

AVOIDING EMPLOYMENT LITIGATION webinar series

Preventive Strategies



MARY E. VANDENACK

Founder & Managing Member

Mary E. Vandenack is founding and managing member of **Vandenack Weaver LLC** in Omaha, Nebraska, a tax and business boutique. Mary is a member of the American Bar Association Real Property Trust and Estate Section where she serves as Co-Chair of the Futures Task Force, co-Chair of the Law Practice Group and on the Planning Committee. She also is active in the American Bar Association Law Practice Division where she serves on the TechShow Board, the Executive Council, and as Editor-in-Chief of the Law Practice Magazine.

Mary was the winner of the 2015 James I. Keane Memorial Award, presented at the 2015 Tech Show and was named to ABA LTRC 2018 Distinguished Women of Legal Tech. Mary is a commentator for Leimberg Services and is a frequent writer and speaker on tax, benefits, asset protection planning, and estate planning topics as well as on law practice related topics including improving the delivery of legal services, technology in the practice of law, building sustainable law firms, and alternative fee structures. Mary is AV rated by Martindale Hubbell and was chosen as one of America's Best Lawyers in Trusts & Estates 2019. Mary was named to Fortune Magazine "Women Leaders in the Law" in 2015. Mary is also an advocate for wellness in the profession. She teaches mindfulness, meditation, yoga and Pilates, and often shares a presentation on mindfulness when teaching at substantive conferences. She writes a column on wellness for SpiritofOmaha.

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MATTHEW G. DUNNING

Attorney

Matt is an accomplished attorney with extensive risk management experience and more than two decades of legal experience. He brings strong analytical and problem-solving skills to complex business challenges. His ability to negotiate and resolve intricate disputes in fast changing, complex business environments has helped him effectively represent the interests of 501(c)(6) organizations as well as advise large non-profit organizations on employment compliance issues across 11 jurisdictions, including California, New York and the District of Columbia. Dunning has successfully litigated and mediated employment contract issues including for-cause terminations and non-competition and non-solicitation agreements. In his career, he had defended clients against discrimination and harassment claims in Iowa and Nebraska courts and in administrative proceedings in multiple states, including in the Eighth Circuit Court of Appeals.

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MAX J. KELCH

A t t o r n e y

Prior to his work on the Nebraska Supreme, District and County courts, Kelch served as a special prosecutor in Johnson County, as an Otoe County attorney and as a deputy attorney in Nemaha County, Syracuse City, and Nebraska City. His skill and dedication earned him the admiration of his peers and the Nebraska County Attorney of the Year award in 2004. Kelch's legal experience also includes time representing clients in private practice with two Nebraska law firms.

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HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

