



Ogletree Deakins Thanks You For Joining Us For Our Annual
National Educational Labor And Employment Law Seminar



Date
June 23–25, 2021

Location
Fairmont Austin

Join us for this *hybrid*
in-person and virtual event.

Ogletree Deakins' annual Workplace Strategies seminar is the premier event of its kind for sophisticated human resources professionals, in-house counsel, and other business professionals.





Welcome From Our Managing Shareholder

I am pleased to invite you to Ogletree Deakins' 2021 Workplace Strategies seminar, which will be held June 23-25 in Austin, Texas. Over the last 15 months, we have all faced significant challenges and, sadly, many of us have experienced personal losses as well. I know we all hope that better days are ahead and that we will soon be able to return to some normalcy. Moving forward with Workplace Strategies is something we think is important in this progression.

We have designed this year's program as a "hybrid event," which will accommodate both those who are ready to return to traveling and attending in-person seminars and those who would prefer to enjoy this experience from the comfort of their homes or offices. For those that join us in Austin, safety is our top priority. We have limited the number of in-person attendees to less than half our normal crowd so we can follow the CDC's social distancing standards. We will also abide by all other CDC recommended protocols during the event.

This brochure includes a detailed agenda for the seminar and the special events associated with the in-person program in Austin. If you register for the virtual program, the substantive sessions will remain the same; however, you will receive a separate agenda designed specifically for the unique needs of a virtual audience. As the brochure shows, we have a great program in store for 2021—with 40 topics and more than 100 speakers, including several outstanding and insightful keynote presenters.

We are once again giving back to the community through our support of Be the Bridge. Founded in Austin, this non-profit organization focuses on building authentic relationships and creating healthy dialogue about racial disparities and injustice in America. You will hear more about the organization and its founder during our Homer Deakins Service Award presentation on Friday, June 25.

Workplace Strategies 2021 will be held at the Fairmont Austin. We expect the in-person program to sell out quickly—so if you would like to join us in Austin, I would encourage you to register as soon as possible.

Over the past 30 years, this seminar and its associated events have allowed us to consistently provide our clients and friends with the latest information, trends, and strategies affecting the employer community. While things will look a little different this year, we are committed to continuing this important tradition in Austin—and hope you can join us.

Sincerely,

C. Matthew Keen
Managing Shareholder, Ogletree Deakins



DARYL DAVIS
*Race Relations Expert,
Author, Actor, and Musician*



ERICA DHAWAN
Best Selling Author and Speaker

Our Special Guest Speakers



CHERYL STANTON
*Immediate Past
Administrator of the
DOL's Wage and Hour
Division*



WILL HURD
*Former U.S. Representative
for Texas's 23rd
Congressional District*



KEITH SONDERLING
*Commissioner, U.S. Equal
Employment Opportunity
Commission*

TO OUR VIRTUAL ATTENDEES:

Please note that all times in the agenda are Central Daylight Time (CDT), reflecting the time zone in Austin, Texas. Both the in-person and virtual audiences will participate in the live general sessions. For the breakout sessions, separate teams will present live to the in-person and virtual audiences to ensure the maximum experience for both groups. The teams will use the same materials for each breakout session and will provide ample opportunity for questions.

To accommodate our virtual attendees in the Pacific and Mountain time zones, the first breakout session on Thursday, June 24 and Friday, June 25 will be moved from 8:45 a.m. CDT to noon CDT (when the in-person audience breaks for lunch). This schedule also shortens the day for the virtual audience, which our surveys tell us is important. However, our virtual audience will still receive all the same substantive information as the in-person audience. In addition, we will be enhancing the virtual experience by adding content, materials, and other features to the virtual platform. A schedule designed specifically for the virtual audience will be distributed in the next few weeks.

Thank you for supporting our very first “hybrid” Workplace Strategies.

10:00 a.m. REGISTRATION OPENS

12:30 – 2:00 p.m. LUNCH AVAILABLE

2:00 – 3:00 p.m.



KEYNOTE POLICYMAKER ADDRESS FEATURING FORMER U.S. REPRESENTATIVE WILL HURD (R-TX)

Will Hurd, a Republican member of the U.S. Congress who represented Texas's 23rd congressional district from 2015 to 2021, sits down for a fireside chat with seven-term Democratic congressman Charlie Gonzalez (now with Ogletree Deakins) for a fascinating discussion about how current events impact the U.S. business community. Drawing upon experiences ranging from working in Afghanistan for the CIA to serving on key House legislative committees (including the Committee on Intelligence and Committee on Homeland Security) and as chair of the Information Technology Subcommittee, Mr. Hurd brings a unique insight and perspective to technology issues, including cybersecurity. No doubt, this will be a highlight of this year's Workplace Strategies.

