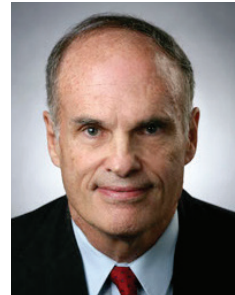


THE YEAR IN REVIEW

Most years, the events that happen have negative implications for employers, in terms of additional legal and strategic compliance issues, and this year is no exception. One theme running throughout the year is that federal regulators have taken control of the employment relationship – not Congress, and not the courts. It is interesting to look at all the ways federal regulators have accomplished -- without a single vote by anyone -- the proposals that failed to be enacted in Congress.



James W. Wimberly, Jr.

Thursday, November 3rd
Marriott Downtown Knoxville
Main Ballroom

The Year In Review

9:15 am

Presented by James W. Wimberly, Jr.

- The Obama Administration was not successful in passing the promised so-called “Card Check” union organizing law, so the National Labor Relations Board (NLRB) responds by enacting the “quickie election” rules, reducing the time for an employer to campaign against the union in half.
- Congress fails or refuses to pass “equal pay for comparable worth” laws, so regulators passed new regulations requiring pay reporting on EEO-1 reports.
- Congress fails or refuses to pass gay and transgender rights laws, so regulators do the same thing through their interpretation of sex discrimination laws, and through LGBT (lesbian, gay, bisexual and transgender) regulations and interpretations, creating the controversial “bathroom” issue.
- Congress fails or refuses to pass an increase in the federal minimum wage, so regulators increase starting pay to \$10 per hour for certain federal contractors, and double the “salary test” required for exemption from overtime for white collar management exceptions to overtime rules.
- Congress fails or refuses to pass paid sick leave laws, so the President simply issues an Executive Order requiring regulators to enact such rules for federal contractors.
- Congress fails or refuses to address the issues of the shared economy, where more and more Americans want to be their own boss, so government agencies are making every possible attack on independent contractors and joint employment relationships.
- Government regulators have even tried to limit the ability of employers to get advice from their labor attorneys, by requiring them to publish a report summarizing that advice and the fees paid for such advice.
- The NLRB seems to run out of things to do in their regulation of union organizing campaigns, so creates an agenda for regulating almost every type of employment policy, under the guise of protecting employee rights to concerted activity.

The list goes on and on.

For more information on events and happenings in 2016, James W. Wimberly, Jr. will kick off this year’s Conference with a presentation on *The Year in Review* on Thursday, November 3, 2016 at 9:15 a.m. in the Ballroom at the Marriott Downtown Knoxville.

Our Firm Wimberly Lawson Wright Daves & Jones, PLLC is a full service labor, employment and immigration law firm representing management exclusively. The firm has offices in Knoxville, Morristown, Cookeville, and Nashville, Tennessee and maintains its affiliation with the firms of Wimberly, Lawson, Steckel, Schneider & Stine, P.C., Atlanta, Georgia; and Wimberly Lawson Daniels & Fisher, LLC, Greenville, South Carolina.



DEVELOPMENTS WITH MENTAL, EMOTIONAL, AND PSYCHOLOGICAL ISSUES RELATED TO EMPLOYMENT INCLUDING THE OPIOID/HEROIN ADDICTION CRISIS

During the past ten to twenty years, drug and alcohol issues have become very prevalent in American society, with opioids in particular becoming a focus of much concern. More recently, we have seen an exponential growth in the number of people who use, abuse, and become addicted to heroin. As these issues become more common, they tend to migrate into the workplace, affecting employers and their employees in a variety of ways. Often, there is a link between the use and abuse of alcohol and drugs, and various mental, emotional, and psychological issues. It is important for the employer to understand the background and some practical considerations regarding these issues to best prepare for tackling them in the workplace.

The face of opioid addiction is changing rapidly in the United States. Instead of an inner city issue, opioid addiction is quickly moving into the suburbs and into all areas of large cities. It pays no mind to race, sex, or economic status. It can be found in our schools, places of worship, and in the workplace. Although its presence is often hidden by hushed whispers, sideways glances, and an unwillingness to recognize the serious problem, the victims of opioid addiction are now regular people. Our neighbors, our friends, our co-workers, and our relatives. Its use has become a national epidemic. Something must be done soon to combat the problem as it has the potential to reach epic proportions.

