

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

Tuesday, November 30, 2021



TIME

8:30 a.m. – 11:45 a.m.
(Registration and breakfast will begin at 8:00 a.m.)



COST

Complimentary



LOCATION

Omni Nashville Hotel
250 Fifth Avenue South
Nashville, TN 37203
(615) 782-5300



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 – 9:30 a.m. **OSHA'S COVID-19 EMERGENCY TEMPORARY STANDARDS: FREQUENTLY ASKED QUESTIONS**

The Occupational Safety and Health Administration's (OSHA) COVID-19 Emergency Temporary Standard (ETS) for the healthcare industry is nearing the end point of its six-month authorization. OSHA is expected soon to issue the ETS that the Biden administration instructed the agency to develop regarding vaccinations and testing for large employers. The speakers will discuss the status of both of these rules as well as other late-breaking COVID-19 news that may impact employers.

Presenters: William S. Rutchow and Benjamin P. Lemly

9:30 – 10:00 a.m. **THE NEXT WAVE? THE LATEST TOPICS IN DISCRIMINATION, HARASSMENT, AND WAGE AND HOUR LITIGATION**

The prevalence of remote employees will make certain Americans with Disabilities Act accommodation claims more difficult to defend, highlight wage and hour vulnerabilities, and make off-premises, outside work-hour harassment claims the norm. As more employees return to the workplace, will workers near retirement age who are not recalled or not allowed to move into new positions assert age discrimination claims? The Supreme Court of the United States has indicated a willingness to revisit its approach to religious accommodation cases brought under Title VII of the Civil Rights Act of 1964. These are just a few of the key developments in the world of discrimination and harassment litigation. This session will explore these developments (and more) and provide practical tips for employers to minimize legal risks.

Presenter: Jonathan O. Harris

10:00 – 10:15 a.m. **BREAK**

10:15 – 10:45 a.m. **PROTECTIONS FOR CONCERTED ACTIVITY UNDER THE NLRA**

The National Labor Relations Act (NLRA) protects the right of employees to engage in union activity and provides a similar protection for “concerted activity” when the focus is to improve a workplace condition, also known as protected concerted activity (PCA). The current National Labor Relations Board (NLRB) seems intent on aggressively educating employees about their PCA rights and how to enforce them, and then expanding significantly the type of conduct protected. This includes an intent to expand protections to pure social justice activities, which have no obvious connection to the workplace. This session will address what the NLRB’s efforts involve and provide a review of the related concepts employers need to understand to manage the issue.

Presenter: C. Thomas Davis

10:45 – 11:45 a.m. **CSI NASHVILLE: A CHECKLIST FOR HR INVESTIGATORS**

This session will provide a review of the guiding principles and best practices for workplace investigations, with recommended steps and checklist items, as well as tips on responding to the newest challenges for HR investigators, such as allegations of systemic bias.

Presenters: John G. Harrison and Wendy V. Miller