



## BRIEFINGS FOR THE INFORMED PROFESSIONAL

*64th HR Network Breakfast Seminar*

# Annual Look At HR's Top Legal Issues

Caveat Employer: Navigating Post-Employment Restrictions

Best Practices for Preventing Employee Harassment and Reducing Legal Liability

Tips for Managing and Avoiding FMLA Abuse

*#TFChrnetwork*

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THE FIVE O'CLOCK CLUB®



## BRIEFINGS FOR THE INFORMED PROFESSIONAL

Friday, February 13th, 2015

### Breakfast Seminar

**CUNY GRADUATE CENTER**

365 Fifth Avenue

**7:45 A.M. - 8:15 A.M.**

Registration & continental breakfast

**8:15 A.M. - 9:45 A.M.**

Presentation and Comments from the Audience

#### **SHRM RECERTIFICATION**

The Five O'Clock Club is Recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP or SHRM-SCP.

An email with credit details will follow shortly.

**HRCI RECERTIFICATION GENERAL  
CREDIT HOURS AWARDED: 1.5**

**PROGRAM: 236272**

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#### **ABOUT THE FIVE O'CLOCK CLUB:**

We're an HR department's greatest ally, delivering brilliant outplacement solutions. And we're an executive's secret weapon, targeting solutions for more impactful leadership. We help your people find their footing faster using our time-tested and research-based method; it just works.

#### **OUTPLACEMENT:**

Our proven method, based on 25 years of ongoing research, continually evolves as the world around us shifts and changes. Our certified coaches help candidates utilize our materials – books, podcasts, webinars, online resources – personalizing the experience, bringing the job seekers' techniques up to date, and supporting them throughout the entire process.

#### **EXECUTIVE COACHING:**

Whether you have a team of 5 or 500, we can help your superstars develop, polish, and expand their leadership skills. From the strategic to the practical, we guide and advise your most promising leaders one-on-one, so you'll not only have a more effective leadership team, you'll have transformed careers. That makes your job a little easier and your company a whole lot stronger.

#### **WHERE YOUR PROFESSIONAL SUCCESS GETS PERSONAL**

Think of us for Outplacement Services, Leadership Development, Cross-Cultural Training, Team Building, Onboarding, Spouse Relocation help, Retirement Planning, and a host of other services.

# Welcome to the 64th HR Network Breakfast Seminar

*Our annual look at key developments in the legal topics that matter most to HR. We are pleased to have back two of the most highly-rated legal speakers from past seminars and to welcome a dynamic newcomer.*

## TODAY'S BREAKFAST TOPICS

### Tips for Managing and Avoiding FMLA Abuse

#### FRANCINE ESPOSITO

*Partner in the Labor and Employment Practice Group at Day Pitney LLP*

Francine knows that administering leave under the Family and Medical Leave Act (FMLA) is extremely complicated and can be difficult for even the most seasoned HR professionals. She will provide various tips on how employers can most effectively manage employees' leaves and prevent/address employees' abuse of leave, while remaining compliant with the FMLA and other applicable laws.

### Best Practices for Preventing Employee Harassment and Reducing Legal Liability

#### DANIEL FEINSTEIN

*Partner in the Labor & Employment Practice Group of Davis & Gilbert*

During his presentation, Dan will provide guidance on how to identify and prevent harassment by employees, and address internal complaints of harassment and EEOC investigations. Some of the issues he will discuss include:

- Recent developments in harassment law
- Strategies to prevent employee harassment, including the

importance of an anti-harassment policy and employee training

- How to properly address internal employee harassment complaints, including how to conduct effective investigations and the imposition of disciplinary action
- How to prepare for and manage on-site EEOC investigations of harassment charges

### Caveat Employer: Navigating Post-Employment Restrictions

#### BLYTHE LOVINGER

*Partner in the Employment Practice and Litigation group at Kasowitz, Benson, Torres & Friedman LLP*

Blythe will be providing an overview regarding post-employment restrictive covenants, their enforceability, and best practices for navigating such restrictions. Once reserved primarily for senior executives in certain industries, non-competes, non-solicits, no hire provisions, as well as other restrictive covenants, are now widespread – being served up everywhere from Jimmy John's to Silicon Valley. For two decades, Blythe has counseled employers and senior executives throughout the country regarding myriad issues involving these types of restrictive covenants. She regularly negotiates and drafts employment, consulting and separation agreements, containing such restrictive covenants, and litigates related issues.

