

SHAWE & ROSENTHAL, LLP



Training Seminars & Meetings

As part of the preventive labor relations services offered by Shawe & Rosenthal, firm members frequently participate in management seminars and training sessions concerning a variety of labor and employee relations topics. Typically we utilize visual media, such as color overheads, slides or computers to reinforce the information presented at these meetings. We also create helpful handouts, including checklists, which provide a resource tool for addressing actual workplace problems and situations. This brochure describes some of our presentations. We stress, however, that this is just a partial listing and wish to emphasize that in every instance our presentations are tailored to the individual needs of our clients. Further information regarding our seminar and training services is available upon request.

THE TEN COMMANDMENTS FOR EMPLOYMENT INTERVIEWS



Employment interviews offer employers an opportunity to obtain information that can be very useful in making informed hiring decisions. They can also be the focus of employment discrimination claims if improperly conducted. In this presentation, we review basic guidelines that will help forestall such charges. Further, by assisting interviewers in focusing on germane inquiries, the guidelines will generally improve the quality of the information elicited from applicants, as well as an employer's ultimate hiring decisions.

EMPLOYMENT DISCRIMINATION IN A NUTSHELL



In most cases, employers will be judged as if their supervisors knew and understood the law in making their employment decisions. That being the case, it is important that decision-makers have an understanding of the principal legal theories upon which employment discrimination claims may be pursued. This presentation will sensitize managers and supervisors as to the various bases on which someone may assert an employment discrimination claim or lawsuit.

SEXUAL HARASSMENT



The number of sexual harassment claims continues to increase. Supreme Court caselaw has all but mandated sexual harassment training of our workforces. The frequency of sexual harassment claims and the unique obligations that employers have in preventing such conduct are discussed in this presentation. Attention is focused on the fact that when properly investigated and dealt with, sexual harassment claims can be successfully defended before the EEOC and the courts.

TOOLS AND TECHNIQUES FOR MAINTAINING UNION-FREE STATUS



Union organizing activity, which had declined in recent years, is once again on the rise. AFL-CIO leadership has vowed to propel the labor movement forward and has developed a broadbased plan to accomplish its goal. Experience has taught us that an employer's ability to effectively communicate with its employees is vital in maintaining union-free status. Among the subjects discussed in this presentation are the tactics used by labor unions to gain a foothold in a company and effective methods of legally communicating the disadvantages of unionization to employees.

THE AMERICANS WITH DISABILITIES ACT



Disability claims are increasingly being raised as more individuals become attuned to their rights under statutes such as the Americans With Disabilities Act. We have prepared a series of presentations regarding employers' obligations under federal and state disability laws. Some of those presentations provide general overviews while others focus on specific concerns; for example, what constitutes reasonable accommodation of a claimed disability. We also address the recurrent issues surrounding permissible medical inquiries, physical examinations, and employment applications questions.

MODERN DISCIPLINE AND TERMINATION GUIDELINES



No employment decision is more likely to be the subject of a claim or lawsuit than the decision to terminate an employee. Of course in a discharge case, any previous disciplinary steps will also likely be subject to great scrutiny. Given the generally large monetary exposure that is associated with termination litigation, this is an area in which proper training clearly can be helpful. This presentation discusses tests that any supervisor or manager can use in evaluating whether a possible disciplinary or termination decision will be vulnerable to later attack.

COMMON LAW CLAIMS



The typical court complaint does not raise just one theory of employer liability. Today, because of changes in our judge-made law, plaintiffs have multiple avenues for attacking employment decisions. Thus, four or five count complaints are the rule, not the exception. This presentation assists supervisors and managers in being thoughtful about the potential consequences of what in the past may have been unchallenged actions, but today could subject their employers to claims for substantial punitive and compensatory damages.

FAMILY MEDICAL LEAVE ACT



The Family Medical Leave Act contains a number of pitfalls for the unwary employer. This presentation explains the statute and implementing regulations, identifying areas of concern. Also covered is the interplay between the FMLA and the requirements imposed by the Americans With Disabilities Act and state workers' compensation statutes.

THE FAIR LABOR STANDARDS ACT



Department of Labor reports and recent caselaw confirm that employers continue to make costly mistakes when it comes to administering the minimum wage and overtime provisions of the Fair Labor Standards Act. This presentation reviews the FLSA's principal provisions, including the requirements for proving that an employee is exempt from the Act's overtime requirements, and clarifies commonly held misconceptions that can result in significant liability for unpaid wages.

FAIR EMPLOYMENT PRACTICES



Treating employees fairly prevents misunderstandings and improves overall morale. Fair employment practices also discourage litigation and may provide an employer an affirmative defense, particularly to punitive damage claims. This presentation broadly covers the drafting and implementing of employment policies and procedures, with special attention provided to preparing and revising employee handbooks.

EMPLOYMENT DECISION DOCUMENTATION



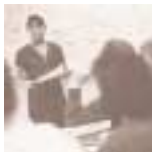
A frequent problem in defending employment claims is the absence of sufficient credible documentation that would explain the motivation of the decision-maker. This presentation explains both when decisions should be documented and what should, and should not, be written in that documentation. This topic fits well with and supplements our presentation on discipline and termination decisions, where good documentation is critical.

INTELLECTUAL PROPERTY



In an environment where employee loyalty has lessened, businesses are looking for ways to protect their confidential information, intellectual property, and trade secrets, and otherwise minimize the risk that their business relationships and products will be pirated away by former employees. This presentation reviews the alternatives available to employers to maximize their protection and still preserve their ability to attract high-caliber employees.

DIVERSITY/SENSITIVITY TRAINING



Today's workplace is truly a melting pot. People of both genders and of many races, colors, nationalities, ages, and religions work shoulder-to-shoulder. Individuals with disabilities make up a greater portion of the labor pool than at any other time. Diversity can serve an employer well, if dealt with in a fashion to maximize its benefits. On the other hand, the employer that ignores the misunderstandings and conflicts that sometimes occur when diverse work groups interact can pay a large price for that failure. This presentation will sensitize managers and employees alike to the range of views that can arise in a diverse environment, and of the guidelines that must be observed by managers and employees to foster a workplace that is characterized by respect, tolerance, and adherence to the law.

IMMIGRATION



As barriers breakdown and commerce extends internationally, and while the domestic labor market will generally remain tight, employers frequently need advice and counseling with respect to U.S. immigration laws. This presentation covers not only IRCA compliance, but also basic and practical advice with respect to employer-sponsored immigration procedures.

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