

CITY OF RAPID CITY
TRAVEL REQUEST

LF072804-16

Person requesting travel Michael S. Booker Department Attorney

I hereby request permission to travel for the following purpose: (Give specific nature of business and interest of the City to justify cost involved.)

Advanced Employment Based Symposium

List all other City employees, if any, making the trip for the same purpose: _____

Place of meeting or destination: Las Vegas, NV

Date of meeting Nov. 10-12, 2004

Date trip to begin Nov. 9, 2004 Date trip will end Nov 12, 2004

Method of transportation requested Airline

Estimated transportation cost \$ 400.00

Meals 120.00

Lodging 3 days 650.00

Other costs—description Registration, taxi 900.00

Total estimated cost of trip \$ 2070.00

Signed _____ Date _____
(person requesting travel) (Department Head)

When the cost of the trip will exceed \$500, regardless of the number of employees involved, this section must be signed.

In accordance with the provisions of Rapid City ordinances and travel regulations, consent is hereby given for travel as requested in the foregoing application. Maximum cost of trip authorized is \$ _____

Approved: _____ Date _____
Mayor

When the cost of the trip will exceed \$1,500, regardless of the number of employees involved, Council approval is required.

Approved by Common Council on _____ (Date)

White copy—Mayor

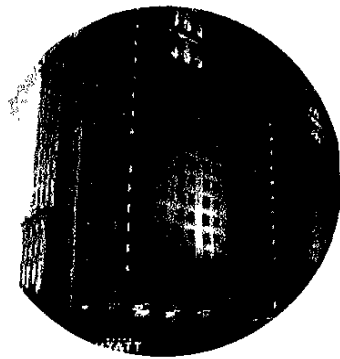
Yellow copy—Finance

Gold copy—Department copy

Maintain
Your Status
as the
HR Hero!



9th Annual Advanced Employment Issues Symposium



Atlanta
October 6-8, 2004
Grand Hyatt



Las Vegas
November 10-12, 2004
Caesars Palace

**The largest and most renowned
event devoted to employment law!**

**Come hear from the country's top employment attorneys
and human resource professionals as they address:**

- The dreaded triangle of ADA, FMLA and workers' comp
- How to ensure you're in compliance with the new overtime regs
- The 10 most common employment law mistakes
- How to get supervisors to document – the right way
- The latest Supreme Court decisions affecting employment law
- How to prepare for the challenges of an aging workforce
- The sure-fire ways to avoid employee retaliation claims

Plus, special breakout sessions on:

- Unions
- Public sector HR
- Employment law for in-house counsel
- OSHA
- Benefits

**There's more! Choose from these in-depth pre- and
post-conference seminars:**

Before the conference:

- How to conduct an internal investigation
- Mock trial: Jury duty you won't want to miss
- Designing, implementing and enforcing an arbitration policy

After the conference:

- DOL's new overtime regulations
- Secrets of an effective handbook
- California update on employment law

Choose from

WEDNESDAY 2:00 - 5:00 p.m.

3 Pre-Conference Workshops

As a 2004 Advanced Employment Issues Symposium attendee, you have the option of enriching your learning experience by attending one of three pre-conference sessions. These will be presented concurrently, the afternoon before AEIS begins, with each priced at \$249 per attendee. Here are your pre-conference session options:

1 How to Conduct an Internal Investigation – Without Making Things Worse

You're in your office and suddenly get a memo . . . or a phone call . . . or a visit from an employee. In the next minutes, you learn the company's been hit with a charge of sexual harassment, discrimination, retaliation, or something similarly serious. Suddenly, you're forced to conduct an internal investigation – one that must be thorough, effective, and meticulously compliant with the latest employment laws.

During this three-hour, information-packed session, you'll get clear answers to key questions such as:

- What's the #1 mistake even the most seasoned HR professionals make when investigating claims, and how can you avoid it?
- How should you ask potentially embarrassing questions critical to your investigation?
- What's the latest investigation question you ask at your peril?

