

Critical Issues On The Agenda

8:30 a.m. - 12:00 p.m. (Break 10:20 a.m. - 10:30 a.m.)

I. Overview Of Immigration Laws And Procedure, And Non-Immigrant Visas

— Mark A. Ivener

- A. What You Need To Know About Immigration And Why
- B. Basic Immigration Concepts And Terms – Temporary Visas, Permanent Visa, Citizenship
- C. Hiring Foreign Workers
 1. Foreign Candidates: Reasons To Hire Them, What To Look For And How To Arrange A Work Visa
 2. Visitors And Why They Can't Work For You
 3. Professionals (College Graduates, Corporate Transferees, Outstanding Ability, Canadians)
 4. H-1B Workers: Special Obligations For The Employer/New Legislation
 5. Students And Practical Training And Trainees (H-3 Visas, J-1 Exchange Visitors)

II. Retaining Foreign Workers – Immigrant Visas

— Richard M. Wilner

- A. Overview
 1. Labor Certification: Is it Required, Feasible And How Long Will It Take?
 2. Other Options (Multinational Managers, Exceptional Ability, Lottery And National Interest Waivers)
- B. Recent Changes
 1. The PERM Process/Conversion To PERM
 2. Backlog Reduction Centers For Standard And Reduction-In-Recruitment (RIR) Cases
 3. Other Changes

III. I-9 Compliance And Social Security Mismatch Letters

— Mark A. Ivener and Richard M. Wilner

- A. Verifying Work Eligibility Under Immigration Reform And Control Act (I-9 Compliance) – Do's And Don'ts
- B. Social Security Mismatch Letters – Recent Letters And Their Implications

12:00 p.m. - 1:00 p.m.

Lunch (Included)

1:00 p.m. - 4:30 p.m. (Break 2:20 p.m. - 2:30 p.m.)

IV. Hiring Domestic And Foreign National Applicants

— Katherine A. Hren and Richard S. Rosenberg

- A. Before You Hire
 1. Overview Of The Major Employment Laws And Their Implications
 2. Legal Recruiting: Advertising, Agencies, Referrals, Oral Promises
 3. Job Applications And Interviews
 4. Pre-Employment Testing Do's And Don'ts
 5. Background Checks
 6. Record Keeping And Privacy Considerations
- B. The Hiring Decision
 1. Hiring Practices And The ADA – Interviews, Access And Accommodation
 2. Lawful Conditions Of Employment
 3. Wage Hour Law: Compensation And Work Schedules

V. The Termination Process

— Richard S. Rosenberg

- A. Your Right To Fire And Its Limitations
 1. Employment Contracts And Oral Agreements
 2. Personnel Policies And Handbooks
 3. Vulnerability To Claims Of Discrimination And Retaliation
 4. Whistleblower Claims
 5. Public Policy Wrongful Termination
- B. State And Federal Wage And Hour Issues
- C. Reductions In Force Do's And Don'ts
- D. ERISA/Insurance And Benefits Continuation/Conversion Issues
- E. Separation And Release Agreements – Pros And Cons
- F. Unemployment Compensation
 1. UC Benefits – Who Gets Them And Why?
 2. Appealing An Adverse Decision
 3. Limiting Vulnerability To Bogus Claims

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The Benefits For You

The purpose of this seminar is to provide attendees with basic and advanced information concerning the complex issues involving the hiring of foreign workers. The seminar will cover both immigration and labor law concerns regarding the employment of such individuals. Attendees will be able to learn how the immigration laws and the labor laws work together and why it is so important that immigration laws be followed strictly.

Seminar highlights:

- Overview of immigration laws and procedure, and non-immigrant visas
- Retaining foreign workers – immigrant visas
- I-9 compliance and social security mismatch letters
- Hiring domestic and foreign national applicants
- The termination process

Learning objectives:

- The attendee will be able to discuss state and federal wage and hour issues.
- The attendee will be able to review employment contracts and oral agreements.
- The attendee will be able to identify recordkeeping and privacy considerations.

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Our Distinguished Faculty

Mark A. Ivener has exclusively practiced immigration law for more than 30 years. He has lectured on U.S. immigration law for organizations such as the World Trade Institute, the International Bar Association and the American Immigration Lawyers Association. His books include *Handbook of Immigration Law, Volumes I and II*; *Doing Business in the USA Under Free Trade*; *Get the Right Visa*; *A Complete Guide to Getting An American Visa* (in Japanese); and *Have You Thought About Immigrating to the U.S.?* (in Spanish). In addition, he has authored many articles for such publications as the *International Law Journal*, the *Canadian-American Bar Association Newsletter*, *Business and the Law* and *World Trade Trends*. A leader in his field, Mr. Ivener is a founder of the National Consortium of Immigration Law Firms (IMMLAW) and the Academy of Business Immigration Lawyers (ABIL). He is listed in the International Who's Who of Corporate Immigration Lawyers.

