

LIEBERT CASSIDY WHITMORE

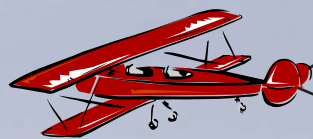
EMPLOYMENT LAW | LABOR RELATIONS | EDUCATION LAW | MANAGEMENT TRAINING

2010 Public Sector Employment Law Conference

February 25 - 26, 2010

Hyatt Regency, San Francisco

www.lcwlegal.com



LCW Celebrates 30 Years in 2010!

LIEBERT CASSIDY WHITMORE

EMPLOYMENT LAW | LABOR RELATIONS | EDUCATION LAW | MANAGEMENT TRAINING

Dear Colleagues and Friends,

The year 2010 is special for LCW as it marks our 30th anniversary of assisting public agencies in labor, employment and education law matters. We are very pleased to invite you to our first event of this landmark year, our 12th Annual Liebert Cassidy Whitmore Public Sector Employment Law Conference on February 25 and 26th. As always, our program includes a variety of informative and entertaining presentations that offer practical lessons for success in the workplace.

The theme of the conference continues to be current labor and employment issues important to public agencies – reducing costs, technology, legal compliance, and the changing face of the workforce. In addition, we have a series of presentations focused on special legal issues that affect the public safety community as well as a series of presentations focused on legal issues impacting the educational community. All participants will receive a comprehensive reference guide along with hands-on advice from highly experienced practitioners.

We are happy to be able to offer this conference at the same rates we've had since the beginning. We are also pleased to be able to offer a single day rate as well as MCLE for attending attorneys.

If you have any questions regarding the conference, please contact Cynthia Weldon or Ann DeGuilio at (310) 981-2000, or visit www.lcwlegal.com.

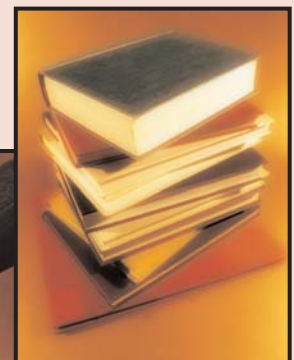
We look forward to seeing you and your colleagues in February!

Friday Luncheon Special: Town Hall

It's been a challenging year! Do you have lots of questions? Well, so do your colleagues! Come and try to stump our panel of attorneys while sharing your questions and concerns with others who probably have the same issues.

Thursday Luncheon Special

We're serving up fun and prizes during a lunchtime game show break. Whether you are a contestant or member of the "studio audience," you'll be assured a chance to win "fabulous prizes", have a few laughs, and walk away a winner.



Thursday, February 25

- 7:30 a.m. – 8:45 a.m. **Registration and Continental Breakfast**
- 8:45 a.m. – 10:00 a.m. **General Session**
Top 12 Cases and Legislation This Past Year
- 10:00 a.m. – 10:15 a.m. **Refreshment Break**
- 10:15 a.m. – 11:45 a.m. **Concurrent Sessions #1**
-  (1A) *Public Safety Update*
 -  (1B) *Collective Bargaining Challenges for Schools and Colleges*
 - ◆ (1C) *The Top 10 Things You Need to Know About Being an Effective Labor Negotiator During These Challenging Times*
 - ◆ (1D) *Why Can't They Be More Like Me?...Appreciating Generational Diversity in the Workplace*
- 12:00 – 1:00 p.m. **Luncheon and Gameshow**
- 1:15 p.m. – 3:00 p.m. **Concurrent Sessions #2**
-  (2A) *Conducting Effective Public Safety Investigations*
 -  (2B) *Speaking Freely or Shouting "Fire"?*
 - ◆ (2C) *What A Tangled Web We Weave, When At First We Practice To Peek: Untangling the Use of Technology in the Workplace and the Privacy Rights of Employees*
 - ◆ (2D) *Tips to Ensure That Your Rules and Labor Agreements Comply with the FLSA*
- 3:00 p.m. – 3:15 p.m. **Refreshment Break**
- 3:15 p.m. – 5:00 p.m. **Concurrent Sessions #3**
-  (3A) *Does Anyone Not Retire On Disability Anymore?*
 -  (3B) *School and College Overlapping Leave Challenges*
 - ◆ (3C) *Federal and State E-Discovery Obligations: Is Your Agency in Compliance?*
 - ◆ (3D) *Top 10 Pointers on Conducting an Effective Investigation*
- 5:00 p.m. – 7:00 p.m. **Buffet Reception / Hor D'oeuvres, Drinks, Entertainment, Door Prizes**

