

YES! I want to master FMLA to better protect my company from compliance missteps and build a valuable skill set. Please save my seat at **2013 FMLA Master Class for Massachusetts Employers: Overcome Compliance and Employee Leave Challenges** for just \$397. If I am dissatisfied I am entitled to a complete refund of my registration fee. I understand that additional registrants from my company can attend for \$100 off, just \$297 each.

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By E-mail:
custserv@blr.com
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By Mail:
 Detach and mail form
 to address above
- 
By Fax:
 800-785-9212

To learn more about the 2013 FMLA Master Class for Massachusetts Employers, download a free QR code reader app on your smartphone and then scan the code on the left.

Here are two suggestions.

-  iPhone users: i-nigma
-  Android users: Red Laser

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Cancellation Policy

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

20856

Massachusetts Employment Law Letter Presents



2013 FMLA MASTER CLASS

For Massachusetts Employers

Overcome Compliance and Employee Leave Challenges

Become even more proficient in FMLA administration and handle questions with even greater confidence. Invest just one day in learning all the very latest compliance tactics.

You'll enhance your advanced-practitioner skill set when you attend this satisfaction-guaranteed event and learn:

- The latest revisions, so you don't risk noncompliance
- What recent FMLA court decisions really mean, so you can adjust your policies accordingly
- Why FMLA record-keeping continues to trip up even the savviest human resource managers, and effective solutions to avoid similar mistakes
- How to tame the intermittent leave and reduced schedule beasts, and put a stop to abuse and fraud
- How FMLA, ADA, and state leave and workers' comp laws overlap, so you don't violate any statute
- What to expect when an employee's expecting, so you can balance your business needs with her personal requirements, all within the spirit and letter of the law
- How to judge a "serious health condition" the way a real judge would, and eliminate disputes about what does and doesn't constitute it
- And more. Full details inside.



WHEN: Wednesday, January 23, 2013
WHERE: Boston

WHEN: Wednesday, February 6, 2013
WHERE: Springfield

SKOLER, ABBOTT & PRESSER, P.C. PRESENTER

• Susan G. Fentin



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PROGRAM DATES AND LOCATIONS

WHEN:
 Wednesday, January 23, 2013

WHERE:
 Sheraton Commander Hotel
 16 Garden Street
 Cambridge, MA 02138
 617-547-4800

WHEN:
 Wednesday, February 6, 2013

WHERE:
 Sheraton Springfield Monarch
 Place Hotel
 One Monarch Place
 Springfield, MA 01144
 413-781-1010

TO REGISTER, VISIT
HRHERO.COM/MA-FMLA
 OR CALL **800-274-6774**

Massachusetts Employment Law Letter Presents

2013 FMLA MASTER CLASS

For Massachusetts Employers

Overcome Compliance and Employee Leave Challenges

SKOLER, ABBOTT & PRESSER, P.C. PRESENTER



Susan G. Fentin

FMLA Master Class for Massachusetts Employers features:

Lively Give and Take

Unlike some seminars, you're encouraged to ask questions, present your own situations for discussion, and interact with both the speaker and your colleagues.

Quality Presenters

Your speaker is a Massachusetts employment law attorney with years of experience advising employers in FMLA matters.

Top-Level Issues

This one-day program tackles the very latest, most confusing, most complicated FMLA situations and gives you a clear road map to consistently executing professional and confident administration of the law.

Satisfaction Guarantee

You're entitled to a complete refund if you're in any way less than delighted by this program. It's a promise we've kept for over 30 years.



Master FMLA Administration in Just One Day with This All-New Program Created Just for Massachusetts Employers and HR Management

FMLA has been a part of the workplace for more than a decade, so it's gotten easier for HR to administer, right? Not so. Confusing regulations, coupled with numerous recent changes at both the legislative and regulatory levels and conflicting court decisions, ensure that FMLA continues to be one of the biggest compliance headaches for employers. Now, from the publisher of *Massachusetts Employment Law Letter* comes the fast, cost-effective and engaging solution: **2013 FMLA Master Class for Massachusetts Employers: Overcome Compliance and Employee Leave Challenges**

PROGRAM DATES AND LOCATIONS

When: Wednesday, January 23, 2013
Where: Sheraton Commander Hotel
 16 Garden Street
 Cambridge, MA 02138
 617-547-4800

When: Wednesday, February 6, 2013
Where: Sheraton Springfield Monarch Place Hotel
 One Monarch Place
 Springfield, MA 01144
 413-781-1010

CONFERENCE FEE

Only \$397 per person, \$297 for each additional person from your organization.

CONFERENCE DETAILS

Continental breakfast and registration begin at 7:30 a.m. The program begins at 8:30 a.m. and concludes at 4:30 p.m. There will be morning and afternoon breaks and registrants will be on their own for lunch.

SPONSORED BY

BLR®, publisher of *Massachusetts Employment Law Letter* and *Federal Employment Law Insider*.

