

PHILADELPHIA AT WORLD CITY BAR LEADERS CONFERENCE IN BARCELONA

PAST CHANCELLORS WILLIAM P. Fedullo and Kathleen D. Wilkinson represented the Philadelphia Bar Association at the World City Bar Leaders Conference (WCBL) in Barcelona, Spain, from April 13-16.

The WCBL is an international conference welcoming leaders of metropolitan bar associations around the world. In recent years, the conference has been held in Frankfurt, Montreal and Tokyo. Most recently, the 2014 World City Bar Leaders Conference was hosted by the Philadelphia Bar Association.

Attending the Conference at their own expense, Fedullo and Wilkinson met with bar leaders representing the cities of Amsterdam, Barcelona, Brussels, Chicago,

Frankfurt, London, Montreal, Milan, Paris, Shanghai, Tokyo and Warsaw. Each bar association delivered presentations over the course of the three-day Conference.

"We should not pass up this opportunity to be a world leader in bar associations," said Fedullo. "It goes without saying that such participation enhances our reputation, increases our relevance, is appealing to our membership and provides unique opportunities for friendship and interchanges with bar leaders around the world."

The next WCBL will be held in Tokyo in September 2017, followed by Chicago in 2018.



Past Chancellors Fedullo (left) and Wilkinson (second from right); with (left to right) Simon Tremblay, first counselor, and Magali Fournier, president, Bar of Montreal; and Dominique Attias, vice battonier, Order of the Advocates of Court of Paris.



Past Chancellors Kathleen D. Wilkinson (center, left) and William P. Fedullo (center, right); with Jani Trias, international relations director (left), and Marta Cuadrada, executive director, Barcelona Bar Association.



Past Chancellors Fedullo (center) and Wilkinson (center, right); with (left to right) Pierre Sculier, vice-battonier, Order of Advocates of Brussels; Yoshihisa Hayakawa, vice chairman, International Committee, Tokyo Bar Association; and Patricia Brown Holmes, president, Chicago Bar Association.

LABOR AND EMPLOYMENT LAW COMMITTEE

FMLA Processes Protect Employers and Employees

By Annie Kernicky

MISUSE, OR SUSPICION OF MISUSE, OF THE FAMILY AND Medical Leave Act (FMLA) creates a delicate situation where employers and employees are pitted against each other. However, there are steps employers can take to protect themselves and their employees by means of clearly defined certification processes. Employment lawyers Christine E. Burke, partner, Karpf, Karpf & Cerutti, P.C., and Paul C. Lantis, associate, Littler Mendelson P.C., presented at the Labor and Employment Law Committee Meeting on June 2 on the suspicion and misuse of family and medical leave, from both the plaintiff and defense sides, respectively.

The FMLA requires covered employers (those with 50 or more employees) to provide eligible employees with job-protected and unpaid leave for qualified reasons, including an employee's serious health condition, pregnancy and adoption, care for a newborn, care for a family member with an illness, and military leave for a family member.

Lantis noted that initial concerns for an employer often begin pre-litigation, while the employee is still working and has requested and been approved for FMLA leave. He explained that the employer relies on a medical certification for what to expect from the employee's leave. Under the FMLA, employers can require the employee to submit a certification from a health care provider to support the employee's need for FMLA leave to care for a covered family member with a serious health condition or for the employee's own serious health condition. Employer's suspicions that an employee is overusing FMLA outside the scope of the certification are frequently based on looking at patterns, such as only requesting Fridays off.

There is often not a lot of interplay between the employee and the physician on what is actually being put in the certification form, said Burke. Litigation disputes then can arise over frequency, duration and estimates, if the certification is not specific enough, she explained. She also disputed the notion of "doctor shopping" for FMLA certification, noting that employees are permitted to see physicians who they are comfortable with.

In order to prevent FMLA fraud by employees, Lantis suggested that employers have a clearly defined checklist to determine the process, beginning with threshold issues such as the number of employees and hours worked. Second, he recommended ensuring that the certification is filled out with the requisite specificity of a covered medical condition. Often, the section to "describe other relevant medical facts" is left blank. In this situation, he explained, the employer can request additional information if the form does not provide all the information required to determine if it should grant leave. Third, Lantis said, an employer can look at outside information, such as postings on social media, that may raise sufficient doubt about the legitimacy of FMLA use to request a recertification.

