Ogletree Deakins Invites You To Join Us For Our Annual National Educational Labor And Employment Law Seminar

May 3-6, 2017
Grand Hyatt San Diego
San Diego, California

Ogletree Deakins’ annual Workplace Strategies seminar is the premier event of its kind for sophisticated human resources professionals, in-house counsel, and other business professionals.
Ogletree Deakins opened its doors on February 14, 1977, with 16 attorneys in two offices. In our 40 years since that time, we have grown to an international firm that includes more than 800 attorneys in 52 offices across the United States and in Canada, Mexico, and Europe. Thank you for your support throughout the years. We look forward to a bright future!
I am pleased to invite you to Ogletree Deakins’ 2017 Workplace Strategies seminar, which will be held May 3-6, in downtown San Diego. I sincerely hope you can join us for our outstanding annual employment law seminar for senior-level human resources professionals and in-house counsel.

This brochure includes a detailed agenda for the seminar and the special events associated with it. As the brochure shows, we have another great program in store for 2017—with over 70 sessions and 175 speakers (including special guest speakers).

We are once again giving back to the community through our support of a local nonprofit organization. This year, we are proud and excited to recognize Father Joe's Villages, a San Diego-based organization that supports thousands of military veterans and homeless children and adults in the San Diego community.

Father Joe Carroll developed what has become known as the Continuum of Care, a unique take on human service assistance that combines a multitude of rehabilitative programs and services in one location.

Workplace Strategies 2017 will be held at the Grand Hyatt San Diego, which is located in the heart of beautiful downtown San Diego. Registrations are rapidly filling up, and we expect the program to sell out quickly—so please make plans to join us soon.

Over the last 30 years, this seminar and its associated events have allowed us to consistently provide our clients and friends with the latest information, trends, and strategies affecting the employer community. We will continue that important tradition this May in San Diego—and we look forward to having you with us.

Sincerely,

Ogletree Deakins

C. Matthew Keen, Managing Shareholder
10:00 a.m. Registration Open

Noon – 1:30 p.m. **LUNCH AND SPECIAL PRESENTATION:** Vacancy Filled: What a New Supreme Court Justice Means for the Business Community

*Erwin Chemerinsky,* Dean, University of California, Irvine School of Law, Noted Author and Television Legal Commentator

President Obama’s term ended with only eight justices on the Supreme Court, as his nominee for former Justice Antonin Scalia’s seat was never given a hearing by the U.S. Senate. Now the existing vacancy will likely be filled by President Trump’s nominee, Judge Neil Gorsuch of the United States Court of Appeals for the Tenth Circuit. If Judge Gorsuch is confirmed (or even if he is not), what can we expect from the Court for the current term? How might its rulings impact employers and the business community? Join renowned constitutional scholar Erwin Chemerinsky, who has appeared on numerous television news programs, for a close look at the Supreme Court and the developments that might be in store for the future.

*Introduction by:* Simone R.D. Francis (St. Thomas)

1:30 – 1:45 p.m. Break

1:45 – 5:00 p.m. **PRE-CONFERENCE IMMERSION SESSIONS**

1. **In Search of the Truth: Foolproof Interview Techniques for Workplace Investigations**

Getting to the truth in a workplace investigation sometimes feels like navigating a maze, with twists and turns around every corner. During this in-depth session, our panel will guide participants through the labyrinth of conducting an investigation that is both legally compliant and that uncovers the facts necessary to get to the truth. The session will incorporate interactive technology and mock scenarios to highlight the necessary tools for being a thorough and unbiased investigator, and for testing the facts when the credibility of a witness may be an issue.

*Moderator:* Anthony L. Martin (Las Vegas)

*Speakers:* Mark N. Mallery (New Orleans) • Sharon P. Margello (Morristown)

Michael D. Mitchell (Houston) • Grant D. Petersen (Tampa)

2. **Dude, Those California Laws Are Gnarly!**

The Golden State is famous for its many unique employment laws and local ordinances. Add to that California’s plaintiff-friendly decisions interpreting those laws, and companies that do business in California may want to run for the (Hollywood) hills. From new pay equity requirements to a multitude of local paid sick leave laws, and from expanding theories in class actions to record-breaking disability discrimination suits, employers in California are being exposed to ever-increasing liability. This session will provide a rigorous primer on California’s employment laws, focusing on the state and local laws that create the most headaches.

*Moderator:* Alexandra A. Bodnar (Los Angeles)

*Speakers:* Anthony J. DeCristo (Sacramento) • Robert R. Robinson (Los Angeles)

Jennifer L. Santa Maria (San Diego) • Keith A. Watts (Orange County)

3. **Leaves, Leaves, and More Leaves! Successfully Managing the Most Difficult Situations**

Some leave requests are downright complex, confusing, and difficult to administer. And employers have little room for error, due to the specter of time-consuming and costly litigation. Using real-life scenarios, our panel will steer attendees through the most challenging employee leave requests that simultaneously require compliance with the FMLA, the ADA, and other laws, such as pregnancy discrimination and workers’ compensation laws. Our panel will cover the hottest compliance issues and share key tips for managing a workforce while staying in compliance.

*Moderator:* Todd J. Kaiser (Indianapolis)

*Speakers:* Leah S. Freed (Phoenix) • Kerri S. Reisdorff (Kansas City)

Michael M. Shetterly (Greenville) • Timothy A. Wolfe (Chicago)
4. From Hello to Goodbye—Does Your Toolbox Measure Up?

With recent developments from the NLRB, the EEOC, and state administrative agencies, many businesses may be using documents related to on-boarding and discharging that are now out of compliance. Join this presentation for a discussion of proper employment applications, offer letters, post-offer medical questionnaires, credit authorization and background forms, as well as disciplinary and termination notices. This session will also offer forms you can take away and utilize to make sure your “toolbox” is in order.

Moderator: John Gerak (Cleveland)
Speakers: J. Richard Carrigan (Birmingham) • Maria Greco Danaher (Pittsburgh) • Burton D. Garland, Jr. (St. Louis) • Tae Kim (Los Angeles)

5. Anatomy of an OSHA Serious Injury/Fatality Investigation: Are You Prepared?

Workplace safety investigations involving serious injuries or fatalities immediately thrust the company and its officials into an extremely challenging or potentially worst-case scenario. An accident and its investigatory aftermath can affect all aspects of a business and heavily involve the company’s HR and legal departments. In this simulation, our panel will place attendees at the center of a crisis and simulate the key decisions that have to be made in real time. Learn how to prepare your team and organization to properly handle and respond to the myriad issues caused by a serious injury or fatality in the workplace.

Moderator: Margaret S. Lopez (Washington, D.C.)
Speakers: Kevin D. Bland (Orange County) • Phillip B. Russell (Tampa) • H. Bernard Tisdale (Charlotte) • Cole A. Wist (Denver)


Sometimes, in-house counsel and HR directors discover that their company’s entire labor strategy—union avoidance, collective bargaining, labor arbitrations, unfair labor practice charges, and more—lands on their doorstep requiring attention like an unexpected guest. Join us for an immersion session that will help you understand the menu of potential labor challenges and develop a strategy that works for your organization. Our session will offer guidance on vital preparations to be undertaken today, priorities to act on tomorrow, and matters to be mindful of, but perhaps save for later. This full course review, suitable for even labor novices, is open to anyone who can take the heat of learning real-world labor law.

