

TENNESSEE HUMAN RIGHTS COMMISSION

IN PARTNERSHIP WITH

TENNESSEE DEPARTMENT OF HUMAN RESOURCES

PRESENTS



VIRTUAL

EMPLOYMENT LAW SEMINAR

Wednesday, September 2, 2020

8:45 a.m.- 12 p.m.



Dear Seminar Attendees:

I am pleased to welcome you to the 2020 Virtual Employment Law Seminar. Each year the Tennessee Human Rights Commission, in partnership with the Tennessee Department of Human Resources, produces a seminar on the latest updates in employment law.

Our goal is to provide attorneys, human resource professionals and others with the knowledge necessary to support the latest best practices for anti-discrimination and inclusion policy. The mission of the Tennessee Human Rights Commission is to safeguard individuals from discrimination through education and enforcement, and efforts like the Employment Law Seminar are a crucial means of fulfilling that mission.

This year we are, as always, honored to host an excellent group of speakers who will provide us with their expertise.

We are excited about the caliber of our speakers, as well as the usefulness and relevance of their presentations. We are confident that you will be enlightened by the seminar.

Sincerely,

A handwritten signature in blue ink that reads "Beverly L. Watts". The signature is fluid and cursive.

Beverly L. Watts
Executive Director
Tennessee Human Rights Commission





Welcome to the 2020 Virtual Employment Law Seminar!

Within DOHR, our values include customer focus and data informed decision as we serve the State of Tennessee employees.

In partnering with the Tennessee Human Rights Commission, our customer, the goal of this annual event is to present relevant information and tools to support you in your day to day operations. We will share content in this virtual setting that deal with current issues and situations in employment law that you as leaders may be facing or could potentially encounter.

We have speakers with important information to share with you, and I ask that you “Be Here Now,” giving your full attention to each subject matter as it is presented.

In closing, I would like to thank each of you for participating in our conference and bringing your expertise. You, as leaders, have the vision, knowledge and experience to help us pave our way into the future. You are truly our greatest asset today and tomorrow, and we could not accomplish what we do without your support and leadership.

Again, welcome and thank you for attending.

Sincerely,

A handwritten signature in black ink, appearing to be "J Williams", written over a light blue horizontal line.

Juan Williams
Commissioner
TN Department of Human Resources



THRC VIRTUAL EMPLOYMENT LAW SEMINAR

AGENDA

September 2, 2020

TIME	TOPIC	PRESENTERS
8:45 a.m.	Welcome & Opening Remarks	Beverly Watts -Executive Director, TN Human Rights Commission Juan Williams - Commissioner, Department of Human Resources
9:00 a.m.	Employment Law Update 2020-2021: Where have we been and where are we going?	Kim Vance, Esq. - Baker Donelson, PC.
10:00 a.m.	COVID-19 in the Workplace Panel Discussion	Lesley Farmer, Esq. - TN Dept. of Human Resources Melanie Koewler, Esq. - TN Dept. of Human Resources Edmond Sims -EEOC- Memphis District
11:00 a.m.	Race in the Workplace	The Honorable Judge Bernice B. Donald Circuit Judge, U.S. Court of Appeals for the Sixth District
12:00 p.m.	Closing Remarks	Beverly Watts -Executive Director, TN Human Rights Commission Juan Williams - Commissioner, Department of Human Resources

ELS SPEAKERS



Kim Vance, Esq.

Shareholder- Baker Donelson, PC.

Kim Vance, Esq. Ms. Vance is a shareholder in the Labor & Employment Group at Baker Donelson's Nashville office. "Kim Vance has a 'very broad knowledge' of labor and employment law and is lauded for her 'hands-on' experience. She has extensive experience in HR and management training, in addition to noteworthy litigation experience." Chambers USA: America's Leading Business Lawyers 2018

"Kim Vance is described by sources as 'a terrific problem solver.' She is noted for her impressive counseling and defense of management teams before the EEOC and the Tennessee Human Rights Commission." Chambers USA: America's Leading Business Lawyers 2013

Ms. Vance "is commended for her breadth of experience and impressive client base." Chambers USA: America's Leading Business Lawyers 2012

"Kim is unique. She has the mind of a business owner and the intellect of a great lawyer. This combination has benefited our company in very meaningful ways," said Joe Scarlett, Chairman and former CEO at Tractor Supply Company, where Ms. Vance formerly served as General Counsel.