Katherine A. Hren is a senior associate with Ballard Rosenberg Golper & Savitt, LLP. Ms. Hren's practice focuses exclusively on the representation of various employers in all aspects of the employment relationship, including employers in such industries as hospitality, gaming, aerospace, retail and manufacturing. Her work includes defending employers during litigation resulting from claims of discrimination, wrongful termination, sexual harassment, defamation, unlawful/unfair competition and class actions alleging wage-hour violations. In addition, Ms. Hren routinely provides advice and counsel to employers on the entire spectrum of employment law matters, including hiring inquiries, avoidance of litigation, personnel policies and procedures, terminations, leaves of absence, wage-hour issues and reductions in force. She provides representation in state and federal courts, and before administrative agencies enforcing employment laws. Ms. Hren is a sought after public speaker. As part of the firm's preventive practice, she designs and presents customized internal management training programs on a broad range of employment law matters, such as sexual harassment and other workplace misconduct, in-house investigations, wrongful termination, wage-hour law compliance, discrimination/harassment/retaliation, compliance with federal and state laws covering family/medical leave and other time-off laws, and the development of legally compliant employer policies. Ms. Hren received her B.A. degree from the University of California, Irvine, and her J.D. degree, with distinction, from the University of the Pacific, McGeorge School of Law, and is admitted as a member of the Order of the Coif. She is a member of the California bar association, the American Bar Association and the Traynor Honor Society, and is serving a three-year term on the California State Bar board of directors, California Young Lawyers Association.

Richard S. Rosenberg is a founding partner of Ballard Rosenberg Golper & Savitt, LLP. He is a graduate of the College of Industrial and Labor Relations at Cornell University, and the University of Santa Clara Law School. Mr. Rosenberg has spent his entire career of 29 years providing advice and counsel to management exclusively on the entire spectrum of labor relations and employment law matters. He has been the featured speaker for the Continuing Education of the Bar, the Employment Law Section of the Los Angeles County Bar Association and the Association of Southern California Defense Council. For the past 27 years, Mr. Rosenberg has done lectures throughout California sponsored jointly by the California Employment Development Department and the California Employer Advisory Council. He represents annual programs in Southern California for Lorman Education Services on wage-hour law, effective hiring practices and FMLA compliance. Mr. Rosenberg has also been a featured speaker for the past three years at the annual employment law program of the California CPA Society. He regularly appears before federal and state courts and administrative agencies, such as the NLRB, EEOC, the California DFEH, the Cal/OSHA Appeals Board, the U.S. Department of Labor, the California Division of Labor Standards Enforcement, California Employment Development Department, and the U.S. Bureau of Citizenship and Immigration Services (formerly Immigration and Naturalization Service). Mr. Rosenberg is widely recognized in the legal community for his expertise in employment law. He serves as a regular contributing author in the *Los Angeles Daily Journal* legal newspaper and wrote a regular column on labor law compliance for several years.

Richard M. Wilner is the managing shareholder of Wilner & O'Reilly, APLC, one of Southern California's leading immigration law firms. With offices in Beverly Hills and Cerritos, California, the firm is well-known for handling the immigration matters for members of the entertainment and sports communities, such as Manny Pacquiao, the Black Eyed Peas and the Gracie JiuJitsu Family. The firm is also highly regarded amongst businesses and individuals alike for its strategic and effective immigration advice and counsel. Mr. Wilner is board certified as a specialist in immigration and nationality law by the State Bar of California. Additionally, he is a commissioner on the State Bar's Immigration and Nationality Law Advisory Commission. Mr. Wilner is the current media liaison for the Southern California Chapter of the American Immigration Lawyers Association and is hotly sought after as a speaker on current issues in immigration law. He holds a certificate in international law from the National University of Singapore, a J.D. degree from the University of the Pacific, McGeorge School of Law, and an LL.M. degree in international business practice from the University of Salzburg in Austria in conjunction with the University of the Pacific, McGeorge School of Law.

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General Information

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The Westin Bonaventure Hotel and Suites • 404 South Figueroa Street
 Registration: 8:00 a.m. - 8:30 a.m. • Session: 8:30 a.m. - 4:30 p.m.
 Lunch Break: 12:00 p.m. - 1:00 p.m. (Included)

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FACULTY: Howard B. Lapin, J.D., The Segal Company. ©2006. 366 pages.

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FACULTY: Calvin R. House, Esq., Gutierrez, Preciado & House, LLP. ©2006. 208 pages.

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