

MANAGING A WORKFORCE IN 2024

presented by
**OGLETREE DEAKINS'
INDIANAPOLIS
OFFICE**

You're Invited

September 21, 2023

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



LOCATION

502 East Event Centre
502 East Carmel Drive
Carmel, IN 46032
(317) 843-1234



DATE AND TIME

Thursday, September 21, 2023
8:30 a.m. – 4:00 p.m.
(Registration and breakfast will begin at 7:30 a.m.)



COST

\$150 per person
*Complimentary for clients of Ogletree Deakins



REGISTRATION

Register online at www.ogletree.com or contact
Amanda Satterthwaite at (317) 916-2582 or
amanda.satterthwaite@ogletree.com.

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



AGENDA

- 7:30 – 8:30 a.m. **REGISTRATION AND CONTINENTAL BREAKFAST**
- 8:30 – 8:45 a.m. **WELCOME AND OPENING REMARKS**
Presenter: Bonnie L. Martin
- 8:45 – 9:20 a.m. **HEADLINE NEWS: RECENT DEVELOPMENTS IMPACTING EMPLOYERS**
The workplace is ever-changing, as is the legal landscape that pertains to it. This session will offer an overview of some of the latest labor and employment law headlines and developments, and how they might impact your organization.
Presenter: Christina M. Kamelhair
- 9:20 – 10:00 a.m. **LEAVE ME BE! MANAGING EMPLOYEE REQUESTS FOR LEAVES AND ACCOMMODATIONS**
Keeping up with the voluminous number of employee requests for accommodations and leaves can be a daunting task for employers. With the 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 leaves the employer on the hook for any missteps. In this session, the speakers will cover the latest developments in leave laws and requirements, provide best practices for managing leaves and accommodations, and offer some words of wisdom on how to avoid liability.
Presenters: Kenneth B. Siepman and Tina M. Bengs
- 10:00 – 10:35 a.m. **FROM DISPARITY TO PARITY: THE JOURNEY TO EQUAL PAY**
Pay equity issues continue to make headlines, and an increasing number of jurisdictions are passing pay equity, transparency, or reporting laws. This session will focus on the latest pay equity issues and best practices for U.S. employers including proactive pay audits, privilege strategies, state transparency and reporting obligations, and other compensation trends. Employers will also discover hidden risk areas including performance reviews, artificial intelligence and other tools, and how they interact with pay equity.
Presenters: Lauren B. Hicks and Ellen Pactor
- 10:35 – 10:45 a.m. **BREAK**
- 10:45 – 11:10 a.m. **EXCUSE THE INTRUSION—SHORT INFORMATIVE SESSIONS ON THE FOLLOWING TOPICS:**
- MANAGING MENTAL HEALTH PARITY**
Learn how the U.S. Department of Labor (DOL) intends to make mental health and substance use disorder benefits more accessible and create parity between mental health and medical/surgical benefits. This session will review the DOL's recently proposed regulations, technical release, fact sheet, and second report to Congress and provide employers with concrete tips for compliance with the demanding requirements of the Mental Health Parity and Addiction Equity Act.
Presenter: Stephanie A. Smithey
- EEOC ROUNDUP: A BRIEF OVERVIEW OF HOT TOPICS AT THE EEOC**
This session will cover some of the top recent developments at the U.S. Equal Employment Opportunity Commission (EEOC) that employers will want to be aware of, including areas of agency focus, policy and personnel updates, and trends and statistics on EEOC charges and litigation.
Presenter: Katie S. Bayt
- INDIANA JOINS IN: THE INDIANA CONSUMER DATA PROTECTION ACT AND WHAT EMPLOYERS NEED TO KNOW**
In May 2023, Indiana became the seventh state to pass a comprehensive consumer privacy law, introducing a new set of rights for Indiana residents to exercise with companies subject to the law. This session will outline the scope of the law and what employers should consider as they prepare for the January 1, 2026, effective date.
Presenter: Stephen A. Riga

11:10 – 11:45 a.m.

TOP MULTISTATE COMPLIANCE ISSUES

Multistate compliance is a rising challenge for many employers as they expand their business footprints and remote workforces across state lines. Multistate employers are required to comply with various state and local laws that are constantly evolving while also maintaining their workplace culture and meeting their business goals. This panel discussion will address emerging issues for multistate employers including pay equity, pay transparency, paid sick leave, employee handbooks, and remote workers as well as provide tips for addressing these complex issues.

Moderator: Scott James Preston

Presenters: Steven F. Pockrass, Susan M. Zoeller, and Michael Malarney, *Vice President, General Counsel*, TransForce Group

11:45 a.m. – Noon

EXCUSE THE INTRUSION—SHORT INFORMATIVE SESSIONS ON THE FOLLOWING TOPICS:

NEW RULES FOR NEW KIDS

This session will cover the recent changes to federal and state pregnancy accommodation requirements.

Presenter: Michael C. Mohler

FEDERAL AND STATE NONCOMPETES UPDATES

This session will provide federal and state noncompete updates.

Presenter: Justin A. Allen

Noon – 1:00 p.m.

LUNCH—ASK A LAWYER

12:30 – 1:00 p.m.

CLIENT PORTAL DEMONSTRATION

1:00 – 1:45 p.m.