Moderator: Rodolfo R. (Fito) Agraz (Dallas)
Speakers: Jacqueline M. Damm (Portland) • Kevin J. Kinney (Milwaukee) • Eric C. Stuart (Morristown) • Douglas M. Topolski (Washington, D.C.)

6:30 p.m. Merriment on the USS Midway!

(Benefiting Father Joe’s Villages)

Join us for a truly unique opening reception aboard the USS Midway, a retired aircraft carrier located in beautiful San Diego Bay. Refreshments will be served in the historic ship’s hangar bay, followed by dinner and music on the flight deck. You won’t want to miss this one-of-a-kind experience! By attending, you will be supporting Father Joe’s Villages, a deserving nonprofit dedicated to providing programs and housing for the homeless in San Diego.
May 4, 2017

7:00 – 8:30 a.m.  Registration and Breakfast

7:30 – 8:15 a.m.  Pre-Conference Special Briefings
Topics will address the very latest labor and employment law developments and will be announced approximately two weeks prior to the program.

8:30 – 8:45 a.m.  Welcome to San Diego!
Bonnie M. Dumanis, District Attorney, San Diego County
C. Matthew Keen, Managing Shareholder (Raleigh) • Spencer C. Sween (San Diego)

8:45 – 9:00 a.m.  Workplace Strategies 2017—Everything You Need to Know
Joseph L. Beachboard, Program Moderator (Torrance)

9:00 – 9:30 a.m.  “Headline News”—The Perfect Start to Your Workplace Strategies
It has been another eventful year for employers, to say the least, with numerous changes in the field of labor and employment law. Join us for a whirlwind discussion of the latest developments—and how the next three days of Workplace Strategies can help you minimize the risks!
Speakers: Ron Chapman, Jr. (Dallas) • Dawn T. Collins (Los Angeles) • Michael Oliver Eckard (Charleston)
Jeffrey C. Londa (Houston) • Marifrances Morrison (Raleigh) • Austin E. Smith (Denver)
Thomas M. Stanek (Phoenix) • Charles L. Thompson, IV (San Francisco)

Special Guest: Kevin Kish, Director, California Department of Fair Employment and Housing

9:30 – 10:15 a.m.  Panel Discussion: It’s Going to Be Huge! The Trump Administration and Employers
The 45th president has been sworn in, a new administration has begun its work, and much has already happened on the labor and employment law front—with many more changes still to come. Join our panel of insiders as they fill us in on recent developments and what the Trump administration is likely to mean for employers in key areas.
Moderator: Peter O. Hughes (Morristown)
Speakers: Melissa A. Bailey (Washington, D.C.) • Joel A. (Buddy) Daniel (Greenville)
   Brian E. Hayes (Washington, D.C.) • Andrew W. Merrills (Raleigh) • Danielle Ochs (San Francisco)

10:15 – 10:45 a.m.  KEYNOTE POLICYMAKER PERSPECTIVE: The Trump NLRB: What’s on the Horizon?
Philip A. Miscimarra, Acting Chairman, National Labor Relations Board

The NLRB made significant changes to long-standing NLRB precedent under the Obama administration. Now, a new administration is in place, and we expect many additional changes. NLRB Acting Chairman Philip A. Miscimarra returns to Workplace Strategies to provide his perspective on the latest developments and to preview what pending issues may be on the horizon at the NLRB.

Introduction by: M. Baker Wyche, III (Greenville)

10:45 – 11:15 a.m.  Break

11:15 a.m. – Noon  BREAKOUT SESSIONS—SERIES 1

1. The NLRB—The Discussion Continues
The conversation about developments at the NLRB and other important labor issues continues with Acting Chairman Miscimarra and former Board Member Brian E. Hayes. Bring your questions for this unique opportunity to join in the discussion.
Speakers: Brian E. Hayes (Washington, D.C.) • Philip A. Miscimarra, Acting Chairman, National Labor Relations Board
2. **So, Just Who Is the “Employer”?**
   Joint employment issues were front and center during the Obama administration, as several agencies found companies to be “joint employers” in non-traditional areas. While this approach is very likely to be changed in the Trump administration, this won’t happen overnight and employers must continue to stay abreast of the latest trends and developments in this area. This session will address recent joint employer initiatives, positions taken by the various agencies, and what might be in store under the new administration.
   
   *Moderator:* Bernard J. Bobber (Milwaukee)
   *Speakers:* Jana S. Baker (Dallas) • Rodney A. Harrison (St. Louis)

3. **Transgender Issues in the Workplace—Confronting New Challenges**
   Keeping up with the latest developments in the area of transgender rights can be a daunting task for employers. Not only is there a multitude of new state and local laws, agency guidance, and case law, but some of these are contradictory. This session will clarify terminology and provide up-to-date information on issues ranging from employment discrimination and harassment to restroom use. Interactive real-world scenarios will help attendees understand how the law applies to the workplace and how best to deal with gray areas. The panel will also address how to establish policies in this evolving area.
   
   *Moderator:* Charles E. Engeman (St. Thomas)
   *Speakers:* Kelly S. Hughes (Charlotte) • Nonnie L. Shivers (Phoenix)

4. **The Invisible Workforce: Managing Leave Entitlements to Get Employees Back to Work (or on Their Way)**
   Employers have to run their businesses, while also not running afoul of the various laws that entitle employees to take time off. Often it is difficult to determine when, or if, a person on extended leave intends to return to work. Our panelists will cover how an employer can better manage leave entitlements to get employees back to work after leave expires—or else properly separated within the confines of the law. The panel will also address the pros and cons of utilizing third parties for leave administration as it relates to these issues.
   
   *Moderator:* Angela D. Green (Dallas)
   *Speakers:* William E. Grob (Tampa) • Carol A. Poplawski (Chicago)

5. **Surf the Retaliation Wave—Without Getting Caught in the Tide**
   For six consecutive years, retaliation claims have topped the list of charges filed with the EEOC, and the trend is expected to continue. Employees are also pursuing retaliation claims under other statutes, including the FLSA, OSHA, the False Claims Act, and numerous state laws. In this session, our panel will address how to avoid common mistakes that could lead to a retaliation lawsuit. We will also dissect the EEOC’s 2016 Guidance on Retaliation and Related Issues and explore hypotheticals that will help attendees recognize protected activity, understand what constitutes an adverse employment action, and identify which employees may be protected.
   
   *Moderator:* Hardy R. Murphy (Los Angeles)
   *Speakers:* Cynthia A. Bremer (Minneapolis) • W. Scott Hardy (Pittsburgh)

6. **Repeal…Replace…Reform…? The Latest Healthcare Developments**
   President Trump has repeatedly promised to “repeal and replace” the Affordable Care Act, potentially altering or obliterating one of the hallmark legislative victories of former President Obama. This session will address the latest developments and what employers need to do to comply. The panel will address what the future of healthcare reform may hold and provide key takeaways for adapting to the changes and challenges that lie ahead.
   
   *Moderator:* William A. Gray (Atlanta)
   *Speakers:* Stephanie A. Smithey (Indianapolis) • Timothy J. Stanton (Chicago)

7. **Preparing for (and Hopefully Avoiding) a Class Action Before It Is Filed**
   Class action litigation is not inevitable. The steps you take today can keep your organization from becoming an attractive target to the plaintiffs’ bar—and help cement your defense before a lawsuit ever hits. Learn from those who have been in the trenches about the tips and strategies that can keep you from becoming another class action statistic.
   
