

OTHER OPPORTUNITIES

Landlord-Tenant Law Update

- Albany, NY – May 4, 2010
- Syracuse, NY – May 12, 2010
- Rochester, NY – June 8, 2010

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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.

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FUNDAMENTALS OF EMPLOYMENT LAW:

The Employment Process: Hiring & Firing In the Current Economy; Immigration Issues In the Workplace; FLSA/Wage and Hour in Today's Economy; Employee Privacy in the Workplace; ADA; FMLA Compliance; Sexual, Racial, and Other Harassment in the Workplace; and Employee Free Choice Act

PRESENTERS: John T. McCann with Hancock & Estabrook, LLP; Edward G. Melvin with Costello Cooney & Fearon, PLLC; Robert F. Silkey with Menter, Rudin & Trivelpiece, P.C.; Vic J. Kopnitsky, Jr. with Menter, Rudin & Trivelpiece, P.C.; and Thomas G. Eron with Bond, Schoeneck & King, PLLC

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Interplay Between Benefits; Temporary Benefits: Partial & Total; Case Law, Legislative Update, and Overview; The Workers' Compensation Claim Claimant's Perspective; Permanent Disability Benefits: Partial and Total; and Worker's Compensation Defense's Perspective

PRESENTERS: Melissa A. Day with Watson, Bennett, Colligan, Johnson & Schechter; Peter J. Eisenhower with Lewis & Lewis, P.C.; Colleen M. Malchow with Lewis & Lewis, P.C.; Damon M. Gruber with Goldberg Segalla LLP; and S. Philip Unwin with Hamberger & Weiss

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Employment Law Developments; Stay out of Jail: Immigration Compliance Issues for Employers; Wage & Hour and the FLSA; Sexual, Racial, and Other Harassment in the Workplace; Privacy in the Workplace and Conducting an Internal Investigation; Protecting At-Will Employment; and FMLA and ADA Update and the Overlap of ADA/FMLA/WC

PRESENTERS: Lisa F. Joslin with Gleason, Dunn, Walsh & O'Shea; Phillip G. Steck and Kimberly G. Finnigan with Cooper Erving & Savage LLP; Meredith H. Savitt with Law Office of Meredith H. Savitt, P.C.; Frederick P. Korkosz with Law Offices of Alice K. Berke P.C.; and James T. Towne, Jr. with Towne, Bartkowsky & DeFio Kean, P.C.

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Melville, NY
July 8, 2010

Presented by:

Troy G. Rosasco

- Turley, Redmond, Rosasco & Rosasco, LLP

Erin McCabe

- Fusco, Brandenstein & Rada, P.C.

Richard Brandenstein

- Fusco, Brandenstein & Rada, P.C.

Barbara Baum Levine

- Of Counsel

James M. McCarthy

- Of Counsel

(See complete biographies inside)



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See inside for details.

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MEET THE FACULTY

JAMES M. MCCARTHY, of counsel and a founding partner of McCarthy, Chechanover, & Rosado, now Rosado, Chechanover & Bayrasli, concentrated his practice in workers' compensation and Social Security Disability. He is a member of the NYS Bar Association and the New York Committee for Occupational Safety and Health (NYCOSH). Mr. McCarthy is a founding director and NYC district representative of the NYS Injured Workers Bar Association (IWBA), and a founding member of the NY Workers' Compensation Alliance. He is president and co-founder with Barbara Baum Levine of the Triangle Shirtwaist Factory Fire Memorial that raises funds for scholarships for children of injured workers. He has lectured frequently at professional education programs as well as conducted in-service training for unions and health care providers. Mr. McCarthy is serving as an advisor on the NYS Medical Guidelines Task Force at the invitation of the NYS AFL-CIO. Mr. McCarthy believes that the most zealous advocacy for the rights of injured workers can be shared and improved through education and communication among all practitioners who represent the interests of the claimant or plaintiff. Mr. McCarthy received his B.A. at Fordham University and his J.D. from Brooklyn Law School.

BARBARA BAUM LEVINE, now of counsel, was a partner at Sherman, Federman, Sambur & McIntyre. Prior to entering private practice, she served as a NYS Workers' Compensation Law Judge. Ms. Levine co-authored with James McCarthy, "Gradual Changes Have Silently Transformed the Adjudication of Workers' Compensation Claims," *NYS Bar Association Journal*, vol. 74, no. 8, October 2002. She recently completed three terms as president of the NYS IWBA. Ms. Levine is co-founder of the Triangle Shirtwaist Factory Fire Memorial. She is a director and founding member of the NYS Workers Compensation Alliance and a member of the NYS Bar Association, WILG, and NYCOSH. She is admitted to practice before the Eastern and Southern Districts as well as the United States Supreme Court. Ms. Levine received her B.A. from State University of New York at Binghamton and her J.D. from Hofstra University School of Law.

RICHARD BRANDENSTEIN, a partner in Fusco, Brandenstein & Rada, P.C. and in practice for more than thirty-three years, has extensive trial experience and is a specialist in administrative law in NYS Workers' Compensation, NYS Disability, workplace discrimination, general litigation, matrimony, and the general practice of law. Mr. Brandenstein has lectured extensively before professional groups on workers' compensation law, disability law, and the ADA. He is a member of the Suffolk County, the Nassau County, the New York State, and the American Bar Associations, the NYS Workers' Compensation Bar Association, and the Association of Trial Lawyers of America. He is the Long Island director of the NYS IWBA. Mr. Brandenstein received his B.A. from Dowling College and his J.D. from Brooklyn Law School.