**Monon/Wabash
Ballroom**

BREAKOUT SESSION SERIES ONE—CHOOSE ONE OF THE FOLLOWING: EMPLOYEE BENEFITS BOOT CAMP 2.0

Part one of this two-part series will take a deep dive into practical solutions for common compliance issues that arise with respect to retirement and health plans. The speakers will discuss how to fix plan document errors, late COBRA notices, late transmittal of participant contributions to retirement plans, automatic enrollment failures, and other common compliance problems. This session builds on our Employee Benefits Boot Camp from last year's program and is a more advanced session for those who regularly work with retirement and health plans.

Presenters: Stephanie A. Smithey, Katrina M. Clingerman, Elizabeth W. O'Gara, and Jeremy W. Hays

**Greyhound
Room**

BACKGROUND CHECK LIABILITY—YOURS OR MINE? MAXIMIZING VENDOR-PROVIDED BACKGROUND CHECK SERVICES AND LIMITING RISK FOR YOUR ORGANIZATION

For employers that conduct background checks on applicants/employees (e.g., seeking criminal, educational, employment, or credit history), a background check vendor can provide valuable services. Some may offer automated services, easy to use template forms, educational materials, and more. But what liability does a vendor, defined as a consumer reporting agency under the Fair Credit Reporting Act (FCRA), have for the reports it provides? What liability does your organization have as an employer and an end user? This scenario-based presentation will answer these questions and you will garner a greater understanding for the liability associated with background checks under the FCRA, related state/local law, and corresponding equal employment opportunity laws so that you can maximize the services your vendor provides.

Presenter: Kate E. Trinkle

Eller Room

ALL ABOUT I-9: REMOTE VERIFICATION AND UNIQUE DOCUMENT SCENARIOS

This session will provide an overview of the new Form I-9 remote documentation verification procedures that went into effect on August 1, 2023, including a discussion on who is (and is not) eligible to take advantage of remote verification, the specific required procedures, and how to ensure continued compliance. In addition, the session will cover less commonly seen documents and combinations of documents used for the Form I-9 that could prove an employee's work authorization, including receipts, employment authorization documents, and temporary protected status work authorizations.

Presenter: Derek J. Maka

1:45 – 2:00 p.m.

BREAK/ROOM CHANGE

2:00 – 2:45 p.m.

**Monon/Wabash
Ballroom**

BREAKOUT SESSION SERIES TWO—CHOOSE ONE OF THE FOLLOWING: EMPLOYEE BENEFITS BOOT CAMP 2.0

Part two of this two-part series will take a deeper dive into practical solutions for common compliance issues that arise with respect to retirement and health plans. The speakers will discuss how to fix plan document errors, late COBRA notices, late transmittal of participant contributions to retirement plans, automatic enrollment failures, and other common compliance problems.

Presenters: Stephanie A. Smithey, Katrina M. Clingerman, Elizabeth W. O’Gara, and Jeremy W. Hays

Eller Room

RELIGION IN THE WORKPLACE: KEY TAKEAWAYS FROM GROFF AND ITS IMPACT ON RELIGIOUS ACCOMMODATIONS

The requirement to provide reasonable accommodations for employees’ religious beliefs and practices under Title VII of the Civil Rights Act of 1964 is not new. However, the Supreme Court of the United States recently rejected the prior “de minimis burden” standard and imposed a higher standard for employers analyzing religious accommodation requests. This session will highlight what is “new” about the Supreme Court’s new framework, and what it means for future religious accommodation requests.

Presenters: Bonnie L. Martin and Caitlin S. Schroeder

**Greyhound
Room**

TOP 10 ADR AND ARBITRATION QUESTIONS ANSWERED IN LESS THAN AN HOUR

Arbitration-related issues are constantly evolving, complicated by numerous recent Supreme Court cases, challenging state laws, and the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, which required employers to revisit the terms of their agreements. And for employers that have arbitration agreements with class action waivers, many are left without confidence to properly anticipate the next challenge to their agreements. Join this session for helpful strategies and tips for dealing with 10 common alternative dispute resolution (ADR) and arbitration questions.

Presenter: Christopher C. Murray

2:45 – 3:00 p.m.

BREAK/ROOM CHANGE

3:00 – 3:20 p.m.

EXCUSE THE INTRUSION—SHORT INFORMATIVE SESSIONS ON THE FOLLOWING TOPICS:

HANDBOOK HICCUPS: WHAT IS LURKING IN YOUR HANDBOOK?

This session will review the pitfalls of certain handbook policies and terms, as well as missing policies. In addition, this session will address how the NLRB’s recent decisions in *McLaren Macomb* and *Stericycle* impact employers’ handbooks and related policies.

Presenter: Susan M. Gorey

2023 WORKPLACE TRENDS AND CHALLENGES

Each year, Ogletree works with hundreds of HR professionals and in-house lawyers to identify workplace trends and understand employers’ most pressing challenges. This session will review and highlight the survey results, which include data on hiring and retention, remote work, reductions in force, artificial intelligence, and more.

Presenter: Byrin A. Romney

3:20 – 4:00 p.m.

TWO TRUTHS AND A LIE: HOW THE NLRB IS WORKING HARD TO IMPACT NONUNION EMPLOYERS IN DAY-TO-DAY BUSINESS OPERATIONS

In the past two years, the National Labor Relations Board (NLRB) has publicized, again and again, its desire to expand union/employee rights past the traditional boundaries of the law. Many of these chickens are coming home to roost now. Join us as we turn your favorite icebreaker into a fun-filled game to see if you can guess real policy initiatives versus the ones we make up. We promise, it will be harder than you think to spot the lie.

Presenters: Matthew J. Kelley and Anthony J. Simonton

4:00 p.m.

CLOSING REMARKS AND PRIZE DRAWING