3:00 – 3:15 p.m. BREAK

3:15 – 5:15 p.m.

PRE-CONFERENCE IMMERSION SESSIONS

1. COVID Employer Workshop: Tackling the Key Issues

The pandemic has created a plethora of issues for employers that require a multifaceted approach. In fact, issues such as employee morale, safety and workplace modifications, remote work, employee absences and leaves, and health disclosures and inquiries can simultaneously implicate multiple and sometimes divergent statutes, including the National Labor Relations Act, Occupational Safety and Health Act, Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), and Fair Labor Standards Act (FLSA) and their state counterparts. This interactive session will highlight real-world situations confronted by employers and provide best practices to address them. This session will also help prepare attendees for the COVID sessions later in the program.

Speakers: (In-Person) Christopher J. Meister (Phoenix) • Adam T. Pankratz (Seattle)
Amanda T. Quan (Cleveland)
(Virtual) Kathy Dudley Helms (Columbia) • John T. Merrell (Greenville)
Charles L. Thompson, IV (San Francisco)

2. Workplace Investigations: How Would Sherlock Holmes Deal With a Pandemic?

Getting to the truth of the matter is the goal for every workplace investigation. But this is often easier said than done, and a global pandemic has only made investigating workplace complaints even more challenging. What lessons have we learned about investigations during the COVID pandemic, when much of the work was done remotely? The speakers will answer this question as well as review the critical steps to an effective workplace investigation, including interview techniques, strategic fact gathering, and reporting findings.

Speakers: (In-Person) Gary D. Eisenstat (Dallas) • Hardy R. Murphy (Los Angeles)
Carolyn A. Russell (Houston)

(Virtual) Anne E. Larson (Chicago) • Diana J. Nehro (New York/Boston) • Amie M. Willis (Atlanta)

3. Engaging Virtual Audiences to Meet Your Training Needs

Virtual training is here to stay ... even after the pandemic is over. With so many meetings and presentations being conducted in virtual settings, how can you increase supervisors' engagement and attention during these trainings? This session will highlight the dos and don'ts of engaging and informative virtual presentations, the different platforms available, and the pros and cons of each platform.

Speakers: (In-Person) Maria Greco Danaher (Pittsburgh) • Timothy A. Garnett (St. Louis)
Thornell Williams, Jr. (Atlanta)

(Virtual) Jacqueline R. Barrett (Philadelphia) • Luther Wright, Jr. (Nashville)

4. Hiring and Firing Employees in a Post-COVID World

For employers seeking to minimize their legal risks, hiring the right employees and properly terminating underperforming workers are two of the most important company practices—and for many organizations there is room for improvement. While most of the best practices from pre-COVID still apply (and will be discussed), this session will also explore what has changed following the pandemic—and what have we learned from the last year—to improve the hiring and firing process and thereby decrease litigation.

Speakers: (In-Person) Lisa C. Hamasaki (San Francisco) • Johnnie A. James (Los Angeles)
R. Lance Witcher (St. Louis)

(Virtual) Jonathan O. Harris (Nashville) • Caroline Larsen (Phoenix) • Bonnie L. Martin (Indianapolis)

6:00– 7:00 p.m.

WELCOME RECEPTION

7:00 p.m.

DISCUSSION DINNER (Advance Registration Required)

Join your colleagues for small group dinners in locations throughout the hotel. Hosted by an Ogletree Deakins attorney, each dinner will include other attendees from your region of the country.



7:30 – 8:45 a.m.

Breakfast Available

8:45 – 9:30 a.m.

BREAKOUT SESSIONS—SERIES I

1. Tricky Timing: Navigating the Best Leave of Absence Practices to Avoid Retaliation Claims

This session will cover common fact scenarios that arise in managing employees on leave, and best practices for lawfully handling those scenarios. The speakers will discuss how to handle FMLA and workers' compensation claims first made during an investigation into misconduct or after receipt of discipline, how to manage performance reviews and discipline of employees on leave, how to navigate continuing requests for extended leave, and related topics.

Speakers: (In-Person) Stacy M. Bunck (Kansas City) • Tiffany Cox Stacy (San Antonio)
(Virtual) Shelley I. Ericsson (Kansas City) • Sarah J. Platt (Milwaukee)

2. Cannabis Confusion? Managing Marijuana Issues in the Workplace

Marijuana (and related litigation) is spreading like a weed across the country as more states pass laws legalizing marijuana for medical and recreational use (most recently New York and New Jersey). These new laws—often with explicit job protections for users—raise a myriad of challenging questions related to drug testing, workplace safety, and disability accommodation, among other issues. In this interactive session, the speakers will provide an update on recent developments throughout the country and share practical tips on how to manage the intersecting laws related to marijuana and drug testing in the workplace.