Friday, February 26

- 7:30 a.m. – 8:00 a.m. **Continental Breakfast**
- 8:00 a.m. – 9:30 a.m. **Concurrent Sessions #4**
- ◆ (4A) *An Outsider's Guide to Public Safety Personnel Issues*
 - ◆ (4B) *Town Hall on Leaves and Disability Issues*
 - ◆ (4C) *Reducing Your Labor Costs is the Key*
- 9:30 a.m. – 9:45 a.m. **Refreshment Break**
- 9:45 a.m. – 11:45 a.m. **Concurrent Sessions #5**
- ◆ (5A) *What Can Be Done About Reducing Pension Costs and Retirement Benefits*
 - ◆ (5B) *Litigating to Win without Breaking the Bank*
 - ◆ (5C) *Managing the Media*
- 12:00 p.m. – 1:15 p.m. **Luncheon and Town Hall**
- 1:20 p.m. – 3:00 p.m. **Concurrent Sessions #6**
- ◆ (6A) *Tales from the Trenches: Proactive Tips for FLSA Litigation and Audits*
 - ◆ (6B) *"It's my life... don't you forget..." What Public Employers Can and Cannot Do to Address an Employee's Lifestyle in the Workplace*
 - ◆ (6C) *The ABCs of Sustaining Discipline*

Thursday | February 25th
GENERAL SESSION


Top 12 Cases and Legislation This Past Year

New developments in public sector employment law are never ending. Your ability to keep up with them is quite a challenge. In this kick-off session to the conference, a panel of LCW partners will highlight for you what they see as the top dozen developments since last year's conference, and refer you to the concurrent workshops that will address these and related developments in detail.

CONCURRENT SESSIONS #1

Public Safety Update (1A) 

This session discusses the practical implications of important new cases and legal developments during the past year in the public safety area, including the impact of the POBR and FBOR. The presenters will discuss how these new developments may impact your departments, and any steps that should be taken to lessen the chance of liability claims or other legal challenges.

Collective Bargaining Challenges for Schools and Colleges (1B) 

Join our experienced negotiators as we explore the effectiveness of various bargaining tactics and techniques, including the ones which enhance relationships and assist the parties in resolving bargaining issues, and the ones which are counterproductive. We'll cover such tactics and techniques as the use of interest based bargaining strategies, off-the-record discussions, concept bargaining, disclosure and receipt of information, communications to stakeholders, and the use of mediation as a settlement tool.

The Top 10 Things You Need to Know About Being an Effective Labor Negotiator During These Challenging Times (1C)

LCW experienced labor negotiators present this workshop for the participant who has either sat at the bargaining table or is familiar with the bargaining process and wants to learn advanced strategies and techniques. The presenters will identify the 10 most critical strategies to maximize your ability to reach the bargaining


objectives directed by your Council or Board. From the preparatory planning for negotiations to agreement, impasse, unilateral action or strike, this workshop will prepare the participant to bargain effectively during these difficult economic times.

Why Can't They Be More Like Me?....

Appreciating Generational Diversity in the Workplace (1D)

From Traditionalists to Generation Y and everything in between, this fast-paced and entertaining session will discuss issues and opportunities relating to generational diversity for public agencies. The training will focus on harnessing the unique talents of each generation in order to develop a cohesive, respectful and more effective workforce. By understanding the perspectives and priorities of each generation, public agencies can avoid discrimination claims and interpersonal conflicts. We will also discuss how to position your agency to attract and groom the leaders of tomorrow.

CONCURRENT SESSIONS #2

Conducting Effective Public Safety Investigations (2A) 

Are you daunted by the prospect of conducting or overseeing the investigation of a public safety officer? Don't be. This interactive session will guide you through the nuances of the Public Safety Officers' Procedural Bill of Rights Act (POBR), the Firefighters' Procedural Bill of Rights Act (FBOR), and new cases which impact public safety investigations. The presenters will also provide pragmatic advice and discuss common pitfalls at all stages of an investigation -- from the first report of potential misconduct, to proper employee interview notices, admonitions, gathering evidence, writing the report, and more.