In addition to defending companies in employment litigation, Ms. Vance's practice focuses upon:

- presenting in-house management training programs to reduce employment related legal risks for companies across the nation;
- counseling management clients through auditing human resources policies and practices to reduce legal risks; and
- developing pre-litigation strategies to improve available defenses in preparation for litigation.

She has represented management clients in State and Federal Courts and in defense of administrative proceedings before the Equal Employment Opportunity Commission, State Human Rights Commissions, State Unemployment Commissions, Arbitrators, the National Labor Relations Board and the Department of Labor.



Lesley Farmer, Esq.

Deputy Commissioner and General Counsel - Tennessee Department of Human Resources

Lesley Farmer Lesley Farmer serves as Deputy Commissioner and General Counsel for the Tennessee Department of Human Resources. In her capacity, she is second in command to the Commissioner and oversees all legal issues within the Department, offering counsel and advice to her agency, other state agencies and individuals on employment law matters. In addition, all matters dealing with departmental legislative affairs, employee records, employee relations, mediation, as well as the review of certain statewide employee transactions fall under her review.

Lesley has served as the EEO Administrator & Deputy General Counsel for nearly four years, joining the department in February 2013. In this capacity, she offered advice and counsel to her agency and state agencies in the areas of employment law, ADA, FMLA, workplace discrimination, harassment, and investigations. Lesley has experience in state and federal civil rights laws, employment laws, and affirmative action.

Prior to joining the department, she served as the Assistant General Counsel for Civil Rights for the Tennessee Department of Education (TDOE). Her responsibilities in that role included investigating civil rights complaints within Tennessee public schools K-12 and employment issues within TDOE. Lesley provided training, legal advice and technical assistance to TDOE and Tennessee school officials on school law, employment law, and civil rights matters, including assistance in creating the Tennessee Bullying Prevention Program in schools. Prior to joining TDOE in April 2007, she worked for a private law firm in Memphis, practicing in the areas of criminal defense, family law, personal injury, and general civil litigation.

Lesley is a graduate of both LEAD TN and TGEI, and she is currently a participant in the Tennessee Bar Association's Leadership Law. She earned her undergraduate degree from the University of Tennessee at Chattanooga and her law degree from the University of Memphis Cecil C. Humphrey's School of Law.



Melanie Koewler, Esq.

Director of EEO, Office of General Counsel- Tennessee Department of Human Resources

Melanie Koewler serves as Director of EEO in the Office of the General Counsel, EEO/ADA Division of the Tennessee Department of Human Resources (DOHR). In that capacity, she serves as the coordinator of the Tennessee Employee Mediation Program mediators, providing continuing education, resources, and guidance to current mediators. Ms. Koewler also provides daily oversight and guidance on matters pertaining to workplace discrimination and harassment, abusive conduct in the workplace, and issues such as Title VI, ADA, FMLA, and Affirmative Action.

Ms. Koewler previously worked within DOHR's Division of Legal Services, where she coordinated the mediation program and assisted in the disciplinary appeals process. She has been employed with DOHR since 2013.

A "War Eagle" girl from birth, Ms. Koewler grew up in Auburn, Alabama and earned her Bachelor's degree in Animal Science from Auburn University. She obtained her law degree from Faulkner University, Thomas Goode Jones School of Law in Montgomery, Alabama. While in law school, she served as both Senator and Treasurer of the Student Bar Association and sat on the Executive Council of the Board of Advocates. She was an active member of the Advocacy Program. Ms. Koewler is licensed to practice law in Tennessee and is a Rule 31 General Civil listed mediator and certified facilitator. She is a 2015 graduate of DOHR's Next Level Leadership Academy, a participant in the Tennessee Government Leadership Black Belt Leadership Program (blue belt), a graduate of the 8th alliance of LEAD Tennessee, and a graduate of the 2019 Tennessee Government Management Institute (TGMI). Ms. Koewler serves as a mentor for tnAchieves.

