

## **Topic Descriptions and Objectives**

### **Surveying the New Labor Law Landscape**

Whether your company is unionized or non-union, the NLRB affects all employers. This lively session will cover the latest labor updates, trends and practical recommendations for employer consideration. The NLRB's laser-like focus on expanding employee Section 7 rights makes business-as-usual a risky approach. Long accepted employer policies and practices, social media practices and handbook language continue to be upended by the NLRB. What is an employer to do?

### **Workplace Law Under President-Elect Donald Trump: What to Expect**

President-elect Donald Trump will assume office on January 20, 2017, with a Republican majority in both the Senate and the House of Representatives. While it is difficult to predict whether the new administration will be able to deliver on President-elect Trump's campaign promises, we can expect significant policy and enforcement shifts. Join us for an overview of what we can expect from an employment law perspective under the new President-elect.

### **Top 10 Immigration Trends**

During this session, we will cover recent trends in immigration law and enforcement, including recent Executive Order litigation, proposed revisions to Form I-9, recent I-9 remediation guidance, the H-1B cap, and key rules of thumb and the tolls necessary to maintain a culture of immigration compliance.

### **Best Practices in Internal Wage and Hour Audits**

The U.S. Department of Labor ("DOL") reports that 78% of businesses are out of compliance with wage and hour laws. Combined with the DOL's increased wage and hour enforcement efforts, employers are exposing employers to liability for unpaid wages, penalties and fees. At the same time, the DOL has increased its wage and hour enforcement efforts. Comprehensive self-audits and effective corrective measures are essential to avoid costly compliance errors. This program will review the areas currently targeted by the DOL in its enforcement efforts and strategies for employers to conduct self-audits and correct errors.

### **Pay Equity is "Comp"licated: New Laws, New Reporting, and How to Protect Your Organization**

The Obama administration has long sought to close the gender "pay gap" – noting that women on average make 79 cents on the dollar compared to men. So too employers are facing pressure from shareholders to analyze the "pay gap" in their workforces and publicize the results. The Administration has pushed this agenda down to the federal agencies, which have made pay discrimination among their top enforcement priorities. In a new development with sweeping implications for employers with 100 or more employees, the EEOC has now proposed requiring those employers to annually provide detailed compensation information for all employees on EEO-1 reports beginning in September 2017. The EEOC will share this data with OFCCP to determine what companies to investigate for pay discrimination. In addition, several states have implemented, or are in the process of proposing, state laws on pay equity, such as the California Fair Pay Act, to make it easier for employees to bring and win pay discrimination claims. After this session, employers will better understand the pay discrimination landscape and how they can proactively run privileged pay analyses, what to consider in making pay decisions going forward, and how to defend themselves in EEOC charges, OFCCP audits, and litigation.

### **Do's and Don'ts of Diversity Preference**

Many employers place preferences in their hiring, promotion, and retention processes based on protected characteristics, often without knowing it. For example, if recruiters are tasked with presenting a diverse interview slate (ensuring that a certain number or percentage of the interviewed candidates are diverse), they may have unknowingly and unlawfully provided a hiring preference. Similarly, many employers are now using algorithms to determine what candidates to interview, employees to promote and retain, and where to make pay adjustments that take protected characteristics into account. And, there is a growing pressure on employers to attract and retain diverse talent (and publish diversity statistics in the media) pushing many employers to unknowingly consider diversity in their employment

decisions. In this session, we will discuss common trends in considering diversity in the employment process, risks in doing so and how to mitigate these risks in your processes.

### **Up Your ADA Game: Essential Accommodation Concepts**

Dealing with issues related to workplace accommodation requests can be a daunting task—even for seasoned HR and legal professionals. The path to a successful interactive process and a meaningful analysis of an accommodation request is fraught with landmines at every turn. This interactive workshop will examine actual examples to provide develop strategies to effectively manage the interactive process, including reviewing requests for accommodation, best practices for the interactive process, undue hardship analysis, and resources for employers to assist in the process.

### **No Good Deed Goes Unpunished: Your Organization is Conducting Analyses – How to Use the Attorney Client Privilege to Protect Them**

Fair pay, diversity, performance, leaves of absence, worker's compensation, turnover, promotions – every organization is conducting analyses to identify and eradicate issues in employee recruitment and retention. Whether executives see issues like fair pay in the media and want to know how “we stack up” or diversity data requested in RFPs, the information your organization is analyzing may be discoverable. The attorney-client privilege is one of the most important tools to protect sensitive analyses from disclosure to potential adversaries; however, the rules for establishing (and maintaining) the privilege can be tricky... During this session, we will discuss what analyses and projects within your organization need protection, how to put protocols in place to protect them, and how to proactively protect your organization under the privilege.

### **Peek Behind the Curtain: Plaintiff's Counsel Roundtable**

Ever wonder how plaintiffs approach employment cases? What does plaintiffs' counsel look for in determining which cases to take and which to decline? Or what about the kinds of plaintiffs, facts, or employers that converge to create the “perfect storm” for a plaintiff's attorney? This roundtable discussion with practicing plaintiffs' attorneys – some of which you may have already faced – will address these and more questions to give participants a “peek behind the curtain.”

### **FMLA: Fighting Abuse**

Join us for a program that will cover Long-Term and Open-Ended Leave Requests: Your Obligations and Your Options; Managing Employee Mental Health Issues within the Confines of Federal, State and Local Discrimination Laws; and Cleaning Out Your Closet: How Employers Can Fix Previous Disability Management Mistakes.