

Presented by Ogletree Deakins'

INDIANAPOLIS OFFICE

You're invited to an informative and educational briefing to address the latest labor and employment law topics impacting employers.



DATE

Thursday, March 23, 2023



TIME

8:00 – 10:30 a.m.

(Registration and breakfast will begin at 7:30 a.m.)



COST

Complimentary

(Breakfast and electronic materials included.)



LOCATION

502 East Event Centre
502 East Carmel Drive
Carmel, IN 46032
(317) 843-1234



REGISTRATION

Register online at www.ogletree.com, or contact Amanda Satterthwaite at (317) 916-2582 or amanda.satterthwaite@ogletree.com. To request an accommodation for a disability, please email accessibility@ogletree.com as soon as possible.

We have submitted this program to the HR Certification Institute and SHRM for review and are applying for Indiana CLE credit.

AGENDA

7:30 – 8:00 a.m.

REGISTRATION AND BREAKFAST

8:00 – 8:10 a.m.

WELCOME

Presenter: Bonnie L. Martin

8:10 – 8:40 a.m.

KEEPING UP WITH THE COURTS: RECENT EMPLOYMENT LAW CASES INDIANA EMPLOYERS SHOULD KNOW

In this presentation, the speakers will discuss several recent cases, distill key takeaways, and detail how to apply the lessons learned. In addition, the speakers will review important employment law cases pending before the Supreme Court of the United States and the potential ramifications the rulings could have on current employment practices.

Presenters: Steven F. Pockrass and Kate E. Trinkle

8:40 – 9:05 a.m.

RAPID FIRE TOPICS—PART ONE

Join our speakers as they deliver brief yet informative updates on the following topics:

- **AN END TO NONCOMPETES? AN UPDATE ON FTC RULEMAKING AND STATUTORY DEVELOPMENTS**

The Federal Trade Commission (FTC) has proposed a rule to ban noncompete agreements for virtually all employees. Meanwhile, a number of state legislatures (including in Indiana) continue to take aim at post-employment restrictive covenants. This session will briefly cover the FTC's recent rulemaking activity, need-to-know developments around the country, and what to expect next.

Presenter: Justin A. Allen

- **THE NLRB'S PRO-UNION/ANTI-EMPLOYER PUSH CONTINUES AT BREAKNECK SPEED**

This session will review recent decisions by the National Labor Relations Board (NLRB) and the NLRB general counsel's advice memoranda regarding employer work rules and policies. These decisions demonstrate the NLRB's ongoing pro-union agenda and efforts to punish employers for perceived interference with employee rights.

Presenter: Kenneth B. Siepman

- **AI IN THE WORKPLACE—TECH TRAPS AND LEGAL LESSONS**

Many employers have turned to artificial intelligence (AI) for tasks such as recruiting, resume screening, interviewing, and promotion decisions. The use of AI tools increased during the pandemic, particularly in light of the urgent need for many organizations to boost recruiting. While these tools present many benefits to employers and employees, they have been increasingly the target of government investigation, oversight, and regulation. This session will highlight the current landscape of state and federal regulation of AI in the workplace and discuss legal concerns that may arise.

Presenter: Phillip J. Jones

9:05 – 9:15 a.m.

BREAK

9:15 – 9:40 a.m.

TOP BENEFITS QUESTIONS IN 2023

This year has ushered in numerous new developments relating to employee benefits. This session will provide a quick overview of some of the most important issues you should be tracking this year relating to 401(k) plans, COBRA notices, telehealth, prescription drug reporting, mental health parity, and the impact of the declared end of the COVID-19 public health emergency on employee benefit plan administration. Join us for a lively and informative session!

Presenters: Stephanie A. Smithey and Jeremy W. Hays

9:40 – 10:00 a.m.

RAPID FIRE TOPICS—PART TWO

Join our speakers as they deliver brief yet informative updates on the following topics:

- **DRUG TESTING AND MARIJUANA: “RECENT USE” TESTING TECHNOLOGIES**

With medical and recreational marijuana having been legalized in many jurisdictions, there is a developing need for testing technologies that can identify recent drug use as opposed to use in the past couple of weeks or months. This brief presentation will discuss some of these new technologies.

Presenter: Christina M. Kamelhair

- **THE END OF FORCED ARBITRATION: AN UPDATE ON FEDERAL LEGISLATION REGARDING CLAIMS OF SEXUAL ASSAULT AND SEXUAL HARASSMENT**

In 2022, the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act became law, giving individuals asserting such claims the choice to resolve those claims in court rather than through arbitration. This session will provide a thorough overview of the new law to help you understand the impact it may have on your business.

Presenter: Ellen Pactor

10:00 – 10:30 a.m.

LET’S PLAY THE FEUD!

Join our cracker-jack contestants, your lawyers, for an interactive, employment law-focused version of the *Family Feud!* You will laugh, we will cry, and hopefully we will all learn something interesting and useful along the way!

Moderator: Matthew J. Kelley

10:30 a.m.

CLOSING AND PRIZE DRAWING