Your presenters have seen HR pros make nearly every workplace investigation mistake imaginable. Their expert "how-to" guidance will help you avoid all the common pitfalls.

ROI: Knowing how to investigate serious charges in the workplace can have a significant effect on your bottom line, by limiting your liability. It also allows your organization to take proper corrective action, ensuring a healthier, more compliant, effective workplace.

Presenters: John B. Phillips, Jr., *Miller & Martin*; Kevin C. McCormick, *Whiteford, Taylor & Preston*

2 Jury Duty You Won't Want to Miss: Take Part in a Mock Trial and Decide an Employer's Fate

You've seen the headlines and wondered – how did that employee win \$3 million? Just what was that jury thinking? Could we be headed for the same dreadful experience?

Find out just how unpleasant it is to get sued – and how employee attorneys actually operate in court – when you take part in this special mock trial. You'll hear the case of a former employee who sues her employer for both harassing and terminating her because of her HIV status. The company counters that her performance declined so dramatically that it had no choice but to fire her. When settlement talks fail, it's headed to court and the unpredictable decision of a jury – *made up of you and other attendees!*

Here's your chance to be part of a mock trial and gain practical insights in the process. You'll hear the claims . . . and counterclaims from rebuttal witnesses . . . see the evidence and weigh the facts . . . learn the real-world tricks of the trade and watch the sparks fly as both sides battle it out to win the verdict. You'll learn why 2 out of 3 employment law cases that get to a jury are won by the employee – and how you and your organization can avoid a similar experience. Sign up now for this lively workshop, experience an employment law trial firsthand, and come away with a renewed understanding of the importance of avoiding employment law mistakes.

ROI: By seeing where other organizations trip up, and what it's cost them, you can better prepare your organization to avoid a similar fate.

Presenters: Chad A. Shultz, *Ford & Harrison*; David C. Hagaman, *Ford & Harrison*

3 We Can Work It Out: Designing, Implementing, and Enforcing an Arbitration Policy

It's still one of the smartest strategies for limiting the cost of employee-employer disputes. But designed or implemented badly, your arbitration policy can be more damaging than helpful.

If you're attracted to the benefits of alternative dispute resolution – but feel intimidated by the details – this session is for you. You'll learn:

- Factors to consider when deciding to implement a mandatory arbitration or other ADR program
- Steps for developing your policy
- How to implement your policy so that it treats applicants, new hires, and current employees fairly.
- How to enforce your new arbitration policy and achieve maximum cost-containment benefits.

ROI: Your organization can save untold dollars by resolving employee disputes through mediation. This program shows you how.

Presenters: David E. Nagle, *LeClair Ryan*; Candace M. Kollas, *Candace M. Kollas, P.C.*; Vance D. Miller, *Armstrong Teasdale*



Your Colleagues Say It Best...

"This is truly the most outstanding conference I've attended. Great speakers, great value, beautiful location."

Allison McFaul
Human Resource Manager
UNISEA

"The 'Lunch With Lawyers' was an excellent idea. A great way to discuss specific employment law details. One of the best conferences I've been to."

Linda Pavia
Human Resources Manager
Tropicana Resort & Casino

"This was a terrific experience! Thank you for such careful preparation and attention to excellence."

Ann Heilman
Bureau Chief
Human Resources
Idaho Dept. of Health & Welfare



AGENDA

Day One - Thursday

7:00 - 8:45 a.m.

Registration, Breakfast

8:45 - 9:00 a.m.

Welcome, Opening Remarks

Headline News

9:00 - 9:45 a.m.

The Very Latest U.S. Supreme Court Employment Law Decisions and What They Mean to You

There's no doubt about it. This year has been one of the most dramatic and complicated years in employment law history. From the sweeping overhaul of overtime pay regulations...to the dramatic implementation of new HIPAA privacy regulations...to the passage of new programs such as Health Savings Accounts...this year has seen much change.