   *Moderator:* Thomas A. Cattel (Detroit (Metro))
   *Speakers:* A. Craig Cleland (Atlanta) • Jodi Karpel, Senior Counsel, Employment Law, Walgreen Co. 
   Evan R. Moses (Los Angeles)
8. **Welcome to the Golden State—for Wage and Hour Plaintiffs!**

California continues to be ground zero for wage and hour class actions based on unique and myriad issues that national employers may not be familiar with or fully understand. From California's distinct minimum wage interpretation to itemized wage statements, wage notices, white collar exemptions, meal periods, daily overtime, and more, there are many potential land mines for wary and unwary employers alike. Join this session for the latest updates on the most challenging areas of California wage and hour law, and come away prepared to defend against the gold rush.

*Moderator:* Frank Tobin (San Diego)

*Speakers:* Lori A. Bowman (Los Angeles) • Douglas J. Farmer (San Francisco)

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 Noon – 1:30 p.m.

**LUNCH AND KEYNOTE ADDRESS:** Effectively Managing Crises—and the People Involved in Them

**Judy A. Smith, President, Smith & Company**

Crisis are often caused by—and certainly impact—people. Successful crisis management generally involves managing people—both those involved in the crisis and those impacted by it. Judy Smith, a veteran crisis and reputation-management professional who inspired the hit TV show Scandal, will share key strategies for handling the human component in crises. A former advisor to President George H.W. Bush and current consultant to many Fortune 500 companies, Ms. Smith has tremendous experience helping her clients successfully navigate a wide array of crises around the world.

*Introduction by:* Charles B. Baldwin (Indianapolis)

1:30 – 1:45 p.m.  Break

1:45 – 2:30 p.m.  **BREAKOUT SESSIONS—SERIES 2**

1. **“My Favorite Mistake”—Perspectives From the Plaintiffs’ Bar**

   Back by popular demand, get a close-up look at how the “other side” views workplace litigation. A panel of well-known San Diego plaintiffs’ employment lawyers will explain what they look for in the cases they choose to pursue, describe the mistakes employers have lived to regret, and share their tips on how to avoid being their next target. Bring your questions!

   *Moderator:* Christopher W. Olmsted (San Diego)

   *Speakers:* Matt Dente, Dente Richard, LLP • Kristin Rizzo, Rizzo Law, PC
   Susan Swan, Swan Employment Law

2. **Dazed and Confused? Marijuana and Prescription Drug Issues at Work**

   Several states have recently passed laws legalizing recreational or medicinal use of marijuana, adding to the patchwork of state laws on the issue. This session will discuss the impact of the legalization of medical and recreational marijuana on an employer's right to maintain a drug-free workplace and will explain whether protections exist for employees who use marijuana. In addition, we will discuss the latest on how employers should handle the delicate issue of drug testing for and creating policies regarding prescription drugs—in both safety-sensitive and non-safety-sensitive positions.

   *Moderator:* Patrick R. Martin (Minneapolis)

   *Speakers:* Heather L. Anderson, Senior Corporate Counsel, Best Buy
   Michael Clarkson (Boston) • Vince M. Verde (Orange County)

3. **It’s Not Just About Compliance: Thriving in the Golden State**

   California is recognized as the state with the most unique employment laws. For many, California law seems confusing, complex, and at times even over-reaching. This session will help participants de-mystify employment laws in California. Using an interactive question-and-answer format, Kevin Kish, Director of the largest state civil rights enforcement agency, the California Department of Fair Employment and Housing, will not only give you insights on the “why” behind the “what” of California law, but will also discuss practical tips that go beyond simple compliance and will help companies and employees alike truly thrive in the Golden State.

   *Moderator:* Patti C. Perez (San Diego)

   *Speakers:* Kevin Kish, Director, California Department of Fair Employment and Housing
4. Ban the Box, Ban the Background Check? Dos and Don’ts for Employers

Background checks have long been an integral part of many employers' screening processes. However, an employer's ability to obtain criminal information on workers is becoming increasingly difficult. “Ban the box” legislation, which prevents employers from asking job applicants about their criminal histories on an initial job application, is spreading rapidly across the country. At the same time, employers also risk claims under the Fair Credit Reporting Act (FCRA) and state mini-FCRAs. This session will discuss the current state of background check laws and litigation and will provide insights on strategies and best practices to minimize the risks.

Moderator: Bryant S. McFall (Dallas)
Speakers: Sarah R. Nichols (San Francisco) • Stephen R. Woods (Greenville)

5. Wage and Hour Roadmap—The State and Local Law Tour

Expect the trend toward state and local wage and hour laws—whether on minimum wages, paid sick leave, call-in pay, or “wage theft”—to explode, particularly in blue states and municipalities, now that Republicans control the executive and legislative branches of the federal government. A growing number of different local requirements make it easy to get lost in a maze when navigating multistate compliance. This session will provide a roadmap to guide employers through the hodgepodge of current local- and state-specific wage and hour laws. Panelists will also provide practical guideposts for staying on top of local developments and making necessary course corrections.

Moderator: Gregg M. Lemley (St. Louis)
Speakers: Steven F. Pockrass (Indianapolis) • Alfred B. Robinson, Jr. (Washington, D.C.)

6. Elevating Your Arbitration Programs: Advanced Strategies for Class Action Waivers and Enforcement

The use of class action waivers in arbitration agreements is a very hot topic, with multiple cases pending before the Supreme Court. Moreover, many large employers have adopted employment arbitration programs and are now regularly forced to litigate the enforceability of their agreements. Join our panel, which includes the attorneys who handled the landmark D.R. Horton case on class action waivers, as they discuss high-level tips for improving arbitration programs with a focus on class action waivers, including the use of forum selection clauses and preliminary injunctions, applying class waivers to “supervisory” employees, and more.

Moderator: Ron Chapman, Jr. (Dallas)
Speakers: Christopher C. Murray (Indianapolis) • Chris R. Pace (Kansas City)

7. Hey! Give Back My Clients and Trade Secrets . . . and that Stapler!

Protecting your trade secrets and valuable client relationships is critical, but it has become increasingly challenging to craft enforceable non-compete and trade secret agreements. And the more states you do business in, the bigger the challenge. Not only do court interpretations of what is “reasonable” vary from state to state, but new legislation limiting the scope of non-competes has been introduced in several states, and more is expected. This session will address key issues to consider so that your “restrictive covenants” won’t be deemed invalid, such as duration of the agreement, what constitutes “irreparable harm,” what types of activities can be restricted, and how the reason for the separation affects enforceability.

Moderator: Tracy A. Warren (San Diego)
Speakers: John C. Glancy (Greenville) • David D. Powell (Denver)

8. As The World Turns: Immigration Prospects and Pitfalls Under the New Administration

In the wake of last year’s tumultuous election and this year’s arrival of a new administration, many elements of the nation’s immigration system are subject to change—some big, some small, but each holding potential implications for employers. Our panel will guide attendees through the key legislative and regulatory changes on the immigration horizon, comment on their prospects, discuss the fate of contested executive orders on immigration, and highlight the considerations that employers should bear in mind to prepare their workforce for ongoing change.

Moderator: Paul Lancaster Adams (Philadelphia)
Speakers: Brian D. Bumgardner (Raleigh) • Mari Frances Morrison (Raleigh)

Jennifer Shapiro, Executive Director and Assistant General Counsel, JPMorgan Chase & Co.
1. **The NLRB Under President Trump: A New Course Charted**
   Regardless of one’s politics, under a Trump presidency, employers are likely to see a reversal of many of the pro-labor decisions issued during the eight years of the Obama NLRB. Building on Acting Chairman Miscimarra’s plenary session remarks in the morning, this session will review what has happened—what rules have changed, what new cases have been decided, what new practices they establish—and what problematic rules remain in place. For those areas that have not changed, we will make some predictions about what to expect over the near term.