For more information on *Developments with Mental, Emotional, and Psychological Issues Related to Employment (Including the Opioid/Heroin Addiction Crisis)*, Fredrick J. Bissinger will present a breakout session on this topic on Thursday, November 3, 2016 from 11:00 a.m. to 12:00 noon in William Blount South at the Marriott Downtown Knoxville.



Fredrick J. Bissinger

Thursday, November 3rd

**Marriott Downtown Knoxville
William Blount South Room**

Developments with Mental, Emotional, and Psychological Issues Related to Employment (Including the Opioid/Heroin Addiction Crisis)

11:00 am – 12:00 noon

Presented by Fredrick J. Bissinger

Get Fast, Expert Guidance Right at your Fingertips with the All-New

Tennessee Workers' Compensation Handbook

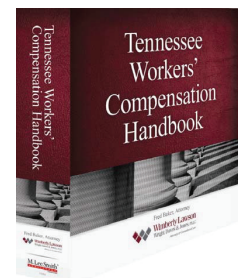
The essential desk reference for Tennessee attorneys and workers' comp claims managers

The **Tennessee Workers' Compensation Handbook, 8th Edition**, by Wimberly Lawson Attorney Fred Baker, is the comprehensive resource for anyone who interacts with the Tennessee Workers' Compensation System. It is designed for HR personnel, attorneys, paralegals, risk managers, claims adjusters, mediators, benefit managers, claims analysts, and judges. Now fully updated and edited for 2016, the *Tennessee Workers' Compensation Handbook*, 8th Edition, gives clear, authoritative guidance that will help you navigate the challenges of the new Tennessee Workers' Compensation landscape. **Please call or email Brenda Copeland at (931) 372-9123 or bcopeland@wimberlylawson.com for more information and to order your copy.**

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New 8th Edition!



FREDRICK R. BAKER is a Member in the Cookeville, Tennessee, office of Wimberly Lawson Wright Daves & Jones, PLLC, which he joined in 2001. His law practice includes an emphasis in workers' compensation and employment discrimination, as well as ADA and FMLA compliance. Fred is the Editor of the *Tennessee Workers' Compensation Handbook*, published by M. Lee Smith Publishers. He is also on the Advisory Board for the *Tennessee Workers' Comp Reporter*. Fred is Legislative Co-Chair of the Upper Cumberland Society of Human Resource Management. He is a member of the Mid-South Workers' Compensation Association. Fred is Tennessee's representative for the National Workers' Compensation Defense Network. Fred has an AV Preeminent® Rating – which is the highest possible rating given by Martindale-Hubbell, the leading independent attorney rating entity. He was selected as a Rising Star in 2012, 2013, and 2014 by Super Lawyers. Fred received his Bachelor of Arts degree in Philosophy, *summa cum laude*, from Transylvania University and his law degree, *magna cum laude*, from the University of Tennessee.

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SOCIAL MEDIA AND TECHNOLOGY, WITH MILLENNIALS AND OTHER GENERATIONS



**Mary Moffatt
Helms**



**T. Joseph
Lynch, III**

With the influx of employees from a younger generation in the workforce, social media and technology are having a major impact. Millennials bring a new and fresh attitude which challenges the previous generation's perceptions of the workplace. The advent of a wearable technology raises questions of employee privacy. Social networking sites have already become a primary way for many employees to express themselves and it is becoming nearly impossible to find an employee or business who does not have a presence on at least one social networking site. This new environment profoundly affects decisions related to background checks, hiring, discipline, and litigation strategy. Employers are now forced to deal with and adapt to a changing culture in the workplace.

Thursday, November 3rd

**Marriott Downtown Knoxville
William Blount South Room**

*Social Media & Technology, with Millennials
and Other Generations*

2:45 pm – 3:45 pm

Presented by Mary Moffatt Helms
and T. Joseph Lynch, III

For legal and practical reasons, every company should implement a social media policy and there are a host of legal risks to consider when implementing a policy, such as defamation, off-duty conduct, copyright issues, and contract law. This policy can and should be in place regardless of whether an employee is accessing social media on company time and from company equipment, or on his own time with his own hardware. Because everyone potentially has access to these networks, the policy should be company-wide and cover all employees. It is important for the employer to remember that such policies cannot be so overly-broad that they improperly restrict employees from discussing their wages, hours and working conditions with coworkers.

