

# MANAGING A WORKFORCE IN 2024



presented by  
**OGLETREE DEAKINS'  
MILWAUKEE  
OFFICE**

*You're Invited*

**November 1-2, 2023**

An informative and educational seminar to  
address the latest labor and employment  
law topics impacting employers



## **LOCATION**

The American Club  
419 Highland Drive  
Kohler, WI 53044  
(920) 457-8000



## **DATE AND TIME**

Wednesday, November 1, 2023  
8:30 a.m. – 4:30 p.m. Program  
(Registration and breakfast will begin at 7:45 a.m.)  
5:30 p.m. – 7:00 p.m. Cocktail Reception

Thursday, November 2, 2023  
9:00 a.m. – 11:15 a.m. Program  
(Breakfast will begin at 8:30 a.m.)



## **COST**

\$129 per person  
(A post-conference reception, breakfast, lunch, and program  
materials are included.)



## **REGISTRATION**

Register online at [www.ogletree.com](http://www.ogletree.com) or contact Ohyun Kwon  
at (414) 755-7827 or [MILEvents@ogletree.com](mailto:MILEvents@ogletree.com).

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

## **HOTEL RESERVATIONS**

Hotel reservations can be made by calling  
The American Club's reservations department at  
(888) 852-1255. Please reference the Ogletree  
Deakins client event room block and reservation  
number 5225 to receive the special room rate of  
\$213 per night. This rate will be available  
through October 1, 2023. Note that the room  
block is limited and a credit card is required to  
guarantee each reservation.

## **KEYNOTE PRESENTATION**

**Improv in the Workplace? Yes, and . . .**  
*Amy Westrup, Business Development  
Consultant and Applied Improv Coach*



# AGENDA

WEDNESDAY, NOVEMBER 1, 2023

- 7:45 – 8:30 a.m.      **REGISTRATION AND BREAKFAST**
- 8:30 – 9:00 a.m.      **HEADLINE NEWS**  
There has been no shortage of workplace news over the last year. Join us for a quick spin around some of the latest labor and employment law developments and learn how they might impact your organization.  
*Presenter:*    Keith E. Kopplin
- 9:00 – 9:40 a.m.      **NAVIGATING THE AI FRONTIER: ENSURING LEGAL COMPLIANCE IN THE AGE OF ARTIFICIAL INTELLIGENCE**  
Employers and employees are enjoying increased access to an expanding universe of artificial intelligence (AI) programs and tools. These technological marvels can create impressive efficiencies and drive innovation while also presenting new labor and employment law challenges for the workplace. This session will discuss emerging technologies and legal issues that address equal employment opportunities, disability accommodations, protected concerted activity, and more.  
*Presenter:*    Jesse R. Dill
- 9:40 – 9:50 a.m.      **PICK ME! BREAKOUT SESSION SPEED DATING**  
In this fast-paced segment, our breakout session speakers will have two minutes to convince you to attend their session by providing you with a substantive synopsis of key employment law issues and developments.
- 9:50 – 10:05 a.m.      **BREAK AND SIGN-UP FOR AFTERNOON BREAKOUT SESSIONS**
- 10:05 – 10:55 a.m.      **LEAVES AND ACCOMMODATION (BASED ON DISABILITY AND RELIGION)**  
Leave management remains a challenge for most employers. The Supreme Court of the United States' *Groff* decision (June 2023) upended the rules on the question of religious accommodation. In Wisconsin, the *Wingra Redi-Mix* opinion (June 2023) held that formal diagnosis may not be required to raise the protections of the Wisconsin Fair Employment Act. The speakers will review these decisions as well as discuss remote workers and employees with mental health issues.  
*Presenters:*    David J.B. Froiland and Fefe Jaber
- 10:55 – 11:45 a.m.      **AVOIDING A WORKPLACE VIOLENCE TRAGEDY**  
This session will explain the laws and practical obstacles related to employer efforts to minimize the risks of serious workplace violence. The speakers will guide participants through a range of considerations and ideas to make workplaces better protected from catastrophic gun or other violence. This holistic review of possible proactive steps that employers may take today is intended to leave each participant equipped with ideas for minimizing risks at their company's workplaces.  
*Presenters:*    Bernard J. (Bud) Bobber and Katlyn Q. McGarry
- 11:45 a.m. – Noon      **BREAK**
- Noon – 1:30 p.m.      **LUNCH AND KEYNOTE PRESENTATION:  
IMPROV IN THE WORKPLACE? YES, AND . . .**  
As a comedian, Amy Westrup uses her improvisation skills onstage to get people laughing. Offstage, Amy uses many of the same skills and approaches to run her consulting business. Amy teaches people HOW to use improvisation techniques in their work lives. By showing and telling, Amy explores essential communication and listening skills that can help in-house attorneys and HR professionals improve the quality of their work relationships (and home and social relationships!), in service of a healthy work culture, nimble decision-making, and cohesive team building.  
*Presenter:*    Amy Westrup, *Business Development Consultant and Applied Improv Coach*

1:30 – 1:45 p.m.

**BREAK**

1:45 – 2:30 p.m.