   **Moderator:** Anthony B. Byergo (Seattle)
   **Speakers:** Maria Anastas (Los Angeles) • David Rittof, President, Modern Management
   Mark M. Stubley (Greenville)

2. **To Reassign, or not to Reassign, That is the Question: Vacant Positions and the Accommodation Requirement**
   As part of the ADA accommodation process, employers are required to consider whether reassignment to a vacant position would be a reasonable accommodation. This presentation will provide a brief overview of the accommodation process and what triggers the third (vacant position) step of the process, with the focus on what is required of the employer and employee during that stage, when is a position truly vacant, and whether additional accommodations may be necessary even after identifying an appropriate vacant position.

   **Moderator:** Katherine Dudley Helms (Columbia)
   **Speakers:** Lucas J. Asper (Greenville) • Brian L. McDermott (Indianapolis)

3. **Misclassification Misdeeds: Practical Advice for Avoiding Claims**
   Companies across all industries continue to grapple with independent contractor misclassification issues, as employers regularly seek guidance on how to minimize risks—both from litigation and agency enforcement. Building a defensible model at the outset is critical to weathering the storm. This session will focus on strategies and tips that will be invaluable to human resources personnel in companies that use—or are thinking about using—indepedent contractors for any portion of the workforce.

   **Moderator:** Kevin P. Hishta (Atlanta)
   **Speakers:** Greg Guidry (Lafayette/New Orleans) • Margaret Santen Hanrahan (Charlotte)

4. **Workplace “Perks” Toolkit: Avoiding Potential Pitfalls Associated With New Employee “Perks”**
   New employee perks continue to be all the rage in many workplaces. From unlimited paid time off to prizes and rewards for service, free food and snacks, and more, employers continue to sweeten the pot to increase morale and encourage retention. But providing these new perks may have legal implications that employers need to consider. Our panel will cover the important legal and practical implications and considerations when implementing a new “perk” in the workplace, so employers can provide perks with the intended results.

   **Moderator:** Mark E. Schmidtke (Chicago)
   **Speakers:** Gregory J. Hare (Atlanta) • Penny C. Wofford (Greenville)

5. **A Tale of Two Cities . . . or Four or Ten: Best Practices For Structuring International Assignments**
   In the ever-expanding global economy, if your business crosses borders you need employees who can do the same. Employers must not only find a way to get the right talent on board in critical positions in desired locations, they must also integrate that global workforce into an effective management structure that keeps pace with a continually evolving set of international laws and regulations. Our panel will offer their insights for harmonizing international employment, human resources, and compensation practices through time-tested strategies on everything from global personnel policies and immigration strategies to compliance considerations and post-merger integration plans.

   **Moderator:** Christopher P. Hammon (Miami)
   **Speakers:** Dr. Ulrike Conradi (Berlin) • Andrew W. Merrills (Raleigh) • Bernhard Mueller (Columbia)
6. **Fiduciary Fee Lawsuits Are in the News—Will You Be the Next Target?**

Lawsuits against employers claiming breach of fiduciary duty continue to make headlines. What can an employer’s internal administrative committee do to protect its plans and avoid litigation, or to strengthen its case if dragged into court? This session will review recent cases and address best practices for administrative committees on policies, procedures, and documentation.

*Moderator:* Joel A. (Buddy) Daniel (Greenville)

*Speakers:* Patricia L. Beaty (Indianapolis) • Ruth Anne Collins Michels (Atlanta)

7. **“Winning” Wage and Hour Class and Collective Actions**

The numbers are staggering, as wage and hour class and collective actions continue to be filed in droves. There is no end in sight for weary employees doing their best to comply with myriad federal, state, and local wage and hour laws. Learn what it means to “win” in these suits and the key strategies for prevailing in the context of state and federal class and collective actions.

*Moderator:* Michael J. Murphy (Washington, D.C.)

*Speakers:* Patrick F. Hulla (Kansas City) • Spencer C. Skeen (San Diego)

8. **Affirmative Action and OFCCP Compliance in a New Administration**

Even though the administration has changed, OFCCP’s compliance evaluations continue to be comprehensive. Federal contractors and subcontractors are required to comply with the fairly new regulations regarding paid sick leave, pay transparency, and sex discrimination, as well as the veterans and disability regulations. Yet, OFCCP also continues to predominantly focus on selection and compensation issues during its compliance evaluations. This session will examine the fast-moving world of affirmative action compliance, discuss the effects of the GAO Report on OFCCP, and provide best practices for contractors and subcontractors in this nuanced area of law.

*Moderator:* Robert C. Petrulis (Cleveland)

*Speakers:* T. Scott Kelly (Birmingham) • Leigh M. Nason (Columbia)

3:30 – 3:45 p.m. **Break**

3:45 – 4:20 p.m. **Classify This: Emerging Employment Relationships**

Evolving forms of “work” have changed the nature of the employer-employee relationship. Once-rigid employment categories have grown more complex as digital platforms enable workers, customers, and employers to interact in new ways. The panel will address the latest developments in employee classification, from collective actions brought by “gig” workers to legislation that may expand protections for new kinds of employment relationships. Join us as we anticipate how today’s technological advances may affect your workforce tomorrow.

*Moderator:* Theresa Donahue Egler (Morristown)

*Speakers:* Nicholas Clements, *Employment Counsel*, Lyft, Inc.

Seth Harris, former *Acting Secretary*, United States Department of Labor

Thomas M. McInerney (San Francisco)

4:20 – 4:50 p.m. **The Wacky World of Employment Law**

Every year, the employment law field offers some unusual—and some simply wacky—cases from which we can learn key lessons (or perhaps just be amused). Join us once again for this popular and entertaining look at the unique and surprising employment law developments of the past year!

*Speakers:* Melissa A. Bailey (Washington, D.C.) • Joseph T. Clees (Phoenix)

4:50 – 5:00 p.m. **Closing Remarks and First Prize Drawing**

5:00 – 7:00 p.m. **Surfin’ Safari on the Bay!**

Your attendance during the first day of sessions will be rewarded with relaxation and refreshments on the beautiful 4th floor pool deck overlooking San Diego Bay. Join us for stunning vistas, live music, and a great time!
1. **Your (Pay) Check Is Not in the Mail—The Latest on Electronic Wage Payment Laws**
   Over the last few years, more and more states have passed legislation regarding electronic methods of payment, including laws on electronic paystubs. The proper payment of employees, and ensuring compliance with various state paystub laws, is a topic that affects many employees. In some states, minor errors can mean big consequences. Our panel will provide an overview of the various laws and tips for avoiding mistakes in compliance.
   
   **Moderator:** L. Eric Dowell (Phoenix)
   **Speakers:** Charles E. McDonald, Ill (Greenville) • Michael N. Westheimer (San Francisco)

2. **Peace of Mind For California Piece Rate Pay**
   California’s new piece rate law, AB 1513, is the most complicated compensation law to be enacted in the state in years. Its broad reach potentially implicates many forms of productivity pay. The law may affect pay practices in a broad array of service industry sectors that offer incentive pay on a per-service basis, as well as industries traditionally paying piece rates. These include transportation employers that pay their drivers by the mile or load, construction employers that pay employees by piece, or manufacturers that pay by piece or incentive-based models. The law requires intricate wage calculations and careful recordkeeping. Join this session for clarity on whether your pay practices qualify as piece rate compensation, and for practical steps on revising your compensation models to help ensure compliance.
   
