



Human Resources Management & Legal Update

CONFERENCE PROGRAM GUIDE

August 1, 2012
Quest Conference Center, Columbus, Ohio

CEUs for Accountants, Administrators, Attorneys, Nurses & HR Professionals



Human Resources Management & Legal Update Conference

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Don't miss the 2012 Human Resources Management & Legal Update Conference! The Conference is designed to provide important information on topics that impact your employment and management practices. Utilizing a one-day format with concurrent sessions, the program packs a lot of punch in a tight package, allowing providers to register HR professionals, managers and others with human resources duties without missing multiple days or incurring overnight expenses.

The Top 5 Reasons

to Attend the 2012 Human Resources Management & Legal Update Conference

- 1. Education** – A variety of topics of interest to both human resources staff as well as administrators and other managers will be covered during the program. Attendees will be able to choose between a variety of concurrent sessions to address their most pressing needs.
- 2. The single-day format** allows providers to cover multiple sessions by sending additional staff at these rates! The concurrent session format allows you to maximize educational opportunities with a short amount time away from your facility.
- 3. Networking** - The conference provides a relaxed atmosphere to connect with peers, business partners, and industry experts to share problems and workable solutions.
- 4. Location** – Held at the Quest Conference Center in Columbus, Ohio. Easily accessible from I-71 at the Polaris Parkway exit. The Polaris area is known for its variety of dining options and shopping.
- 5. CEUs** – Up to 6 CEUs for administrators, human resource professionals (HRCI) nurses, attorneys and accountants are available during this Conference.

Save 10% by
registering
online at
www.efohca.org

Schedule of Events:

August 1 – 6 hours

8:30 a.m.

Conference Check In and Continental Breakfast

9:00 – 10:30 a.m.

General Session:

Are You Kidding Me - A Ten Day Campaign?

presented by Rob Pivonka & Fred Englehart

The National Labor Relations Board has implemented significant changes in the long-standing process for union representation elections. However, on May 14, 2012, a federal District Court for the District of Columbia ruled that the NLRB lacked a quorum and the rules are unenforceable. Of course, the current Board could re-vote the changes, but there are serious legal challenges to the legitimacy of this Board as well. While the ultimate question is whether or not these new election rules will be enacted at all, and questions about how the new regulations will work if and/or when they become effective, one thing is certain: once a petition has been filed, employers will have a substantially shortened period of time to counter the union's (dis) information campaign and to convince the employees that unionization is not in their best interest. This session will outline the changes to the election procedure, discuss recent NLRB decisions that could impact union elections and discuss proactive strategies for employers to prepare for union activity, as well as any recent decisions or modifications impacting the NLRB's rules and powers.

10:30 a.m.

Networking Break



10:45 – 11:45 a.m.

Concurrent Educational Sessions: Select One

1. Social Media -- Is it Anti-Social?

presented by Tom Hess, Partner, Dinsmore & Shohl, LLP

The water cooler is no longer the meeting place for your employees. E-mail, Facebook, LinkedIn, Texting, and Twitter have changed how we communicate. Employers need to know what they can and cannot do to control employee gossip and speech, and, more important, what they need to do to ensure resident privacy.

2. Dealing Effectively with the Problem Employee

presented by Charles D. Smith, Partner, Charles D. Smith & Associates, LLC

No one likes the stress and anxiety involved with terminating an employee but when all other options have been exhausted the decision to end the employment relationship should be viewed as the best choice for all of those involved, including, the terminated employee. By using real cases as examples, the speaker of this session will explore the proper use of good training techniques, job evaluations and progressive discipline to avoid encouraging confrontation and costly litigation when dealing with the poor performing employee. The group will be taught how to identify the scenarios that create the greatest risk of litigation, as well as, the mistakes of manager and supervisors that routinely lead to problems when an employee is terminated.

11:45 – 12:30 p.m.

Networking Luncheon (included in your registration fee)

12:30 – 1:30 p.m.