Speakers: (In-Person) Jennifer L. Colvin (Chicago) • Rayna H. Jones (Phoenix)
(Virtual) Michael K. Clarkson (Boston) • Michael J. Riccobono (Morristown)

3. Wandering Workers: Designing and Drafting Effective Remote Work Programs

In 2020, many employers were faced with moving their workforces to a remote environment. Employees went from reporting to the workplace to working from laptops at the kitchen table almost overnight. While some employers had remote work programs, many more faced significant logistical and legal issues. Although state and federal agencies have acknowledged the compliance difficulties, employers would be wise to pay careful attention to the myriad of employment laws and taxation issues stemming from remote work arrangements. From tricky business expense reimbursement issues to payroll taxation withholding nightmares, this session will highlight the main areas of potential liability, breakdown compliance requirements, and outline suggestions for creating an effective, long-term remote work program.

Speakers: (In-Person) Charles E. McDonald, III (Greenville) • David S. Rosner (Washington, D.C.)
(Virtual) Kelly S. Hughes (Charlotte) • Michael K. Mahoney (Morristown)

4. Virtual Reality: The New Litigation Landscape Post-Pandemic

Employment litigation will never be the same after the pandemic. Zoom depositions, online mediation, and virtual arbitrations and trials have become part of our new normal, and will continue in some form even as we leave lockdown behind. Experienced litigators will explain how these developments will impact litigation strategy and case evaluation going forward. Attendees will learn how to better prepare their companies and workforces for what will likely be the new reality for everyone involved in employment disputes.

Speakers: (In-Person) Michael D. Mitchell (Houston/Miami) • Robert R. Niccolini (Washington, D.C.)
(Virtual) Danielle Y. Vanderzanden (Boston/Portland, ME) • Vince M. Verde (Orange County)

9:30 – 9:45 a.m.

BREAK



9:45 – 11:45 a.m. **OPENING GENERAL SESSION**

9:45 – 10:00 a.m. **Workplace Strategies 2021: Everything You Need to Know**

Program moderators Joe Beachboard and Dr. Dennis Davis provide all the information you need to maximize your experience at this year's unique hybrid program—live from the Workplace Strategies Update set!

10:00 – 10:10 a.m. **Welcome to Austin!**

Ogletree Deakins managing shareholder Matt Keen kicks off the day with his reflection on the challenges of the last year.

10:10 – 10:30 a.m. **President Biden and the 117th Congress: The Legislative Agenda**

Jim Plunkett, Ogletree Deakins' D.C. insider, examines the key bills that stand to impact the employer community, and identifies the measures likely to become law.

10:30 a.m. **THE REGULATORY AGENDA: WHERE THE REAL ACTION IS**

10:30 – 10:50 a.m. **POLICYMAKER PERSPECTIVE: CHERYL STANTON**



Cheryl Stanton is the immediate past administrator of the Wage and Hour Division at the U.S. Department of Labor. In this role, she was responsible for enforcement of several major federal laws including the FLSA and FMLA, and certain visas requirements under the Immigration and Nationality Act. In 2020, the agency adopted critical regulations interpreting the leave provisions of the Families First Coronavirus Response Act (FFCRA), as well as the wage and hour trifecta—overtime, independent contractors, and joint employment. Ms. Stanton will discuss these changes and what employers might expect this year.

10:50 – 11:10 a.m. **Deeper Dive: Leaves of Absence, Bias, Independent Contractors, and Pay Equity**

A panel of experienced attorneys will join Ms. Stanton to further examine the key changes employers will face in the regulatory approach of the new administration in these important areas.

Speakers: T. Scott Kelly (Birmingham) • Michael M. Shetterly (Greenville) • Liz S. Washko (Nashville)

Special Guest: Cheryl Stanton

Moderator: Margaret Carroll Alli (Detroit (Metro))

11:10 – 11:40 a.m. **Deeper Dive: Immigration, Labor, Benefits, and Safety**

A look at the significant regulatory changes expected in the Biden administration turns to immigration policy, traditional labor issues and unions, health and welfare benefits, and workplace safety. The members of this panel will explain the impact on the business community and provide possible solutions.