   **Moderator:** Dawn T. Collins (Los Angeles)
   **Speakers:** Robert A. Jones (San Francisco) • Christopher W. Olmsted (San Diego)

3. **A Brave (and Scary) New World Without Performance Appraisals**
   Recently, a number of high profile companies have made headlines for doing the unthinkable: abandoning their traditional (often dreaded) annual performance reviews and ratings systems. What are they doing instead? The replacements range from informal conversations, to real-time apps, to 360-degree crowdsourced feedback. How is this shift being received? How are these companies determining pay raises and bonuses without ratings? How are they ensuring underperformers are getting the feedback they need? Join this session for a discussion of these issues and more.
   
   **Moderator:** Elizabeth A. Falcone (Portland)
   **Speakers:** William L. Duda (Columbia) • S. Rae Gross (Detroit (Metro))

4. **Managing International Reductions in Force and Terminations**
   Outside the United States, employers face immense challenges whenever they must make major changes to their workforce. Any integration, redundancy, and associated reduction-in-force requires careful thought and meticulous planning. This presentation will provide guidelines for issue-spotting in the context of a global workforce reduction, including tips for legal and procedural steps to take and warnings about potential challenges.
   
   **Moderator:** Michael Oliver Eckard (Charleston)
   **Speakers:** Dawn M. Knepper (Orange County) • Carolyn A. Knox (San Francisco)

5. **Responding to Multi-Agency Investigations—A Strategy for Success**
   What do you do when multiple agencies come knocking at your door investigating different aspects of a common complaint? This presentation will provide practical guidance for handling situations when an employee files charges or complaints with multiple investigatory agencies, which then simultaneously conduct investigations. Topics will include the proliferation of agency cooperation (e.g., information sharing and memoranda of understanding), strategies for the efficient and effective presentation of evidence, agency-specific peculiarities, timing requirements, and resolution mechanisms.
   
   **Moderator:** Tiffany L. Cox (San Antonio)
   **Speakers:** Christopher James Meister (Phoenix) • John G. Stretton (Stamford)
6. **The First 48—Protecting Your Assets From Unfair Competition**

Join this session to learn the things employers should do within the first 48 hours of learning that an employee has gone to work for a competitor in violation of a non-competition agreement, or under circumstances in which trade secrets are at risk. Topics will range from blocking the former employee's access to company data, securing physical and digital evidence of non-compete activity or trade secret theft, evaluating the enforceability of the restrictive covenants, investigating whether employees have been solicited to follow the departing employee, and preparation of “notice of non-compete” and “cease and desist” letters and litigation hold notices.

**Moderator:** James M. Barrett (Portland)

**Speakers:** Donal D. Gamburg (Philadelphia) • David L. Warren (Birmingham)

7. **What HR Professionals Need to Know About OSHA**

If you are fully (or even partially) responsible for workers’ compensation, first response, emergency response, or employee complaints, there are details about your company’s obligations under OSHA that you need to know. This interactive primer will cover the OSHA requirements that HR professionals must know in the event they are the “front line” for their employer when it comes to safety issues like injury reporting and safety complaints. This session also will involve attendees in decision-making based on hypothetical scenarios.

**Moderator:** William S. Rutchow (Nashville)

**Speakers:** Dinah L. Choi (Portland) • Eric E. Hobbs (Milwaukee)

8. **Cybersecurity in the Benefits World—How to Keep Pace With Evolving Threats to Your Data**

Twenty years after HIPAA introduced data privacy and security concepts to an unsuspecting benefits world, plan sponsors must be ever alert to the rapidly evolving threats to plan data and the related legal obligations. Join this session for a discussion of federal and state data privacy and security laws, the types of employee personal data governed by these laws, and what steps plan sponsors should take to comply and protect confidential information. This session will offer real world examples that illustrate ways in which plan sponsors’ cybersecurity can be compromised and discuss measures to strengthen recordkeeping systems to thwart internal and external threats.

**Moderator:** Joel A. (Buddy) Daniel (Greenville)

**Speakers:** Vance E. Drawdy (Greenville) • Timothy G. Verrall (Houston)

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8:30 – 8:45 a.m. DAY TWO CONFERENCE KICK OFF
Homer L. Deakins, Jr., *Chairman Emeritus* (Atlanta)

8:45 – 9:00 a.m. Presentation of the Homer Deakins Service Award
Recipient: Father Joe Carroll, *President Emeritus*, Father Joe’s Villages

9:00 – 9:30 a.m. KEYNOTE POLICYMAKER PERSPECTIVE: Adversity, Advantages, and Adaptation: Transforming Change Into Growth

**Domenika Lynch**, *President and CEO*, Congressional Hispanic Caucus Institute, Inc.

Transitions are often difficult. Shifts in strategy and policy, law, and culture can put enormous stress on organizations, leaders, and employees. To turn change into growth, management must build resiliency and adaptability in the workforce. Leadership must inspire employees to value their work while making them feel valued at work. Join Domenika Lynch, named a Los Angeles Community Hero by Telemundo and a recipient of an Educational Leadership Award from Saber es Poder, as she discusses strategies for transforming adversity into an advantage at your workplace.

**Introduction by:** Charles A. Gonzalez (San Antonio)
9:30 – 10:15 a.m.  
**Pay Equity—What’s Working, What’s Not**

Seemingly not a day goes by without a new law, lawsuit, or op-ed about pay equity in the workplace. Has the avalanche of litigation begun? Is your workplace prepared? Join us for a discussion of recent pay equity developments and associated litigation—where the cases are being filed, theories and defenses raised, and results. The panel will share results and best practices for addressing pay equity, as well as apply teachings from these lawsuits.

*Moderator:* Michael H. Cramer (Chicago)  
*Speakers:* Lara C. de Leon (San Antonio) • Daniella McGuigan (London) • Liz S. Washko (Nashville)

10:15 – 10:45 a.m.  
**Break**

10:45 – 11:30 a.m.  
**BREAKOUT SESSIONS—SERIES 4**

1. **“Lawful or Unlawful”—An NLRB Gameshow Experience**

Many employers have formal and informal employee engagement committees, affinity groups, or employee working groups, which often are a good way to further involve employees in the business or as a union avoidance strategy. But employers have to be careful those committees aren’t (or don’t become) unlawful. This session will review the law and share basic guidelines on what is proper and how to structure these groups to avoid issues.

*Moderator:* Patrick M. Collins (New York City)  
*Speakers:* Ruthie L. Goodboe (Pittsburgh) • John T. Merrell (Greenville)

2. **What I Wish I Knew Before My Deposition . . .**

Many management witnesses never look at HR decisions in quite the same way after being grilled in an hours-long deposition. Facts are dissected, decisions are questioned, and tensions often are raised. Understanding what happens in depositions, and how employment decisions are scrutinized, is critical to being prepared and gaining a better understanding of the importance of sound decision-making. This session will help get attendees ready before the deposition, rather than after.

*Moderator:* Helen A. Palladeno (Tampa)  
*Speakers:* Thomas E. Deer (Chicago) • Keith D. Frazier (Nashville)

3. **Doing Business South of the Border—Managing Workers in Mexico**

Just south of San Diego, the world for employers dramatically changes. From hiring to (especially) firing, with bonuses and benefits in between, numerous aspects of the employment relationship are different. Join this session for a look at the nuances of Mexican employment law and how to avoid the many potential pitfalls.

