

# MANAGING A WORKFORCE IN 2023

presented by  
**OGLETREE DEAKINS'  
ATLANTA OFFICE**

*You're Invited*

**October 19, 2022**

To prepare for the close of 2022 and the possibility of changes on the horizon, we are inviting you to attend an informative and educational seminar to address the latest human resources and employment-related legal developments impacting employers.



## **DATE AND TIME**

Wednesday, October 19, 2022  
8:45 a.m. – 3:45 p.m. Program  
3:45 p.m. – 5:00 p.m. Cocktail reception  
(Registration and breakfast will begin at 8:00 a.m.)



## **LOCATION**

Savanna Hall at Zoo Atlanta  
Cherokee Avenue SE  
Atlanta, GA 30308  
(404) 624-5650



## **COST**

\$49 per person for clients  
\$99 per person for all others  
(Breakfast, lunch, and cocktail reception are included.)



## **REGISTRATION**

Register online at [www.ogletree.com](http://www.ogletree.com) or contact  
Beth Baughman at (404) 870-1731 or  
[beth.baughman@ogletree.com](mailto:beth.baughman@ogletree.com).

We have submitted this program to the HR Certification Institute and SHRM for review. This program has been approved for 5 hours of Georgia CLE credit.



# AGENDA

8:00 – 8:45 a.m. **REGISTRATION**

8:00 – 9:00 a.m. **BREAKFAST**

8:45 – 9:15 a.m. **WELCOME AND OPENING REMARKS**

## **YOU MAKE THE CALL: WINNING OR LOSING AT SUMMARY JUDGMENT (PART I)**

Learn the facts about an employee termination, so that you can help make the call later in the day in a mock summary judgment hearing.

*Presenter:* Gregory J. Hare

9:15 – 10:00 a.m. **BREAKOUT SESSION SERIES ONE—CHOOSE FROM THE FOLLOWING:**

### **REMOTE WORK IS HERE TO STAY: HOW TO MANAGE THE HYBRID WORKPLACE**

Employers are facing the new reality that the remote workforce is here to stay. The evolution of working from the office to a remote environment presents challenges for employers in managing the transformation and mitigating legal risk, which includes making difficult decisions about where to allow remote work and how to address the myriad compliance issues presented at the state and local levels. This session will highlight the main areas of potential liability and break down compliance requirements on topics ranging from business expenses and payroll tax withholdings to state-specific hiring and leave laws. The speakers will outline a strategy for employers to evaluate when deciding where they want to do business and provide tips for creating effective, long-term remote work programs.

*Presenters:* Calvin Garner Sanford, Jr. and Jessica H. Thomas

### **HEALTH BENEFITS POST-ROE**

Learn how the landmark ruling overturning *Roe v. Wade* will affect employer-sponsored health plans in 2022 and beyond. The speakers will focus on practical compliance strategies and state law considerations.

*Presenters:* Ruth Anne Collins Michels, Christina M. Broxterman, and Walter B. Parker

### **SHOW ME THE MONEY: NEW PAY TRANSPARENCY LAWS FOR MULTISTATE EMPLOYERS AND PAY EQUITY CONSIDERATIONS**

Pay equity issues continue to make news headlines and an increasing number of jurisdictions are passing pay equity-related laws. This session will focus on the latest pay equity issues and best practices for U.S. employers, including pay disclosure and salary history ban laws, proactive pay audits, and other trends in pay transparency initiatives.

*Presenters:* Jana L. Korhonen and Lauren B. Hicks

10:00 – 10:45 a.m. **BREAKOUT SESSION SERIES TWO—CHOOSE FROM THE FOLLOWING:**

### **THE RISE OF WORKPLACE TOXICITY: BEST PRACTICES TO REDUCE RISK AND FOSTER POSITIVE EMPLOYEE RELATIONS**

Whatever happened to workplace courtesy, loyalty, discipline, efficiency, and order? How can a company build and sustain a productive and positive workplace culture with society and technology pushing employees toward self-absorbed behavior and lack of due regard for others? If the law offers so much protection to subversive employees who act in their own self-interests, what can an employer do to protect itself? How much antagonism and drama must a company tolerate? Anti-harassment, protected concerted activity, whistleblowing, and more ... it seems like courts and agencies are enabling and protecting bad behavior. This session will provide employers with insights and tips for developing response strategies to restore order and mitigate risks.

*Presenters:* Gregory J. Hare and Kady D. D'Amico

### **THE NLRB'S LATEST PRO-UNION AGENDA AND ITS IMPACT ON YOUR WORKFORCE**

From the significant number of high-profile organizing campaigns and recent strikes, to the effort by organized labor to connect with the next generation of workers, to the highly aggressive, pro-union reform agenda at the National Labor Relations Board (NLRB), labor relations professionals must be prepared in this new environment. This session will present a high-level overview of the topics and developing stories labor professionals need to understand to counsel their employers.