Speakers: C. Thomas Davis (Nashville) • Eric E. Hobbs (Milwaukee) • Jacquelyn P. Maroney (Austin)
Stephanie A. Smithey (Indianapolis)

Moderator: Cynthia A. Bremer (Minneapolis)

11:40 – 11:45 a.m. **GENERAL SESSION CLOSING AND DRAWING**

11:45 a.m. – Noon **BREAK**

Noon – 12:45 p.m. **LUNCH (for in-person audience)**

12:45 – 1:00 p.m. **BREAK**

1:00 – 1:45 p.m. **KEYNOTE ADDRESS: DIGITAL BODY LANGUAGE FEATURING ERICA DHAWAN**



Erica Dhawan is one of the world's leading authorities on 21st century teamwork and collaboration. She helps companies, leaders, and managers leverage their collaboration and communication skills to foster game-changing performance among employees. Ms. Dhawan speaks at events around the world, including the famous World Economic Forum in Davos. She is the co-author of the book entitled *Get Big Things Done: The Power of Connectional Intelligence* (which was number one on the "What Corporate America is Reading" list). Her new book entitled *Digital Body Language: How to Build Trust and Connection, No Matter the Distance* will be provided to all attendees.

1:45 – 2:15 p.m. **BREAK AND BOOK SIGNING**

2:15 – 3:00 p.m.

BREAKOUT SESSIONS—SERIES 2

1. More (and New) Internal Complaints, More Investigations, and More Risk: Are You Prepared?

With our rapidly changing cultural and political landscape, employers are receiving more complex internal complaints, such as allegations of systemic discrimination, cultural misconduct, and unconscious bias. Shoddy investigations of these complaints have significant ramifications for employers such as protracted litigation, PR nightmares, and low employee morale. This session will address the new wave of internal complaints, how to effectively investigate them and, most importantly, when to step away from a complaint and contact outside counsel.

Speakers: (In-Person) Andre' B. Caldwell (Oklahoma City) • Monique Gougisha Doucette (New Orleans)
(Virtual) Lisa S. Burton (Boston) • Laurence A. Shapero (Seattle)

2. A Declaration Against Independents?

As discussed in the general session, the Biden administration's withdrawal of favorable regulations and opinion letters concerning the use of independent contractors, combined with the possible passage of the Protecting the Right to Organize (PRO) Act and important state law case developments, present significant new challenges for companies that use independent contractors. This session will focus on these new developments, what they mean for employers, and what steps companies can take to effectively use this business model.

Speakers: (In-Person) Greg Guidry (New Orleans) • Kevin P. Hishta (Atlanta)
(Virtual) Robert R. Roginson (Los Angeles) • Diane M. Saunders (Boston)

3. Navigating the New Normal: Global Mobility and Immigration in the Post-Pandemic World

As COVID-19 continues to impact communities around the world, managing global workforces continues to present challenges. This session will address immigration strategies and best practices in the "new normal" of a post-pandemic world, as employers try to protect their workforces and maintain business continuity. The panel will discuss compliance issues arising from remote and mobile workforces, the impact of travel restrictions, proactive steps in I-9 compliance to prepare for a return to work, and expected changes from the Biden administration.

Speakers: (In-Person) Bernhard Mueller (Columbia) • Caroline Tang (Austin)
(Virtual) Curtis Y. Chow (Columbia) • Stephen H. Smalley (Raleigh)

4. So Many States (Not to Mention Counties and Cities), Yet So Little Time

Multistate compliance is increasingly difficult for employers. Should employers take a one-size-fits-all/lowest common denominator approach or adopt a jurisdiction-by-jurisdiction strategy? The answer depends on the topic—and the price (which varies from topic to topic). Handbook policies, wage and hour, drug testing/marijuana, background checks, new required forms and documents (such as the updated California Family Rights Act), and a host of other topics are in play. The panel, which includes attorneys who practice in this space every day, will explain the most successful approaches for multistate compliance.

Speakers: (In-Person) Dee Anna D. Hays (Tampa) • Charles E. McDonald, III (Greenville)
(Virtual) M. Tae Phillips (Birmingham) • Stephen R. Woods (Greenville)

3:00 – 3:15 p.m.

BREAK

3:15 – 4:30 p.m.

DAY 1 AFTERNOON GENERAL SESSION

3:20 – 3:50 p.m.

Workplace Diversity, Equity, and Inclusion in a Highly Charged Environment

One tumultuous year following the murder of George Floyd, employers continue to struggle with creating policies, procedures, and action plans to advance diversity, equity, and inclusion in the workplace. While these measures can help attract and retain a diverse workforce, they are not without legal issues. This session will help employers create a strong culture of equity and inclusion while minimizing the risk of litigation.