She lives in Clarksville, Tennessee with her husband and three "fur babies": two dogs (Elphie and Zeus) and a cat (affectionately known as "Mustache" Max).



Edmond Sims, Jr.

District Deputy Director, Memphis District- EEOC

Edmond Sims, Jr. was named District Deputy Director in the Memphis District Office of the U.S. Equal Employment Opportunity Commission in January 2017. He is responsible for the management of all Memphis Office Enforcement, Finance, Information Technology, and Human Resources Management functions within the District which encompasses the states of Tennessee, Arkansas and northern sixteen counties of Mississippi. The Memphis District enforces all the federal EEO laws against employment discrimination in their assigned area.

Mr. Sims earned his Bachelor of Science degree in Business Administration from Baker University, Baldwin, Kansas. He received his Master's Degree in Public Administration from Troy University, Troy, Alabama.

From 1983 to 2006, Mr. Sims served in various capacities as a U.S. Air Force Officer culminating in his retirement from the U.S. Military in August 2006. Some key career highlights include serving as a U.S. Military Diplomat in Saudi Arabia in 2001, as well as, serving as the Installation Deputy Inspector General at Kunsan Air Base, South Korea in 2005.

Mr. Sims started his career with the U.S. Equal Employment Opportunity Commission in 2007 as an Investigator and was subsequently promoted to District Resource Manager in 2009 before assuming his current position in 2017. During his tenure as an Investigator, his performance led to his selection as the FY2008 and FY2009 Investigator of the Year for the Memphis District, as well as, the CY2009 Federal Executive Association Memphis Metropolitan Area Federal Employee of the Year, in the Outstanding Specialist category. Mr. Sims was further selected as one of the U.S. EEOC Chair's Gold Award Winners for CY2014 based on his outstanding performance in the areas of Human Resources, Financial Management and Information Technology.

Mr. Sims is a frequent speaker on a variety of employment discrimination issues across the district. His community volunteer efforts supporting the Memphis Junior Achievement Program targeting inner city schools are noteworthy. He was selected as the Memphis Junior Achievement Volunteer of the Year for CY2014.



THE HONORABLE *Judge Bernice B. Donald*

THE HONORABLE BERNICE B. DONALD was nominated to the United States Court of Appeals for the Sixth Circuit by President Barack Hussein Obama on December 1, 2010 and re-nominated in January 2011. She was confirmed 96-2 by the Senate on September 6, 2011. Prior to joining the Court of Appeals, Judge Donald served on the U.S. District Court for the Western District of Tennessee, where she was appointed by President William Jefferson Clinton in December 1995. Judge Donald served as Judge of the U.S. Bankruptcy Court for the Western District of Tennessee from June 1988 to January 1996. She was the first African American woman in the history of the United States to serve as a bankruptcy judge. When she was elected to the General Sessions Criminal Court in 1982, she became the first African American woman to serve as a judge in the history of the State of Tennessee.

Judge Donald received her law degree from the University Of Memphis Cecil C. Humphreys School of Law, where she later served as a member of the Alumni, Law Alumni, and University Foundation Boards of Directors and as an adjunct faculty member. She received a Master of Judicial Studies from Duke University School of Law and honorary Doctors in Law from Suffolk University. She frequently serves as faculty for the National Judicial College and the Federal Judicial Center (FJC), and she served as a member of the FJC's Board of Directors from 2003 through 2007. For the past five years, Judge Donald has served as faculty for the National Trial Advocacy program at the University of Virginia. On October 22, 2018, Judge Donald delivered the distinguished James Madison Lecture at the New York University School of Law. She has served as a Jurist in Residence at the University of Cincinnati, Washington, American, and University of Georgia Schools of Law.