Learn exactly what the nation's highest court did in 2004, how it directly affects your personnel policies – and what's on the horizon. This session goes beyond a mere recounting of Supreme Court decisions. You'll enhance your knowledge so you can craft strategy at the highest levels of your profession. You'll hear:

- The most important employment law decisions of 2004 – and what to expect in 2005.
- Washington Insiders' Outlook: What are the new and emerging trends? How can you take advantage of them?
- Analysis of pending cases and how these rulings may affect your organization.
- Hot employment law developments you may not have heard about.

Retaliation

9:45 - 10:45 a.m.

Getting Mad, Getting Even, Getting Sued: Handling the Whistleblower

It's been called the fastest-growing area of employment law. And for good reason. There's a HUGE amount of money at stake when the whistle-blower and his attorney suddenly come forward. Money that – all too often – pours out of your company's coffers.

In this dynamic session – as timely as today's headlines – you'll learn, step-by-step, what to do when an ex-employee claims he was fired for "blowing the whistle" on corporate malfeasance, harassment, or other alleged behavior. You'll get cutting-edge advice on creating or updating your organization's whistleblower and anti-retaliation policy. And you'll get straight answers about the limits of the government's investigatory authority. Plus the very latest court interpretations of the Sarbanes-Oxley Act.

You'll also learn:

- Why retaliation claims are the hardest to win

but the easiest to avoid.

- What your rights are when defending yourself and your organization before a jury.
- Mistakes other HR professionals have made, and how to avoid them.
- How to train your managers to comply with policies and the law.
- Ways to prepare your arsenal – airtight documentation, performance evaluations, disciplinary actions, exit interviews, and more.
- How to help your managers and supervisors avoid personal liability, including jail time, for activity covered under whistleblower statutes.

10:45 - 11:00 a.m. **Break**

Documentation

11:00 - 11:45 a.m.

Bulletproofing Your Organization – Getting Supervisors to Document the RIGHT Way

"If it's not in writing, it doesn't exist!" goes the old adage. And – for thousands of companies – proof to verify claims of employee misconduct doesn't exist...because supervisors failed to document. And often – even when supervisors do document – their documentation is incomplete, inaccurate, or inflammatory. You could have a tempest brewing in a file cabinet.

Recently, our nationwide poll of HR professionals revealed a startling fact: inability to get supervisors to document is a huge problem. In this session you'll learn:

- Why the documentation breakdown occurs.
- Best practices for making supervisors follow through.
- What defines good and bad documentation, using real-world case studies and examples.
- How to use proper forms to guide the process.
- Be prepared to deal with the EEOC.

11:00 - 11:45 a.m.

BREAKOUT SESSION: For In-House Counsel Only: Employment Law Issues

From helping a new field office out of compliance with an onerous regulation to meeting new reporting requirements for publicly traded companies to keeping track of multiple state laws often more demanding than their federal counterparts, there's an array of employment law challenges unique to in-house counsel.

Join experienced attorneys who have built practices defending management for an intimate breakout session to explore real solutions and best practices for limiting liability at your organization. You'll learn about the latest class-action litigation, new strategies for managing sexual harassment, retaliation, and

disability claims, and your responsibilities under the Sarbanes-Oxley Act. This session will also address the very latest U.S. Supreme Court decisions related to labor and employment law and their effect on corporate counsel. You'll come away with a renewed understanding of:

- How new legislation and regulations are likely to affect your organization.
- How to best advise senior management and Human Resources on the legal ramifications of proposed actions.
- How to monitor employment law compliance at multiple sites and in multiple jurisdictions.
- How to maximize the likelihood of a positive outcome to employment law conflicts through your relationship with retained counsel.
- How to ensure compliance with new FLSA overtime exemption classifications.
- How to balance employee privacy rights and management's right to know.

11:45 a.m. - 1:15 p.m.

Special Luncheon Program: Politics, Power, and Influence – What They Don't Teach Even in Business School

Accomplishing the goals and objectives of any organization requires more than just smart employees who work hard. It requires savvy employees who know how to forge alliances and avoid animosities in order to be effective. Learn "positive politics" and how to navigate organizational minefields as well as how to recognize and tap into the power structure within any organization.