*Moderator:* Michael W. Fox (Austin)  
*Speakers:* Diana J. Nehro (Boston) • Pietro Straulino-Rodriguez (Mexico City)

4. **Paid Sick Leave Laws Update—The Latest Compliance Challenges**

The proliferation of local sick leave laws and ordinances has continued unabated, leaving employers with a patchwork of laws to navigate. This session will cover the expanding state and municipal paid sick leave laws, in addition to new federal contractor requirements. The panelists will focus on practical methods for ensuring compliance, including multistate paid sick leave policies, policies combining paid sick leave with vacation and other paid time off, different accrual methods, and policy drafting requirements.

*Moderator:* John G. Harrison (Nashville)  
*Speakers:* Matthew K. Johnson (Greenville) • Charles L. Thompson, IV (San Francisco)
5. Call the Hotline? Constructing a Whistleblower/Internal Complaint Program
Whistleblower and internal complaint “hotlines” and other reporting mechanisms continue to be used by many employers, but does every employer need such a program for reporting potential violations of the law? What are the key components of such a program? Join this session for a discussion of these topics and best practices for creating an employee hotline, issuing appropriate whistleblower and harassment policies, providing training, and more.

Moderator: Brian D. Lee (Morristown)
Speakers: Mark H. Burak (Boston) • Shafeeqa W. Giarratani (Austin)
Yasmine B. Zyne, former Chief Labor and Employment Counsel, ADT LLC

The settlement of class and collective claims is an often complicated, yet very important, process for employers. Recent decisions have highlighted the critical role courts play in their resolution, including the scrutiny of relief afforded the class and the fees allocated to counsel. This panel will address considerations in pursuing and negotiating such settlements, including when to engage in settlement, the key factors employers need to consider during such negotiations, and best practices for structuring settlements.

Moderator: Erika L. Leonard (Atlanta)
Speakers: Diane M. Saunders (Boston) • Jack S. Sholkoff (Los Angeles)

7. Keeping Your Workforce Engine Humming: Managing Key Business Immigration Challenges
Businesses today need to move fast to stay competitive, and they need a workforce that can move with them. Unfortunately, business immigration law can throw sand in the gears of today’s modern workforce. The panel will discuss the most effective strategies businesses use to deal successfully with challenges ranging from an ongoing shortage of H-1B visas for skilled and educated foreign professionals to mounting difficulties in obtaining L-1 visas for intracompany transfers. The panel will also highlight a collection of recent immigration law updates that can prove tricky to navigate.

Moderator: Benjamin P. Glass (Charleston)
Speakers: Maria Fernanda Gandarez (New York) • Jacquelyn P. Maroney (Austin)

8. Hiring Hurdles and Headaches: Auditing Your Company’s Compliance With Federal Requirements
Private employers and federal contractors face an increasingly complex and often counterintuitive maze of federal regulations regarding their hiring procedures. Using flowchart analyses and practical tips, this session will help employers identify areas that need improvement and take steps to ensure that their hiring practices are defensible. The panelists will also highlight ways to work effectively with internal teams to build an audit structure that can be tested for gap analysis going forward.

Moderator: Richard L. Samson (Chicago)
Speakers: Margaret Carroll Alli (Detroit (Metro)) • Gretchen W. Ewalt (Raleigh)
Amy Mulchay, Legal Counsel, Gordon Food Service

11:30 – 11:45 a.m. Room Change
11:45 a.m. – 12:30 p.m.  **BREAKOUT SESSIONS—SERIES 5**

1. **From Water Coolers to Snapchat: Preventing Sexual Harassment in a Modern Workplace**
   Maintaining a workplace that is free of sex-based harassment can be challenging, especially given that employers can be held responsible for harassing behavior by employees at all levels and by non-employees, including customers. This session will address how to minimize the risk of harassment by establishing sound policies and consistently enforcing them with all employees, including executives. The panel will also discuss how to respond if an employee claims that harassment has occurred or if the employer becomes aware of harassment, even if no complaint is made. Finally, the panel will discuss the public relations implications of harassment allegations and the associated response by companies and their boards, as well as the necessity of having a plan when crises arise.
   
   **Moderator:** Jimmy F. Robinson, Jr. (Richmond)
   **Speakers:** Carmen J. DiMaria (Morristown) • Sara Jones, Managing Director, Smith & Company
   Robin B. Taylor (Jackson)

2. **Managing Millennials and Combining the Generations for a Productive Workplace**
   Millennials are the largest segment of the American workforce, and they are unlike any group of employees that employers have ever seen. They may have radically different attitudes and expectations about “work.” At the same time, an increasing number of baby boomers are delaying retirement more than any generation in the past. This session will explore effective ways to combine the generations and maximize the loyalty and productivity of all your employees.
   
   **Moderator:** Jennifer L. Colvin (Chicago)
   **Speakers:** Gary D. Eisenstat (Dallas) • Jennifer S. Rusie (Nashville)

3. **When Looks Deceive: Detecting and Accommodating Invisible Disabilities**
   According to the Centers for Disease Control and Prevention, one out of every five American adults has a disability. An employee who has no visible impairment or assistive device may still present accommodation needs. They may appear completely healthy, but in reality they may be dealing with invisible afflictions, such as debilitating pain, cognitive challenges, learning differences, mental health disorders, or other non-visible conditions. The panel will explore best practices for detecting and accommodating invisible disabilities, including strategies for educating co-workers and addressing attendance or other issues.
   
   **Moderator:** David Raizman (Los Angeles)
   **Speakers:** Jay F. Glunt (Pittsburgh) • Anne E. Larson (Chicago)
   Brian McGuire, Vice President of Human Resources, PIT OHIO

4. **No Sharing Allowed! Federal Agencies Focus on Pay Data and Non-Poaching Agreements**
   When it comes to price-fixing, most people don’t think about wages or benefits—but think again. Last year, two federal agencies jointly issued the “Antitrust Guidance for Human Resource Professionals,” together with another document, “Antitrust Red Flags for Employment Practices.” These developments indicate that sharing salary and benefit information with other companies—or agreeing with a competitor not to poach employees—can potentially expose a company to significant civil (and even criminal) liability. This session will review the recent guidance and train attendees to spot antitrust red flags.
   
   **Moderator:** Tobias E. Schlueter (Chicago)
   **Speakers:** Martin C. Brook (Detroit (Metro)) • Margaret H. Campbell (Atlanta)

5. **Tips for Toeing the Line: The Latest Developments in I-9 and E-Verify Compliance**
   I-9 compliance continues to haunt employers that don’t have adequate processes in place. This session will include a discussion of the new Form I-9, policies employers should adopt to ensure compliance, and recent audit and investigation activity by immigration authorities. Panelists will also present case studies to illustrate challenges employers face and offer strategies to reduce exposure. Finally, this session will discuss developing areas in employment-based immigration enforcement and highlight steps employers should be taking to ensure they are prepared for a variety of government visitors.
   
   **Moderator:** Stephen H. Smalley (Raleigh)
   **Speakers:** Sarah J. Hawk (Raleigh) • Christopher L. Thomas (Denver)
6. **“Leave” My Benefits Alone—Managing Employees on Leave**

When employees go on leave under the ADA, FMLA, or other laws, that is often the time when they most need to utilize their employee benefits. But, what happens to their benefits while on leave? Properly handling this area of law is critical for employers that want to avoid costly missteps. Join the panel for a discussion on how to ensure employee benefits are consistent with employment policies and leave laws, and how to avoid unnecessary errors that can result in unintended—and costly—results.

