

OTHER OPPORTUNITIES

Fundamentals of Employment Law

Charleston, WV – June 14, 2011
 Huntington, WV – June 21, 2011

Find out more online at: www.sterlingeducation.com

Connect with SES for new events and exclusive discounts!



REFERENCE MATERIALS

Seminar Manual

The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its price is included in the registration fee.

Audio Recording

This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

STERLING BOOKSTORE

Below is a selection of the materials currently available from previous Sterling seminars. Please visit www.sterlingeducation.com/bookstore.php for a full selection of available materials. To order, please complete and mail in this form with payment or call us at 715-855-0495.

FUNDAMENTALS OF EMPLOYMENT LAW:

Hiring & Terminating Employees in the Current Economy; Compensation Issues Under FLSA/Wage and Hour; Employee Privacy in the Workplace; ADA and FMLA Update; Sexual, Racial, and Other Harassment in the Workplace; and Health Care Reform: an Overview

PRESENTERS: Drew M. Capuder, J.D. with Capuder Fantasia PLLC; J. Robert Russell, J.D. with Shuman, McCuskey & Slicer, PLLC; Patrick F. Roche, J.D., Attorney at Law; and Janis P. White, M.D., J.D. with Steptoe & Johnson PLLC

Seminar #10WV10254 Manual only \$75

ADVANCED WORKERS' COMPENSATION:

WC Update and Case Law; Effective Claims Handling Strategies; The Benefit Review Process; Resulting and Course Of: Overview & Update; A.M.A. Guides: Which Edition and How to Use it; A View From the Chair of the West Virginia Workers' Compensation Board of Review; Ethical Issues in Workers' Compensation Practice; and Medical Treatment/Vocational Rehabilitation Issues

PRESENTERS: Thomas C. Cady with West Virginia University College of Law; Mary Elizabeth Snead with Robinson & McElwee PLLC; Andrew N. Richardson with Wells Fargo Disability Management; and Rita F. Hedrick-Helmick with the Offices of the Insurance Commissioner

Seminar #9WV05210 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

NEW REALITIES IN EMPLOYMENT LAW:

Compensation Issues Under FLSA/Wage and Hour; Hot Topics: The Latest Interpretations of Current Employment Law; ADA Update; Coping With Leave Laws; Employment Issues in the Paperless Workplace; and Employment Arbitration and Mediation Agreements: "Mandatory vs. Voluntary?"

PRESENTERS: Drew M. Capuder with Capuder Fantasia PLLC; Kathleen Abate with Cohen, Abate & Cohen, L.C.; and Patrick F. Roche, Attorney at Law

Seminar #9WV03113 Manual only \$75

Name _____
 Firm/Company Name _____
 Address _____
 City _____ State _____ Zip _____
 E-mail Address _____ Phone _____

11WV04090

NONPROFIT ORG.
 U.S. POSTAGE
 PAID
 Sterling Education
 Services, Inc.



2nd Annual
Workers' Compensation Law & Practice

Huntington – April 5, 2011

\$30 off
 Register by February 22nd

SES
 STERLING EDUCATION SERVICES, INC.
 P.O. BOX 3127
 EAU CLAIRE, WI 54602-3127
 (715) 855-0498
www.sterlingeducation.com

Earn Your Credit!

- WV CLE 8.0 including 1.0 ethics
 - WV Insurance 8.0 including 1.0 ethics
 - OH CLE 6.75 including 1.0 ethics
 - KY CLE 6.75 including 1.0 ethics
 - HRCI 6.75
 - ABIH 1.09
 - CSP 0.6
 - PACE 8.0
 - CRCC, CDMS & CCMC 6.5
- See inside for details

Please route to:
 -Managing Partner
 -HR Manager
 -Department Managers
 -CEO & EXVP
 -Rehabilitation Specialist

IMPORTANT INFORMATION - PLEASE CIRCULATE

Please make necessary corrections to address.

BE INFORMED & EARN YOUR CREDIT

\$30 off
 Register by February 22nd

2nd Annual
Workers' Compensation Law & Practice



Huntington, WV
April 5, 2011

Presented by:
Ryan M. Sims

- WV Offices of the Insurance Commissioner

Jeffrey B. Brannon

- Pullin, Fowler, Flanagan, Brown & Poe, PLLC

H. Toney Stroud

- Steptoe & Johnson PLLC

Brandolyn N. Felton

- Workers' Compensation Litigation Division

(See complete biographies inside)



Continuing Education Credit:

- WV CLE 8.0 (1.0 ethics) • WV Insurance 8.0 (1.0 ethics) •
- OH CLE 6.75 (1.0 ethics) • KY CLE 6.75 (1.0 ethics) • HRCI 6.75 •
- ABIH 1.09 • CSP 0.6 • PACE 8.0 • CRCC, CDMS & CCMC 6.5 •

See inside for details.

SES Sterling Education Services, Inc.

Sterling means value!