- Use of Social Media
- Risks
- Protected class
- Documentation



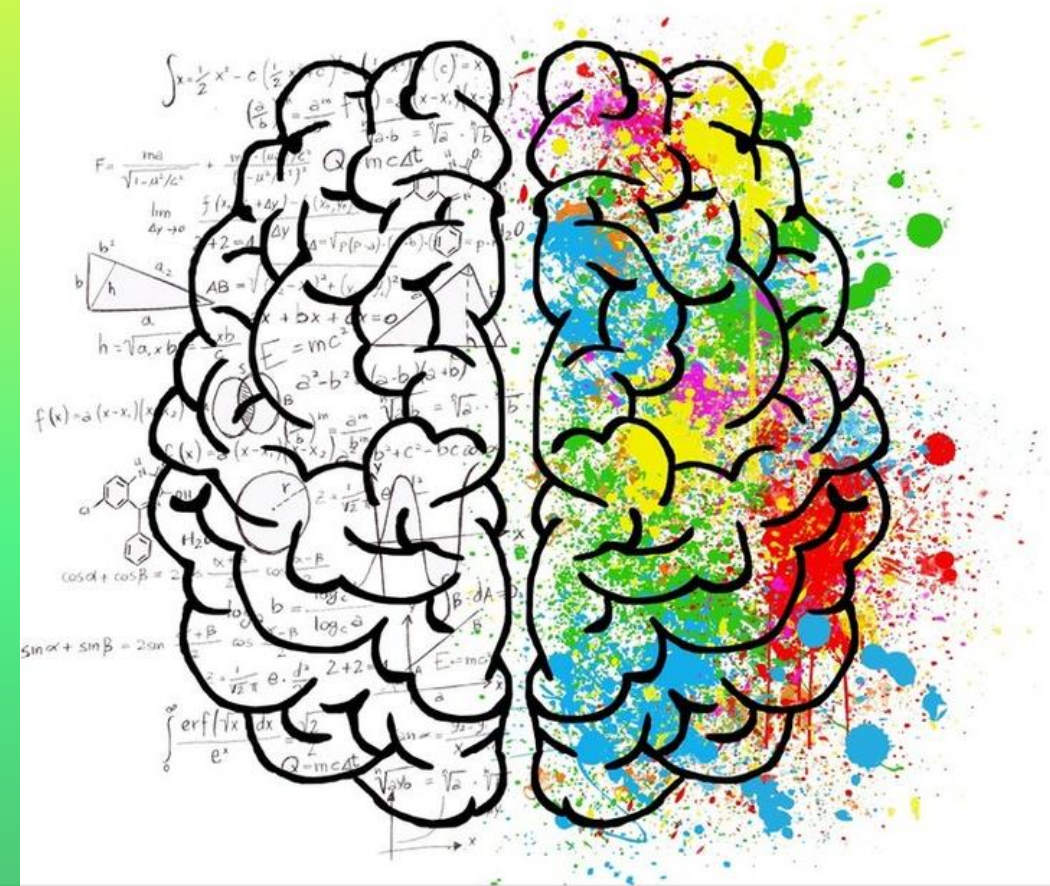


HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

- Interview
 - Application & Job Posting
 - Common Mistakes
 - ADA – Permissible Inquiries

HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

- Personality Testing
 - Some risk
 - High standard for a plaintiff to demonstrate discrimination





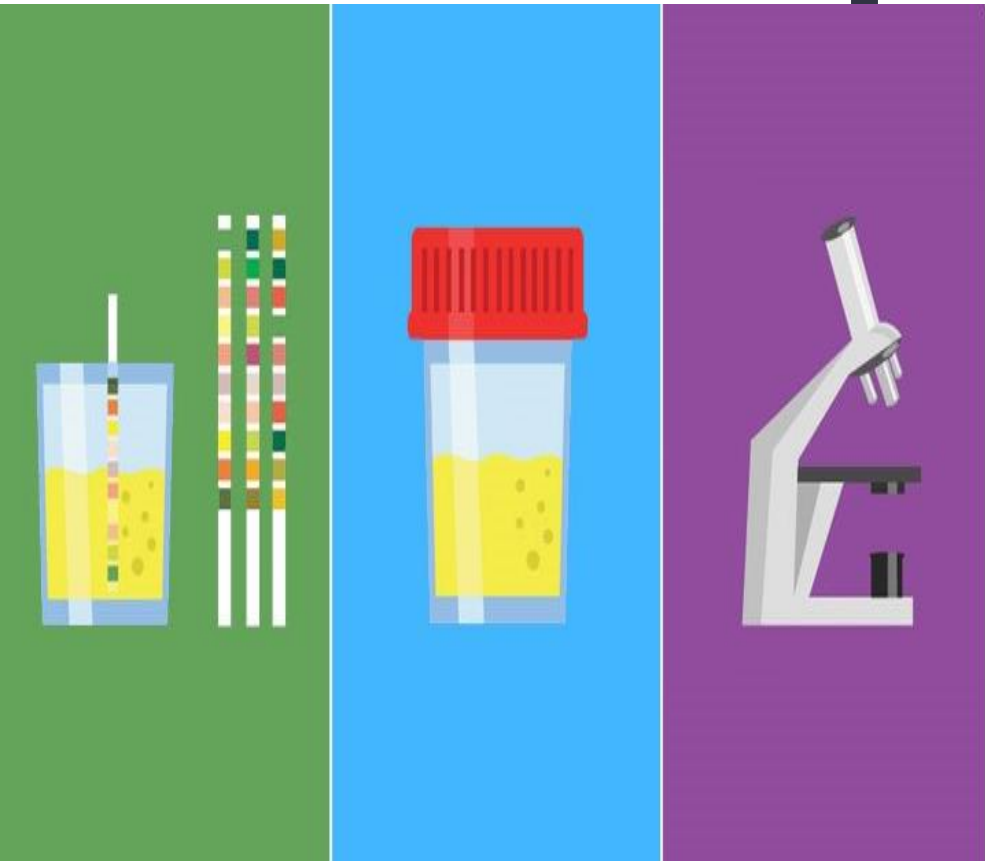
HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

Criminal Background Checks

- Process
- Use of Information
 1. Consistency
 2. Job relatedness/Disproportionate Impact
 3. Notifications—Fair Credit Reporting Act

<https://www.consumer.ftc.gov/sites/www.consumer.ftc.gov/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf>

NOTE: Iowa—Negligent Hiring Protections



HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

- Drug Testing/Legalization of marijuana

Impact

HIRING: EMPLOYMENT AGREEMENTS AND TOP COMPLIANCE ISSUES

- Employment Agreements
 1. Trade secrets
 2. Confidentiality provisions
 3. Non-compete



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THANK YOU

Webinar Series 2: November 19th @ 12:00 CDT

During the Employment Relationship:

**What are the Issues Employers Will Face, and
How to Be Prepared**

VWattys.com | Vwemploymentlaw.com

402.504.1300