

MODERN MANAGEMENT

Volume 2, Issue 3, March 2008

LOST WAGE BENEFITS FOR THE DOMESTIC VIOLENCE VICTIMS ACT

Louisiana is one of the most recent states to sign the Lost Wage Benefits for the Domestic Violence Victims Act, which will allow employees to obtain unemployment benefits after not being able to continue to work because of domestic abuse. The employee is only eligible to recover benefits from domestic violence one time per calendar year, and the employer will not be charged, but instead the benefits are paid from the state's general fund.

The Louisiana law awards benefits if the employee has left work for one of the following reasons:

- A reasonable fear of future domestic abuse at work or traveling to and from their place of employment;
- A need to relocate to another geographic area to avoid future domestic abuse;
- A need to address the physical, emotional, psychological or legal impacts of domestic abuse; or
- A belief that separation from employment is necessary for the employee's own or family's safety.

An employee would obtain benefits upon providing proof of one of the following:

- A protective, restraining or other court order against the perpetrator;
- A law enforcement record documenting the domestic abuse against the employee or a member of her family;
- Documentation that the abuser has been convicted of a criminal offense perpetrated against the employee or a member of her family;
- Medical documentation of the abuse by a licensed health care professional; or
- A notarized affidavit from a professional such as a certified domestic violence specialist, psychiatrist, or counselor.

CORPORATE COUNSEL NAMES LEMLE A GO-TO LAW FIRM™

Lemle & Kelleher, L.L.P. has been named a 2008 Go-To Law Firm™ for litigation by Enbridge Energy Partners, Murphy Oil, Norfolk Southern, and Regions Financial in an annual survey conducted by Corporate Counsel magazine, published by American Lawyer Media. The magazine asked the general counsel of the top 500 largest companies to name their "go-to" law firms in a variety of practice areas. The "Go-To" List, published in January 2008, includes "firms used most often" and firms that "handled the most important cases in the previous year."

LONG-AWAITED PROPOSED CHANGES TO FMLA

The Department of Labor ("DOL") published a notice of proposed rulemaking to FMLA regulations in the February 11, 2008, issue of the *Federal Register*. The proposed rules will clarify the definition of "serious health condition," adjust the Medical Certification process, and answer questions concerning leave for military families. The DOL is requesting comments by April 11, 2008.

MODERN MANAGEMENT BRIEFING SEMINAR

Lemle & Kelleher presents *Modern Management Briefing*, a half-day labor and employment law seminar.

Date: Thursday, March 27, 2008, 8:00 a.m.—11:30 a.m.

Fees: \$15.00 per attendee

Location: Lemle & Kelleher, L.L.P., 601 Poydras Street, 21st Floor, New Orleans, LA

Program Summary:

• Human Resource Issues	• Unemployment Compensation	• Obscure Louisiana Laws
• Workers Compensation	• Wage & Hour Law	• Other important topics

Agenda:

8:00—8:15 am	Registration
8:15—8:30 am	Introduction (<i>Fred Preis</i>)
8:30—8:45 am	The New HR Frontier—Facebook, MySpace and More! (<i>Bryce Murray</i>)
8:45—9:30 am	Handling Workers Compensation claims in the face of FMLA and ADA (<i>David Whitaker</i>)
9:30—9:40 am	Break
9:40—10:20 am	Defeating Meritless Unemployment Compensation Claims (<i>Eve Masinter</i>)
10:20—11:00 am	Challenges with Wage & Hour Law (<i>Fred Preis</i>)
11:00—11:15 am	Dealing with Obscure LA Laws (<i>Marc Michaud, Richard Voorhies</i>)
11:15—11:30 am	Question & Answer Session

To register contact: Callie Strickland, Marketing Assistant, 504.585.6285, cstrickland@lemle.com

SPECIAL PROCESS FOR H-1B VISAS

The Department of Homeland Security's Citizenship and Immigration Services section announced on January 30 that they had created a special unit for processing H-1B visas for positions that are exempt from the numerical statutory cap, which include aliens working for higher education and nonprofit or governmental research organizations. The H-1B visa is issued in limited numbers to highly skilled temporary workers. The department anticipates another wave of mass filings on April 1 like last year.