## THE HOST



### **DARREN KIMBALL**

*Chief Executive Officer of The Five O'Clock Club*

Prior to joining the company, Darren enjoyed a 20-year career on Wall Street. Darren spent 10 years as a top-ranked analyst by Institutional Investor Magazine and was twice the Wall Street Journal's top sector stock picker. He has appeared on CNBC, CNN, and Bloomberg TV to discuss his views. Darren holds a B.S. in Economics with magna cum laude honors from The Wharton School of the University of Pennsylvania and has been a chartered financial analyst (CFA) since 1994.

## THE MODERATOR



### **MARK MOYER**

*Five O'Clock Club Certified Coach, with over 20 years expertise as an executive recruiter and career coach*

His executive search experience within the financial services industry for mid and senior level professionals allows him to bring that unique recruiting perspective to his coaching, having a strong understanding of what hiring managers look for.

Mark graduated from Colgate University with an economics degree, and is actively involved in career development with the alumni affairs group and the university's career center.

He has been quoted in various financial and employment related written and online publications. In his spare time, he enjoys performing stand-up comedy at NYC comedy clubs.

## THE PANELISTS



**FRANCINE ESPOSITO**  
*Partner in the Labor and  
Employment Practice Group  
at Day Pitney LLP*

Ms. Esposito has been a labor and employment practitioner for more than 20 years. Ms. Esposito regularly represents employers before various administrative agencies, at labor arbitrations, in employment-related litigation, and conducts harassment and other workplace investigations.

Ms. Esposito also has extensive experience in designing and conducting training for employers on a wide array of employment-related topics, including but not limited to, harassment and discrimination awareness, diversity, FMLA, interviewing and hiring, wage and hour compliance, conducting internal investigations, effective documentation, effective employee relations, and union avoidance.

Ms. Esposito also regularly provides advice to employers regarding all aspects of the employment relationship, including but not limited to: discrimination, harassment, and retaliation, leave and accommodation issues, union avoidance, administration of collective bargaining agreements, discipline, discharge, and reductions in force, effective policies, severance, employment and non-compete agreements, background checking, and wage and hour practices.



**DANIEL FEINSTEIN**  
*Partner in the Labor &  
Employment Practice Group  
of Davis & Gilbert*

Daniel A. Feinstein is a partner in the Labor & Employment Practice Group of Davis & Gilbert. Mr. Feinstein has extensive experience working with corporate clients to find cost-effective business solutions to employment issues. He regularly advises and counsels clients on a broad range of employment matters, including terminations, reductions in force, disciplinary actions, sexual harassment and other workplace investigations, whistleblower complaints, employee privacy issues, restrictive covenants, wage and hour issues and employment policies.

In addition, he represents employers in wrongful termination and other employment disputes in both federal and state courts, as well as before federal, state and local employment-rights agencies in race, sex, age, disability and other discrimination cases. Mr. Feinstein has also obtained numerous favorable rulings on behalf

of the firm's clients in non-compete, trade secret and related restrictive covenant litigations in various industries, including financial services, advertising and market research.

In addition, Mr. Feinstein has substantial experience negotiating and drafting sophisticated employment agreements and separation agreements on behalf of both companies and executives.

He also frequently provides seminars to clients on employment issues, including sexual harassment and other preventative management strategies. Mr. Feinstein has been recognized by The Legal 500 U.S. 2013 for his knowledge in the area of labor and employment. In addition, Mr. Feinstein has repeatedly been selected as a Super Lawyer by New York Metro Super Lawyers.