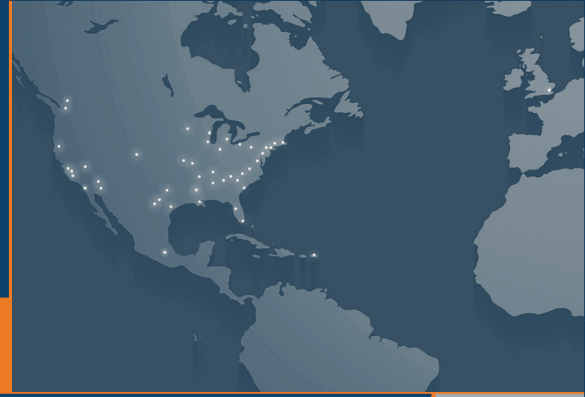




Ogletree
Deakins



NEVADA

The Nevada offices of
OGLETREE DEAKINS

present
**MANAGING A WORKFORCE
IN 2019**

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

**You're
Invited**
February 22, 2019

LOCATION

Enclave
5810 South Eastern Avenue
Las Vegas, NV 89119
(702) 747-9900

DATE AND TIME

Friday, February 22, 2019
7:15 a.m. – 8:15 a.m. Early Bird Session
8:30 a.m. – 4:15 p.m. Program
4:15 p.m. – 6:00 p.m. Cocktail Reception
(Registration and breakfast will begin at 7:00 a.m.)

COST

\$99.00 per person (if registered by January 31, 2019)
\$129.00 per person (if registered on or after February 1, 2019)
(A breakfast, lunch, cocktail reception, and program materials are included.)

REGISTRATION

Register online at www.ogletree.com or contact Monica Gonzalez at
(702) 369-6800 or monica.gonzalez@ogletree.com.

This program has been approved for 6.5 hours of credit with the HR Certification Institute and SHRM, and was also approved for 7.0 Nevada CLE credits, which includes 2.0 hours of ethics credit and 1.0 hour of substance abuse credit. Attendees will be responsible for their CLE submissions and any costs associated with receiving CLE credit. If you need financial aid to attend this seminar, please click [here](#).

AGENDA

7:00 – 8:15 a.m.

REGISTRATION AND BREAKFAST

7:15 – 8:15 a.m.

EARLY BIRD SESSION: WHEN COLLEAGUES ARE ADDICTED, WHAT IS A LAWYER TO DO?

While the legal profession has been thought to have a higher rate of substance abuse than other professions and the general public, recent studies commissioned by the American Bar Association have not only confirmed this, but also demonstrated that the problem is worse than originally thought. Substance abuse by attorneys is a crisis that can no longer be ignored. This session will provide insight into how substance abuse can be identified in a law firm setting. Further, it will offer strategies and tools for handling present-day concerns, preventing future issues attendant to substance abuse, and creating a shift in law firm culture.

Presenter: Anthony L. Martin (Las Vegas)

8:30 – 8:45 a.m.

OPENING AND WELCOME

Presenter: Anthony L. Martin (Las Vegas)

8:45 – 9:30 a.m.

MEET YOUR COMMISSION

Join members of the Nevada Equal Rights Commission (NERC) as they answer questions about government litigation, strategic plans and task forces, and recent and expected NERC guidance and orders. The panel will also provide employers with best practices, ways to identify discrimination and harassment in the workplace and how to address it appropriately, and tips for minimizing harassment complaints.

Moderator: Brian L. Bradford (Las Vegas)

Panelists: Kara Jenkins, *Administrator*, Nevada Equal Rights Commission, and Lila Vizcarra, *Chief Compliance Investigator/Outreach Specialist*, Nevada Equal Rights Commission

9:30 – 9:45 a.m.

BREAK/ROOM CHANGE

BREAKOUT SESSION SERIES ONE—CHOOSE ONE OF THE FOLLOWING:

9:45 – 10:45 a.m.

WHEN THE PENDULUM SWINGS: UNDERSTANDING THE NEW RULES FROM THE NLRB

The National Labor Relations Act and the National Labor Relations Board (NLRB) deal with issues involving both union and non-union employers, and there are some important rules that all employers should know. This session is for both union and non-union employers and will touch on topics such as protected concerted activity, the right to talk about wages, the right to solicit and distribute literature on behalf of a union, how to handle internal complaints, and what you can and cannot put in an employee handbook.