*Moderator:* William A. Gray (Atlanta)
*Speakers:* Christina Maistrellis Broxterman (Atlanta) • Daniel T. Sulton (Greenville)

7. **Evolving International Trends: Information and Communications Technology (ICT)-Based Work, Crowd Work, and More**

New forms of employment, many of which differ significantly from the past, have arisen from advancing technology and the gig economy. As international employment law shifts to regulate traditional forms of contingent work, such as the use of self-employed contractors, novel forms of work are created, including crowdsourced work and ICT-based work. Join us for a discussion of new labor trends around the world, the risks and benefits associated with using them, and the diverse compliance regimes that employers should consider.

*Moderator:* Hugh A. Christie (Toronto)
*Speakers:* Amy G. Gibbs, Deputy General Counsel, Dematic Corporation; Hendrik Muschal (Berlin)

8. **What the New OSHA Has In Store for Employers**

After eight years of the Obama administration and its heavy emphasis on enforcement, a new administration—which will include a new Secretary of Labor and a new Assistant Secretary for OSHA—has taken over the White House. What changes can employers expect? What will remain the same? Will the new OSHA have any surprises in store? Learn the answers in this important session.

*Moderator:* Charles T. Speth II (Columbia)
*Speakers:* Donelle R. Buratto (Detroit (Metro)) • John F. Martin (Washington, D.C.)

12:30 – 1:15 p.m.  
"LUNCH WITH THE LAWYERS"

1:15 – 1:45 p.m.  
Pardon the Interruption! Workplace Strategies Style

With so many sessions to choose from, you can't attend them all. So we've asked speakers from the most popular sessions to provide highlights and key takeaways from their programs, all while on a shot clock. Back by popular demand, this session is fast-paced, fun, and interesting!

1:45 – 2:30 p.m.  
Workplace Strategies “TED Talks”: Embracing Diversity in Divisive Times

Join us for an engaging discussion about properly and effectively dealing with diversity and inclusion in your workforce—both demographic diversity and diversity of opinion. Recent political and social issues, such as immigration and healthcare reform, have sparked passionate (and sometimes vitriolic) debate. These challenges are not unique to American workplaces, with issues like Brexit also leading to sharply divided opinions. Using a TED Talks format, the speakers will offer unique perspectives on how to foster a healthy and inclusive work environment, even as the workforce becomes more diverse and employees bring their strongly-held beliefs into the workplace.

*Moderator:* Wade M. Fricke (Cleveland)
*Speakers:* Dennis A. Davis, Ph.D. (Torrance) • Simon J. McMenemy (London) • Patti C. Perez (San Diego)

2:30 – 2:45 p.m.  
Main Conference Closing and Grand Prize Drawing
1. **Preparing Useful and Legally Compliant Job Descriptions**
   Accurate job descriptions are critical for many reasons, including proper evaluation of ADA accommodation requests, avoiding FLSA misclassification nightmares, and meaningful performance management. Although there is no one right way to prepare a job description, a proper job description should contain certain essential features. This practical workshop will review the “ABCs” of job description preparation and review, and help employers create effective and compliant descriptions.

   **Moderator:** Carolyn A. Russell (Houston)
   **Speakers:** Mark Diana (Morristown) • R. Lance Witcher (St. Louis)

2. **The Ultimate Exit Interview Checklist**
   Whether a separation is involuntary or voluntary, employers need to take the time to plan an exit discussion. Checklists are crucial for remembering key elements of any task, including: collection of equipment and other company items; passwords and keys/key cards; transition of duties; discussion of severance pay/agreements; drafting the termination document; timing and delivery of the final paycheck; handling pending wages; and other key issues. Although many of these items seem like common sense, they can get overlooked during the termination process and discussion. Join this workshop for a discussion and checklist, and case studies on how to properly prepare for, and execute, the “ultimate exit interview.”

   **Moderator:** Danielle Vanderzanden (Boston)
   **Speakers:** Sam R. Fulkerson (Oklahoma City) • James M. Paul (St. Louis)

3. **The Reduction in Force Toolkit—Managing the Risks**
   Reductions in force (RIFs) are a high-risk proposition because of the multiple terminations involved, the need to act quickly, the emotional impact upon the workforce, and the many steps involved. An orderly, checklist-driven process helps employers avoid common mistakes and conduct the RIF efficiently and in compliance with the law. Join this session for a discussion of a nine-step RIF toolkit that covers the key areas that employers must address in the RIF process, including attorney-client privileged reviews and analyses, communications with employees, separation agreements, and more.

   **Moderator:** James C. Pennington (Birmingham)
   **Speakers:** David J.B. Froiland (Milwaukee) • Trina R. Le Riche (Kansas City)
4. **Making the Tough Call: Real World Ethical Dilemmas for In-House Counsel (CLE Ethics Credit Anticipated)**

In-house counsel often face unique ethical challenges given their dual roles as attorneys and business advisors. What should in-house lawyers do when faced with difficult ethical dilemmas that force them to weigh competing duties? This session will cover real situations in which in-house attorneys confronted tough ethical decisions, discuss the applicable Model Rules, and provide practical advice on what the lawyers could have done to avoid trouble.

*Moderator:* Bruce A. Griggs (Austin)

*Speakers:* Victor F. Albert (Oklahoma City)
Mark R. Euler, Vice President, Global Litigation & Employment, DTI/Epiq
Johnnie A. James (Los Angeles)

5. **Avoiding Documentation Drama: Strategies for Managing and Improving Performance Documentation**

Employment lawyers and HR professionals agree that performance documentation is crucial to minimizing liability and litigation risk, and yet ensuring that managers prepare clear and well-documented reviews and write-ups can be a challenge. This session will discuss strategies for systematically improving the quality of performance documentation within your organization, and thus better protect your company from potential liability.

*Moderator:* Michael J. Sexton (Orange County)

*Speakers:* Christopher E. Moore (New Orleans) • Robert R. Niccolini (Washington, D.C.)

5:30 – 7:00 p.m. **Special Wrap Reception (Sponsored by Ogletree Deakins Compliance Solutions) — It’s Cinco de Mayo in San Diego!**

You’ve attended all your sessions and (hopefully) learned a lot of new and helpful information. Now, come join your colleagues at our special Cinco de Mayo celebration at the Marina Courtyard!
8:00 – 9:00 a.m.  Breakfast and Roundtable Discussions

9:00 – 10:00 a.m.  SATURDAY KEYNOTE PRESENTATION: How to Deal with Difficult People
Kit Welchlin, Welchlin Communication Strategies

Dealing with difficult people is . . . well, difficult. And, it’s a common occurrence in the workplace. Join humorist and trainer Kit Welchlin as he discusses top tips and provides key strategies and takeaways for not letting difficult people negatively affect an otherwise great working environment.

10:00 – 10:15 a.m.  Break

10:15 – 11:30 a.m.  INTERACTIVE SESSIONS

1. I Can’t Believe They Did That!
Sometimes managers, or even HR professionals, make ill-advised decisions that lead to bad cases. Inspired by real-world scenarios, this entertaining and instructive session will discuss questionable HR and operations decisions that lead to problematic litigation, with the goal of teaching attendees how to avoid similar issues and minimize the likelihood of facing difficult cases. Bring your questions, your own scenarios, and your wisdom as we discuss the right way to handle common situations.