Concurrent Educational Sessions: Select One

3. Prevent Emerging EEO Issues From Blooming into Thorny Lawsuits

presented by Scott Salisbury, Principal, Salisbury & Salisbury, LPA

New regulations implemented in the past 18 months have increased healthcare employers' risk for liability based on disabilities and genetic information. The Courts have also been busy recently, expanding the potential for liability based on dress, appearance and gender identification. Issues involving medical leave and pregnancy discrimination continue to pose significant challenges in the workplace. This session will bring participants up to date on the new EEO developments. More importantly, strategies will be presented through participant interaction and case studies to provide best practices for effectively dealing with the new EEO risks.

4. Rising Employee Health Care Costs: Why Wellness?

presented by Kay Lakhi MS,RD,LD, President, The Rite Bite

Each year, organizations receive the troubling news about their health care rate increase and wonder when it is going to stop. For organizations footing the bill and feeling the pain of the rising costs of doing business, a wellness program should be an integral part in effectively managing the cost of health care. This session will address the state of the health care system and factors that contribute to health care costs. Join us to learn more about how your organization can optimize its bottom line by initiating an employee wellness program.

1:45 - 2:45 p.m.

Concurrent Educational Sessions: Select One

5. Proactive Approaches to Avoiding and Minimizing Employment Related Disputes

presented by Robert E. Dezort, Partner, Fisher & Phillips, LLP and Richard A. Millisor, Partner, Fisher & Phillips, LLP

It is unfortunate, but likely that most employers eventually will find themselves in a legal dispute with an employee. More than 450 employment-related lawsuits are filed against employers each day. The question, therefore, isn't will your facility become embroiled in a dispute with an employee, but whether you've developed a game plan to protect against and minimize the risks associated with them. This session highlights the importance of dealing with people issues before they become legal issues and reviews how to develop layers of protection for your facility if an employment lawsuit cannot be avoided.

6. Employee Medical Issues: Compliance Under FMLA, ADA and GINA

presented by Patrick Watts, Attorney, Zashin & Rich Co., L.P.A. and Scott Coghlan, Attorney, Zashin & Rich Co., L.P.A.

On an average day 15,600 healthcare workers are injured. In 2002, 12.6% of nurses and personal care attendants required leave from work. Compounding these numbers, new laws and regulations were implemented in the last three years concerning medical leave, disability accommodations, and genetic information. This presentation will identify compliance issues and provide attendees a process to respond to workplace injuries and requests for leave. This presentation will evaluate case studies and explain best practices regarding notice procedures; employee medical/genetic information; leave requests under the FMLA and ADA and employer rights under the ADA, FMLA, GINA and workers' compensation laws.



3:00 – 4:30 p.m.
General Session

What Now?!

The Continuing Adventures of Constance Kolov and Friends – The HR Case Study

presented by John D. Goodman, Esq., The Schroer Group and Robert C. Pivonka, Esq., Rolf Goffman Martin Lang Co., LPA

This session marks the return of Constance Kolov – a fictitious STNA used to demonstrate and spur group discussion of all-too-real challenges faced by employers trying to navigate the shifting seas of today's labor and employment laws. The presentation is intended to provide participants with an opportunity to synthesize what they have learned in other sessions attended throughout the day. Through a light-hearted approach, the session will address topics such as the FMLA, the Americans with Disabilities Act, union organizing, social networking, and more. Despite the unbelievable situations provided in the hypothetical examples, the group discussion aspect of this session is likely to lead participants to the realization that truth is stranger than fiction.



Faculty:

Scott Coghlan is an attorney at Zashin & Rich Co., L.P.A. and he chairs the firm's Workers' Compensation Group. He has over seventeen years of experience defending workers' compensation claims and he focuses his practice in all areas of workers' compensation law, representing employers in workers' compensation administrative proceedings and court appeals. He has appeared in over fifty of Ohio's common pleas courts, five courts of appeal, and the Ohio Supreme Court. Scott regularly counsels employers about developing workplace safety programs and establishing workers' compensation premium reduction programs. Scott earned his B.A. from Bowling Green State University and earned his law degree (J.D.) from Case Western Reserve University.

