

Employment Law for Tribes and Tribal Organizations • January 27-29, 2010 – Las Vegas, NV

CLASS ID: HR005LASVE

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Individual Tuition Rate (U.S. funds only) \$840 \$
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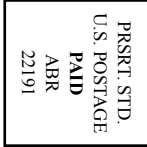
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HOW TO REGISTER

Phone: Call 1-800-992-4489, Monday-Friday, 9:00 a.m.-5:30 p.m. EST.
Fax: Complete the registration form and fax to 703-352-2323 anytime. Payment must be received at our office prior to the start of the session.
Mails: Return registration form and payment to:
 Falmouth Institute
 3702 Pender Dr., Suite 300
 Fairfax, VA 22030.
Online: At www.falmouthinstitute.com
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FALMOUTH INSTITUTE
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Get your HR certification and upgrade your credentials. This class is one of the requirements to earn your Indian Country Human Resources Certification. Visit www.falmouthinstitute.com or call 1-800-992-4489 for more information.

Employment Law

for Tribes and Tribal Organizations
 January 27-29, 2010 • Las Vegas, NV

This exciting approach to employment law will provide you with the tools needed to:

- › Examine the tribal applicability of federal employment laws
- › Develop a tribal employment law ordinance
- › Revise job descriptions to comply with employment laws
- › Conduct legal job interviews and background checks
- › Investigate workplace harassment allegations

Join us for this information-packed class as we examine current trends in Indian preference.



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FALMOUTH INSTITUTE

Employment Law

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Understanding employment law is fundamental to human resources, but knowing how these laws apply to your tribal organization is crucial. This hands-on class will take you through every aspect of employment law, from tribal recruiting policies to disciplinary actions.

After providing you with an overview of the laws, renowned instructor Richard McGee* will present strategies that will assist you in meeting your legal requirements, developing laws and creating policies and procedures that make sense for your organi-



zation. Mr. McGee has represented tribal employers in litigation matters and employment-related investigations for more than 15 years.

Through individual and group exercises, you'll review and revise your important employment documents to effectively meet the needs of your organization. You'll leave with a plan of action and ready to immediately implement what you learned during this class.

*Instructor subject to change.

This class is perfect for human resources managers and directors, department heads, council and board members, those who are new to employment law and lawyers new to Indian Country.

TOPICS INCLUDE

Tribal Sovereignty and Civil Jurisdiction

- › Hierarchy of laws
- › Sovereignty and sovereign immunity
- › Relationship between the federal government and tribes
- › Tribal, state and civil jurisdiction
- › *Montana* test
- › Employer-employee relationship

Applicability of Employment Laws

- › Overview of federal employment law
- › Applicability of state law
- › Tribal employment law
- › Developing an employment ordinance

- › Personnel policy checklist
- › Developing an employee manual

Issues Affecting Tribal Recruiting Policies

- › Tribal sovereignty
- › Nepotism
- › Conflict of interest
- › Job vacancy announcements
- › Interview questions
- › Indian preference
- › Types of preference
- › Authority
- › Indian preference under PL93-638 7B/7C
- › Indian preference under IRA

Background Investigations

- › Basics of conducting an investigation
- › Indian Child Protection and Family Violence Prevention Act (PL 101-630) — updated 2008
- › Indian Gaming Regulatory Act (IGRA)

Conducting Internal Investigations

- › Laws to follow
- › Techniques

Drug- and Alcohol-Free Workplace

- › Purpose and scope
- › Statement of policy
- › Organization, manager and employee responsibilities
- › Drug testing issues
- › Availability of counseling and assistance
- › Zero tolerance and progressive discipline

Fair Labor Standards Act (FLSA)

- › Minimum wage and overtime

- › Exemptions
- › Child labor
- › Equal Pay Act
- › Record keeping
- › Employees and independent contractors

Sexual and Workplace Harassment

- › Definitions and policies
- › Employer liability for supervisors, co-workers and non-employees
- › Personal liability
- › Hostile environment
- › Investigating allegations

Workers with Disabilities

- › Americans with Disabilities Act (ADA)
- › Title I — overview of legal requirements
- › Key decision points in the employment process under ADA
- › Who is a qualified individual?
- › Reasonable accommodation

Family and Medical Leave Act (FMLA)

- › FMLA coverage
- › Leave and benefits
- › Health insurance
- › Serious health conditions
- › Enforcement

Employee Relations

- › Workplace discrimination
- › Grievance and appeal process
- › Role of the attorney
- › Creating and updating employee handbooks
- › Use of tribal ordinances
- › Chain of command
- › Labor relations/unions
- › Lawsuit triggers
- › 401(k)

Gaming Issues

- › Compacts
- › Adherence to state laws
- › Unions

Topics subject to change.

Please check our Web site for information on these upcoming training sessions:

OSHA Compliance for Construction Projects in Indian Country

February 2010

Grievance and Appeal Procedures for Human Resources Professionals in Indian Country

February 2010

Assessing and Revising Personnel Policies and Procedures for the Tribal Organization

March 2010

Developing Tribal Policies Using IRS and OMB Guidelines

March 2010

Select Case Law

- › *San Manuel v. NLRB*
- › *C&L Enterprises v. Citizen Band Potawatomi Tribe of Oklahoma*
- › *Sanderlin v. Seminole Tribe of Florida*
- › U.S. Department of Housing and Urban Development (ADA opinion)
- › Current and pending cases

Personnel Policies and Procedures

- › Establishing a personnel management system
- › Crafting personnel policies and procedures

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