Speakers: Kimya S. P. Johnson (Philadelphia) • Jimmy F. Robinson, Jr. (Richmond)
Gerald L. Walden, Jr., VP – Deputy General Counsel & Head of Diversity, The Fresh Market, Inc.

Moderator: Nonnie L. Shivers (Phoenix)

3:50 – 4:20 p.m.

Employee Expression in the Workplace: Politics, Social Justice, Voting, Masks, and More

We have all heard the saying that it is not polite to discuss certain subjects at the dinner table, but is there anything that is out of bounds in the workplace today? And if so, how do you (legally) manage these potentially explosive discussions? Our panel of experienced attorneys, reflecting on a wide variety of substantive areas, will discuss the issues and provide helpful tips for employers.

Speakers: Simone R.D. Francis (St. Thomas/New York) • Ruthie L. Goodboe (Detroit (Metro)/Pittsburgh)
Austin Smith, *General Counsel, Litigation and Labor & Employment*, Lockheed Martin Space

Moderator: Margaret H. Campbell (Atlanta)

4:20 – 4:30 p.m.

GENERAL SESSION CLOSING AND FIRST PRIZE DRAWING

4:30 – 4:45 p.m.

BREAK

4:45 – 5:30 p.m.

BREAKOUT SESSIONS—SERIES 3

1. After a Year Away From the Office, How Do We Get Employees Back to Work Safely?

Last year, employers spent days anguishing over which employees they had to require to stay away from the workplace and how best to go about it. Now the problem is figuring out when and how to return those same employees to their on-site jobs. Some want to return; many do not. Some of them can; others cannot. And returning all of them safely is key. This session will address the employment and workplace safety issues employers need to consider in the process, some of the speed bumps they are likely to hit along the way, and how to maneuver around or through them.

Speakers: (In-Person) Tina M. Bengs (Chicago/Indianapolis) • Eric E. Hobbs (Milwaukee)
(Virtual) S. Rae Gross (Detroit (Metro)) • Phillip B. Russell (Tampa)

2. Hot Topics and New Developments for Federal Contractors: Preparing for the New OFCCP

The Biden administration's agenda is taking shape. The Office of Federal Contract Compliance Programs (OFCCP) has new experienced leadership and yet we anticipate some familiar focuses, including an aggressive pursuit of systemic hiring and compensation claims. Signaling a return to traditional enforcement priorities, OFCCP recently announced it would not continue focused reviews of disability, veteran, promotion, and accommodation compliance. The agency also teased as "coming soon" an affirmative action verification initiative, which will have wide ranging implications for contractors. This session will examine the agency's new initiatives, the impact of the pandemic on its enforcement priorities, recent developments, and best practices for federal contractor compliance in this fast-paced and changing environment.

Speakers: (In-Person) Lauren B. Hicks (Atlanta/Indianapolis) • T. Scott Kelly (Birmingham)
(Virtual) Leigh M. Nason (Columbia) • James A. Patton, Jr. (Birmingham)

3. No Stigma: Why Today's Employees Aren't Shy About Suing

Employment litigation continues to soar, in part because few workers today are concerned about the stigma of suing their employers in a public forum—especially since most cases settle without the attention of a trial. This has been especially true for current employees, who are willing to seek the litigation lottery ticket while still collecting a paycheck. This lively and informative session will address how this phenomenon presents distinct challenges and risks, as well as provide a strategic approach for managing these situations.

Speakers: (In-Person) Bruce G. Hearey (Cleveland) • Kristin Snyder Higgins (Dallas)
(Virtual) Rebecca J. Bennett (Cleveland) • Gavin S. Martinson (Dallas)

4. Mental Health and Mindfulness: Emerging Stronger From Challenging Times

The mental health of employees has become a critical issue as employers begin to return employees to the actual (as opposed to virtual) work environment. This session will address employee anxiety and stress regarding the return to the workplace, as well as provide tools to ease that return. The speakers will cover how uncertainty leads to anxiety, how to recognize that anxiety when it is affecting employees, how to help employees avoid the worry trap caused by COVID-19 information overload, how mindfulness can ease the transition back to work, and how to use mindfulness tools to decrease anxiety in the coming months.

Speakers: (In-Person) Maria Greco Danaher (Pittsburgh) • Leslie Wallis (Los Angeles)
(Virtual) Michael J. Sexton (Orange County) • Michael D. Wilson, Jr. (San Francisco)



7:30 p.m.

CHARITY RECEPTION AND DINNER: "LIGHT UP THE NIGHT"

Join us for a special evening poolside as we "Light Up the Night" with great entertainment, Texas cuisine, and a spectacular city view. By attending this event, you will be supporting Be the Bridge, an organization that helps individuals and companies recognize racial division and inspire understanding and healing. (For more information, see page 14.)