Bob Dezort is a partner in the Cleveland office of Fisher & Phillips, LLP, an OHCA Champion Partner. He represents management in labor, employment and workers' compensation matters. In the employment litigation arena, Bob has successfully defended employers in wrongful discrimination, harassment, wrongful discharge and trade secrets/non-competition claims. He also has significant traditional labor law experience representing the firm's clients in union organizing campaigns, unfair labor practice charges, and labor arbitrations.

Fred Englehart is of Counsel with the law firm of Rolf Goffman Martin Lang, an OHCA Platinum Champion Partner. The firm has an extensive health care practice, which represents long-term care providers, hospitals, physicians, pharmacies and numerous other providers across Ohio and in other states. Mr. Englehart's practice is dedicated entirely to Labor Law. He has cultivated legal & labor law expertise through a unique career path that included membership in a local union, elected Business Representative of a Local of the International Brotherhood of Teamsters, and ultimately as an Attorney/Shareholder with the nation's largest management-side labor and employment law firm. Over his long and distinguished career, Mr. Englehart has earned an excellent reputation based on his successful outcomes. He has significant experience in collective bargaining, union avoidance, unfair labor practice and representation cases, labor

arbitration, injunction work, the Norris LaGuardia Act, and all aspects of the National Labor Relations Act (NLRA). Mr. Englehart provides hands-on support in labor cases from concept to fruition, including meeting with corporate representatives to identify existing / potential concerns, conducting and/or overseeing legal research & due diligence, writing legal memoranda, trying cases, presenting labor law risks & liabilities, providing template to support long term strategies, and serving as legal counsel in union avoidance, negotiations, arbitrations, litigation, and/or injunction work. Mr. Englehart received his Juris Doctorate from the Case Western Reserve University Law School, where he graduated Cum Laude. He earned a Bachelor of Arts in Labor Studies from San Francisco State University, where he graduated Summa Cum Laude. Mr. Englehart is admitted to practice in any state court in Ohio, the Supreme Court of the United States, the U.S. Sixth Circuit Court of Appeals, and the U.S. District Court for the Northern District of Ohio. He is a member of the Federal Bar Association, and the American Bar Association and its Labor & Employment Section.

John D. Goodman, Esq. is Vice President, General Counsel & Corporate Secretary of The Schroer Group of companies which includes the Altercare nursing facility division, the Absolute Health Services family of companies, and Avalon Foodservice. John has been with The Schroer Group since 2002. John handles a wide variety of legal issues in this capacity including: corporate law, contract drafting and review, health care law issues, risk management, corporate compliance, employment and labor law issues, transactional work, litigation management, and he works closely with the organization's outside legal advisors. John received his bachelor degree in 1996 from the University of Michigan and his law degree from the Cleveland-Marshall College of Law in 1999. John was selected by his peers as an Ohio Super Lawyers Rising Star in 2005, 2006, and 2009. John is a member of the Advisory Council for the Health Law and Policy Center for Cleveland-Marshall College of Law and he serves on the Board of Directors of the Northeast Ohio Chapter of the Juvenile Diabetes Research Foundation International (JDRF).

Leveraging extensive experience with a thorough understanding of the issues facing the health care industry, **Tom Hess**, Dinsmore & Shohl LLP, an OHCA Champion Partner takes a practical, yet aggressive approach to help clients meet their need while also mitigating risks. Tom guides clients through the numerous challenges facing health care providers, including certificate of need, health care fraud investigations, and Medicare and Medicaid audits and overpayments. Tom is a frequent speaker on health care issues across the country, and has spoken numerous times at the Annual Convention.

Kay Lakhi is a registered, licensed dietitian with a Master's degree in Food and Nutrition. Kay has extensive experience in long term care, quality assurance areas and wellness programs. Kay is President of Dietary Solutions Inc. which provides clinical nutrition and food service consulting services to over 150 health care communities. In addition to being the owner of Dietary Solutions, Kay is also the owner and President of The Rite Bite. The Rite Bite provides corporate wellness programs on a national level, and maintains a full service health facility open to the public in Lewis Center, Ohio.

