

# 2009 IOWA Employment Conference

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# Join Our Distinguished Faculty

*in lively discussions of practical approaches and new thinking on common employment problems.*

**CATHY BELMONT's** career as an organizational development professional spans 15 years. She is skilled in facilitation, course and program development, blended learning, and talent management practices and programs. Cathy has a Bachelor's degree from the University of Northern Iowa and a Master's degree in Training and Development from Drake University. She has been active in ASTD and is a past president of the Central Iowa Chapter.

**MATTHEW BRICK, ATTORNEY,** is a partner with the Des Moines law firm of Brick, Gentry, Bowers, Swartz, Stoltz & Levis, P.C. His practice is in civil litigation with a focus on labor, employment and environmental matters. He represents clients in state and federal court, in arbitration and mediation, as well as before administrative agencies. Matt also advises employers on employee discipline and general employment policies, and contracts and assists employers with union-related matters, such as unfair labor practice charges and negotiating collective-bargaining agreements. Matt is licensed to practice in Iowa, Nebraska, Minnesota and Washington D.C. He received a J.D. degree, with high distinction, from the University of Iowa Law School and a B.S. degree, with honors, from the University of Iowa.

**JEFF CLAYTON** is an Account Executive at Holmes Murphy & Associates working in the area of employee benefits. He is also a licensed attorney and worked several years in private practice in the areas of business and employment law before joining HMA. Jeff serves on the City of Des Moines Board of Adjustment and was recently honored as a member of the Business Record's 2009 "Forty Under 40" class.

**KIM CLAYTON, FLMI, HIA – VICE PRESIDENT OF AMERICAN ADMINISTRATORS,** has over 25 years of experience in the health care insurance industry. American Administrators is a third-party administrator (TPA) that provides a full range of administration, claims, accounting and support services designed to manage all aspects of an employer's group health plans. Kim has been instrumental in developing SBA/AA into one of the leading TPAs in the Midwest. Kim is also the President of West Parks Foundation in West Des Moines and is a board member of the American Diabetes Association of Central Iowa.

**MIKE DAVIS** is a training and development professional who has been involved in the profession for the past six years. He was a team member at Wells Fargo as a Training and Development Specialist, a Learning and Development Consultant, and as a Learning and Development Manager. Mike's training and development experience includes classroom training, interactive multimedia instruction and design, training needs analysis, training implementation, business line consulting, and training evaluation.

**DOUG FULTON, ATTORNEY,** is a partner with the Brick Gentry law firm. His practice is devoted to corporate matters, with a focus on labor and employment issues. Doug represents employers, employees and public entities in employment-related litigation on a wide variety of statutory and common law claims, and has represented clients in state and federal court, as well as before administrative agencies. Doug graduated with honors from Drake Law School and is admitted to practice in all state and federal courts in Iowa.

**MAX GAGE** is a training and development professional in Des Moines. She has been involved in the profession for more than 18 years. She started her career at Meredith Corporation, and then moved to several other local organizations before starting her own consulting business in 1997. Max completed her Master's degree in Training and Development at Drake University in 1997. She went on to serve as an adjunct instructor in the program for several years. She has also been active in the local chapter of ASTD, where she served on various committees and on the Board. She maintains her membership in the national ASTD.

**DAVID GARZA** earned a Bachelor of Business Administration degree from the University of Texas at Austin in 1988. He earned a Doctor of Jurisprudence from the University of Texas in 1994. He worked briefly for the Office of the Attorney General in Austin and the Bexar County District Attorney's office in San Antonio before joining the National Labor Relations Board in July 1995 at its Region 16 office in Fort Worth. Working as a field attorney in that office, he investigated and litigated unfair labor practice cases on behalf of the NLRB. In June 2001, he was appointed to his current position as Resident Officer for Region 18's Resident Office in Des Moines. In this office, he is responsible for overseeing the processing of representation and unfair labor practice cases that originate in the state of Iowa.

**PAUL GREUFE, SPHR,** is a business consultant specializing in Human Resource Services. He is president of PJ Greufe & Associates, a consulting firm located in Davenport. He represents employers in all aspects of human resources, including negotiating labor contracts. He has more than 15 years of experience with both public and private sector employers. Paul has a Masters degree in Business and has served as an adjunct faculty member for St. Ambrose University, Clarke College, Ashford University and Iowa State University.