*Presenter:* Todd C. Duffield

### **NEGOTIATING EXECUTIVE COMPENSATION ARRANGEMENTS**

Negotiating executive compensation arrangements is part art and part science. This session focuses on the negotiation of employment, retention, and severance arrangements, market trends and practices in key areas, and typical counterproposals that you should expect. The speakers will provide insights from both an employment law and executive compensation perspective, including restrictive covenants, arbitration clauses, and compensation clawbacks.

*Presenters:* John A. Morrison, Taylor Bracewell, and Jeffrey J. Costolnick

10:45 – 11:15 a.m.

### **BEVERAGE BREAK AND ROUNDTABLE DISCUSSIONS**

- Marijuana in the Workplace
- Leaves and Accommodations
- COVID-19 Updates
- Mental Health in the Workplace
- EEOC Updates
- Wage and Hour
- Class Actions
- Immigration

11:15 a.m. – Noon

### **BREAKOUT SESSION SERIES THREE—CHOOSE FROM THE FOLLOWING:**

#### **BEST PRACTICES FOR WORKPLACE INVESTIGATIONS**

Workplace investigations are now more important than ever. But even a single misstep can expand rather than limit the potential risks. This session will examine common mistakes that can undermine your investigation and identify best practices to avoid them.

*Presenters:* Natalie N. Turner and Gregory Y. Shin

#### **I-9 COMPLIANCE AND IMMIGRATION: HOW TO LEVERAGE YOUR RESOURCES ON TOUGH ISSUES**

As the employment climate bounces back from the pandemic, employers have been challenged to maintain, track, and support their constantly evolving workforce. This session is designed to guide you through I-9 compliance and recent updates to remote work policies. The speakers will cover best practices for post-pandemic E-Verify and I-9 compliance, while sharing methods to tie up loose ends after temporary fixes. Topics will include avoiding the pitfalls of onboarding remote employees, navigating automated compliance posting, and recordkeeping. The speakers will also offer an overview of compliance in regards to supporting a foreign national employee population, as well as the services that our nationally recognized practice group provides for our clients.

*Presenters:* Stephanie Brown Howaniec and Brittani B. Holland

Noon – 1:30 p.m.

### **LUNCH AND SPECIAL PRESENTATION**

#### **YOU MAKE THE CALL: WINNING OR LOSING AT SUMMARY JUDGMENT (PART 2)**

Join us for the summary judgment hearing and vote to make the call on summary judgment.

*Presenters:* Gregory J. Hare (Bailiff/Moderator)  
Nathan J. Allen (Plaintiff's Counsel)  
Stephanie Brown Howaniec (Judge)  
Conley J. Scott III (Defense Counsel)

1:30 – 1:45 p.m.

**BREAK**

1:45 – 2:30 p.m.

**BREAKOUT SESSION SERIES FOUR—CHOOSE FROM THE FOLLOWING:**

**EMBRACING WORKPLACE MOBILITY—WITHOUT CREATING LIABILITY**

Employers need to possess knowledge in a number of areas before doing business in other countries. This session will address the legal hurdles, such as complying with local employment laws and ensuring ownership of intellectual property without unintentionally submitting to jurisdiction outside the United States. The session will also cover payroll tax challenges, benefits governance and equalization, and other factors to know before venturing into the cross-border world. No passport required!

*Presenter:* Carlos G. Colón-Machargo

**PERSPECTIVES FROM THE PLAINTIFFS' BAR**

This session will provide a close-up look at how a successful plaintiffs' attorney views workplace litigation. Our guest speaker will explain what he looks for in cases, share common employer mistakes he has seen, and provide tips on how to avoid being his next target.

*Presenter:* Douglas R. Kertscher, *Managing Partner*, Hill, Kertscher & Wharton, LLP

2:30 – 3:15 p.m.

**BREAKOUT SESSION SERIES FIVE—CHOOSE FROM THE FOLLOWING:**

**YOU CAN RUN, BUT YOU CAN'T HIDE: WHY EMPLOYERS NEED TO ADDRESS VIOLENCE IN THE WORKPLACE**

Workplace violence can strike anywhere, and no employer is immune. This session will discuss red flags, employers' duty to throw down the gauntlet, and their arsenal of responses.

*Presenters:* Jaslyn W. Johnson, Amie M. Willis, and Harry M. Rowland, III

**THE CLIENT'S GUIDE TO ARBITRATION—STRATEGIES FOR WINNING**

One recent study suggests workers win more money and more often in arbitration than in court. This does not have to be your experience. In this session, you will learn strategies concerning arbitrator selection/disqualification, how to bring and prevail on dispositive motions, whether motions in limine actually work, and how to prepare winning opening and closing statements.

*Presenters:* Nathan J. Allen and Katherine Krouse

3:15 – 3:45 p.m.

**CLOSING REMARKS**

**YOU MAKE THE CALL: WINNING OR LOSING AT SUMMARY JUDGMENT (PART 3)**

*Presenter:* Gregory J. Hare

3:45 – 5:00 p.m.

**HAPPY HOUR**

Join us for an animal encounter and a bird's eye view of the wildlife in the African Savanna at Zoo Atlanta.