**BREAKOUT SESSION SERIES ONE—CHOOSE BETWEEN THE FOLLOWING:**

**REGULAR RATE IRREGULARITIES AND OTHER WAGE AND HOUR ISSUES**

Referral and sign-on bonuses, profit sharing, safety and attendance rewards, inflation assistance, commuter pay ... and the list goes on. Employers struggling to attract and retain talent are coming up with creative ways to remain competitive in recruiting and incentivize and reward their workforces. While the goal is laudable—and often indispensable in a tight labor market—employers that offer these “creative” payments should carefully consider whether they are correctly calculating employees’ regular rates of pay in compliance with the Fair Labor Standards Act’s (FLSA) overtime requirements. This session will review FLSA-compliant ideas regarding common, and not so common, forms of pay to help with employee hiring and retention.

*Presenters:* Keith E. Kopplin and Corissa L. Pennow

**CORPORATE IMMIGRATION UPDATE: WHAT IN-HOUSE LAWYERS NEED TO KNOW ABOUT IMMIGRATION LAW RIGHT NOW**

The landscape of immigration laws and requirements is always evolving. In this session, the speakers will discuss the top immigration issues affecting employers, including Form I-9 verification changes, upcoming U.S. Citizenship and Immigration Services fee proposals, and more. What do you need to know to prepare your business to meet the latest regulatory challenges?

*Presenters:* Sarah Maxwell Kadel and Geeta M. Shah

2:30 – 2:45 p.m.

**BREAK**

2:45 – 3:30 p.m.

**BREAKOUT SESSION SERIES TWO—CHOOSE BETWEEN THE FOLLOWING:**

**CAN'T TOUCH THIS! DISCIPLINE IN TRICKY SITUATIONS**

Disciplining an employee who engaged in a protected activity or is on protected leave can put employers in a difficult spot. In addition to other potential claims to avoid, retaliation remains the top charge allegation with the U.S. Equal Employment Opportunity Commission. Join us for a discussion about best practices to handle these tough situations and to find real solutions. The speaker will discuss common scenarios, recent court decisions, and strategies to avoid claims—and defend them when they arise.

*Presenter:* Brian M. Radloff

**PAY TRANSPARENCY AND PAY EQUITY**

Pay transparency laws are being enacted across the country. States and municipalities, including California, Colorado, Illinois, New York, and Washington, recently passed versions of these laws and more are likely on the horizon. Why should Wisconsin employers care? First, the patchwork of these laws can make compliance difficult for employers that operate in multiple states and cities. Second, remote workers in these states can trigger compliance obligations. In this session, the speakers will review the various pay transparency laws, discuss pay equity underpinnings, and offer best practices and strategies for multi-jurisdictional compliance.

*Presenters:* Kristi S. Nelson Foy and Sarah J. Platt, *General Counsel, Employment Law, Rockwell Automation, Inc.*

3:30 – 3:45 p.m. **BREAK AND RETURN TO GENERAL SESSION**

3:45 – 4:30 p.m. **EMPLOYEE AGREEMENTS UNDER FIRE**

Whether it is the National Labor Relations Board attacking common provisions in severance and settlement agreements, or the Federal Trade Commission seeking to ban noncompete agreements, the future is uncertain for many tried and true terms typically included in agreements with employees. Join us for a discussion of these developments and strategies for updating best practices.

*Presenter:* Timothy C. Kamin

4:30 – 4:45 p.m. **GRAND PRIZE DRAWING**

4:45 – 5:30 p.m. **BREAK**

5:30 – 7:00 p.m. **COCKTAIL AND HORS D'OEUVRES RECEPTION**

**THURSDAY, NOVEMBER 2, 2023**

8:30 – 9:00 a.m. **BREAKFAST**

9:00 – 9:45 a.m. **REMOTE BUT NOT REMOVED: KEEPING EMPLOYEES ENGAGED AND PRODUCTIVE**

The COVID-19 pandemic forced employers and employees to adjust to remote and hybrid work. While some employers have now mandated a return to the office, others have adopted policies allowing hybrid or remote work on a more permanent basis. The different approaches raise legal and practical concerns, including the need to keep employees engaged and motivated regardless of location. Join this session for a discussion of the issues that can arise in these evolving workplace environments and practical tips for how to address them, including ways to create a more positive workplace culture, resulting in higher employee retention and better performance.

*Presenters:* Mark A. Johnson and Kayla A. McCann

9:45 – 10:30 a.m. **THE TOP WORKPLACE INVESTIGATION PROCEDURE MISTAKES—AND HOW TO AVOID THEM**

From expensive litigation to public relations nightmares, sloppy workplace investigations can result in huge consequences—particularly in today's contentious climate. Join this session for a discussion of the top investigation mistakes that expose employers to heightened legal risk, including those relating to investigator bias, the attorney-client and work product privileges, and documentation errors. The speaker will discuss scenarios and best practices for conducting complex workplace investigations that you can use as both a sword and shield to best defend against legal exposure.

*Presenter:* Christine Bestor Townsend

10:30 – 11:15 a.m. **WORKPLACE INJURIES: NAVIGATING THE MAZE OF FEDERAL AND STATE LAWS**

The occurrence of a work-related injury or illness may bring a host of laws into play: state workers' compensation statutes, state and federal workplace safety and health laws, the state and federal Family and Medical Leave Acts, the Americans with Disabilities Act, similar state statutes, and more. This session will cover some of the myriad rights and obligations for both the employer and employee under these statutes and highlight how handling the investigation and follow-up to such an injury or illness the right way may give the employer an opportunity to take advantage of these intersecting laws.

*Presenters:* Eric E. Hobbs and Dean F. Kelley