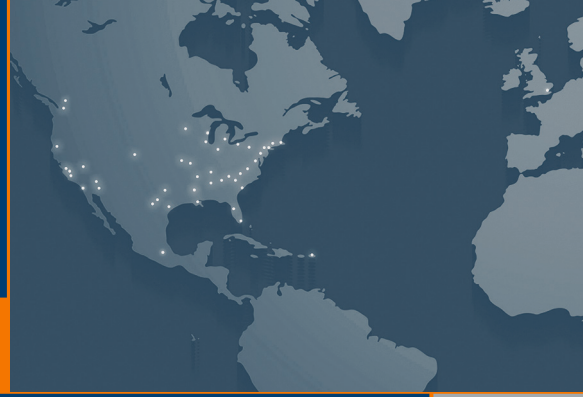




Ogletree
Deakins



ST. LOUIS

The St. Louis office of
OGLETREE DEAKINS

presents
**MANAGING A WORKFORCE
IN 2020**

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

**You're
Invited**
October 17, 2019

LOCATION

Four Seasons Hotel St. Louis
999 North 2nd Street
St. Louis, MO 63102
(314) 881-5800

DATE AND TIME

Thursday, October 17, 2019
9:00 a.m. – 4:00 p.m. Program
4:00 p.m. – 5:30 p.m. Cocktail Reception
(Registration and breakfast will begin at 8:30 a.m.)

COST

Complimentary
(A breakfast, lunch, cocktail reception, program materials,
and parking are included.)

REGISTRATION

Register online at www.ogletree.com, contact Portia Bryant at (314) 802-3958
or Annette Blomes at (314) 827-3432, or email STLEvents@ogletree.com.

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

AGENDA

8:30 – 9:00 a.m. **REGISTRATION AND BREAKFAST**

9:00 – 9:05 a.m. **WELCOME AND OPENING REMARKS**
Eric A. Todd, *Managing Shareholder*

9:05 – 9:20 a.m. **HEADLINE NEWS**

This session will provide a fast-paced summary of the latest employment law developments impacting employers and set the stage for more detailed discussions later in the program. From significant trends to key rulings to legislative and regulatory developments, this important session will quickly summarize the topics that stand to impact your workplace today and in the coming year.

Presenters: Julia B. Drafaehl, Melissa M. Pesce, Bradley W. Tharpe, and Mallory S. Zoia

9:20 – 10:00 a.m. **NLRB/TRADITIONAL LABOR UPDATE**

Our panelists will discuss recent and ongoing labor relations developments affecting all employers, and offer their predictions for the future. Topics will include the evolving standards for work rules, the NLRB's recent *MV Transportation* decision and its implications, employee use of company email systems, and representation case rules.

Presenters: Burton D. Garland, Jr., Timothy A. Garnett, Harrison C. Kuntz, and Robert W. Stewart

10:00 – 10:45 a.m. **EMPLOYMENT AND LABOR LAW UPDATE**

A number of significant changes to labor and employment laws have taken place in recent years, and 2019 has been no exception. These changes have affected employers' obligations in areas such as hiring, wages, discrimination, and termination. We can also expect these changes to continue well into 2020 and beyond. In this session, we will review significant changes in recent years; discuss the current state of the law and anticipated changes in employment law (including EEO developments, leave laws, ADA updates, and case studies); and suggest ways to be compliant with these and other anticipated changes.

Presenters: Burton D. Garland, Jr. and Gregg M. Lemley

10:45 – 11:00 a.m. **BREAK AND ROOM CHANGE**

11:00 – 11:45 a.m. **BREAKOUT SESSION SERIES ONE—CHOOSE ONE OF THE FOLLOWING:**

WHEN THE COMFORT PARROT STARTS CURSING: ADA ACCOMMODATION QUANDARIES

Many employers (and businesses) are seeing a dramatic increase in requests for once-unusual accommodations under the ADA—including a wide array of service and emotional support animals. This session will cover complex and cutting-edge ADA issues, including best practices for handling both employee and customer requests for service and emotional support animals. Our speakers will also cover other accommodation requests that sometimes catch HR professionals and in-house counsel by surprise and explain how best to navigate them.

Presenters: James M. Paul and R. Lance Witcher

STRUCTURING SEPARATIONS FOR 409A: AVOIDING HIGH-DOLLAR FOOT FAULTS

Multivariable calculus is easy. Code Section 409A compliance is hard. And not just hard, but punitive and impactful! If you get the timing wrong on a separation agreement, you could be liable for hundreds and thousands of dollars in penalties. Public, private, large, or small—Code Section 409A affects you and your employees. In this session, you will learn the five most common 409A errors in separations and how to solve for them.