Employees cannot be disciplined or discharged for engaging in such discussions face-to-face, and this applies in the social media context as well.

For more information on social media, its impact on the workplace and implementing a social media policy, Mary Moffatt Helms and T. Joseph Lynch, III will present *Social Media & Technology, with Millennials and Other Generations* on Thursday, November 3, 2016 from 2:45 p.m. to 3:45 p.m. in the William Blount South room at the Marriott Downtown Knoxville.

CYBER LIABILITY – LIABILITY FOR CYBER CRIMES AND DATA BREACHES



J. Eric Harrison



**Karen G.
Crutchfield**



**Jeffrey M.
Cranford**

With the use of the internet by almost every business in the United States, it is a fact of life in the age of information that nearly every company today uses computers, laptops, Wi-Fi, or smartphones in its day to day business operations. The prevalence of businesses shifting to electronic operations, particularly with regard to data storage, explains why cyber liability law has become so relevant. According to one 2015 survey, cyber liability is one of the top five risks facing businesses. The same survey reported that cyber liability is the number one risk when looking into the next five years.

Even though the term “cyber liability” encompasses an enormous amount of information, it can be defined as the risk posed by conducting business over the internet, over other networks, or using electronic storage technology.

This risk can come in a number of different mediums or data forms. Further, the type of data exposure will

Thursday, November 3rd

**Marriott Downtown Knoxville
Henry Knox Room**

Cyber Liability – Liability for Cyber Crimes

2:45 pm – 3:45 pm

Presented by J. Eric Harrison, Karen G. Crutchfield,
and Jeffrey M. Cranford

Continued on page 4 ►►



Andrew J. Hebar



T. Joseph Lynch, III



Michael W. Jones



Marianna L. Jablonski

TOP TEN STRATEGIES FOR DEFENDING TENNESSEE WORKERS' COMP CLAIMS

Tennessee's Workers' Compensation law was subject to sweeping reforms under the Workers' Compensation Reform Act of 2013. These reforms apply to workers' comp injuries arising on or after July 1, 2014. Further changes and clarifications to the law were made by additional statutory amendments passed in 2014.

This breakout session features strategies in the following areas for defending workers' comp claims:

1. Timely Reporting of Claims to Insurance Carriers and the State;
2. Wage Statements;
3. Initial and Specialty Panels;
4. Investigation of Claims and Identifying Defenses;
5. Definition of Injury under the New Statute;
6. Risks of Denying Claims;
7. Penalties;
8. Petitions for Benefit Determination and Dispute Certification Notices;
9. Expedited Hearings, Affidavits, and Live Witnesses; and
10. Supervisor Training.

Please join Andrew J. Hebar, T. Joseph Lynch, III, Michael W. Jones and Marianna L. Jablonski for a detailed presentation on these topics in *Top Ten Strategies for Defending Tennessee Workers' Comp Claims* at 11:00 a.m. to 12:00 noon on Thursday, November 3, 2016 in the Henry Knox room at the Marriott Downtown Knoxville.

Thursday, November 3rd

**Marriott Downtown Knoxville
Henry Knox Room**

*Top Ten Strategies for Defending Tennessee
Workers' Comp Claims*

11:00 am – 12:00 noon

Presented by Andrew J. Hebar,
T. Joseph Lynch, III, Michael W. Jones, and
Marianna L. Jablonski

“LIABILITY FOR CYBER CRIMES AND DATA BREACHES”

continued from page 3

directly correlate to the type of business or industry in which a company operates. The types of data that can potentially be exposed are:

- Personally identifiable information (which can include biometric data such as fingerprints or DNA information);
- Private health information;
- Credit or Debit card information;
- Financial data;
- Proprietary business information (billing records);
- Trade secrets; and
- Copyright infringements.

For more information on cyber liability, J. Eric Harrison, Karen G. Crutchfield, and Jeffrey M. Cranford will present *Cyber Liability – Liability for Cyber Crimes and Data Breaches* on Thursday, November 3, 2016 from 2:45 p.m. to 3:45 p.m. in the Henry Knox room at the Marriott Downtown Knoxville.