Speakers: Bruce G. Hearey (Cleveland) • Roger G. Trim (Denver)

2. Blood Pressure Rising: Managing Workplace Stress
Plaintiffs increasingly cite job stress in complaints alleging ADA, FMLA, and OSHA violations, and in common law claims related to infliction of emotional distress. At the same time, medical studies are finding a genuine connection between particular types of workplace stress and various ailments. While it is impossible for employers to provide a completely stress-free environment, stress-related claims can be problematic when the condition is caused by the unreasonable conduct of supervisors or management. This session will review the studies, examine the potential legal exposure for employers, and propose best practices for HR and risk management.

Speakers: Rebecca J. Bennett (Cleveland) • Marc L. Zaken (Stamford)

With many employers now posting employment policies on intranets or otherwise making them available electronically, the idea of an “employee handbook” is becoming a thing of the past. This session will cover the issues raised when employers implement electronic handbooks, including electronic signatures in acknowledgments of receipt, record retention as policies change, communicating policies to employees who are not provided with computers, defensive use of individual policies against NLRB attacks, effectiveness of contract disclaimers, and more.

Speakers: Bonnie L. Martin (Indianapolis) • Janet Norton, Lead Counsel, Dow AgroSciences LLC

4. Ethical Considerations of Technology’s Impact on the Attorney-Client Relationship (CLE Ethics Credit Anticipated)
Technology has impacted the attorney-client relationship in ways that are both beneficial and potentially burdensome. The rules of ethics are evolving and require attorneys to stay abreast of technological advances. This session will discuss the overlap between technology and the attorney-client relationship, including ethics rules related to the duty of competence (Model Rules of Professional Conduct (MRPC) 1.1), cybersecurity and data security (implicating MRPC 1.6), electronic discovery (implicating MRPC 1.1, 1.4, and 3.4), and social media and Internet investigations (implicating MRPC 4.1, 4.2, and 4.3). The panelists will also discuss the substantial technologies available in today’s world that may help support the attorney-client relationship.

Speakers: Tibor Nagy Jr. (Tucson) • Neil V. McKittrick (Boston)
Our Special Guest Speakers

Philip A. Miscimarra  
Acting Chairman  
National Labor Relations Board

Domenika Lynch  
President and CEO  
Congressional Hispanic Caucus Institute, Inc.

Kit Welchlin  
President  
Welchlin Communications Strategies

Kevin Kish  
Director  
California Department of Fair Employment and Housing

Judy A. Smith  
President and CEO  
Smith & Company

Erwin Chemerinsky  
Dean  
University of California, Irvine School of Law

Bonnie M. Dumanis  
District Attorney  
San Diego County

Heather L. Anderson  
Senior Corporate Counsel  
Best Buy

Nicholas Clements  
Employment Counsel  
Lyft, Inc.

Matt Dente  
Dente Richard, LLP

Mark R. Euler  
Vice President, Global Litigation & Employment  
DTI/Epiq

Amy G. Gibbs  
Deputy General Counsel  
Dematic Corporation

Seth D. Harris  
former Acting Secretary  
United States Department of Labor

Sara Jones  
Managing Director  
Smith & Company

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Smith & Company

Jodi Karpel  
Senior Counsel, Employment Law  
Walgreen Co.
WEDNESDAY, MAY 3, 2017

The USS Midway Museum Experience (Benefiting Father Joe’s Villages)
All aboard the USS Midway! Enjoy cocktails on the Hangar Bay followed by dinner and music on the main flight deck. A fabulous fireworks display off of the USS Midway’s bow will end the memorable evening.

THURSDAY, MAY 4, 2017

2017 Homer Deakins Service Award
Each year, Ogletree Deakins presents the Homer Deakins Service Award to recognize an individual who, through selfless and courageous action, has given of themselves in order to help and inspire others, demonstrating the true spirit of giving. Father Joe Carroll, the 2017 Homer Deakins Service Award recipient, developed what has become known as the Continuum of Care, a unique take on human service assistance to the homeless that combines a multitude of rehabilitative programs and services in one location. This “one-stop shopping” approach to rehabilitation profoundly affected the entire country’s philosophy of care by placing clients in a compassionate and dignified environment, while facilitating easy access to a comprehensive list of services. Father Joe will be honored in a moving presentation on Thursday morning. You don’t want to miss it!

Hosted Reception: Surfin’ Safari
Catch the friendly waves as we surf into the cocktail hour with appetizers, drinks, and camaraderie around the fourth floor pool deck.

FRIDAY, MAY 5, 2017

Special Wrap Reception—(Sponsored by Ogletree Deakins Compliance Solutions)—“Cinco de Mayo Party”
Señores and señoritas... You won’t have to go south of the border to have a good time. Join us as we celebrate with a festive evening of food, margaritas, sangrias, music, and fun!

Father Joe’s Villages
Father Joe’s Villages supports thousands of military veterans and homeless children and adults in the San Diego community. As industry thought leaders, Father Joe’s Villages offers tailored innovative solutions in an effort to end homelessness. The organization provides housing, rental assistance, healthcare, food, clothing, education, job training, mental health treatment, addiction treatment, and child development in an internationally modeled “one-stop shop” approach.
Detailed Registration Information

**DATES**
May 3-6, 2017
Pre-Conference Immersion Sessions (May 3)
Post-Conference Interactive Sessions (May 6)

**LOCATION**
Grand Hyatt San Diego
1 Market Place
San Diego, CA 92101
Telephone: (619) 232-1234
Toll Free: (800) 633-7313

**COST**
$895 per person for clients of the firm
$1,395 per person for non-clients
(includes breakfasts, lunches, pre- and post-conference activities, receptions, and extensive program materials)

**GROUP RATES**
Contact us for information regarding special group rates.

Please let us know if you require any special meals, services, or accommodations.

**HOTEL RESERVATIONS**
Hotel reservations can be made by calling the Grand Hyatt San Diego directly at (619) 232-1234 and requesting the Ogletree Deakins Workplace Strategies seminar rate of $249 per night. You can also use the Grand Hyatt reservation portal at https://resweb.passkey.com/go/2017OgletreeDeakins. The hotel block is limited, so please make your reservations as soon as possible. A credit card is required to guarantee each reservation. The special room rate is guaranteed until April 10, 2017, or until the room block is sold out (whichever occurs first).

**CANCELLATION POLICY**
Cancellations received at least one week prior to the seminar are subject to a $50 handling fee. Cancellations made less than five working days prior to the seminar are not refundable; however, you may send a substitute.

**CLE INFORMATION**
Please email any CLE-related questions to cle@ogletree.com.

NOTE: This program is exclusively designed for management representatives of employers. The provider retains the right to deny the registration of others at its discretion.

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**To Register**

**ONLINE**
www.ogletree.com

**PHONE**
(866) 964-6303

**EMAIL**
ODEvents@ogletree.com
In Memoriam

JAMES HAMILTON "JIMMIE" STEWART III

(1943 - 2016)

Ogletree Deakins would like to dedicate this year’s Workplace Strategies program to our former colleague, friend, and leader, Jimmie Stewart. Mr. Stewart was one of the founding partners of the firm and a principal force in forming Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

"Jimmie Stewart stood for everything that is good about the legal profession. His kindness, civility, and collegiality set the standard at our firm."

Homer L. Deakins, Chairman Emeritus