

Presented by Ogletree Deakins'

NASHVILLE OFFICE

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



DATE

Wednesday, April 5, 2023



TIME

8:30 – 11:45 a.m.

(Registration and breakfast will begin at 8:00 a.m.)



COST

Complimentary



LOCATION

Franklin Marriott Cool Springs
700 Cool Springs Boulevard
Franklin, TN 37067
(615) 261-6100



REGISTRATION

Register online at www.ogletree.com, or contact Michele Scott at (615) 687-2226 or michele.scott@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 Tennessee CLE credit.

AGENDA

8:00 – 8:30 a.m.

REGISTRATION AND BREAKFAST

8:30 – 9:00 a.m.

ARE NONCOMPETES ILLEGAL NOW? LATEST UPDATES ON THE NEW FTC RULES

In January 2023, the Federal Trade Commission (FTC) announced its preliminary finding that noncompetition agreements are an unfair method of competition and therefore violate Section 5 of the Federal Trade Commission Act. What does that mean for the future of such agreements? Are there any exceptions to the FTC's proposed rules? What should employers do now? This presentation will answer these questions and provide an update on the status of the rulemaking process.

Presenter: William S. Rutchow

9:00 – 10:00 a.m.

HANDLING COMPLEX ISSUES UNDER THE FMLA AND ADA—AN INTERACTIVE WORKSHOP

In this session, the speakers will walk through several hypotheticals under the Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA). The speakers will focus on complex leave issues where FMLA concerns lead to ADA accommodations, as well as issues related to COVID-19 and pregnancy. This presentation will provide best practices for executing leaves without violating the law and tips for avoiding common leave mistakes.

Presenters: Wendy V. Miller and El Shon Richmond

10:00 – 10:15 a.m.

BREAK

10:15 – 10:45 a.m.

GOODBYE CONFIDENTIALITY AND NONDISPARAGEMENT CLAUSES—WE SURE WILL MISS YOU! THE NLRB'S *McLAREN* DECISION AND ITS IMPACT ON SEVERANCE AND SETTLEMENT AGREEMENTS

In *McLaren Macomb*, the National Labor Relations Board (NLRB) held that severance agreements that prohibit nonmanagerial employees from making statements that could disparage their employers or disclosing the terms of such agreements violate federal labor law. This presentation will help participants learn how this decision may fundamentally change how and when employers use confidentiality and nondisparagement provisions and factors to keep in mind when drafting severance, settlement, and other employment agreements.

Presenters: C. Thomas Davis and John G. Harrison

10:45 – 11:45 a.m.

TOO CLOSE FOR COMFORT: MANAGING FAMILIAL AND ROMANTIC RELATIONSHIPS AT WORK

Many employers have workplaces where employees have familial and/or romantic relationships. Those relationships can present a host of employment law challenges and ethical concerns. In this presentation, the speakers will discuss best practices to reduce the risk that office relationships result in ethical dilemmas and/or litigation, including drafting and enforcing conflict of interest, non-fraternization, and anti-harassment policies.

Presenters: Luther Wright, Jr. and Erin A. Shackelford