

You're Invited

Ogletree  
Deakins

MANAGING A  
WORKFORCE IN  
2025



August 15, 2024

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

presented by Ogletree Deakins'

**CLEVELAND**  
OFFICE



**LOCATION**

Corporate College East Conference Center  
4400 Richmond Road  
Warrensville Heights, OH 44128  
(216) 987-2800



**DATE AND TIME**

Thursday, August 15, 2024  
12:10 – 12:50 p.m. Early bird sessions  
1:00 – 4:30 p.m. Program  
4:30 – 5:30 p.m. Cocktail reception  
(Registration will begin at noon.)



**COST**

Complimentary



**REGISTRATION**

Register online at [www.ogletree.com](http://www.ogletree.com) or contact  
Monica O'Connor at (216) 274-6919 or  
[CLERSVP@ogletree.com](mailto:CLERSVP@ogletree.com).

We have submitted this program to the HR Certification Institute and SHRM for review. This program has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 3.25 hours of CLE credit.

# AGENDA

Noon – 1:00 p.m.

## REGISTRATION AND NETWORKING

12:10 – 12:50 p.m.

## EARLY BIRD SESSIONS

### A NEW STANDARD FOR DISCRIMINATION CLAIMS? WHAT EMPLOYERS NEED TO KNOW ABOUT THE *MULDROW* RULING

The Supreme Court of the United States' recent opinion in *Muldrow v. City of St. Louis* lowered the bar for employees asserting workplace discrimination claims related to transfers or similar employment actions under Title VII of the Civil Rights Act of 1964, now only requiring a showing of “some” degree of harm. While *Muldrow* focused on job transfers, the new standard could have broader implications and open the door for more reverse discrimination claims. Join us for this timely presentation examining the legal landscape that may emerge in response to *Muldrow* and the potential impacts on diversity, equity, and inclusion (DEI) programs and initiatives in the workplace.

*Presenters:* John Gerak and Lauren C. Tompkins-Payton

### SECURE, LTPT, AND PBMS: NEW EMPLOYEE BENEFITS ACRONYMS YOU SHOULD KNOW

There have been a number of developments in employee benefits during the past year. Learn about new requirements and developments that may impact your retirement and health benefit plans, including requirements for part-time employees, new retirement savings options for employees, and state laws that impact prescription benefits.

*Presenter:* Katrina M. Clingerman

1:00 – 1:40 p.m.

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

### THE MOTHER OF ALL RULES: WHAT EMPLOYERS NEED TO KNOW ABOUT THE PWFA

Through the enactment of the Pregnant Workers Fairness Act (PWFA) and the implementation of the final regulations that followed, Congress and the U.S. Equal Employment Opportunity Commission have emphasized the critical importance of developing, implementing, and applying compliant approaches to pregnancy, childbirth, and related accommodation needs. In this session, the speakers will examine employer obligations under the PWFA and explore strategies for compliance. Key topics will include documentation related to PWFA-related requests, lactation compliance (e.g., location of nursing areas and break times), application of the PWFA to employees who work from home and remote work requests, and medical conditions potentially covered by the PWFA.

*Presenters:* Amanda T. Quan and Sheri L. Giger

### ARE RESTRICTIVE COVENANTS LEGAL ANYMORE? ANALYSIS OF THE RECENT FTC RULE, PENDING LITIGATION, AND TRENDING LAW

This session will examine the Federal Trade Commission's (FTC) recent rule that purports to ban certain nonsolicitation and noncompete agreements nationwide. The speakers will review the rule and legal landscape in Ohio and elsewhere, address pending litigation seeking to halt the rule, and discuss what to expect in the months and years to come.

*Presenters:* Rebecca J. Bennett and Komlavi Atsou

1:40 – 1:50 p.m.

## BREAK

1:50 – 2:30 p.m.

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

### **TRENDS, TIPS, AND TALES: AN AFTERNOON WITH THE OSHA AREA DIRECTOR**

Join Cleveland OSHA Area Director Howard Eberts and shareholder Scott Gedeon for a lively discussion on OSHA enforcement trends; tips for avoiding OSHA citations; and tales about employers that failed to maintain a safe workplace. Attendees will learn how to better ensure their workplace meets OSHA standards and how to comply with OSHA emphasis programs.

*Presenters:* Scott W. Gedeon and Howard Eberts, *Area Director*, OSHA

### **SOCIAL AND POLITICAL EXPRESSION IN (AND OUTSIDE) THE WORKPLACE**

For the past several years, conversations about political and social issues have increasingly dominated newsfeeds and social media. It is no surprise that these conversations, which are often heated and divisive, have made their way into the workplace—especially during a huge election year. It has become more and more challenging for employers to balance their employees' rights of self-expression with the need to maintain a safe and civil workplace. Learn about the legal issues at play, including the limits of free speech, claims of protected concerted activity, and retaliation, as well as examples of compliant policies and how to put them into action.

*Presenter:* Brittany N. Brantley

2:30 – 3:00 p.m.

## **SNACK BREAK**

3:00 – 3:40 p.m.

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

### **MONITORING EMPLOYMENT DATA FOR LEGAL RISKS**

In this session, explore critical considerations for automated systems and artificial intelligence, with a focus on identifying and mitigating bias. Learn how to effectively audit hiring systems and assess promotion practices to prevent career stalls. This session will also review the latest updates on how the U.S. Department of Labor's Office of Federal Contract Compliance Programs is handling these issues in audits, highlighting the increased scrutiny for employers.

*Presenter:* Lauren B. Hicks

### **CAMPAIGNING UPHILL: THE CHANGING LANDSCAPE OF UNION ORGANIZING EFFORTS**

Unions are continuing to evolve their strategies for organizing, with support from a labor-friendly National Labor Relations Board and new technology and tactics. Union campaigns are on the rise, with unions winning hundreds of elections in 2023, involving thousands of workers. The threat to non-union employers is real and substantial. Learn about the stress employers face during a union organizing campaign, along with strategies to address potential employee work stoppages and strikes.

*Presenter:* Jazmyn J. Barrow

3:40 – 3:50 p.m.

## **BREAK**

3:50 – 4:30 p.m.

### **BIDEN TIME WITH HONEST ABE**

In this session, you will hear about what labor and employment issues are at stake in the upcoming presidential election. Learn what has changed so far and what could change depending on the election results and the potential consequences for employers.

*Presenters:* Robert C. Petrusis and James J. Plunkett

4:30 – 5:30 p.m.

## **COCKTAIL RECEPTION**