What is included in my Registration Fee?



- *Up to 6 CEUs*
- *Continental Breakfast*
- *Lunch Buffet*
- *Continuous refreshment service*
- *Handouts of all education sessions*

Rich Millisor is a partner in the Cleveland office of Fisher & Phillips, LLP, an OHCA Champion Partner. He has extensive experience representing employers before state and federal courts and administrative agencies in all areas of employment law, including discrimination, wage and hour and unfair labor practice litigation. He has argued multiple employment cases to the Supreme Court of Ohio and the United States Sixth Circuit Court of Appeals. Rich also has an active traditional labor practice, where he represents employers in resolving grievances, prosecuting arbitrations and negotiating collective bargaining agreements. He devotes a substantial portion of his practice counseling clients to avoid employment and labor disputes and has developed substantial experience litigating collective and class actions under the Fair Labor Standards Act and state wage and hour laws.

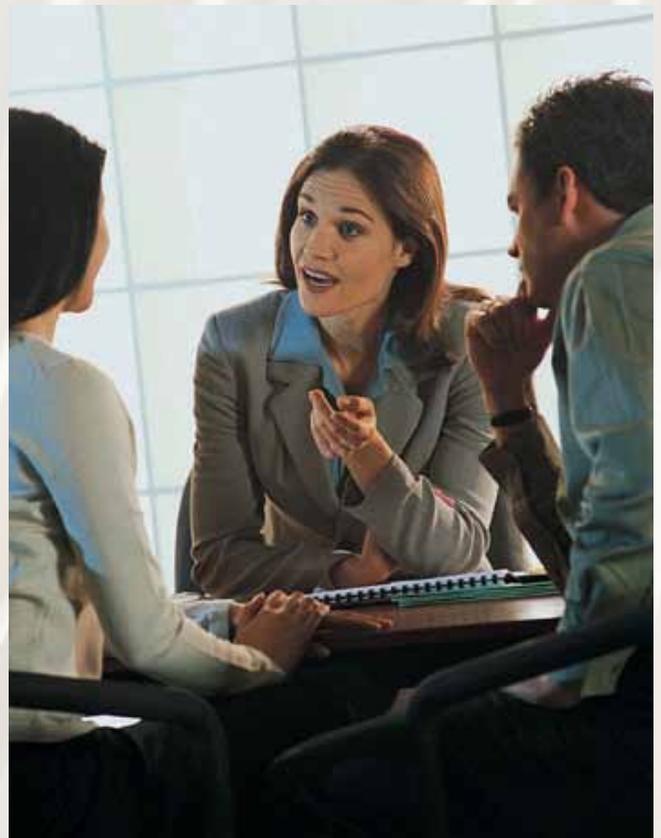
Rob Pivonka is a Partner with the law firm of Rolf Goffman Martin Lang Co., LPA, the Ohio Health Care Association's legal counsel, an OHCA Platinum Champion Partner. The firm has an extensive health care practice, which represents long-term care providers, hospitals, physicians, pharmacies and numerous other providers across Ohio and in other states. Mr. Pivonka has been selected as one of Ohio's best employment law attorneys by his peers in the "Super Lawyers" publication. Mr. Pivonka concentrates his practice on representing and advising employers in connection with employment litigation and day-to-day operational issues concerning employees. He has litigated matters before numerous state and federal courts, and has represented employers before various administrative agencies including the U.S. Equal Employment Opportunity Commission (EEOC), the Ohio Civil Rights Commission (OCRC), the U.S. Department of Labor (DOL) Wage and Hour Division, the Ohio Department of Job & Family Services (ODJFS), the U.S. Occupational Safety and Health Administration (OSHA) and the National Labor Relations Board (NLRB). Rob

also has represented clients in numerous private arbitrations and mediations. Mr. Pivonka received his Juris Doctorate from Case Western Reserve University School of Law, where he graduated magna cum laude, was inducted into the Order of the Coif, and served as the Executive Notes Editor for the Case Western Reserve Law Review. He earned his Bachelor of Arts from Marquette University, where he graduated magna cum laude, and was inducted into Alpha Sigma Nu, the National Jesuit Honor Society. Mr. Pivonka is admitted to practice in any state court in Ohio, the U.S. District Courts for the Northern and Southern Districts of Ohio, and the U.S. Sixth Circuit Court of Appeals. He is a member of the Cleveland Metropolitan Bar Association and the Ohio State Bar Association (Labor & Employment Law Section). Mr. Pivonka served on the Board of Trustees for the East Side Catholic Center & Shelter, and is a past president of the Marquette University Alumni Association of N.E. Ohio.