Speaking Freely or Shouting "Fire"? (2B) 

School and college campuses are flashpoints for First Amendment clashes. Protesters, employee complaints, academic freedom, invocations, religious clubs, school newspapers, Facebook, blogs, cell phones, use of campus mailboxes - what can a school or college regulate, and when? How does technology affect the right to regulate speech? Having extensive experience in litigating First Amendment issues, as well as drafting policies and procedures that have helped schools and colleges more effectively regulate these issues as they arise, Liebert Cassidy Whitmore is in a unique position to provide guidance and solutions to schools and colleges regarding these challenging matters.

What A Tangled Web We Weave, When At First We Practice To Peek: Untangling the Use of Technology in the Workplace and the Privacy Rights of Employees (2C)

This session will focus on the intersection between the privacy rights of employees and the rights of employers when it comes to technological resources in the workplace, including e-mail, Twitter, social networking sites, blogs, GPS, and cell phones. You will learn how employers can and cannot use these resources to monitor or learn information about employees and applicants. This session will also focus on constitutional and statutory laws which protect individual privacy rights while also discussing the employer's rights to utilize these resources.

Tips to Ensure That Your Rules and Labor Agreements Comply with the FLSA (2D)

This session will offer practical tips on common FLSA issues that arise in the terms of labor agreements and personnel rules through case studies and real life examples. FLSA topics that will be covered include: work periods, agreements to treat time as "hours worked", pay that is more generous than FLSA requirements, applicability of state wage laws to public agencies, overtime exemptions and key provisions on use of compensatory time off.

CONCURRENT SESSIONS #3

Does Anyone Not Retire On Disability Anymore? (3A)

This session will focus on the complex issues that arise when Public Safety agencies are faced with seriously injured and possibly disabled employees. Subjects covered will include the interactive process, placing injured employees on unpaid leave, an employer's duty to file a disability retirement application with PERS, and the disability retirement hearing process. The workshop will provide guidance for coordinating your actions to comply with all the rules and to create one cohesive strategy for dealing with an injured or disabled employee.

School and College Overlapping Leave Challenges (3B)

Employee leaves for illness, injury, and disability present one of the most complicated (and time consuming) areas faced by managers and human resource staff in school and community college districts. Not only must they administer the full panoply of medical leaves generally available to employees (e.g., FMLA/CFRA, family sick leave, etc.) but also the Education Code which creates additional leave rights. This session will:

- ♦ cover the full array of medical leaves available to certificated, academic, and classified employees;
- ♦ identify when they overlap; and
- ♦ provide strategies for tracking and calculating leave entitlements.

The session will include scenarios that point out common pitfalls and provide methods to handle and simplify this complex area of law.

Federal and State E-Discovery Obligations: Is Your Agency in Compliance? (3C)

Virtually all public agencies use computers, Blackberries and other devices which routinely create electronically stored information. By some estimates, seventy percent of electronically created documents are never memorialized to a hard-copy paper format. To keep up with the realities of our digital world, the federal courts (and more recently the state courts) have adopted "e-discovery" rules and procedures which require litigants to preserve, collect, evaluate and produce electronically stored information in litigation. In order for public agencies to comply with these relatively new laws, and to reduce the significant costs that e-discovery adds to litigation, agencies should have protocols and policies in place before litigation begins. This session will provide information on the state and federal E-Discovery laws as well as strategies agencies can employ to ensure compliance with these laws.

Top 10 Pointers on Conducting an Effective Investigation (3D)

We will answer the ten most common questions we receive on investigations. When do you need to retain an outside investigator? Does a witness have a right to a representative? What should be included in the report? This will be a helpful introductory and refresher course for those who conduct or oversee investigations. We will also have time for questions beyond the "top 10" from more experienced investigators in the audience.

2010 PUBLIC SECTOR EMPLOYMENT LAW
CONFERENCE | LCW CELEBRATES 30 YEARS

BUFFET RECEPTION

Kick back and enjoy some networking time with the presenters and other conference attendees at a buffet reception immediately following the last session on Thursday, February 25th. Hor D'oeuvres, drinks, entertainment and door prizes will be provided.

Friday | February 26th **CONCURRENT SESSIONS #4**

An Outsider's Guide to Public Safety Personnel Issues (4A)

POBR, FBOR, Pitchess - Do you feel like your public safety department speaks a different language? This workshop will help you translate. It will discuss those personnel issues that are unique to public safety employees. Included will be a civilian-friendly overview of the Public Safety Officers Procedural Bill of Rights Act (POBR), the Firefighters Procedural Bill of Rights Act (FBOR) and requirements for maintaining peace officer personnel records.