An employer can request recertification, a powerful tool, if the employee requests an extension of leave, the circumstances described by the previous certification have changed significantly, or the employer receives information that contradicts the employee's stated reason for the

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Stretch Your Travel Dollars This Summer

By Mary E. Ashenbrenner



SINCE THE U.S. DOLLAR CONTINUES to fare well against many international currencies, it may be a good time to venture outside the country to enjoy some attractive purchasing power beyond our borders. While companies frequently take advantage of favorable exchange rates – or the value of one currency against another – this strategy can apply to vacation planning too. For this month's interview, I sat down with Relationship Strategist Bill Whitmore of the PNC Wealth Management® Blue Bell office to find out where American travelers might find the best deals for their dollars during this summer's vacation season.

Mary Ashenbrenner (MA): Where can American travelers get the most bang for their buck beyond the U.S.?

Bill Whitmore (BW): For those who want to visit an English-speaking country, Australia, Canada and New Zealand are very attractive options. Because the exchange rate in Australia is about 30 percent weaker than it is the United States, Australian goods are essentially 30 percent off. The same can be said of New Zealand and Canada, where the exchange rate is 20-30 percent lower than the U.S.

MA: What about Europe, where the Euro seems to be very weak?

BW: While Norway, Sweden and Denmark may not appear at the top of many travel lists, they are becoming increasingly appealing due to their rich culture, beautiful landscapes and weak exchange rates against the U.S. dollar that are at six- to eight-year lows. Due to their economic dependency on oil and natural resources, with values at historic lows, these countries are targeting tourists who might otherwise visit London, Barcelona and other more expensive European cities.

MA: Are you also seeing favorable exchange rates in Asian countries?

BW: Thailand, the Philippines and Vietnam are becoming increasingly popular as travel destinations because of their favorable exchange rates and the overall buying power of the U.S. dollar. Often due to high interest rates, which are designed to fight inflation, many third-world countries have relatively volatile currencies. The impact of currency volatility paired with U.S. dollar strength has brought emerging market rates to dramatic lows. Also, with its pristine beaches and weak peso, which is at an all-time low, Mexico is another affordable and attractive travel destination.

MA: What advice do you have for travelers who are planning to book an international trip?

BW: Depending on their destination, Americans today can travel abroad without breaking their wallet, but should heed a few words of caution. First, book your trip early to reserve your spot as you will be competing with many other travelers who also want to take advantage of today's attractive foreign exchange rates. The most popular trips to some of these international destinations often fill up very quickly. Second, it may pay to pay in advance. As currency values can spike at any moment, you may want to lock in vacation pricing with your travel agency. That way, the agency purchases the foreign currency on your behalf and gives you the best deal for your dollar. Finally, for daily cash needs during your vacation, like food

and souvenirs, it is smart to convert some money to the local currency before leaving on a trip. Check with your bank before you leave and order some currency while you are still on U.S. soil.

MA: Why do currency values change constantly?

BW: Foreign exchange rates can fluctuate rapidly and unexpectedly, and that volatility is based on seven main factors within each country. Those factors include macroeconomic performance, or how well a country's economy delivers growth, creates jobs and controls inflation; trade imbalance; a Central Bank's monetary policy; a government's fiscal policy; major political events; unforeseen events, such as natural disasters, interest rate changes, etc.; and overall sentiment among capital market investors that affect business and trickle down to consumers.

In summary, while there is no guarantee that the dollar will be able to maintain its advantage in the coming months, it's likely that summer travelers to certain countries will be able to stretch their vacation budget further than they could in the past given the current strength of the U.S. dollar.

The Brexit decision leaves investors with a number of uncertainties and unknowns. In many cases it is still too early to opine with any reasonable ability about the long-term impact. We would advise that a knee-jerk reaction to this vote is not likely to be a wise investment decision as history has shown. The S&P 500 has a dividend yield above 2.2 percent while the 10-year U.S. Treasury yields about 1.57 percent. This large of a yield spread in favor of stocks (or in fact any yield advantage of stocks over bonds) has historically provided an attractive long-term buying opportunity. While the short-term behavior of stocks is unknowable and one should expect further volatility, a wholesale liquidation of

stocks is unwarranted in our view.

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absence or the continuing validity of the existing medical certification. According to Lantis, aside from recertification, employers can also require a personal certification from the employee, so long as that policy is used across the board for all types of leave.

Burke said that a personal certification can be as simple as an email requesting an FMLA day off.

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