7:30 – 8:30 a.m. BREAKFAST AVAILABLE

8:45 – 9:30 a.m. BREAKOUT SESSIONS—SERIES 4

1. Beyond Discrimination and Accommodations: The Lesser-Known Forces of the ADA

The ADA is best known for its anti-discrimination and accommodation requirements, but the statute's impact on employers is much more expansive. This session will explore the nebulous world of medical inquiries and examinations and direct threat analysis—two areas that moved to the forefront during the COVID pandemic, but will continue to confound employers and lay traps for the unwary.

Speakers: (In-Person) Jana S. Baker (Dallas) • Eva W. Turner (Dallas)
(Virtual) Lucas J. Asper (Greenville) • Elizabeth R. Gift (Charlotte)

2. Organizing in the New World: Creative Responses to a Post-COVID, Woke Environment

While unions will always focus their organizing on working conditions, their themes have expanded to global issues, including social justice, equity, and reactions to the recent pandemic. As a result, employers must mobilize sooner and differently if they hope to limit the impact of this new strategy. If that isn't reason enough to reevaluate employee relationship strategies, future organizing will be shaped by anticipated rule changes from the Biden administration. This session will review recent organizing tactics as well as provide new perspectives on campaigning.

Speakers: (In-Person) Rodolfo R. (Fito) Agraz (Dallas/Raleigh) • Maria Anastas (Los Angeles)
(Virtual) Timothy C. Kamin (Milwaukee) • Elizabeth M. Soveranez (Phoenix)

3. No Vaccine for Class and Collective Litigation, But Best Practices Can Minimize the Pain

The pandemic brought many challenges for companies across the United States, including class and collective actions involving new and/or continually developing legal theories. This session will discuss trends (and risks) from the fallout of 2020 in complex litigation, including recent developments in case law. The session will also provide practical tips for avoiding common land mines and best practices to minimize risk as businesses across the country plan for a return to work and attempt to navigate the "new normal."

Speakers: (In-Person) Brian D. Berry (San Francisco) • Robert M. Tucker (New York)
(Virtual) Tracie L. Childs (San Diego) • Maggie Hanrahan Santen (Atlanta/Charlotte)

4. Employee Benefits in the Time of COVID

Congress has now passed four major COVID-related relief laws. Each of these laws impact employer benefit plans and payroll practices. This session will review the provisions of the FFCRA, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Consolidated Appropriations Act (CAA), and the American Rescue Plan Act (ARPA) that affect group health plans and retirement plans, as well as payroll tax credits available for COVID relief provided to employees. In addition, this session will highlight the 100 percent COBRA subsidy under the ARPA that applies through the end of September, as well as recent regulatory guidance providing additional benefit plan administration mandates and options.

Speakers: (In-Person) Stephanie A. Smithey (Indianapolis) • Timothy G. Verrall (Houston)
(Virtual) Deborah Andrews (Washington, D.C./Raleigh) • Jason Rothman (Cleveland)



- 9:30 – 9:45 a.m. **BREAK**
- 9:45 – 11:45 a.m. **GENERAL SESSION**
- 9:45 – 10:00 a.m. **DAY TWO CONFERENCE KICKOFF**
Homer L. Deakins, Jr., *Chairman Emeritus* (Atlanta)
- 10:00 – 10:15 a.m. **PRESENTATION OF THE HOMER DEAKINS SERVICE AWARD**
Honoring Be the Bridge and Latasha Morrison



10:15 – 10:40 a.m.



**KEYNOTE POLICYMAKER PERSPECTIVE FEATURING
EEOC COMMISSIONER KEITH SONDERLING**

There is little question that harassment, bias, and equity matters in the workplace are at the forefront of the nation's public policy discussion. Further, new technologies (and what we have learned over the last year) are changing how we work. The U.S. Equal Employment Opportunity Commission (EEOC) is actively considering these and many other issues—and the impact on employers is clear and significant. Join Commissioner Keith Sonderling as he discusses recent developments at the EEOC and how the federal agency plans to be a leader in the fight against workplace discrimination during times of uncertainty.

10:40 – 11:10 a.m.

COVID Concerns: Vaccines, Masks, and Return to Work

As vaccines have become more widely available, scores of questions face employers. Can employers mandate vaccines in order for employees to be present in the workplace? What if someone refuses? Or someone refuses to return to work if others have not been vaccinated? What are the accommodation obligations for those who can't get vaccinated? What about allowing vaccinated employees to stop wearing masks in the workplace (or providing other benefits)? These questions and more will all be answered during this critical session.