**JILL JENSEN-WELCH, Esq., SPHR.** After working for more than 15 years as a human resource professional at various Des Moines, Iowa employers, Ms. Jensen-Welch attended Drake University Law School and graduated with high honors. She is a shareholder in the Des Moines law firm of Dickinson, Mackaman, Tyler & Hagen, P.C. Jill practices primarily

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# 2009 Iowa Employment Conference

25 Powerful and Informative Sessions Presented by Human Resource and Training Consultants, Attorneys and Benefit Consultants

7:45-8:10 A.M.

8:10 - 8:20 A.M.

Arrive/Networking

Welcome/Opening

Announcements

Employment Conference Scheduled to Help Business Owners, Managers, Benefit Specialists, HR Professionals and Trainers Stay on Top of Critical Employment Issues

The 2009 Iowa Employment Conference will be held on **April 21** at the **Prairie Meadows Conference Center in Altoona** from 7:45 a.m. until 4 p.m.

in employment law and litigation. She generally represents employers and is an author and speaker for human resources and business groups on employment law-related topics. In 2008 Jill was selected as one of America's Leading Lawyers for Business, in the Iowa Labor & Employment Section, by Chambers USA.

**WILLIAM JUDGE, JD, LL.M.**, is a practicing attorney from Oak Park, Illinois. For the past 18 years he has concentrated his practice on research, consultation, litigation assistance and management training related to the legal issues of substance abuse in the workplace and in our nation's schools. Bill was an invited panelist at the 1988 White House Conference for a Drug-Free America. He has written six publications and created the Web/CD resource *DT State Laws* containing full-text state laws and court decisions.

**JOE LANGEL** is an Account Executive at Holmes Murphy & Associates. Joe started as an Account Manager where he worked on the school team. Holmes Murphy proudly handles the benefits for about 100 schools in the state of Iowa. He is also active in Big Brothers -Big Sisters and Junior Achievement of Central Iowa.

**JACK LIPOVAC, SPHR**, has over 25 years of experience as a human resource consultant. He is President of HR-OneSource, a human resource-consulting firm. He represents employers at PERB/NLRB hearings and in civil rights investigations, develops personnel policies and job descriptions, and provides advice to employers on all aspects of human resource management. Jack has a Masters degree in Human Resources and is a certified Senior Professional in Human Resources (SPHR).

**TODD MCDONALD, PHR – PRESIDENT, ATW TRAINING & CONSULTING**, has been in the human resource and training industry for over 20 years. He served as Executive Vice President for American Media Inc. prior to founding ATW Training & Consulting in 1999. His accomplishments include developing and delivering training programs and speeches to national and international audiences; the creation of over 500 off-the-shelf training products, and authoring two books.

**RUSH NIGUT** is a shareholder at Brick Gentry, P.C. Rush received his Juris Doctorate degree from Drake University.

**JESSE PATTON, HIA, MHP, FAHM, LUTCF, HIPAAA, EBHA**. Jesse founded and is President of Associations Marketing Group, Inc. (AMGI), in Des Moines. The AMGI team specializes in group and individual health insurance. Jesse is currently serving his seventh term on the Iowa Small Group

Reform Committee as Secretary; he is Chair of the Iowa Retail Federation, President of the Iowa Retail Foundation and is a consulting member of the Galen Institute, Center for Health Transformation and the Heritage Foundation. In 2005, he was inducted into the Iowa Insurance Hall of Fame as its youngest member.

**KEVIN POKORNY – HR & TRAINING CONSULTANT**, has 27 years of expertise in designing and delivering training, including employment law, harassment prevention, workplace diversity and more. Kevin has facilitated numerous public forums on education issues in the Des Moines area. He has also worked with management teams and nonprofit boards to improve their performance and has facilitated project groups.

**FRAN SEPLER** is the President of Sepler & Associates, a firm specializing in assessing and resolving workplace disputes and charges. Ms. Sepler is a nationally recognized expert in the field of workplace investigations. The methods, models and protocol that she has developed are used from the Fortune 500 to the Ivy League, and beyond. She annually conducts up to 100 complex investigations and offers public seminars and in-house training on workplace investigations for attorneys and human resource professionals throughout the United States and Canada.