Presenter: Corey Slagle

MULTISTATE EMPLOYERS: HOW CITIES, COUNTIES, AND STATES CAN MAKE DOING BUSINESS DIFFICULT

Cities, counties, and states are flexing their muscles more than ever in the employment law area, presenting compliance challenges for companies that operate on a multistate or nationwide basis. We will survey topics such as paid and unpaid job-protected leave, predictive scheduling, ban-the-box laws and background check prohibitions, restrictions on inquiries regarding salary history, and the use of recreational and medical marijuana.

Presenters: William M. Lawson and Robert W. Stewart

11:45 a.m. – Noon

BREAK AND ROOM CHANGE

Noon – 1:00 p.m.

LUNCH AND KEYNOTE PANEL DISCUSSION: MEDIATING EMPLOYMENT LAW CASES

Enjoy an enlightening panel discussion featuring three experienced mediators, moderated by shareholder Erin Williams, about the usefulness of mediation in the employment context. Learn about the factors that can help and hurt at mediation, the importance of timing in mediation, and how mediation can yield cost savings and achieve your litigation goals.

Moderator: Erin E. Williams

Presenters: Karen Tokarz, *Professor*, Washington University School of Law, Michael S. Geigerman, *Mediator and Arbitrator*, U.S. Mediation & Arbitration, and Steve Williams, *Attorney*, Kuehn, Neasley & Young

1:00 – 1:15 p.m.

BREAK AND ROOM CHANGE

1:15 – 2:00 p.m.

BREAKOUT SESSION SERIES TWO—CHOOSE ONE OF THE FOLLOWING:

KEEP 'EM COMING! REDUCING ABSENTEEISM THROUGH EFFECTIVE STRATEGIES

It's no secret companies can increase employee productivity by decreasing absenteeism. In this session, attendees will learn strategies for keeping employees at work, as well as practical skills to identify and combat chronic absenteeism. The speakers will also discuss attendance and leave policies and laws, how to identify patterns of abuse, enforcement strategies, discipline and discharge, trends, and pitfalls.

Presenters: Burton D. Garland, Jr. and Rodney A. Harrison

ELECTRONIC SIGNATURES: HANDBOOKS, ARBITRATION, CONFIDENTIALITY, AND RESTRICTIVE COVENANT AGREEMENTS

Electronic signatures are the wave of the future. They streamline processes and reduce the use of paper. But e-signatures come with a cost. It is not uncommon for employees to say in litigation, "I didn't sign that!" when presented with an electronic signature on an arbitration agreement, noncompete, or other contract. This session will explain what you should know if your organization uses electronic signatures. How can you prove the signature in court? What evidence should you have on hand? Attendees will leave this session ready to enact a game plan that will help their organizations manage e-signatures in the digital age.

Presenters: Thomas R. Chibnall and Andrew L. Metcalf

SWEEPING CHANGES IN ILLINOIS DISCRIMINATION LAW: THE WORKPLACE TRANSPARENCY ACT

Now that Governor J.B. Pritzker has signed the Workplace Transparency Act into law, Illinois employers must be ready to comply with the law when it takes effect next year. In this session, we will discuss the new law's requirements regarding employment agreements, mandatory arbitration agreements, mandatory sexual harassment training, mandatory disclosures to the Illinois Department of Human Rights, leaves following sexual harassment claims, and the new "regarded as" claim under state law.

Presenters: Heidi Kuns Durr and R. Lance Witcher

2:00 – 2:15 p.m.

BREAK AND ROOM CHANGE

2:15 – 3:00 p.m.

THE CANNABIS CONUNDRUM: WHAT SHOULD YOU DO WHEN EMPLOYEES COME TO WORK UNDER THE INFLUENCE?

Is your drug testing policy up to date regarding testing for THC—the psychoactive component of marijuana? Now that the medical use of marijuana is legal in Missouri and Illinois, and recreational use will soon be legal in Illinois, what should you do when you get a positive test result? Do you need to accommodate a medical condition or is discipline appropriate? What if your employee is using CBD oil that is sold over the counter? These are just some of the issues employers are facing. We will also discuss how employers can balance safety concerns with the legalization of marijuana and its derivatives.

Presenters: Heidi Kuns Durr and Timothy A. Garnett

3:00 – 3:50 p.m.

SAY WHAT? HOW WORKPLACE COMMUNICATION WINS CASES

Perception is reality. And in employment litigation, our day-to-day workplace communications may later be used as exhibits that form perceptions among jurors and ultimately win (or lose) the case. At trial, jurors squint to read every line of our communications with employees and pick apart not just what we say, but how we say it. It isn't uncommon to hear a juror say, "I didn't think you retaliated, but that department really doesn't have it together. I didn't like how they dealt with the employee." In this session, we will review best practices for training your workforce on communication dos and don'ts for today's workplace, and how your communications can win cases before they even begin.

Presenters: James M. Paul and Andrew L. Metcalf

3:50 – 4:00 p.m.

PARDON THE INTERRUPTION! BREAKOUT HIGHLIGHTS

4:00 – 5:30 p.m.

CLOSING REMARKS AND COCKTAIL RECEPTION

Eric A. Todd, *Managing Shareholder*