Presented by Margaret Morford, President of The HR Edge, Inc.

Harassment

1:15 - 2:00 p.m.

Bold New Solutions to Old Harassment Problems

One thing is crystal clear – harassment claims aren't going away. Last year, the EEOC recovered \$300 million in monetary benefits for employees. Sexual harassment claims alone cost employers \$50 million! In this session, you'll learn how recent harassment-related court decisions and agency rulings directly affect how you manage your workforce. You'll get expert advice on how best to respond to charges, investigate claims, and – most important – keep your organization out of the courtroom. You'll also hear about the latest trends in harassment litigation and get behavioral warning signs to act on – right now, before it's too late.

You'll learn:

- How to make sure your policies address ALL forms of harassment – sexual, racial, religious, and more.
- The latest developments in the exploding arena of same-sex and other non-traditional harassment claims.

- Making supervisory training the foundation of your risk-management strategy.
- How to respond appropriately to the accuser and the accused, while keeping your organization's interests the top priority.
- Case studies of how proper documentation can stop an age discrimination case in its tracks.
- Why there's so much talk about using mediation and arbitration to resolve harassment charges.
- Using harassment's hidden costs -- sinking productivity, morale, and corporate reputation -- to make your executive team take it more seriously.

1:15 - 2:00 p.m.

BREAKOUT SESSION:

Issues for Companies with Unions...and Those Without

Is asking employees to report union organizers' harassment a violation of federal law?

Can you restrict what employees talk about among themselves?

Which of your workplace policies could be seen as unfair labor practices?

Whether your workforce is unionized or not, it's critical that you know the answers to these and other union-related questions. Learn what you can expect from the new National Labor Relations Board and how they'll address the *Weingarten* ruling allowing employees to have coworkers with them in disciplinary meetings.

From momentum-based blitzes that turn your workplace upside down to new Internet and e-mail based efforts, union organizing tactics are more sophisticated than ever. Learn how to push back without sparking an expensive fight with federal regulators. This session includes:

- A look at recent NLRB decisions and how they impact unionized as well as non-union employers.
- How to make a low-salt effort key to staying union-free.
- New definitions of "concerted activity" that could open the door to union organization.
- Choosing the right words for your corporate communications on union activity that won't ruffle NLRB feathers.

Workforce Diversity

2:00 - 3:00 p.m.

Maximizing Opportunities, Minimizing Risk: Understanding the International Workforce

Outsourcing...offshore facilities...temporary workers...H-1B visas...contractor liability... the global marketplace has opened up a world of new employment law issues. Whether you're hiring foreign workers for employment in the U.S. or in other countries, you face a host of

often bewildering requirements. This session will answer your questions about NSEERS and US-VISIT programs and explain the challenges and the opportunities presented by the White House's proposed immigration reform. You'll also learn about the latest proposals for enhancing the U.S. labor pool and how you can help applicants meet complex documentation requirements, including:

- Dealing with foreign labor laws and U.S. laws simultaneously.
- Alternative strategies when facing downsizing and layoffs.
- Multilingual workforce challenges and solutions.
- I-9 compliance a year after Wal-Mart.

2:00 - 3:00 p.m.

BREAKOUT SESSION:

Public Sector HR -- Tackling the Unique Challenges

There's no doubt about it. Managing public-sector HR can be especially tough. Not only must you navigate all laws affecting the private sector, you must deal with specific-to-government-entities laws and regs. In this session, you'll gain a thorough understanding of how recent legal developments have changed your public-sector workplace -- specifically in the areas of employee discipline, administrative and judicial review, processing EEO complaints, the representation process, negotiating agreements, and more. You'll discover:

- What kind of references you can give beyond "name, rank, and serial number";
- How to discipline an employee in a "politically sensitive" position;
- How recent court decisions have changed the definition of "policymaker" for the sake of determining free-speech protection;
- Why failure to allow due process in negative employment actions almost always burns the public employer;
- What HR compliance obligations lie ahead for the public-sector employer.

