

19th Annual Texas Labor and Employment Law Update

presented by
**THE TEXAS OFFICES OF
OGLETREE DEAKINS**

You're Invited

November 3, 2023

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



DATE AND TIME

Friday, November 3, 2023
9:30 a.m. – 5:00 p.m. Program
5:00 p.m. – 6:30 p.m. Cocktail reception
(Registration and breakfast will begin at 9:00 a.m.)



LOCATION

Omni Barton Creek Resort & Spa
8212 Barton Club Drive
Austin, TX 78735
(512) 329-4000



COST

\$99.00 per person
(A breakfast, lunch, and cocktail reception are included.)



REGISTRATION

Register online at www.ogletree.com or email
TexasRSVP@ogletree.com. Contact
Dea McCart with any questions at (512) 344-4717.

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

HOTEL RESERVATIONS

Below are several hotels offering special group rates.

Omni Barton Creek Resort & Spa (*Conference site)
\$399 per night
Please use this [link](#) to make your reservation.

AC Hotel by Marriott Austin Hill Country
\$219 per night
7415 Southwest Parkway
Building 8, Suite 100
Austin, TX 78735
(512) 551-4009
Please use this [link](#) to make your reservation.

Hotel Viata
\$339 per night
320 S. Capital of Texas Highway
West Lake Hills, TX 78746
(844) 306-6400
Please use this [link](#) to make your reservation.

AGENDA

- 9:00 – 9:30 a.m. **REGISTRATION AND BREAKFAST**
- 9:30 – 9:40 a.m. **OPENING AND WELCOME**
Presenter: Erika L. Leonard (Austin)
- 9:40 – 10:15 a.m. **HEADLINE NEWS: BREAKING LABOR AND EMPLOYMENT LAW DEVELOPMENTS**
This session will provide a fast-paced summary of the latest employment law developments impacting Texas employers and set the stage for more detailed discussions later in the program. From significant trends to key rulings to legislative and regulatory developments, the speakers will summarize the topics that stand to impact your workplace today and in the coming year.
Presenter: Gavin S. Martinson (Dallas)
- 10:15 – 10:55 a.m. **LEAVE ME BE! MANAGING EMPLOYEE REQUESTS FOR LEAVE AND ACCOMMODATIONS**
Keeping up with the various and voluminous number of employee requests for accommodation and leave (whether paid or unpaid) can be a daunting task for employers. With the persistent proliferation and endless evolution of leave laws and compliance requirements, it can even feel like taking on an additional full-time job. Also, many employers have outsourced leave management to vendors, which still can leave them on the hook for any missteps. In this session, the speakers will cover the latest developments in leave laws and requirements and provide best practices for managing leaves!
Presenters: Jana S. Baker (Dallas) and Tiffany Cox Stacy (San Antonio)
- 10:55 – 11:05 a.m. **BREAK**
- 11:05 – 11:45 a.m. **LET'S GIVE THEM SOMETHING TO TALK ABOUT: PAY TRANSPARENCY AND OTHER WAGE AND HOUR UPDATES**
States and localities are increasingly enacting legislation requiring employers to either disclose salary ranges (and in some instances, benefits information) in job postings, or requiring disclosure at the time of hire or upon request. In this session, the speakers will provide best practices for compliance with pay transparency laws, as well as address other key wage and hour-related issues.
Presenters: John B. Brown (Dallas) and Marlene C. Williams (Houston)
- 11:45 a.m. – 12:25 p.m. **EXTRA, EXTRA: HEADLINE NEWS IN IMMIGRATION AND MOBILITY**
There is no shortage of immigration news for employers in 2023, including new I-9 flexibility measures, record-setting H-1B demand, new enforcement trends, and more. In this session, the speakers will discuss how employers can remain both compliant and agile in the context of the changing economy and labor market, and peer into the crystal ball to predict what's coming in 2024.
Presenters: Caroline Tang (Austin) and Jamey E. Petri (Austin)
- 12:25 – 1:45 p.m. **LUNCH AND KEYNOTE SPEAKER**
EFFECTIVE COMMUNICATIONS: RESONATING WITH DIFFERENT GENERATIONS
For lawyers and HR professionals, perhaps the most important skill to possess and continue to cultivate is the ability to communicate clearly and effectively with everyone we meet on a professional basis. Our ability to transmit information, to demonstrate knowledge, to persuade, and to inspire confidence—and even show emotion from time to time—is paramount to positive outcomes. What psychologists have told us, and we can see from our own experience, is that different generations process information in different ways. In this presentation, you will learn about six generations in the workforce, how each relates to communications, and some of the typical preoccupations that might interfere with comprehension.
Presenter: Claude Ducloux, *Attorney at Law, Director of Education, Ethics and State Compliance, LawPay*

1:50 – 2:35 p.m.

WHO, WHAT, WHEN, WHERE, AND WHY IN THE WORLD? BEST PRACTICES FOR WORKPLACE INVESTIGATIONS

Ascertaining the truth—the goal of every workplace investigation—is often much easier said than done. This session will provide an overview of the dos and don'ts when conducting investigations, including critical topics such as the timing of the investigation, whom to involve, effective interview techniques, tactics for gathering facts, and tips for reporting findings to management and following up with key players.

Presenters: Amanda C. Croushore (Houston), Carolyn A. Russell (Houston), and Andrew T. Turner (Dallas)

2:35 – 3:15 p.m.

EMPLOYEE EXPRESSION AND EMPLOYER CONFIDENTIALITY POST-MCLAREN

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. In this session, the speakers will discuss 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: Scott R. McLaughlin (Houston) and Stephen J. Quezada (Houston)

3:15 – 3:30 p.m.

BREAK

3:30 – 4:15 p.m.

PRACTICAL CONSIDERATIONS IN RESTRICTIVE COVENANTS

Drafting restrictive covenants (whether for incoming or outgoing employees) is a daunting task. Throw in other complicating factors—a cross-border context, a mixed or remote workplace, or other industry-specific interests—and your business could step right into a sticky situation in putting together these employee agreements. Join this session for a discussion of best practices and potential pitfalls to avoid in keeping your employee covenants in compliance.

Presenters: Jeff S. Mayes (Houston) and Sean C. Urich (Dallas)

4:15 – 5:00 p.m.

WHERE DO WE GO FROM HERE? DEI IN A POST-SFFA WORLD

Since the Supreme Court of the United States found race-conscious admissions in higher education unconstitutional in the *Students for Fair Admissions, Inc.* (SFFA) cases, the political and legal scrutiny of employers' diversity, equity, and inclusion (DEI) practices has increased. This session will examine the spike in attacks, outline risks of different DEI initiatives, and provide practical steps employers may take to ensure their DEI programming remains successful and compliant.

Presenters: Shafeeqa W. Giarratani (Austin) and Erika L. Leonard (Austin)

5:00 p.m.

CLOSING REMARKS

Presenter: Erika L. Leonard (Austin)

5:00 – 6:30 p.m.

COCKTAIL RECEPTION