Attend this lively one-day event and acquire the skills, comprehensive understanding, and confidence to make both case-by-case and strategic FMLA decisions that withstand the toughest scrutiny. You'll arm yourself and your organization against the growing tide of FMLA-related lawsuits. Most of all, you'll be ready to treat your employees fairly, consistently, and fully within both the letter and the spirit of federal and state law. This power-packed program kicks off at 8:30 a.m. and concludes promptly at 4:30 p.m. Built into the schedule are morning and afternoon breaks and a lunch break.

REGISTRATION 7:30 A.M. – 8:30 A.M.

**Welcome and Introduction
 8:30 A.M. – 8:45 A.M.**

**Recent FMLA Developments
 8:45 A.M. – 9:30 A.M.**

The most significant FMLA development is the new regulations changes proposed by the U.S. Department of Labor (DOL) in February 2012. The DOL published a Notice of Proposed Rulemaking (NPRM) to alter and expand the FMLA's provisions relating to military family leave and leave provisions relating to airline flight crew members.

Additional developments that should be of interest to employers include:

- The DOL's issuance of "new" FMLA forms. Although the expiration dates were the only things that changed on the forms, the Department has stated that it will remove the FMLA forms and notices from the appendix in the FMLA regulations in order to streamline the regulatory clearance process and the response to statutory and other changes. The DOL also announced that it intends to make changes to the FMLA notice and forms and to develop a new form for the certification for the serious injury or illness of a covered veteran.
- The Wage and Hour Division of the DOL issued a new fact sheet. DOL's *Fact Sheet # 77B: Protection for Individuals under the FMLA*, which provides information concerning the FMLA's prohibition on retaliating against an individual for exercising his or her rights or participating in matters protected under the FMLA.
- The U.S. Supreme Court's recent decision in the case of *Coleman v. State of Maryland Court of Appeals*. In *Coleman*, the Supreme Court held that the FMLA does not allow state employees to sue States (or their agencies) under the "self-care" provisions of the law. The Supreme Court reasoned that the self-care provision of the FMLA was not enacted to remedy or prevent a pattern of gender-based discrimination and therefore, that sovereign immunity prevented employees from suing the state as their employer under the self-care provision of the FMLA. The Court's decision in *Coleman* did not address the FMLA's provisions other than self-care.

**Let's Get Serious: Serious Health Conditions, Collecting Medical Information
 9:30 A.M. – 10:30 A.M.**

At the heart of most FMLA leave is the serious health condition of an employee or her family member. The FMLA regulations offer guidance and allow you to

require medical certification, but the possible reasons for needing FMLA leave are endless. Assessing the information requires keen judgment, and this session will show you how to make these crucial calls. You'll learn about:

- Illnesses and injuries that may be serious health conditions even though the regs say they generally aren't
- How many health conditions does it take to be "serious"?
- How often your employee needs to see a health care provider
- What to do if a medical certification is incomplete or unclear
- The best use of second and third opinions
- Your options if an employee or doctor doesn't cooperate with obtaining the required certifications
- When you may require employees to provide recertification of a serious health condition
- The "do's and don'ts" of return-to-work certifications

BREAK 10:30 A.M. – 10:45 A.M.

**Military Family Leave: Current and Future Obligations
 10:45 – 11:45 A.M.**

There are two types of "military family leave" under the FMLA. The first type – qualifying exigency leave – gives leave rights to employees who have a family member on active duty in a foreign country. The second type of leave – military caregiver leave – is for employees who are needed to care for a family member who was injured on active duty in a foreign country.

Specifically, you may need to provide these types of leave if you have any employees with family members who are serving (or have served) overseas in the regular armed forces, National Guard, or military reserves. The session will cover many topics, and you will:

- Learn about the situations in which employees may take qualifying exigency and military caregiver leave
- Discover the military documents that will always be sufficient certification of the need for leave
- Learn how the rules regarding documentation and verification of military family leave differ from other types of FMLA leave
- Understand who is a soldier's "next of kin" for the purpose of military caregiver
- Learn about the special rules regarding how to track military caregiver leave
- Learn more about upcoming changes to FMLA's family military leave rules

LUNCH (ON YOUR OWN) 11:45 A.M. – 12:45 P.M.