3:00 - 3:15 p.m. **BREAK**

Absenteeism/Leave

3:15 - 4:00 p.m.

ADA, FMLA, and Workers' Comp: Dreaded Triangle Now a Tangled Web

Some HR folks call it "the three-car pile-up." And sometimes trying to figure out how ADA, FMLA, and workers' comp relate to each other -- and to you -- can make you reel. To make matters worse, a rash of new lawsuits popped up, presenting all-new questions and problems. So how do you now determine the proper approach to every employee injury, illness, and family medical situation?

Come to this session and leave confusion behind. Discover:

- The latest rulings on psychiatric disabilities in the workplace, including dealing with the most difficult ADA accommodations, privacy issues, safety issues, and more.
- How to build a case for terminating an employee on extended leave.
- New revisions to FMLA that loom on the horizon -- and how that will affect your policies regarding intermittent and reduced-schedule leave.
- How to discipline for chronic absenteeism without winding up in court.
- Secrets of creating a nondiscriminatory policy that addresses the four mood groups: stress, burnout, depression, and anxiety.
- How to handle those nagging doubts about the honesty of an employee on short-term disability leave.

Avoiding Lawsuits

4:00 - 4:45 p.m.

The 10 Most Common Employment Law Mistakes -- And How to Avoid Them

Gaffes. Blunders. Whoppers. Snafus. Whatever you call them, they cost big. At this final Thursday session, the spotlight shines on The Top 10 employment law mistakes. You'll learn exactly why they happen, what they usually mean for employer and employee, how to avoid them, and how to put out the fires if they ignite.

Get crystal-clear answers to questions such as: Where are our organization's legal traps? How can auditing our operation uncover pitfalls before they land us in court? How can we make training a larger part of our liability-reduction strategy? You'll get the precise information you need to remain the go-to source for HR and employment law answers at your organization. You'll also get:

- Advice from a practicing plaintiff's attorney on red-flag statements, activity, documents, and conduct that spur employees to sue employers -- and win.
- Guidance for spotting what makes you vulnerable to high-cost lawsuits.
- Reaction strategies that allow you to swing into action should someone at your organization make one of the "Top 10 Mistakes."

4:45 - 5:00 p.m.

Door Prize Drawing Announcements Adjournment

AGENDA *Day Two - Friday*

7:00 - 8:15 a.m.

Breakfast, Late Registrations

8:15 - 8:30 a.m.

Announcements

Discrimination

8:30 - 9:15 a.m.

Civil Unions: When Gay Couples Say "I Do"... What Must Employers Say?

It's the issue that's rocked America – setting off firestorms of controversy from Vermont to Massachusetts to San Francisco. It's gay civil unions. And if anything, the issue promises to explode even more in the months and years ahead particularly in the workplace.

How should you – as an employer – act in the face of this unprecedented new workforce reality? Get the insight you need *now* – plus an authoritative alert on what's likely to happen next. Listen as our experts shed eye-opening light on the current civil-unions landscape:

- Exactly what HR professionals and legal counsel need to know regarding if – or how – to offer benefits to gay employees' "spouses."
- The dramatic effect civil union legislation likely will have on the American workplace.

Overtime

9:15 - 9:45 a.m.

Extreme Makeover: The True Impact of the New Overtime Regs on Your Workplace

This year – for the first time since 1975 – the federal government issued dramatic changes to the Fair Labor Standards Act regulations governing overtime pay. To make things even more challenging, the U.S. Department of Labor gave organizations like yours just 120 days to comply. In this timely focus on one of the year's hottest, most headline-grabbing employment law issues, you'll learn:

- The specific impact the new overtime pay regulations have had on U.S. companies.
- How HR is dealing with the enduring compliance challenges associated with the new regulations.

9:45 - 10:00 a.m. **BREAK**

Aging Workforce

10:00 - 10:45 a.m.