Scott Salsbury defends health care employers in employment disputes in state and federal trials, arbitrations and administrative adjudicatory proceedings on issues ranging from pregnancy discrimination, whistleblower retaliation wage and hour disputes, to unfair labor practices. He routinely advises non-union clients on union avoidance and represents clients with union-represented employees in labor negotiations.

Charlie Smith provides his clients with preventative counseling, as well as, litigation support and problem solving services. Charlie also assists employers when responding to investigations by both state and federal agencies. Charlie has spoken regularly before several other major business associations on employment and workers' compensation issues. Charlie is a graduate of Ohio Wesleyan University and Capital University Law School. He is AV rated by Martindale-Hubbell and was recently selected as one of Ohio's Super Lawyers for 2012.

Patrick M. Watts is an attorney at Zashin & Rich Co., L.P.A. and is certified by the Ohio State Bar Association ('OSBA') as a Specialist in Labor and Employment Law. Patrick's practice areas include labor relations, equal employment opportunity, employment discrimination, and all other employment related torts. Patrick has litigated numerous high profile Family and Medical Leave Act cases and has lectured on a variety of topics including wrongful discharge, the Family Medical Leave Act, and the Americans with Disabilities Act. Patrick earned his B.A. from the College of Wooster and earned his law degree (J.D.) from the Ohio State University Moritz College of Law where he focused his legal education on labor and employment law.



Continuing Education Credits:

6 hours of credit have been requested for the following group. For final approval status, please contact the OHCA office at 614/436-4154 or refer to the website at www.efohca.org

Attorneys:

This program has been submitted to the Ohio Supreme Court Office on CLE.

Human Resource Professionals:

This program has been submitted for 6.0 recertification credit hours toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI).

This program has been approved for 6 hours of continuing education credit for the following:

Accountants:

The Ohio Health Care Association is an approved provider of continuing education credit by the Accountancy Board of Ohio.

Ohio Licensed Administrators:

The Ohio Health Care Association is an approved provider of continuing education credit by the Ohio Board of Examiners of Nursing Home Administrators.

Nurses:

Nurses please note any continuing education that has been approved by BENHA (or any other accredited body) can be accepted by the Ohio Board of Nursing in the State of Ohio. Nurses may use this continuing education to meet their licensure requirements. Please refer to OBN continuing education rules 4723-14-01 thru 4723-14-19.

Conference Location:

Quest Conference Center

8405 Pulsar Place
Columbus, Ohio 43240
(800) 909-7665 or (614) 540-5540



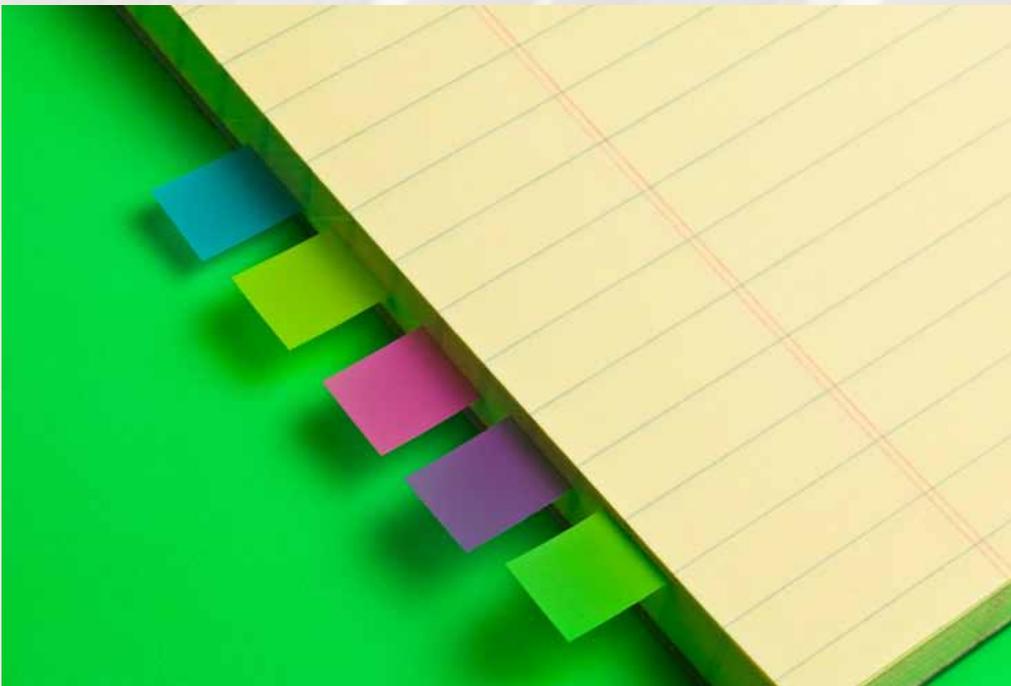
Nearby Hotels:

Hyatt Place

7490 Vantage Drive
Columbus, Ohio
614-846-4355
OHCA rate is \$100, use code 93295

Cambria Suites

9100 Lyra Drive
Columbus, Ohio
614-841-9100
OHCA rate is \$109, use code LOHCA



Register by CreditCard or Check
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Online at www.efohca.org

Register online and save! Register 4 or more individuals from the same facility and receive 15% off the total of registration fees. This discount only applies online.

Human Resources Management & Legal Update Conference • August 1, 2012

Online Registration: www.efohca.org • Questions? 614 / 436-4154 • Fax: 614 / 436-0939

1. One Person Per Registration (fill out the facility info and duplicate this form for additional registrants)

Lastname: _____ First: _____ Nickname: _____

Title: _____ Email address: _____

Facility: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ / _____ Fax #: _____ / _____

2. Registration Fees

OHCA/OCAL/OCDD Members

\$175 prior to July 20

\$215 July 20 and after

Non Members

\$310 prior to July 20

\$380 July 20 and after

3. Payment - Make checks payable to Educational Foundation of Ohio Health Care Association (EFOHCA)

Mail to: EFOHCA, 55 Green Meadows Dr. South, Lewis Center, OH, 43035 or Fax: 614 / 436-0939

TOTAL AMOUNT \$ _____

Method of Payment: Credit Card Check

CREDIT CARD: MC VISA AMEX Card Number _____ Expiration Date ____/____

Card Holder _____

Signature _____

4. Sessions Attending: (It is very important that you complete the section below when registering)

Please indicate which session you will be attending

9:00 – 10:30 a.m. All Attendees should plan to attend the general session
General Session: Are You Kidding Me - A Ten Day Campaign?

10:45 – 11:45 p.m. **Concurrent Educational Sessions: Select One**
 1. Social Media--Is it Anti-Social?
 2. Dealing Effectively with the Problem Employee

12:30 – 1:30 p.m. **Concurrent Educational Sessions: Select One**
 3. Prevent Emerging EEO Issues From Blooming into Thorny Lawsuits
 4. Rising Employee Health Care Costs: Why Wellness?

1:45 - 2:45 p.m. **Concurrent Educational Sessions: Select One**
 5. Proactive Approaches to Avoiding and Minimizing Employment Related Disputes
 6. Employee Medical Issues: Compliance Under FMLA, ADA and GINA

3:00 – 4:30 p.m. All Attendees should plan to attend the general session -
General Session What Now?! The Continuing Adventures of Constance Kolov and Friends – The HR Case Study

with support from our champion partners



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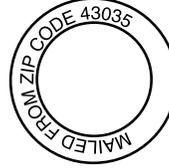
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