MEET THE FACULTY

RYAN M. SIMS has served as associate counsel with the West Virginia Offices of the Insurance Commissioner (OIC) since 2004. Mr. Sims works in the area of property and casualty insurance with a focus on workers' compensation, where he provides legal services to various units within the OIC. He also works on health care law, particularly, the implantation of health care reform. Previously, Mr. Sims was in private practice in insurance defense, specifically deliberate intent, premises liability, and other work-related personal injury claims. He began his legal career clerking for The Honorable Robert B. Stone in the Seventeenth Judicial Circuit in Morgantown. Mr. Sims served as an adjunct professor at the University of Charleston, and he is a frequent speaker on workers' compensation issues. He is a member of the West Virginia State Bar. Mr. Sims received his B.A. and his J.D. from West Virginia University in Morgantown.

H. TONEY STROUD, a member of Steptoe & Johnson PLLC in Huntington and based in Columbus, Ohio, is a managing member and leader of the workers' compensation group. Mr. Stroud has focused his entire legal career in workers' compensation and labor and employment law. He represents employers in all aspects of occupational injury claims, occupational disease claims, and occupational pneumoconiosis claims. Mr. Stroud represents both self-insured and insured employers. He has handled claims of injuries and diseases for employers in several different industries. Before joining the firm, Mr. Stroud served as a claims administrator with a third party administrator, where he gained extensive knowledge in assisting employers with issues that arise in a monopolistic workers' compensation system. He represented employers on administrative matters before the Office of Judges, the circuit courts, and the prior Workers' Compensation Commission. Mr. Stroud has participated in several mediations as part of the West Virginia Supreme Court's Mandatory Mediation Program. He has considerable appellate practice before the Workers' Compensation Board of Review and the West Virginia Supreme Court of Appeals. Mr. Stroud received his B.A. from Marshall University and his J.D. from West Virginia University.

BRANDOLYN N. FELTON, Assistant Attorney General at the Workers' Compensation Litigation Division in Charleston, practices primarily in the area of workers' compensation. In April 2009, Ms. Felton became the first person in the State of West Virginia to earn the designation of Medicare Set-Aside Consultant Certified (MSCC) through the International Commission on Health Care Certification (ICHCC). The MSCC designation is designed to identify those professionals who work within the workers' compensation benefit system who have achieved specific, pre-approved training in Medicare Set-Aside trust arrangements and demonstrated a breadth of knowledge regarding the development and application of the Medicare Set-Aside trust arrangement process. In the past, she has represented the State of West Virginia's interest in the litigation of workers' compensation cases involving the West Virginia Old Fund claims. Ms. Felton has now transitioned into the world of private practice, and she is representing individuals, corporations, employers, and insurance companies regarding workers' compensation coverage issues and liability matters. She is also a certified mediator through the West Virginia State Bar, currently on the West Virginia State Bar list to serve as both a paid and volunteer mediator. She is a member of the West Virginia State Bar, and the Mountain State and the American Bar Associations. Ms. Felton received two B.A. degrees, *cum laude*, from Georgia State University in Atlanta and her J.D. from West Virginia University College of Law-Morgantown.

JEFFREY B. BRANNON, a member of Pullin, Fowler, Flanagan, Brown & Poe, PLLC in Charleston, has managed the development and expansion of the firm's workers' compensation practice group. Mr. Brannon previously worked as an assistant attorney general in the Employment Programs Litigation Unit representing the Workers' Compensation Commission. The majority of his work during this period involved defending claims for permanent total disability benefits. Mr. Brannon is a member of the West Virginia State Bar Association and the West Virginia Defense Trial Counsel, where he serves as the chairperson of the Workers' Compensation Substantive Committee. He is admitted to practice law before the Supreme Court of Appeals of West Virginia, the United States District Court for the Southern District of West Virginia, and the Fourth Circuit Court of Appeals. Mr. Brannon has been listed in *Best Lawyers® in America* for the specialty of Workers' Compensation from 2007 through 2011. The firm has received a First Tier Ranking for 2011 for its workers' compensation practice. Mr. Brannon received his B.A. from the University of Charleston and his J.D. from the University of Dayton School of Law.

WORKERS' COMPENSATION LAW & PRACTICE

DATE: Tuesday, April 5, 2011

REGISTRATION: 8:00 a.m.

PRESENTATIONS: 8:30 a.m. - 4:30 p.m.

LUNCH: (on your own) 12:00 - 1:00 p.m.

LOCATION:

Pullman Plaza Hotel

1001 Third Avenue

Huntington, WV 25701

CONTINUING EDUCATION CREDIT

Please remember to bring your license number, ID or other necessary information to the seminar to ensure proper reporting of continuing education credit.

WV CLE This program has been **approved** by the **West Virginia State Bar** for **8.0 general credit hours**, including **1.2 hours of ethics**, under the WV Rules for MCLE.

WV INS This course has been **approved** by the **West Virginia Offices of the Insurance Commissioner** for **8.0 CE credits** including **1.0 hour of ethics**. Please note that **100% attendance is required to receive this credit**.

OH CLE This course has been **approved** by the **Supreme Court of Ohio Commission on CLE** for **6.75 total CLE credit hours**, with **1.0 of ethics instruction**.