**Meeting Deadlines for FMLA: Meeting Notification Deadlines, Curbing Abuse, and Preventing Claims
 12:45 P.M. – 1:45 P.M.**

FMLA is ruled by deadlines for giving and receiving information, for measuring how much leave has been taken, and determining how much employees still have remaining in a given FMLA leave year. A good grasp of timing rules – and learning how to monitor other key areas of FMLA usage – can help you prevent abuse of FMLA entitlements and fend off litigation. This session covers:

- How to give the four kinds of FMLA notice – on time and on point
- Selecting the best type of FMLA leave year for your organization
- Counting holidays that fall during leave
- Rules regarding "making up" FMLA leave

- Preventing FMLA abuse by applying your own absenteeism policies – and how to administer those policies without running afoul of FMLA
- Getting supervisors onboard to avoid fraud and abuse
- How to investigate possible FMLA abuse or fraud
- How to legally terminate employees who are on or just returned from FMLA leave

**Tackling Tough FMLA Issues
 1:45 P.M. – 2:45 P.M.**

It's one thing to grasp individual FMLA rules and another to put the pieces together in the real world. What happens when employees fail to follow your absenteeism policies, which you're allowed to apply when they want to take FMLA leave? Is a light-duty job consistent with FMLA rights? This session will help you learn:

- The rules regarding substitution of various different types of paid leave for FMLA leave
- Mistaken designation and how to avoid it
- When employees have job reinstatement rights and when they do not
- How to mesh your regular FMLA leave year with the specialized calendar used for calculating military caregiver leave
- How to determine FMLA leave rights when spouses work for the same company
- How the courts are interpreting the most recent FMLA legislation and regulations and answering other tricky FMLA questions

BREAK 2:45 P.M. – 3:00 P.M.

**All Together Now: Coordinating FMLA with ADA, Workers' Comp, and State Family Leave Laws
 3:00 P.M. – 4:00 P.M.**

FMLA seems pretty comprehensive, but it's not the only law that applies when employees need time off for their own serious health condition, to care for a family member, or for the other types of FMLA leave. You need to know when other laws may give you greater responsibilities – and how their requirements work in tandem with FMLA's. You'll learn about:

- Why FMLA serious health conditions are more likely to qualify as disabilities under recent changes to the Americans with Disabilities Act (ADA)
- When you should offer leave as a reasonable accommodation under the ADA
- How to offer accommodations other than leave without violating the FMLA
- What you must do to comply with HIPAA privacy requirements when seeking medical certification of FMLA leave
- When you can follow workers' compensation rules on FMLA information gathering
- When you can require employees to take FMLA leave concurrently with workers' comp leave
- The interaction of FMLA with USERRA, GINA, COBRA, and other federal laws

What Happens Next

Get an advance heads-up on what the future may hold for family leave and related developments, including proposed regulations, possible legislative changes, and new and continuing enforcement trends for 2013 and beyond.

**Final Questions and Closing
 4:00 P.M. – 4:30 P.M.**

Presented by Massachusetts Authorities on FMLA

Can you think of a workplace law that has seen more updating, revision, and interpretation than the Family & Medical Leave Act? Almost since its passage in 1993, FMLA has found itself the center of attention for Massachusetts employers, HR professionals, courts, attorneys, employees, and their families.

And it's not letting up! Here are a few scenarios, drawn from recent events, that have even the most seasoned HR policy makers thinking about how to avoid expensive missteps. How would YOU respond?

Scenario 1: You've been asked to terminate an employee for repeated violations of your organization's absence policy. Just when you are about to do so, she requests FMLA leave. What's the safest course of action, in light of a recent decision from an appeals court facing just such a question?

Scenario 2: An employee comes to you requesting FMLA leave to take care of a child born to his teen daughter. Under FMLA, who is considered a parent? The legal term is "in loco parentis" and it's a hot issue right now across Massachusetts and the nation.

Scenario 3: An employee has an autistic son who repeatedly runs away from school in the middle of the day. She leaves work to search for him. Is this time eligible for FMLA intermittent leave protection?

Scenario 4: Your leave policy is much more generous than what's required under FMLA, offering 6 months of leave for medical conditions. So why could terminating an employee whose leave demands exceed your benefit incur the scrutiny, even the legal challenge, of the EEOC?

These are just some of the issues that can have you wondering where to turn for answers. And you're not alone. That's why I urge you to join me and your Massachusetts colleagues for this one-day immersion in the very latest FMLA compliance and policy tactics. This isn't some academic exercise delivering nice-to-know, abstract concepts. This is plain-English policy-crafting and enforcement guidance for where FMLA's rubber meets the road to your Massachusetts workplace.

We'll cover all the bases. Answer all your questions. And leave you enriched with the skills and confidence to handle FMLA questions from employees, supervisors, and top management. All while sidestepping expensive leave law traps. Join us!

Susan G. Fentin
 Skoler, Abbott & Presser, P.C., Boston
 Editor, *Massachusetts Employment Law Letter*



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OUR GUARANTEE

Unlike lesser imitators, our **2013 FMLA Master Class for Massachusetts Employers: Overcome Compliance and Employee Leave Challenges** is researched, developed, and presented by Massachusetts authorities on leave law. This isn't a cookie-cutter, one-size-fits-all program thrown together by some barnstorming "expert" who'll be three states away before you realize you learned nothing. This is valuable, in-state guidance from trained and highly respected attorneys who practice in Massachusetts.