**MIKE STAEBELL – ASSISTANT DISTRICT DIRECTOR, US DEPARTMENT OF LABOR, WAGE & HOUR DIVISION**, has been with the Wage and Hour Division for 24 years. He regularly gives presentations to the public and has served as a national trainer for Wage and Hour staff on the Fair Labor Standards Act, Total Quality Management, Family and Medical Leave Act and Litigation Preparation.

**ANDY VISSER** is Senior Consultant and Chief Executive Officer of Connections Inc. Employee Assistance Program (EAP). Connections, founded in 1988, is an independent, brokerage style Employee Assistance Program serving a wide range of manufacturing, health-care and educational organizations. Andy has specifically developed programs promoting management level usage of the EAP referral as a behavior risk management tool. He has led the Connections team to evolve employee assistance as an integral player in optimizing productivity at work.

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**2009 IOWA** April 21 • Altoona  
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**2009 Iowa Employment Conference**  
**April 21 • Altoona**  
 Prairie Meadows Conference Center  
 1 Prairie Meadows Drive, Altoona IA  
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**Tuition: \$99/person**

**REGISTER NOW!**  
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**Names of Attendees:**

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

Email \_\_\_\_\_

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

Email \_\_\_\_\_

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

Email \_\_\_\_\_

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# 2009 Iowa Employment Conference

25 Powerful and Informative Sessions Presented by Human Resource and Training Consultants, Attorneys and Benefit Consultants

7:45-8:10 A.M.

Arrive/Networking

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## Session I – 8:20 – 9:30 a.m.

### 2009 Employment Law Update – JACK LIPOVAC, MATTHEW BRICK and MIKE STAEBELL (Meadows A)

Employment law is a moving target and even accidental missteps by an employer often result in costly litigation. This session will cover important recent developments in employment law, including:

- New legislation, including ADAAA and the Ledbetter/Fair Pay Act
- COBRA and other workplace issues in the new Stimulus Act
- New Family & Medical Leave Regulations
- Fair Labor Standards Act

### Surviving and Thriving in Turbulent Times – TODD MCDONALD (Salon 1)

When the going gets tough, your employees need your leadership more than ever. Leadership is critical in turbulent times because things are no longer black and white. You need to focus on those things that will support your organization's economic engine. In this session we will:

- Examine different factors that cause turbulence in our organizations and teams
- Identify strategies for personally dealing with change and ambiguity
- Learn five strategies for managing in turbulent times

### U.S. Healthcare, The New Presidential Administration and the Effect on Your Medical Care – JESSE PATTON (Salon 2)

This session will provide an in-depth look at the healthcare plans of our new President. Attendee's will learn how President Obama's healthcare proposals may affect America's healthcare system. Attendees will learn about plans being introduced by the Congress of the United State and gain insight on the impact of these proposals. You will learn:

- The driving factors in the U.S. healthcare system
- Ideas of the new President and plans of a United States Congress
- Recent changes with the Stimulus package and SCHIP
- How care may be delivered
- How this affects business

## Session II – 9:45 – 10:55 a.m.

### FMLA Update – MIKE STAEBELL (Meadows A)

This session will provide an overview of current and the new regulations for FMLA. The session will also cover intermittent and reduced leave schedules, as well as employee and employer rights and responsibilities. This session will address:

- Overview of New Regulations
- Military Family Leave
- Common FMLA Issues

### Documenting Discipline – PAUL GREUFE (Meadows B)

Create a more consistent and fair way for your supervisors and managers to deal with their "least best" employees. This session will improve the way your supervisors document discipline, which will help your organization avoid lawsuits. This session will also show you how to develop better employees and become better prepared for your day in court. Attendees will:

- Receive sample policies that work
- Learn a simple, effective way to deal with documentation
- Have fun discussing some HR horror stories

### Coaching the Coach – MAX GAGE (Salon 1)

As Human Resource professionals, our role is often times "coaching" the managers who in turn need to coach their employees to learn new skills, redirect poor work performance, and reinforce good work behaviors. Getting results, doing more with less, holding people accountable, efficient on-boarding of new people, changing skills needed by changing work environments....the demands placed on managers and their employees are ever increasing. In this session we will discuss your coaching role, and how to better equip the managers you support in their coaching and feedback efforts. In this session we will:

- Introduce a coaching model to help your managers reinforce and redirect employees' behaviors
- Introduce a feedback model to ensure specific, objective feedback is being presented to the employee

### What You Should Expect From Your Benefits Broker – JEFF CLAYTON and JOE LANGEL (Salon 2)

Are you curious if your current broker is providing the same level of service or has the same level of expertise as the competition? This session will discuss the basics of what you should be getting from your employee benefits broker. There will be some discussion of the quoting process and how commissions are calculated, as well as added value services available to companies. The session will also include an update on recent and possible legislative changes, including changes to COBRA, and how your broker should be helping diminish your increasing workload as a result of these changes. The session is anticipated to be interactive and time will be available for questions.

