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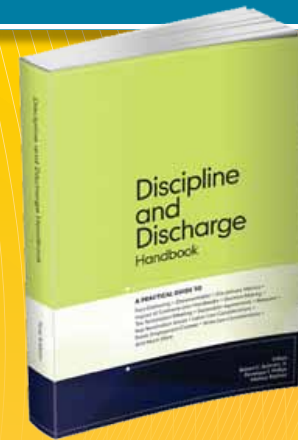
Employee and Discipline and Discharge

Thursday, July 26, 2012
Video replay dates available.

DATED MATERIAL – PLEASE EXPEDITE!



For more information
Scan code for more information
or to register for this course.



Special Seminar Feature:

Seminar tuition includes the 13-chapter *Discipline and Discharge Handbook* – filled with analysis, examples, checklists, warnings and practice tips! If you already own this great resource, see inside for a tuition discount.

A practical, information-packed seminar on navigating the employer's toughest job – investigating and documenting performance or misconduct allegations, determining what action to take, handling a termination meeting, and responding to post-discharge matters.

Employee Discipline and Discharge

Minnesota State Bar Association
Continuing Legal Education
Your State Bar at Work for You

One-of-a-Kind Course Materials – Your Tuition Includes the Indispensable *Discipline and Discharge Handbook!*

A practical guide to fact-gathering, documentation, disciplinary memos, impact of contracts and handbooks, decision-making, the termination meeting, separation agreements, releases, post-termination issues, labor law considerations, the public employment context, state law considerations, and much more.

Seminar tuition includes Handbook. If you already own this Handbook, see registration form for discount.



Dates & Locations

LIVE PRESENTATION

Thursday, July 26, 2012
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

VIDEO REPLAYS

Schedule times may differ from the live program. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

Minneapolis – 8/9/12
(Reg. 8:30; Replay 9:00)
MN CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

Minneapolis – 8/24/12
(Reg. 8:30; Replay 9:00)
MN CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

Seminar Schedule

8:30 – 8:50 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.
Welcome and Introduction

- *Melissa Raphan, Course Chair*
Dorsey & Whitney LLP, Minneapolis

9:00 – 9:45 a.m.
Employer Mistakes in Discipline and Discharge

Often the mistakes of an employer's representatives determine whether an employee or former employee looks for a lawyer. Experienced plaintiffs' counsel share their perspective on common errors – a perspective honed through many years of contact with hundreds of potential and actual plaintiffs.

- *Howard L. Bolter*
Fishman, Carp, Bescheinen, Bolter & Van Berkom, Ltd., Minneapolis
- *Bill O'Brien*
Miller O'Brien Cummins, PLLP, Minneapolis

9:45 – 10:30 a.m.
The Importance of Contracts, Handbooks and Other Documents

Employers should view contracts, personnel policies and handbooks as the starting point for effective human resources. Nowhere is that principle more evident than in the area of discipline and discharge. This session will discuss effective handbooks and policies, and then address properly drafted and managed employment contracts.

- *Jacqueline A. Mrachek*
Faegre Baker Daniels LLP, Minneapolis

10:30 – 10:45 a.m. BREAK

10:45 – 11:15 a.m.
Investigating Alleged Misconduct and Inappropriate Behavior

Before disciplining or discharging, getting the accurate facts is essential. This session will teach you how to better confirm the accuracy of the allegations, document it appropriately and, at the same time, not unnecessarily create turmoil in the workplace.

- *Mary M. Krakow*
Fredrikson & Byron P.A., Minneapolis

11:15 a.m. – 12:00 p.m.
A Practical Guide to Drafting Employee Disciplinary Memos

Learn when and how to use disciplinary memos; specific instruction on what to include and exclude. Sample memos provided.

- *Penelope J. Phillips*
Felhaber, Larson, Fenlon & Vogt, P.A., Minneapolis

12:00 – 12:30 p.m.
Making the Discipline or Discharge Decision – Walking the Fine Line Between Candor and "Minnesota Nice"

Walking that fine line is never simple but must be done. And given that the best defense is a good offense, position yourself well to defend against a lawsuit. This session will walk you through the steps to take in making smart decisions about discipline and discharge from analyzing the issue to conducting the due diligence to realizing when you are at the end of the line.