Town Hall on Leaves and Disability Issues (4B)

This program is all about your questions, concerns and problems in the complex and overlapping area of leaves and disability. The session is an opportunity to interface with a panel of our attorneys and to share issues with them and each other. Be prepared to participate in this practical and highly interactive discussion.

Reducing Your Labor Costs is the Key (4C)

Labor costs are by far the largest portion of your agency's budget. Thus, severe reductions in revenues requires coming up with significant reductions in those labor costs. There are dozens of options available to you, some, but not all, being subject to bargaining. This workshop will explore some of the more common ones, and a number of not so common, in areas other than pensions and retiree benefits that are covered in Session (5A). We will discuss issues of negotiability and implementation.

CONCURRENT SESSIONS #5

What Can Be Done About Reducing Pension Costs and Retirement Benefits (5A)

What are the strategies available, and what are the pitfalls to avoid, in reducing your agency's liabilities for pension and other post-employment benefits, including retiree health benefits. Issues that will be discussed include implementing two-tier pensions, reducing or eliminating retiree health benefits, eliminating "spiking", and discontinuing accrued leave payouts that are considered compensation for retirement. The session will address the current state of the law as to when rights are vested and when not, and meet and confer obligations in connection with pensions and other post-employment benefits.

Litigating to Win without Breaking the Bank (5B)

The presenters will provide attendees with a blueprint for working with in-house counsel, your JPA and outside counsel to ensure that the litigation ends as soon as possible in the agency's favor at the lowest possible cost. Topics to be covered include: document retention/retrieval strategies that will minimize litigation costs; early case analysis and budgeting; how to value a case and how the value evolves over the course of litigation; assessing the cost-effectiveness of various litigation strategies; and the use of alternate dispute resolution.

Managing the Media (5C)

Working proactively with the news media is a necessary and essential skill in the 21st Century. Every crisis plan needs to address this need, and everyone who may come in contact with the media should be trained how to manage the critical message. Before you find yourself on T.V. or YouTube, answer calls from the media, or pursue a media initiative, there is much you need to know. This panel will help you prepare for a media storm, or for initiating your own calls to a reporter with a story suggestion.

LUNCHEON and TOWN HALL

It's been a challenging year! Do you have lots of questions? Well, so do your colleagues! Come and try to stump our panel of attorneys by sharing your questions and concerns with others who probably have the same issues. Attend this workshop with questions you want answered!

CONCURRENT SESSIONS #6

Tales from the Trenches: Proactive Tips for FLSA Litigation and Audits (6A)

Do the phrases "regular rate of pay", "overtime exempt" and "FLSA calculation" make you want to run for cover? This interactive session will empower you to spot Fair Labor Standards Act liability issues and proactively address them before they are served up on your agency in a lawsuit. This session will provide real life examples of successes and failures from the trenches of FLSA litigation and audits. The presenters will discuss strategies to minimize liability before and during FLSA litigation, including settlement of FLSA claims, collective actions, the role of unions in FLSA issues, and often overlooked proactive measures.

"It's my life... don't you forget..." What Public Employers Can and Cannot Do to Address an Employee's Lifestyle in the Workplace (6B)

This workshop will discuss when employers have a right to regulate employee lifestyle choices such as political activity, romantic/familial relationships in the workplace, physical appearance (tattoos, piercing, dress, etc.), smoking, religious activity, and others.

The ABCs of Sustaining Discipline (6C)

From lawful appeal procedures to enforcement of zero tolerance policies, this session will be a lively A, B, C approach to discipline: appeals, best practices, counseling, demotions, evaluations, freedom of speech, etc. Join our workshop for an informative, up to date, interactive approach to the discipline process! Our goal is to empower supervisors to use corrective action when needed without fearing the outcome of the administrative appeal process.



Back by Popular Demand

The "Ask the Expert" booth will be staffed continuously by attorneys (with the exception of lunch hours) near the conference registration table. The attorneys will be ready to discuss any employment or education law questions you may have.

2010 PUBLIC SECTOR EMPLOYMENT LAW
CONFERENCE | LCW CELEBRATES 30 YEARS

LIEBERT CASSIDY WHITMORE

6033 W. Century Blvd., Suite 500
Los Angeles, CA 90045

PRSR1 STD
U.S. POSTAGE
PAID
LOS ANGELES CA
PERMIT #33068

**Early Bird Registration Deadline
January 25, 2010**



2010 PUBLIC SECTOR EMPLOYMENT LAW
CONFERENCE | LCW CELEBRATES 30 YEARS

REGISTRATION FORM

REGISTRATION FEES

Registration for the Conference is \$500 per person and includes all general and concurrent sessions, continental breakfasts, luncheons, refreshment breaks, Thursday buffet reception, and the comprehensive reference guide.