### How to Conduct an Effective Interview – KEVIN POKORNY (Salon 3)

Did you ever interview someone who you thought would be a fantastic employee, but he or she didn't turn out that way? If so, it's most likely because you did not conduct an effective interview. What are the basic components to an effective interview that will result in hiring people to match the job? In this workshop, you will learn:

- How to prepare for the interview
- A structured interview format
- How to develop behavior-based interview questions
- How to ask follow-up questions

### Introduction to the National Labor Relations Act – DAVID GARZA (Polk Room)

Included with this presentation will be discussion on what constitutes an appropriate bargaining unit, the Board's election process, the Board's definition of a 2(11) supervisor, and what can arise in collective bargaining unfair labor practice cases. There will also be some discussion on the Employee Free Choice Act.

## Session III – 11:10 a.m. – 12:20 p.m.

### Investigation Preparedness – FRAN SEPLER (Meadows A)

When issues arise that call for an investigation, organizations must be prepared to act. The "administrative skeleton" of an investigation involves having policies in place that eliminate barriers to investigation, agreements with collective bargaining units to facilitate effective access to employees, procedures to ensure consistency and quality, and tools and templates to assist those in the trenches. This session will cover all of the elements an organization should have in place before a complaint is received, and will include templates and samples for participants to adapt for their own use.

### The Americans with Disabilities Act – JILL JENSEN WELCH (Meadows B)

Employers are re-learning the Americans with Disabilities Act due to its amendments, effective on January 1, 2009. In this session you will learn about the changes to the law and the expected impact on employers, including:

- Mitigating Measures - Overturning U.S. Supreme Court precedent so that mitigating measures are no longer considered when determining who is "disabled" and protected by the ADA (with one small exception). What's gone, and what's left?
- Substantially Limited - Lowering the standard for "substantially limited" so more persons qualify for ADA protection.
- Major Life Activities - Broadening "major life activities," including a new subcategory called "major bodily functions."
- Episodic Impairments - Setting a new bright line test for when episodic impairments are protected disabilities.
- Regarded As - Significantly lowering the standard, and raising the risk, for "regarded as" disabled claims.

## 10 Ways to Maximize Your Training Budget in Difficult Times – MIKE DAVIS (Salon 1)

You may laugh, you may cry, you may nod your head in disbelief when you see how simple some of these tactics can be. This is an overview of the difference between learning and training, and how you can encourage employee development in your organization without spending a small fortune. In this session you will:

- Examine things you can and can't do without trainers
- Look at some cheap ways to provide new learning for employees
- Hear about some things that have worked (and not worked) for others in your same boat

## Drug Testing in the Workplace – BILL JUDGE (Salon 2)

Most drug and alcohol testing programs limit employer and supervisor liability and maximize company profits. The first step in developing an effective workplace program is developing your organization's written policy. You will learn:

- Five basic questions that must be addressed in the written drug and alcohol testing policy
- How a good written drug and alcohol policy can limit liability and disparate treatment claims.

## Flexible Spending Account Plans – KIM CLAYTON (Salon 3)

Mr. Clayton will address a number of rules that have impacted Flexible Spending Account plans over the past several years. You will learn the benefits of incorporating a FSA debit card into your plan. FSA communication materials designed specifically for your employee group are critical so they understand how to maximize their FSA plan and reduce their taxes. Mr. Clayton will highlight some proven methods of communicating to employees and increasing employee participation.

## Session IV – 1:30 – 2:40 p.m.

### FLSA – MIKE STAEBELL (Meadows A)

Despite the 2004 revisions to the Fair Labor Standards Act, wage and hour problems continue to perplex employers in every industry. This session will cover recent FLSA rulings and interpretations. You will learn about:

- Common violations
- Who can be classified as exempt and who can not
- Various FLSA exemptions: Executive, Administrative & Professional

### Exploring the Universe of Medical Accommodations – DOUG FULTON (Meadows B)

This session will help you apply the basics rules of the FMLA to the endless variety of real-world situations that confront HR professionals on a daily basis. Mr. Fulton will examine how the various leave laws and policies work together, and potentially conflict. Attendees will be presented with factual scenarios drawn from real life FMLA situations and actual legal cases.