Presenter: Erica J. Chee (Las Vegas)

9:45 – 10:45 a.m.

INVESTIGATING SEXUAL HARASSMENT ALLEGATIONS—AND GETTING IT RIGHT

In the wake of the #MeToo movement, which has emboldened employees to speak out in record numbers about personal experiences of workplace harassment, it is more important than ever for employers to root out harassment. How you handle an investigation can be the difference between moving toward resolution and subjecting the organization to public scrutiny, ongoing litigation, liability, loss of workplace morale, and distractions. We will discuss how to conduct fair and effective workplace harassment investigations and take the appropriate remedial actions.

Presenter: Suzanne L. Martin (Las Vegas)

9:45 – 10:45 a.m.

UNRAVELING THE LEGAL ISSUES CREATED BY PROBLEM EMPLOYEES WHO STAY

When an employee complains about discrimination and/or retaliation and remains employed, a host of legal, ethical, and practical issues can arise. This presentation will discuss the proper manner in which employees should complain, best practices for addressing complaints, properly documenting alleged retaliation and/or job performance issues, ethical issues that arise for counsel, and the potential difficulties of settling cases with employees who stay.

Presenters: Jill Garcia (Las Vegas) and Amy L. Howard (Las Vegas)

10:45 – 11:00 a.m.

BREAK/ROOM CHANGE

BREAKOUT SESSION SERIES TWO—CHOOSE ONE OF THE FOLLOWING:

11:00 – 11:45 a.m.

NAVIGATING IMMIGRATION UNDER THE TRUMP ADMINISTRATION

Employers are facing unprecedented levels of scrutiny in all aspects of immigration under the Trump administration. After the issuance of several executive orders, a major escalation in worksite enforcement, increased border security, heightened scrutiny of visa usage, and directives calling for reform of several employment-based visa programs, employers are experiencing a significant impact to their businesses. This session will review the major changes in immigration policy and enforcement that have unfolded since the Trump administration took office, provide an update on the status of court challenges and key legislative proposals, and discuss the steps employers can take to keep their businesses ahead of the curve.

Presenter: Christopher L. Thomas (Denver)

11:00 – 11:45 a.m.

CLASS ACTION WAIVERS AND PRACTICAL TIPS FOR IMPLEMENTING ARBITRATION AGREEMENTS: AN *EPIC* DECISION FOR YOUR COMPANY

The U.S. Supreme Court's long-awaited ruling in *Epic Systems* has confirmed that employers may require and enforce class action waivers in mandatory arbitration agreements. How can your organization benefit from the use of such agreements? Who should be covered by these agreements? What types of claims should be included (or excluded)? Should there be confidentiality provisions? What type of arbitration process should you choose? Will there be a #MeToo backlash? Will federal and state legislatures change the statutory basis for arbitration agreements in reaction to the Court's ruling? When and how do you implement these agreements? Please join us for a discussion of these issues and more.

Presenter: Molly M. Rezac (Reno)

11:00 – 11:45 a.m.

NEVADA WAGE AND HOUR UPDATE

In *Neville v. Eighth Judicial District Court*, the Nevada Supreme Court held that employees have a private right of action to recoup unpaid wages under Nevada law. Prior to *Neville*, it widely agreed that enforcement was vested exclusively with the Labor Commissioner. Further, in a recent decision by the Sixth Circuit Court of Appeals, the court found that, under Nevada law, "work" includes any activity "controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer and his business." Therefore, this includes time spent waiting in line and undergoing mandatory security screenings, because such screenings are required by the employer and are for the employer's benefit. These rulings clear the way for a new wave of civil litigation in Nevada, and compliance with Nevada's wage and hour laws is now more important than ever. Come to this session to learn about these two holdings and what they mean for your company.

Presenters: Anthony L. Martin (Las Vegas) and Dana B. Salmonson (Las Vegas)

11:45 a.m. – Noon

BREAK

Noon – 1:30 p.m.