Speakers: Michael Oliver Eckard (Charleston/Atlanta) • Leslie E. Wallis (Los Angeles)

Special Guest: Keith Sonderling, *Commissioner*, EEOC

Moderator: John Gerak (Cleveland)

11:10 – 11:40 a.m.

COVID Concerns: The Employment Litigation Tsunami

This session will provide an update on litigation related to the pandemic and prevention measures employers should consider to minimize their legal risk. The panel will discuss changes in workers' compensation laws across the country, liability shield legislation, and current trends. Finally, the speakers will review the ramifications of COVID take home exposure litigation and the areas of the country at highest risk.

Speakers: Ashley Prickett Cuttino (Greenville) • Hal A. Shillingstad (Minneapolis)
Natalie M. Stevens (Cleveland)

Moderator: Bernard J. Bobber (Milwaukee)

11:40 – 11:45 a.m.

GENERAL SESSION CLOSING AND DRAWING

11:45 a.m. – Noon

BREAK

Noon – 12:45 p.m.

LUNCH (for in-person audience)

12:45 – 1:00 p.m.

BREAK



1:00 – 1:45 p.m.



KEYNOTE ADDRESS: FINDING COMMON GROUND TO CREATE WORKPLACE HARMONY FEATURING DARYL DAVIS

Increasing inclusiveness (and addressing other issues of diversity) is a critical focus area for employers in 2021. But to achieve workplace civility, employers must recognize that missed opportunities for dialogue result in lost opportunities to minimize conflict. Daryl Davis—author, actor, and musician—has taken a unique and inspiring path to improve race relations by communicating with those with whom we differ and establishing a common ground among adversaries. Join this insightful and thought-provoking session for lessons on how to embrace diversity and promote civility by gaining perspective and knowledge of others' views and beliefs.

1:45 – 2:00 p.m.

BREAK

2:00 – 2:45 p.m.

BREAKOUT SESSIONS—SERIES 5

1. New COVID-19 Emergency Temporary Standard: What Will It Require of Employers?

The federal Occupational Safety and Health Administration (OSHA) is expected to publish a new emergency temporary standard for COVID-19. What will the new standard require of employers that is different from what the U.S. Centers for Disease Control and Prevention's (CDC) guidelines and OSHA's guidance require to date? What will it require that is similar? This session will delve into the details of the new standard and answer those questions.

Speakers: (In-Person) Melissa A. Bailey (Washington, D.C.) • Frank D. Davis (Dallas)
(Virtual) Valerie N. Butera (Detroit (Metro)) • John F. Martin (Washington, D.C.)



2. A-I Powered Deepfakes: What Employers Need to Know

Through rapid advancements in artificial intelligence (AI), anyone with a computer and basic technology savvy has the ability to digitally alter videos, images, and audio in increasingly sophisticated ways. This session will explore the deepfake phenomenon, and review the technology and applicable law. The speakers will focus on areas where deepfakes pose the greatest risks and opportunities for employers, and how employers can address this new reality.

Speakers: (In-Person) Jennifer G. Betts (Pittsburgh) • Danielle Ochs (San Francisco)
(Virtual) Josh C. Harrison (Birmingham) • Michael N. Westheimer (San Francisco)



3. Reductions in Force in a Pandemic: Lessons for Employers

The COVID-19 pandemic forced employers to move quickly with furloughs, reduced hours, and terminations. With these rapid developments, employers were required to make hard decisions quickly. This session will cover RIF/WARN lessons learned during the pandemic and how employers can be better prepared for any unforeseen negative business circumstances, including voluntary separations, reduced hours, furloughs, and relevant WARN implications.

Speakers: (In-Person) David J.B. Froiland (Milwaukee) • James R. Silvers (Greenville)
(Virtual) Michael H. Bell (Denver/Dallas) • Trina Ricketts (Kansas City)

4. Hot Topics in Discrimination and Harassment: Where Future Lawsuits May Arise

Remote employee interactions lead to new harassment and discrimination claims. The first millennials turn 40 and are now protected from age bias. The Supreme Court of the United States is reviewing several key religious discrimination cases. These are just a few of the key recent developments in the world of discrimination and harassment litigation. This session will explore these developments (and more) and provide practical tips for employers to avoid being caught in one of these new traps.

Speakers: (In-Person) Rodney A. Harrison (St. Louis) • Christopher E. Moore (New Orleans/Houston)
(Virtual) Betsy Johnson (Los Angeles) • Karen M. Morinelli (Tampa)

2:45 – 3:00 p.m. BREAK

3:00 – 4:00 p.m. CLOSING GENERAL SESSION

3:00 – 3:25 p.m. Pardon the Interruption! Workplace Strategies Style

With so many sessions to choose from, you can't attend them all. So we have asked speakers from the most popular breakout sessions to provide key takeaways from their programs—while on a shot clock. And the commentary of Joe Beachboard and Dr. Dennis Davis makes the session fast-paced and fun.