- *Melissa Raphan*

12:30 – 1:30 p.m. LUNCH (on your own)

1:30 – 2:00 p.m.
Special Labor Law Considerations – for BOTH Unionized and Non-Unionized Employers

This session explores an employer's duties under the National Labor Relations Act – regardless of whether its employees are in a union – to refrain from discrimination or retaliating against employees who engage in protected concerted activities. Your presenter also highlights the unique issues and challenges facing employers with unionized workers in the discipline and discharge context.

- *Courtney J. DaCosta*
Dorsey & Whitney LLP, Minneapolis

2:00 – 2:30 p.m.
Separation Agreements and Releases: Writing Separation Agreements That Stick

Do your separation agreements provide the necessary information regarding employee departures? Do the agreements adequately protect you as the employer? Are your separation agreements enforceable? This session will provide an overview of the key terms and conditions to include in employee separation agreements and will discuss drafting tips to increase the likelihood that the agreements will withstand challenge. The session will cover individual and group terminations and special requirements under Minnesota and federal law.

- *Kristin Berger Parker*
Leonard, Street and Deinard, Minneapolis

2:30 – 2:45 p.m. BREAK

2:45 – 3:30 p.m.
The Termination Meeting – A Step-by-Step Guide

You know you must terminate, the question is how to do so without inviting lawsuits. This session covers: planning and executing the termination meeting; talking points for termination that deter problems and increase comfort and respect; helpful checklists and more.

- *Sheila A. Engelmeier*
Engelmeier & Umanah, Minneapolis

3:30 – 4:15 p.m.
Post-Termination Issues – Legal and Practical Considerations

After a termination decision has been carried out, an employer continues to have a number of legal obligations to fulfill (such as final wage payment), must evaluate and consider its own legal rights (for example, the departing employee's compliance with confidentiality or non-compete agreements), and also must be prepared for possible legal action by the terminating employee. This practical session provides you with the tools for critically analyzing and effectively addressing these significant post-termination matters.

- *Daniel G. Prokott*
Faegre Baker Daniels LLP, Minneapolis

4:15 – 4:30 p.m. QUESTIONS & ANSWERS

Registration/Order Form

Employee Discipline and Discharge

Thursday, July 26, 2012
Minnesota CLE Conference Center

756-13 | Imp

PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE (7/26/12):

\$245 MSBA member \$245 paralegal \$295 standard rate

VIDEO REPLAY:

\$215 MSBA member \$215 paralegal \$265 standard rate

Location: _____ Date: _____

NEW LAWYER DISCOUNT!

I was first admitted to the bar after July 26, 2009, and have deducted \$60 from the registration fee marked above.

PREVIOUS PURCHASER DISCOUNT!

I already own the 1st ed. *Discipline and Discharge Handbook* (May 2010). I do not need another copy and am subtracting \$45 from the tuition above.

I have a MN CLE Season PassSM. Pass # _____

Check here if address below is new.

Name (first) _____ (mi) _____ (last) _____

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City/State/Zip _____

Phone _____ Fax _____

E-mail _____

Profession, if non-attorney _____

Attorney License Number (if applicable) _____

Program Materials

I cannot attend. Please send me:
_____ copy(ies) of the *Discipline and Discharge Handbook* at \$75 each.
(available immediately)

Cost of book(s) \$ _____

Shipping/Handling \$ _____

Subtotal \$ _____

Tax \$ _____

TOTAL \$ _____

COST OF BOOK(S) S & H

\$18.01 – 25	\$5
\$25.01 – 50	\$6
\$50.01 – 75	\$7
\$75.01 – 100	\$8
\$100.01 – 150	\$9
\$150.01 – 250	\$12
\$250.01 +	\$15
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OR FAX TO: Minnesota CLE at 651-227-6262

OR GO ONLINE: www.minncle.org

OR CALL: Minnesota CLE at 651-227-8266 or 800-759-8840

TO REGISTER:

COURSE INFORMATION

CREDITS
Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 standard CLE credits** and to the MSBA for **6.0 labor and employment law specialist credits**. The maximum amount of credits attendees may report for this course is 6.0.

NEW LAWYER SCHOLARSHIP PROGRAM
In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

CANCELLATION / NO-SHOW POLICY
Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

ACCOMMODATION
If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite #160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

QUESTIONS?
Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us on the web at **www.minncle.org**.