ERIN McCABE, a partner with Fusco, Brandenstein & Rada, P.C. in Woodbury, represents the needs of the injured and the disabled. Ms. McCabe has substantial experience in administrative law in NYS Workers' Compensation and NYS Disability, practicing in the areas of Social Security Disability and municipal disability pensions. She has lectured extensively on workers' compensation law and disability law at professional education programs. Ms. McCabe is the vice president of the NYS IWBA, and she is on the board of governors of the Workers' Compensation Alliance. She is a member of numerous legal associations including the NYS Women's and the Suffolk County Women's Bar Associations, the New York State, the Suffolk County, and the American Bar Associations, the IWBA, and the NY Workers' Compensation Bar Association. Ms. McCabe received her B.A., *cum laude*, from SUNY at Stony Brook and her J.D. from New York Law School.

TROY G. ROSASCO, a founding partner in Turley, Redmond, Rosasco & Rosasco, LLP, handles workers' compensation, Social Security disability, long term disability claims, and civil service disability pensions for injured workers. He is the editor and publisher of the widely read New York Disability Law Blog, www.disabledworkerlaw.com. Mr. Rosasco has authored over 25 articles for legal periodicals, including the *ABA General Practice Section Newsletter*, the *Queens Lawyer*, the *Nassau Lawyer*, and the *Suffolk Lawyer*, and co-authored, with Prof. David Gregory of St. John's Law School, the "Legal Advisory" chapter in *Warren, Gorman & Lamont's Workers' Compensation Guide*. He has been a guest on the television program *The Common Law* and the radio programs *Your Legal Rights* and *Learning about the Law*. Mr. Rosasco has been quoted in the *NY Law Journal*, *Newsday*, the *NY Daily News*, and *AM-New York*. He has lectured at both St. John's Law School and Brooklyn Law School on workers' compensation claims. Mr. Rosasco is an Executive Board Member of the NYS IWBA, a member of the board of directors of the National Organization of Social Security Claimant Representatives, a member of the Nassau County Bar Association's Grievance Committee, and the former co-chair of the NY Workers' Compensation Alliance PAC. In 2009, he received the Clara Lemlich Award from the Triangle Shirtwaist Factory Fire Memorial Foundation for his long-standing commitment to the rights of injured workers. Mr. Rosasco is a member of the New York and the New Jersey Bars and he is admitted to the federal courts of the Eastern District of NY and the Second Circuit Court of Appeals, where he successfully argued the leading seizure disorder case of *Brown v. Commissioner of Social Security*, 174 F.3d 128 (2d. Cir. 1999). Mr. Rosasco earned his B.S. at Cornell University's School of Industrial & Labor Relations and his J.D. at St. John's University School of Law.

WORKERS' COMPENSATION LAW & PRACTICE

DATE: Thursday, July 8, 2010
REGISTRATION: 8:00 a.m.
PRESENTATIONS: 8:30 a.m. - 4:30 p.m.
LUNCH: (on your own) 12:15 - 1:15 p.m.

LOCATION:
 Hilton Long Island/Huntington
 598 Broad Hollow Road
 Melville, NY 11747

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

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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, please visit www.hrci.org.

This seminar has been **approved** for **1.17 Safety CM Point** from the **American Board of Industrial Hygiene**.

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

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**.

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

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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

SEMINAR AGENDA

- I. **Practice Tips: Basic Definitions and Concepts**
 - A. Disabilities: temporary and permanent
 - B. Scheduled injuries and loss of use valuation
 - C. Average weekly wage
 - D. Medical care and choice of health care provider
 - E. Binding affect of a recommended resolution
 - F. Psychological injuries
- II. **Ethics: Ethical & Professional Behavior**
- III. **The New Medical Guidelines**
- IV. **Legislative and Case Law Update**
- V. **Workers' Compensation Issues**
 - A. Exclusive remedy
 1. Exception and collateral estoppel
Delgado v. Phelps Dodge, 31 N.M. 272, 34 P.3d 1148 (2001)
 2. "Dual Persona" corporations
 - B. IME (Independent Medical Examinations)
 - C. *Ex parte* communication
 - D. Shared or leased employee: what is an employee?
 - E. Multi-jurisdictional claims: interstate commerce
 - F. Statute of limitation defenses
 - G. *Jouett* implications:
 - who pays benefits when a worker suffers a non-disabling injury while working for a first employer, and subsequently aggravates the injury and suffers a disability while working with a later employer?
 - H. Other issues
- VI. **Settlements**
 - A. History and applicability
 - B. Negotiation strategies
 - C. Lump Sum Settlements
 - D. Social Security offset
 - E. Right to reimbursement
 - F. Employer's prosecution of third party claims
 - G. Medicare
- VII. **Return to Work Issues**
 - A. Before Maximum Medical Improvement (MMI)
 1. Same employer
 2. Different employer
 - B. After MMI/duty to rehire
 - C. ADA/EEO implications
- VIII. **View from the Bench**

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