EARLY BIRD SPECIAL

If your registration form with payment is postmarked by January 25, 2010, the registration fee is reduced to \$445. Likewise, if three or more from the same agency register simultaneously before the January 25, 2010, early bird deadline, the registration fee is reduced to \$415 per person.

CANCELLATIONS AND SUBSTITUTIONS

Cancellations must be received *in writing* or *by fax* (310-216-3377) by Thursday, February 18, 2010 to receive a full refund. No refunds will be given after that time. Participant substitutions are accepted anytime prior to February 25, 2010.

REGISTER ONLINE: at www.lcwlegal.com

MCLE CREDIT: Participants will receive 12 hours of general credit.

HOTEL ACCOMMODATIONS

Contact the Hyatt Regency San Francisco directly at 415-788-1234 or log onto <https://resweb.passkey.com/go/LCWL2> to make room reservations. **Reserve your room by February 3, 2010**, and identify yourself as attending the LIEBERT CASSIDY WHITMORE ANNUAL CONFERENCE to receive the special conference room rate of \$199 per night. The hotel is located at 5 Embarcadero Center in San Francisco. The hotel is steps away from the Embarcadero BART station and across the street from Amtrak at the Ferry Building. Shuttle service to and from the San Francisco and Oakland Airports is available through private shuttle companies. Parking at the hotel is \$57 per day plus tax. Alternate parking is available at Clay Street for \$32 per day.

PAYMENT

Please fill out the form below, selecting your choices for the concurrent sessions. Make your check payable to LIEBERT CASSIDY WHITMORE. Enclose the form and your check and mail to:

LIEBERT CASSIDY WHITMORE
2010 PSEL
6033 W. Century Blvd., Suite 500
Los Angeles, CA 90045

Please select one workshop from each concurrent session listed below. All participants receive the comprehensive reference guide with materials for all concurrent and general sessions.

THURSDAY, FEBRUARY 25, 2010

- | | | | | |
|---------------------------|---|---|-----------------------------|-----------------------------|
| ◆ Concurrent Sessions #1: | <input type="checkbox"/> 1A  | <input type="checkbox"/> 1B  | <input type="checkbox"/> 1C | <input type="checkbox"/> 1D |
| ◆ Concurrent Sessions #2: | <input type="checkbox"/> 2A  | <input type="checkbox"/> 2B  | <input type="checkbox"/> 2C | <input type="checkbox"/> 2D |
| ◆ Concurrent Sessions #3: | <input type="checkbox"/> 3A  | <input type="checkbox"/> 3B  | <input type="checkbox"/> 3C | <input type="checkbox"/> 3D |

FRIDAY, FEBRUARY 26, 2010

- | | | | |
|---------------------------|-----------------------------|-----------------------------|-----------------------------|
| ◆ Concurrent Sessions #4: | <input type="checkbox"/> 4A | <input type="checkbox"/> 4B | <input type="checkbox"/> 4C |
| ◆ Concurrent Sessions #5: | <input type="checkbox"/> 5A | <input type="checkbox"/> 5B | <input type="checkbox"/> 5C |
| ◆ Concurrent Sessions #6: | <input type="checkbox"/> 6A | <input type="checkbox"/> 6B | <input type="checkbox"/> 6C |

REGISTRATION FEES

*Please Note: Early Bird & Group Rate
Expires **January 25, 2010***

Regular Rate	_____ @ \$500:	_____
Early Bird	_____ @ \$445:	_____
Group Rate*	_____ @ \$415:	_____
Daily Rate 2/25/10	_____ @ \$300:	_____
Daily Rate 2/26/10	_____ @ \$300:	_____

**(3 or more simultaneous registrations from the same agency, must register by January 25, 2010 to receive this offer)*

TOTAL: _____

Please fill out form completely or attach a business card and keep a copy for your records.

Name: _____ Title: _____

City/Agency: _____ E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Credit Card Billing Address (if different from above):

City: _____ State: _____ Zip: _____

I will pay by: check Visa MC AMEX

Credit Card Number: _____ Exp. Date _____ Security Code: _____

Name on card (if different from above): _____

All confirmation letters will be sent via e-mail unless otherwise noted on the registration form.

We reserve the right to refuse registration.