In 1996, Chief Justice William H. Rehnquist appointed Judge Donald to the Judicial Conference Advisory Committee on Bankruptcy Rules, where she served for six years. In 2011, Chief Justice John G. Roberts appointed her to an indefinite term on the Judicial Branch Committee of the Judicial Conference of the United States. On October 1, 2019, Chief Justice Roberts again appointed Judge Donald to serve on the Advisory Committee on Bankruptcy Rules, where she serves as Liaison to the Advisory Committee on Appellate Rules.

An internationally recognized legal scholar, Judge Donald has lectured and trained judges around the world for many years. Judge Donald has served as faculty for numerous international programs, including Romania, Mexico, Turkey, Brazil, Bosnia, Botswana, South Africa, Namibia, Senegal, Rwanda, Tanzania, Russia, Egypt, Morocco, Thailand, Uganda, Kenya, Cambodia, Vietnam, The Philippines, and Armenia. In 2003, Judge Donald led a People to People delegation to Johannesburg, and Cape Town, South African and traveled to Zimbabwe to monitor the trial of a judge accused of judicial misconduct.

Judge Donald has served as President of the National Association of Women Judges and the Association of Women Attorneys. And in June 2005, Judge Donald co-founded 4-Life, a skills training and enrichment program for students ages 6 to 15 designed to teach children to become positive productive citizens.

Judge Donald has been the recipient of over 100 awards for professional, civic, and community activities, including the Distinguished Alumni Award from the University of Memphis, the Martin Luther King Community Service Award, and the Benjamin Hooks Award presented in 2002 by the Memphis Bar Foundation. In 2013, Judge Donald was elected to the Board of Directors of the American Judicature Society, and in August of 2013, she was featured in the Federal Lawyer Magazine. During the 2013 annual meeting of the National Bar Association, Judge Donald received the William H. Hastie Award. The Hastie Award is the Judicial Council's highest award and is presented to recognize excellence in legal and judicial scholarship and demonstrated commitment to justice under the law. In 2013, Judge Donald also received the Difference Makers Award from the Solo, Small Firm & General Practice Division of the ABA, and the Pioneer Award from her fellow classmates at East Side High. Judge Donald received the Justice William Brennan Award by the University of Virginia in January of 2014, and the Pickering Award from the Senior Lawyers Division of the ABA in August 2014. In 2017, Judge Donald received the prestigious Margaret Brent Award from the ABA Commission on Women for her service to the profession. Most recently, Judge Donald received the 2019 Pillars of Excellence Award, designed to recognize attorneys who have made significant contributions to the practice of law in their civic and professional lives.

SEMINAR INFORMATION



EVALUATIONS

We value your input, and use it to determine how to shape future seminars. Some of our most interesting presentation topics were suggested in past evaluations. We would appreciate your feedback and find out what we're doing well, what we could improve on and what sorts of things you'd like to see at future Employment Law Seminars.

CLE CREDITS

The 2020 THRC Virtual Employment Law Seminar is approved for a total of **3 general CLE credit hours**. If you are an attorney, please fill out and return the attestation CLE credits form to veronica.mcgraw@tn.gov, **be sure to include your BPR number**. The Tennessee Human Rights Commission will enter your attendance with CLETN after the conclusion of the seminar.

HRCI CREDITS

The 2020 THRC Virtual Employment Law Seminar is approved for a total of **3.0 general HR recertification credit hours**. Attendees wishing to receive this credit must enter the seminar information into their recertification profile at hrci.org. After clicking the my recertification link, go to the Continuing Education: Pre-Approved Activities section of the learning plan. Follow the prompts to add the seminar to your profile. The Activity ID for the seminar is **517622**. If you need assistance, please contact HRCI at recertification@hrci.org.

Thank you for attending the
2020 THRC Virtual Employment Law Seminar.





2020 THRC Virtual Area Employment Law Seminar

TENNESSEE HUMAN RIGHTS COMMISSION

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