3:25 – 3:50 p.m. The Wacky World of Employment Law

Many employees may have been working remotely over the last year, but that hasn't lessened the wacky things workers do. In fact, the pandemic seems to have created more crazy cases than ever before. This popular session takes a humorous look at the latest, zaniest employment law developments.

Speakers: Melissa A. Bailey (Washington, D.C.) • Joseph T. Clees (Phoenix)

3:50 – 4:00 p.m. CLOSING REMARKS AND GRAND PRIZE DRAWING



Program Highlights

WEDNESDAY, JUNE 23, 2021

WELCOME RECEPTION AND DINNER DISCUSSIONS

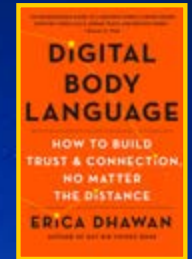
Join us for a welcome reception following an afternoon of immersion sessions. You will enjoy great conversation with fellow attendees, refreshments, and hors d'oeuvres before joining our attorneys for dinner.



THURSDAY, JUNE 24, 2021

BOOK SIGNING WITH ERICA DHAWAN

Following her keynote presentation on Thursday afternoon, Erica Dhawan will be available to sign her latest book, *Digital Body Language: How to Build Trust and Connection, No Matter the Distance*, for in-person attendees. In *Digital Body Language*, Ms. Dhawan, a go-to thought leader on collaboration and a passionate communication junkie, combines cutting-edge research with engaging storytelling to decode the new signals and cues that have replaced traditional body language across genders, generations, and culture. Everyone attending Workplace Strategies 2021 (in person and virtually) will receive a copy of *Digital Body Language*!



CHARITY RECEPTION AND DINNER: "LIGHT UP THE NIGHT"

Join us for a special evening poolside as we "Light Up the Night" with great entertainment, Texas cuisine, and a spectacular city view. By attending this event, you will be supporting Be the Bridge, an organization that helps individuals and companies recognize racial division and inspire understanding and healing.



FRIDAY, JUNE 25, 2021

HOMER DEAKINS SERVICE AWARD

Each year, Ogletree Deakins presents the Homer Deakins Service Award to recognize an individual who, through selfless and courageous action, strives to help and inspire others—demonstrating the true spirit of giving. Our 2021 recipient, Latasha Morrison, founded Be the Bridge to encourage racial reconciliation among all ethnicities, promote racial unity in America, and equip others to do the same. The organization focuses on building authentic relationships and creating healthy dialogue about racial disparities and injustice in order to bridge racial divide. Our 2021 Homer Deakins Service Award recipient will be honored in a special presentation on Friday morning.



Detailed Registration Information

DATES

June 23-25, 2021

LOCATION

Fairmont Austin
101 Red River Street
Austin, Texas 78701
(512) 600-2000

COST

In-Person

\$745 per person for clients

\$945 per person for all others

(includes breakfasts, lunches, pre-conference activities, receptions, and extensive program materials)

Virtual

\$345 per person for clients

\$545 per person for all others

GROUP RATES

Contact us for information regarding special group rates or virtual site licensing.

Please let us know if you require any special meals, services, or accommodations.

HOTEL RESERVATIONS

Hotel reservations can be made by calling the Fairmont Austin directly at 1-888-240-7773 and requesting the Ogletree Deakins Workplace Strategies seminar rate of \$169 plus tax per night. You can also use the Fairmont Austin reservations [link](#). The hotel block is limited, so please make your reservation as soon as possible. A credit card is required to guarantee each reservation. The special room rate is guaranteed until June 1, 2021, or until the room block is sold out (whichever occurs first).

CANCELLATION POLICY

All registration fees are non-refundable after May 21, 2021; however, you may substitute an alternate attendee from your company. Please email ODEvents@ogletree.com to make any changes.

CLE INFORMATION

Continuing legal education (CLE) will be requested for this program. Please note that Alabama CLE credit is not available for this program. Please email any CLE-related questions to cle@ogletree.com. This program qualifies for both experienced and newly admitted attorneys. Attorneys who need financial aid to attend may view the policy [here](#).

NOTE: This program is exclusively designed for management representatives of employers. The provider retains the right to deny registration of others at its discretion.

To Register



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We have 53 offices across the United States and in Europe, Canada, and Mexico, including an office in Austin, Texas.

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