The Baby Boomer Bubble Bursts: Preparing for the Unprecedented Challenges of Your Aging Workforce

The Baby Boomers are, well, no longer babies. They're surging – full-speed ahead – toward retirement...and throwing unprecedented challenges at American employers. Are you

certain you understand and are fully compliant with the Age Discrimination in Employment Act? Are you fully up to speed on the Older Worker Benefit Protection Act – specifically how releases of age discrimination claims must be structured to avoid liability? Attend this timely session to learn exactly:

- What the next 10 years will hold – and how employers are preparing NOW.
- How to legally and effectively structure severance agreements and early retirement incentive plans.
- How best to protect yourself against the expected onslaught of discrimination claims.
- Why hiring and retaining older workers can be a superb solution to a labor shortage.

10:00 - 10:45 a.m.

BREAKOUT SESSION:

OSHA Is Getting Tougher – How Its New Mission Affects You

OSHA was created to protect employees against workplace injuries and safeguard their physical, emotional, and psychological health. All very worthwhile goals – and fully supported by U.S. employers. But dealing with OSHA's complex and confusing regs can be a certified nightmare and – with the agency now implementing "Enhanced Enforcement" – soon it will get even tougher.

Attend this all-important session to get the details you need about OSHA's evolving and all-new role in your workplace – and exactly how to comply with its new regulatory landscape. Discover:

- The best way to protect your organization from the stricter enforcement.
- How to deal with repeat penalties, follow-up inspections, and criminal referrals.
- How to deal with red tape while still effectively protecting employees from accidents and serious injury.

Workplace Crime

10:45 - 11:30 a.m.

Managing the New Technology and New Crimes Arising in Your Electronic Workplace

Electronic technology such as PCs, e-mail, the Internet, and cell phones have brought a phenomenal new efficiency to your workplace. But they've also brought a host of problems – problems involving everything from reduced employee productivity to employment law violations to outright criminal activity going on behind your back.

In this straight-from-today's headlines session, you'll get the employment law update you need on "e-recruiting"; monitoring employee e-mail; electronic union organizing; and technology-related harassment, discrimination, security, and productivity issues. You'll also learn:

- How to protect your company's trade secrets and assets from piracy and other

illegal or improper uses of software.

- The very latest on employee sabotage and cyber-smearing.
- Why the proliferation of cell-phone cameras opens the door for new abuses.

10:45 - 11:30 a.m.

BREAKOUT SESSION:

Demystifying Benefits – There IS a Solution to Every Challenge

Learn to deal effectively with the following issues and more: skyrocketing health care insurance plans; handling benefits in same-sex civil unions; ERISA rules; conversion of pensions to cash balance for older workers; health savings accounts and other legislation; failure to notify, disclose, or report.

11:30 a.m. - 12:45 p.m.

Up Close and Personal – Lunch with the Lawyers

Always one of our most popular sessions, "Lunch with the Lawyers" gives you the unique opportunity to have specific questions answered by our experts. This year's session promises to be the most valuable and helpful ever. For the first time in AEIS's nine-year history, we'll be presenting a large panel of attorney-speakers to field any and all questions you have.

Privacy/Security

12:45 - 1:30 p.m.

Employee Privacy vs. Employer Security – A Tricky Balancing Act

As American workers, your employees enjoy rights staunchly backed by workplace law – including certain rights to privacy. But where do your employees' rights end and yours begin? Can a true "win-win" scenario be created that balances employees' right to privacy with your right to information and workplace security? Discover:

- How to conduct thorough, effective background checks.
- The employer's all-important role in preventing identity theft.
- Why your e-mail and Internet policies probably need reviewing.
- Crucial things you must know about the new – and forthcoming – HIPAA privacy regulations. (More deadlines are on the way – and they'll have an impact on your policies.)

1:30 - 1:45 p.m.

Hilarious (and Actual) Excuses People Gave for Missing Work

To wrap up the symposium on a rib-tickling note, we'll present some of the wackiest, craziest, most laugh-out-loud excuses for missing work you've ever heard. And what's even *funnier* – every one of them actually was used by a real-life employee. You won't believe the excuses employees give for missing work!