The CIS is instituting certain policies to shorten the time it takes to process each of the thousands of applications. They suggest H-1B petitioners filing a cap-exempt form should begin sending their applications to this special processing unit, because any of the cap-exempt applications sent to a different center will just be forwarded back to the special processing unit. They also suggest filing for your H-1B at any time of the year, instead of waiting until the deadline of six months ahead of the intended start date, which would lessen the amount of time for processing. CIS will begin posting the special filing instructions in a couple of months, requiring all H-1B cap-exempt petitions to be filed with special processing center.

FOLLOW-UP: BUSH SIGNS FMLA EXPANSION

On January 28, 2007, President Bush signed the Family and Medical Leave Act expansion. Under the expansion, businesses must offer 26 weeks of unpaid leave to those employees who are providing care to wounded U.S. military personnel. The employers must also provide 12 weeks of FMLA leave to immediate family members of soldiers, reservists and members of the National Guard who have a "qualifying exigency." There is no proposed date for the FMLA provisions, mainly because congressional sponsors realized that employers would need time to comply with these new regulations. However, it is strongly suggested that employers begin to notify their workers of these new leave options.

Your Lemle & Kelleher Employment Lawyer's Contact Information

E. Fredrick Preis, Jr.,

epreis@lemle.com, (504) 585-6371

Eve B. Masinter,

emasinter@lemle.com, (504) 584-9173

David R. Taggart,

dtaggart@lemle.com, (318) 934-4014

David M. Whitaker,

dwhitaker@lemle.com, (504) 584-9404

Louis Colletta, Jr.,

lcolletta@lemle.com. (504) 584-9147

Marc R. Michaud,

mmichaud@lemle.com, (504) 585-6386

Kimberly C. Delk,

kdelk@lemle.com, (504) 584-9149

Bryce G. Murray,

bmurray@lemle.com, (504) 585-6359

Bridget A. Dinvaut,

bdivvaut@lemle.com, (504) 586-1241

Richard P. Voorhies,

rvoorhies@lemle.com, (504) 584-9121

About Lemle & Kelleher, L.L.P.

Lemle & Kelleher is one of the oldest major law firms in Louisiana, tracing its origins to the late 19th century when New Orleans was experiencing a boom as the shipping and commercial center of the South. Building on that genesis, we have diversified and expanded our capabilities for more than 100 years to meet the growing needs of our clients regionally and nationally. Today, Lemle & Kelleher offers responsive, innovative, and experienced legal representation covering a broad range of practice areas. For more information please visit www.lemle.com.

MEMBER

LEX MUNDI

THE WORLD'S LEADING ASSOCIATION OF INDEPENDENT LAW FIRMS

Lemle & Kelleher, L.L.P. Areas of Practice

[Admiralty & Maritime Law](#)

[Antitrust Law](#)

[Appellate Practice](#)

[Bankruptcy & Loan Restructuring](#)

[Business Litigation](#)

[Casualty Litigation](#)

[Class Actions & Complex Litigation](#)

[Construction Law](#)

[Corporate Criminal Law](#)

[Corporate, Commercial Lending & Real Estate](#)

[Energy, Oil & Gas, and Public Utility Law](#)

[Environmental Law](#)

[Health Care Liability Law](#)

[Insurance Coverage Issues](#)

[Intellectual Property](#)

[Labor & Employment Law](#)

[Oil & Gas Drilling, Completion and Workover](#)

[Contractor Operations](#)

[Products Liability](#)

[Professional Liability](#)

[Securities Litigation](#)

[Tax Law](#)

[Toxic Torts](#)

[Transportation Law](#)

[Trusts, Probate & Estate Planning](#)

To remove your name from our mailing list, please [click here](#).

This electronic newsletter is provided to clients and friends of Lemle & Kelleher, L.L.P. The information described is general in nature, and may not apply to your specific situation. Legal advice should be sought before taking action based on the information discussed. Applicable State Bar or Attorney Regulations May Require This Be Labeled as "Advertising." Except as otherwise noted, areas of practice are not certified by the Texas Board of Legal Specialization or other applicable State Bar or regulatory authority.