

# MANAGING A WORKFORCE IN 2023



presented by  
**OGLETREE DEAKINS'  
MILWAUKEE  
OFFICE**

*You're Invited*

**November 2-3, 2022**

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 2, 2022  
8:30 a.m. – 5:00 p.m. Program  
(Registration and breakfast will begin at 7:45 a.m.)  
5:00 p.m. – 7:00 p.m. Cocktail Reception

Thursday, November 3, 2022  
9:00 a.m. – 11:30 a.m. Immersion Sessions  
(Breakfast will begin at 8:30 a.m.)



## **COST**

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



## **REGISTRATION**

Register online at [www.ogletree.com](http://www.ogletree.com) or contact Suzanne Schwartz at (414) 755-7823 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. Reference the Ogletree Deakins client event room block and reservation number 38569 to receive the special room rate of \$203 per night. This rate will be available through October 3, 2022. Note that the room block is limited and a credit card is required to guarantee each reservation.

## **KEYNOTE SPEAKER**

Judge Derek Mosley  
*Chief Judge*, Milwaukee Municipal Court  
Unconscious Bias: Knowing What You Don't Know



# AGENDA

WEDNESDAY, NOVEMBER 2, 2022

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 developments and learn how they might impact your organization.

*Presenter:* Keith E. Kopplin (Milwaukee)

9:00 – 9:40 a.m.

### RECESSION AND MIDTERMS AND DOBBS, OH MY!

Just like Dorothy and her crew on the winding yellow brick road, employers are facing unknowns and surprises at every turn. This session will address the potential issues related to the predicted recession and the impact on your workforce. Topics will include WARN Act obligations; voting rights laws and the likely outcomes of the midterm elections and what they could mean for employers in 2023 and 2024; and the Supreme Court of the United States' decision in *Dobbs v. Jackson Women's Health Organization* and how it relates to employee benefits, corporate messaging, and discrimination and accommodation issues.

*Presenters:* Bernard J. (Bud) Bobber (Milwaukee)  
Christine Bestor Townsend (Milwaukee)

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.

### THE RISING WAVE OF EMPLOYEE ACTIVISM

Employees are increasingly advocating for social, political, and economic changes by disrupting the status quo both at and away from the workplace. In this session, the speakers will share tips for handling these issues along with practical guidance for minimizing exposure to the potential negative consequences of these employee actions.

*Presenters:* David J.B. Froiland (Milwaukee)  
Kayla A. McCann (Milwaukee)

10:55 – 11:45 a.m.

### READY OR NOT: EXAMINING YOUR DEI STRATEGY TWO YEARS LATER

In the aftermath of the George Floyd tragedy and the soul-searching that followed, many organizations brought renewed emphasis on diversity, equity, and inclusion (DEI). Two years later, what is working? What is not working? How is our momentum? How do we balance accountability and risk? Two DEI practitioners will share their experiences and insights to explore these and other timely questions.

*Presenters:* Rebecca W. House, *Senior Vice President, Chief People and Legal Officer*,  
Rockwell Automation  
Luther Wright, Jr. (Nashville)

11:45 a.m. – Noon

### BREAK

Noon – 1:30 p.m.

**WORKING LUNCH: UNCONSCIOUS BIAS: KNOWING WHAT YOU DON'T KNOW**

Unconscious bias is a learned stereotype that is automatic, unintentional, deeply ingrained, universal, and able to influence behavior. Unconscious bias seeps into decisions that affect recruitment, retention, hiring, access to healthcare, housing, education, criminal justice, providing services, interpersonal interactions, and outcomes in ways that can disadvantage both individuals and groups of people. We all have some form of unconscious bias, and the key is to recognize that it exists and employ techniques to mitigate it. In this session, you will learn:

- to recognize and define unconscious bias;
- to assess and measure your unconscious bias;
- the history of unconscious bias in America;
- how decisions are being made subconsciously in your mind;
- how unconscious bias affects your everyday life; and
- steps to mitigate your bias.

*Presenter:* Judge Derek Mosley, *Chief Judge*, Milwaukee Municipal Court

1:30 – 1:45 p.m.

**BREAK**

1:45 – 2:30 p.m.

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

**BE SMART ABOUT ARTIFICIAL INTELLIGENCE IN THE WORKPLACE**

Artificial intelligence is no longer reserved for the manufacturing environment. Employers and employees are enjoying increased access to an expanding universe of software programs and other tools that can create efficiencies while also presenting new labor and employment law challenges for the workplace. This wide-ranging presentation will discuss emerging technologies and legal issues that address equal employment opportunities, employee privacy, disability accommodations, compensation requirements, and protected concerted activity.