- Family and Medical Leave
- Workers' Compensations Disability Leave
- Pregnancy Disability Leave
- Request for Accommodation under the new ADAAA

### Get a Grip! Managing Those Slippery HR Projects – CATHY BELMONT (Salon 1)

Delaying that system upgrade? Worried that you'll not be ready for benefits meetings? Perplexed by how you'll get that new leadership program launched? Whether you find yourself in the midst of projects regularly or occasionally, we'll help you get a grip! Discover best practices and tools to keep you moving forward. Stay atop the slippery slope of your HR projects! In this session:

- Gain clarity on the breadth and depth of your projects
- Break your projects down into pieces and create manageable project plans

### The "Human" in HR When Facing Change and Downsizing – ANDY VISSER (Salon 2)

The Human Resource staff is in a primary position to provide support when business conditions require downsizing. HR will be expected to have solutions. This program offers human resource staff and managers tools to support both the departing employees and survivors of the personnel cuts. Downsizing is a traumatic loss experience for employees and families. You will learn:

- How to provide both support and leadership in a downsizing environment
- How to look at the psychological/personality dynamics of change and loss
- You will leave with six aides for leadership people to provide to employees facing change

## Electronic Workplace Dangers and Pitfalls – RUSH NIGUT (Salon 3)

This session will explore the dangers and pitfalls facing business with new technologies and records retention. You will learn about:

- Discovery in litigations
- Records retention requirements, including emails and backup tapes
- Developing policies that lower employee privacy expectations
- Copyright violations
- Considerations for blogs

## Dealing with Unions 101 (Private Sector) – JACK LIPOVAC (Polk Room)

Participants will learn about labor laws that affect union organizing, collective bargaining and unfair labor practices. This session will highlight areas of the National Labor Relations Act that affect non-union employers, and prepare your managers and supervisors for the proper response in case of an organization attempt by a union. Participants will gain knowledge of the current legal landscape for union organizing and learn about union organizing tactics and techniques. This session will cover:

- Historical overview
- Union elections; from initial contact to unit determination to election
- Nation Labor Relations Act
- Recent trends and developments that impact union-free status
- Collective bargaining
- Dangers employers face if the Employee Free Choice Act becomes law

## Session V – 3:00 – 4:10 p.m.

### Bulletproof Investigations – FRAN SEPLER (Meadows A)

You have conducted an investigation that is effective and defensible, you have fulfilled your duty to investigate a complaint, and you have taken action as a result of that complaint. Now a charge has been filed or a lawsuit has been brought, and your investigation is under new scrutiny. Questions addressed in this session will include:

- Will your investigation stand up?
- Who is critiquing your work?
- Where are the bullets aimed?
- Will the steps you took match up to "best practices"

### HR Alphabet Soup (FLSA, FMLA, ADA, HIPAA) – PAUL GREUFE (Meadows B)

Join Paul for HR Alphabet Soup; Stay up to date on recent law changes that affect us on a daily basis. Take away programs and policies that can be implemented to reduce liability and save your organization \$\$\$\$. A good review for the most experienced HR professionals as well as brand new HR employee.

### Managing Your Company's Healthcare Plans in Today's Economy – JESSE PATTON (Salon 1)

This session will provide an in-depth look at how best to structure your employee benefit plans in today's economy. Attendees will learn what the different funding options available are and how they might be structured. Attendees will also learn about low cost features that might provide big dividends. You will learn:

- Different funding options for your medical plan
- Tax saving ideas that increase pay
- How to reduce your employees' healthcare costs
- How to move your plan from sick care to health care
- Better ways to communicate plan information
- How to keep your employee benefit plan intact

### Drug Testing in the Workplace – BILL JUDGE (Salon 2)

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### HDHP and Split-Funded Plans – KIM CLAYTON (Polk Room)

High Deductible Health Plans are often implemented to reduce costs and facilitate the ability of an employee to open a Health Savings Account. However, the HDHP can also be used to reduce your fully-insured premiums while still keeping the plan of benefits for your employees the same. Mr. Clayton will address how a split-funded fully-insured plan can help retain a good benefit plan design, while reducing your plan's overall costs.