KY CLE This seminar has been **approved** by the **Kentucky Bar Association** for **6.75 total credits**, including **1.0 hour of ethics**.

This seminar has been **approved** for **6.75 general recertification credit hours** toward the **PHR, SPHR, and GPHR** recertification through the **HR Certification Institute**. For more information about certification or recertification, please visit www.hrci.org.

ABIH This seminar has been **approved** for **1.09 (0.92 Safety, 0.17 IH Ethics) CM Points** from the **American Board of Industrial Hygiene**.

CSP Point This course may qualify for **0.6 points** for **Certified Safety Professionals**.

CRCC This seminar has been **approved** by the **Commission on Rehabilitation Counselor Certification (CRCC)**, the **Certification of Disability Management Specialists Commission (CDMS)**, and the **Case Manager Commission (CCMC)** for **6.5 clock hours**.

CCMC This seminar satisfies requirements for up to **8.0 hours of PACE Recertification credit** for **CLU, RHU, REBC, CLF and ChFC**.

PACE Other continuing education credit may be available. Please call (715) 855-0498 to inquire.

Walk-ins: Payment is required at the door. Please call ahead to confirm the schedule.

Cancellations: Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar. If you cancel at least three business days before the seminar you may 1) transfer your registration to another seminar, 2) receive a full refund minus a \$25.00 service charge, or 3) receive an audio and manual set of the seminar.

Please note: If you do not attend and do not cancel as described above you are not entitled to a refund.

Workers' Compensation Law & Practice

Register today for seminar #11WV04090

Mail: Sterling Education Services

Web: www.sterlingeducation.com

P.O. Box 3127

Phone: 715-855-0498

Eau Claire, WI 54702-3127

Fax: 715-835-5132

Call us about discount opportunities for large groups, NPOs, new practitioners and others!

Huntington - April 5, 2011

Registration Fee (includes manual):

\$319 per person

\$309 per person for 2 or more

\$289 per person if **paid by February 22nd**

\$137 audio **with registration**, a **\$100 savings!**

Check Enclosed (payable to Sterling Education Services, Inc.)

VISA MC AMEX DISC

Card #: _____ Exp. Date: _____

Name on Card: _____ CCV: _____

Name: _____ Email: _____

Name: _____ Email: _____

Name: _____ Email: _____

Type of Business: _____ Primary Practice Area: _____

Firm/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____ Fax: (____) _____

WCLP

*Pricing listed includes \$6 shipping and handling. Please allow two to six weeks for delivery. By providing this information you are agreeing to be added to in-house distribution lists.

WHO SHOULD ATTEND

- Attorneys
- Benefits Professionals
- Rehabilitation Specialists
- Safety Directors
- Business Managers

- Workers' Compensation Administrators
- Human Resource Professionals
- Insurance Claims/Risk Managers
- Occupational Health Nurses
- Anyone involved in the WC process

PROGRAM SUMMARY

It is essential to understand the fundamentals from which new developments emerge. Our presenters, accomplished and insightful speakers, have years of hands-on experience in their workers' compensation practices. They will provide the information you need to know to handle cases through to a satisfactory conclusion. Regardless of your current level of expertise, you will benefit from this seminar. **Register today!**

SEMINAR AGENDA

- I. **Legislative and Case Law Update**
- II. **Practice Tips: Basic Definitions and Concepts**
 - A. Disabilities: temporary and permanent
 - B. Vocational rehabilitation benefits
 - C. Psychological injuries
 - D. Scheduled injuries and loss of use valuation
 - E. Average weekly wage
 - F. Medical care and choice of health care provider
 - G. Litigation process and procedures
 - H. Medical care and choice of health care provider
- III. **Workers' Compensation Issues**
 - A. Application of exclusive remedy of workers' compensation
 1. Employer negligence, intentional tort, dual capacity or dual persona
 2. Third-party contribution claims and exception
 3. Indemnity and contribution
 - B. Statute of limitations
 1. Failure to file first report of injury
 2. Latent injuries
 3. Award or stipulation of future medical expenses
 4. Legal disability
 - C. Employer, employee, and independent contractor status
 1. Control, supervision, type of work, length of time
 2. Distinct occupation or business, skill, materials and tools
 3. Method of payment and taxes
 4. Intent of relationship
 - D. Statutory employer vs. actual employer: business owner, contractor/subcontractor; temporary staffing agency
 - E. Medical Examiner/Evaluator (as applicable - IME, DME, AME, QME)
- IV. **Settlements**
 - A. History and applicability
 - B. Lump sum settlements
 - C. Social Security offset
 - D. Right to reimbursement and employer's prosecution of third party claims
 - E. Medicare
- V. **Return to Work Issues**
 - A. Before Maximum Medical Improvement (MMI): same employer and different employer
 - B. After MMI/duty to rehire
 - C. ADA/EEO implications
- VI. **Ethics: Ethical & Professional Behavior**
- VII. **View from the Insurance Commission**

Sterling Education Services may alter the agenda due to circumstances beyond our control.