduced Schedule Leaves Under the FMLA; Workers' Compensation and FMLA Leave; The Interplay of the FMLA and Other Statutes and Training Managers on FMLA.

**Faculty:** Gordon D. Quinn, Sullivan, Hayes & Quinn; Melissa M. Shea, Esq., Sullivan, Hayes & Quinn; Meghan B. Sullivan, Esq., Sullivan, Hayes & Quinn; Layla G. Taylor, Sullivan, Hayes & Quinn. ©2007. 54 pages.

<b>Item:</b> 372268TMX	CD and Manual	\$139
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## Our Distinguished Faculty

### James J. Rooney, Esq.

**James J. Rooney, Esq.,** is a partner in the law firm of Bond, Schoeneck & King, PLLC, and practices out of the firm's Buffalo office. He received his B.A. degree from Dartmouth College and his J.D. degree, cum laude, from Boston College Law School, where he was senior editor of the *Boston College International and Comparative Law Review*. As a member of the firm's 50-lawyer, statewide labor and employment law practice, Mr. Rooney represents both private and public employers in a wide variety of discrimination matters, proceedings before the National Labor Relations Board, labor arbitrations and the negotiation of collective bargaining agreements. He regularly represents employers in state and federal court, as well as the Equal Employment Opportunity Commission and New York State Division of Human Rights. Mr. Rooney has substantial experience advising clients in all types of employment-related matters, including executive compensation, covenants not to compete, workplace policies, and wage and hour laws. He is a frequent lecturer on labor and employment law issues and is listed in *Super Lawyers*® as one of the top labor and employment lawyers in Upstate New York. He is a member of the American (Litigation and Labor and Employment Sections) and Erie County Bar Associations and is admitted to practice in New York, Massachusetts and the District of Columbia.

### Mark A. Moldenhauer, Esq.

**Mark A. Moldenhauer, Esq.,** is an attorney with the law firm of Bond, Schoeneck & King, PLLC, practicing out of the firm's Buffalo office. He received his B.A. degree from Hamilton College and his J.D. degree from the State University of New York at Buffalo Law School. Mr. Moldenhauer represents employers in labor and employment matters in federal and state courts, and in proceedings before federal and state administrative agencies. His practice includes counseling employers on a wide variety of labor and employment topics, including employment discrimination and workplace harassment, wrongful discharge, civil rights litigation, labor arbitration, unfair labor practice charges, wage and hour issues, and collective bargaining. Mr. Moldenhauer is a member of the New York State (Labor and Employment Law Section) and Erie County (Labor and Employment Law Committee) Bar Associations. He is admitted to practice in New York and before the District Courts for the Western and Northern Districts of New York.

*Past comments from other Lorman seminars:*

**"Insightful, engaging and relevant to today's challenges that managers are facing day to day. Presenters were extraordinary, knowledgeable and engaging. "**

— Gary DuPont, Director  
*Medical Academic & Scientific Community Organization Inc.*



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# General Information

**Buffalo, NY • April 16, 2008**

**Buffalo Conference Center • Six Fountain Plaza**

**Registration: 8:00 am – 8:30 am • Session: 8:30 am – 4:30 pm**

**Lunch Break: 12:15 pm – 1:15 pm (On Your Own)**

Contact Lorman for hotel/seminar information at **866-352-9539** (please call hotel for accommodations or directions only). **The facility is wheelchair accessible. Please contact us with any questions.**

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Lorman Education Services is an approved provider through the American Payroll Association. This seminar is approved for 6.5 RCHs.

This course has been approved in accordance with the requirements of the New York Continuing Legal Education Board for a maximum of 8.0 credit hours, of which 8.0 credit hours may be applied toward the Areas of Professional Practice requirement. Each hour may be counted only as satisfying one category of credit; duplicate credit for the same hour of instruction is not permitted. This course qualifies for both established and newly admitted attorneys. Lorman Business Center, Inc. has a financial hardship guideline.

This program has been approved for 6.50 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org).



This seminar has been reviewed and approved for inclusion in the Human Resource Professional Development™ Certificate Program and qualifies for 1.0 credit. Please visit [www.lorman.com/certification/hrpd](http://www.lorman.com/certification/hrpd) for more information.

Lorman Business Center, Inc. is a registered provider for CPA CPE through the State Education Department of New York. Sponsor number: 000640. The following course will carry the subject area of Personnel/HR for 8.0 hours.



Lorman Business Center, Inc. is an Authorized Provider by the International Association of Continuing Education and Training (IACET). Lorman Business Center, Inc. will award 0.65 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

### IACET Learning Objectives

- The attendee will be able to review New York labor law.
- The attendee will be able to identify recent developments.
- The attendee will be able to discuss workplace investigations.

Lorman Education Services is registered with the **National Association of State Boards of Accountancy (NASBA)** as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Website: [www.nasba.org](http://www.nasba.org)

**CPE Credit: Maximum Credit Hours: 8.0 each session (based on a 50 minute credit hour). Field of Study: Personnel/HR. Prerequisite: None. Level of Knowledge: Intermediate.** Teaching Method: Seminar/Lecture. Advance Preparation: None. Delivery Method: Group-Live. Please refer to the information in this brochure for outline, course content and objectives. Upon completion of this course, you will receive a certificate of attendance. Final approval of a course for CPE credit belongs with each state's regulatory board.

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