LUNCH PRESENTATION: CREATING INCLUSIVE COMMUNITIES AND EMBRACING DIVERSITY IN DIVISIVE TIMES, PART I

This session will provide an overview of the different types of diversity in today's workplace—both demographic diversity and diversity of opinion. Adding to the dynamics of an increasingly diverse workplace, recent political and social issues, such as immigration and healthcare reform, have sparked passionate (and sometimes vitriolic) debate. This presentation, which is the first of two plenary sessions, will examine the current status of the diverse workplace as a foundation to discuss the direction in which the American workforce needs to go and how to get there.

Presenter: Shafeeqa W. Giarratani (Austin)

1:30 – 1:45 p.m.

BREAK/ROOM CHANGE

BREAKOUT SESSION SERIES THREE—CHOOSE ONE OF THE FOLLOWING:

1:45 – 2:30 p.m.

WHAT TO DO WHEN OSHA COMES KNOCKING

This session will provide an overview of the Occupational Safety and Health Administration's (OSHA) inspection processes and procedures so employers are ready when OSHA inspectors arrive. The presentation will highlight best practices for employers and employee representatives before, during, and after an OSHA inspection, and will discuss the types and scope of OSHA inspections, warrants, employee and employer participation in inspections, and OSHA's voluntary compliance programs.

Presenter: Christopher M. Pastore (Tucson)

1:45 – 2:30 p.m.

WHEN RELIGION AND WORK COLLIDE: RESPONDING TO REQUESTS FOR JOB MODIFICATIONS

Failure to reasonably accommodate is a form of religious discrimination under Title VII of the Civil Rights Act of 1964. Employees of covered employers are protected from discrimination at work because of sincerely held religious beliefs or practices under Title VII. Not only are underlying religious beliefs protected at work, but practices used to carry out those beliefs are within the umbrella of Title VII coverage and protection. Absent an undue hardship, employers must reasonably accommodate a religious belief or practice that is in conflict with a job requirement or rule. Often, the issue arises after an employee has been discharged or disciplined for not complying with a job requirement that is at odds with the employee's religious beliefs. Whether an accommodation is "reasonable" under a given set of facts is the pivotal question, one that the courts have grappled with for years. In this presentation, we will explore the types of religious accommodation requests under Title VII that have been considered reasonable and unreasonable by the courts and the Equal Employment Opportunity Commission. We will also provide practical suggestions for addressing the sensitive and emotional issues that arise when religious practices collide with workplace rules and procedures.

Presenters: Anthony L. Martin (Las Vegas) and Michelle C. Krakora (Reno)

1:45 – 2:30 p.m.

FIRING WITHOUT FEAR

The cheapest lawsuit to defend is the lawsuit that is never brought. This session will discuss best practices before and during employment terminations, and will prepare employers for the unexpected. Topics will include the questions that should be asked before discharge, good and bad evidence of the reason to terminate, the termination meeting, the effects of not firing a problem employee, and post-employment issues. HR professionals, supervisors, in-house counsel—anyone who must make the decision or provide final input into a termination—will be provided valuable information to eliminate the fear of firing and handle terminations lawfully and effectively.

Presenters: Jill Garcia (Las Vegas) and Amy L. Howard (Las Vegas)

2:30 – 2:45 p.m.

BREAK/ROOM CHANGE

2:45 – 3:15 p.m.

NEVADA UPDATE: LEGISLATIVE SESSION 2019

The state of Nevada has just begun its 2019 legislative session. As has become customary, this abbreviated session will feature numerous proposals that may substantially impact Nevada employers. This session will also provide a timely preview of several key proposals, their progress through the Nevada legislature, and how their passage might impact Nevada employers.

Presenters: Brian L. Bradford (Las Vegas) and Molly M. Rezac (Reno)

3:15 – 4:00 p.m.

CREATING INCLUSIVE COMMUNITIES AND EMBRACING DIVERSITY IN DIVISIVE TIMES, PART II

As the population becomes more diverse, employers must learn how to embrace the value of differing perspectives and viewpoints while properly and effectively addressing the inevitable growing pains that workforces may encounter. This session will offer unique perspectives on how to foster a healthy and inclusive work environment even as the workforce becomes more diverse and employees bring their strongly held beliefs into the workplace.

Presenter: Shafeeqa W. Giarratani (Austin)

4:00 – 4:15 p.m.

CLOSING

4:15 – 6:00 p.m.

COCKTAIL RECEPTION