*Presenters:* Jesse R. Dill (Milwaukee)  
Suzanne M. Watson (Milwaukee)

**MANAGING REMOTE WORK AND THE HYBRID WORKPLACE**

Employers are facing the reality that remote work is here to stay. The evolution from working in an office to working remotely can present challenges for employers that must manage the transformation and the resulting legal risks. This can include making difficult decisions about when and where to allow remote work and how to address the myriad legal issues that such work can create. This session will review the main areas of potential liability, break down compliance issues, and provide practical guidance on how to manage remote work.

*Presenters:* Mark A. Johnson (Milwaukee)  
Katlyn Q. McGarry (Milwaukee)

2:30 – 2:45 p.m.

**BREAK**

2:45 – 3:30 p.m.

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

**HR AND SAFETY: THE VALUE IN WORKING TOGETHER**

For years, many companies' HR and safety personnel have functioned separately, often even reporting to different senior managers and executives. However, HR and safety professionals can dramatically improve their company's safety and their own perceived value to their employers both before and after an OSHA inspection by understanding each other's complementary skills and responsibilities and working as a team. This session will consider how they can do so and leverage the synergy and efficiencies that can come from it.

*Presenters:* Eric E. Hobbs (Milwaukee)  
Dean F. Kelley (Milwaukee)

**WAGE AND HOUR POWER HOUR: BACK TO THE FUTURE**

Wage and hour issues are consistently top of mind for employers, and this year is no exception. At the federal level, the Biden administration is resurrecting many of the wage and hour initiatives pursued by the Obama administration. At the state level, it is no longer just California that is creating traps for employers. In this session, the speakers will address what has happened in the wage and hour arena since the start of the pandemic, what is on the horizon, and how to mitigate risks.

*Presenters:* Keith E. Kopplin (Milwaukee)  
Kristi S. Nelson Foy (Milwaukee)

3:30 – 3:45 p.m.

**BREAK AND RETURN TO GENERAL SESSION**

3:45 – 4:30 p.m.

**COMING SOON TO WISCONSIN? STATE AND LOCAL TRENDS**

States and municipalities are increasingly passing laws regarding a multitude of issues, including background checks, marijuana, leave protections and entitlements, discrimination and harassment, workplace safety and privacy protections, disclosure of salary ranges, and wage payments. For employers with operations outside of Wisconsin, keeping track of these laws and compliance is challenging. The speakers will address the toughest issues and provide practical options for addressing these challenges, including the issues that employers encounter in withholding state payroll taxes of employees that work remotely.

*Presenters:* Sarah J. Platt, *General Counsel – Employment Law*, Rockwell Automation  
Corissa L. Pennow (Milwaukee)  
Randle B. Pollard (Washington, D.C.)

4:30 – 5:00 p.m.

**THE WACKY WORLD OF EMPLOYMENT LAW**

Join us as we take a humorous look at some of the zaniest employment law developments of the past year. The entertainment value is high, with some lessons to learn from these bizarre cases!

*Presenters:* Bernard J. (Bud) Bobber (Milwaukee)  
Timothy C. Kamin (Milwaukee)

5:00 – 7:00 p.m.

**WRAP-UP, GRAND PRIZE DRAWING, AND COCKTAIL AND HORS D'OEUVRES RECEPTION**

THURSDAY, NOVEMBER 3, 2022

8:30 – 9:00 a.m.

**BREAKFAST**

9:00 – 11:30 a.m.

**IMMERSION SESSIONS—CHOOSE BETWEEN THE FOLLOWING:**

**RESPONDING TO UNION ORGANIZING**

President Biden has boasted about being the “most pro-union president” in U.S. history and committed early on to pass labor’s number one legislative objective, the Protecting the Right to Organize (PRO) Act. While that is unlikely, the National Labor Relations Board (NLRB) is implementing many concepts contained in the PRO Act through regulatory reform and case decisions. Employers should buckle their seat belts and prepare for a wild ride on the NLRB roller coaster for the next few years. This session will take the audience through a hypothetical union organizing campaign. The speakers will navigate a *Joy Silk* bargaining demand and the potential impact of denying recognition, explore the challenges of responding to unfair labor practices (ULPs), experience what happens when a Region finds merit to the allegations in the ULP, and prepare for the frustration of trying to settle a ULP in light of the new requirements from the NLRB. This session promises to be both illuminating and alarming.

*Presenters:* Timothy C. Kamin (Milwaukee)  
Norma Manjarrez (Chicago)

**HOW TO INVESTIGATE WORKPLACE COMPLAINTS**

Investigations of work-related issues have become both more frequent and more critical in recent years. This important session will provide you with new investigation skills and present unique approaches to common challenges—in an interactive (and entertaining) format. The speakers will discuss challenges related to a lawyer’s duties of professional responsibility such as the identification of the client, interview conduct, duties of disclosure or withdrawal, and document holds. The session will also test your investigation skills, providing you with a hands-on learning experience and helpful feedback from experienced practitioners.

*Presenters:* Brian M. Radloff (Milwaukee)  
Max Welsh, *Deputy General Counsel*, Ogletree Deakins (Milwaukee)