

Ogletree  
Deakins

WORKPLACE  
STRATEGIES®

2022 • Arizona Biltmore

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.



ARIZONA  
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PHOENIX • SCOTTSDALE  
A WALDORF ASTORIA RESORT

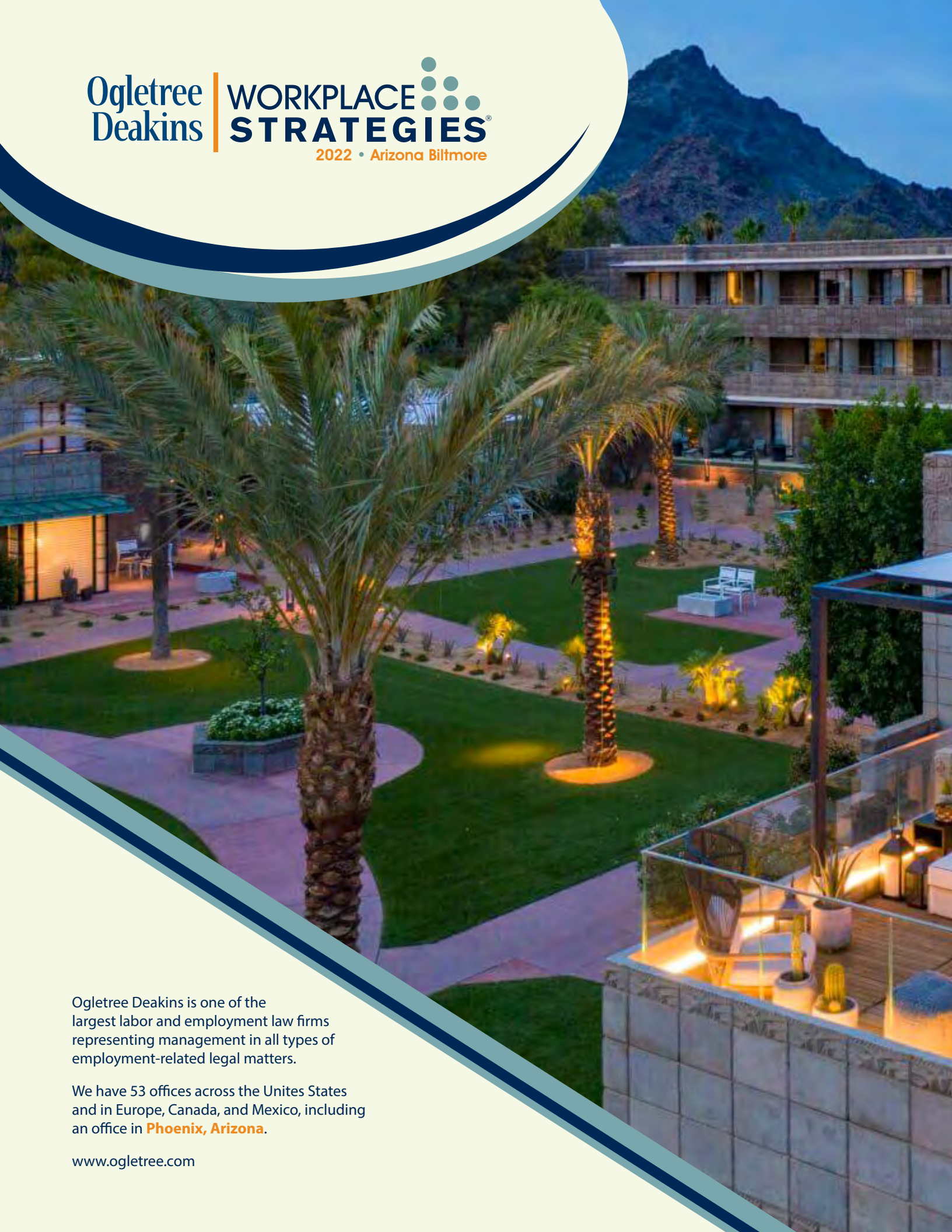


# May 4-7 2022

## PROGRAM AGENDA

Ogletree Deakins invites you to join us for our annual national educational labor and employment law seminar.





Ogletree Deakins is one of the largest labor and employment law firms representing management in all types of employment-related legal matters.

We have 53 offices across the United States and in Europe, Canada, and Mexico, including an office in **Phoenix, Arizona**.

[www.ogletree.com](http://www.ogletree.com)



# WELCOME FROM OUR MANAGING SHAREHOLDER



I am pleased to invite you to Ogletree Deakins' Workplace Strategies seminar, which will be held May 4–7, 2022, in Phoenix, Arizona. After a challenging couple of years, we are happy to be returning to some normalcy. I sincerely hope you can join us for this outstanding annual employment law seminar for senior-level human resources professionals and in-house counsel.

This brochure includes a detailed agenda for the seminar and the special events associated with it. As the brochure shows, we have another great program in store for 2022—with over 70 sessions and 200 speakers (including special guest speakers).

We are once again giving back to the community through our support of a local nonprofit organization. This year, we are proud to support the Solid Rock Teen Centers, a Phoenix-based nonprofit organization founded by "shock rock" musician Alice Cooper and his wife Sheryl that is dedicated to enriching the lives of teens through music, dance, and the arts. You will hear more about the Solid Rock Teen Centers on Friday, May 6.

Workplace Strategies 2022 will be held at the Arizona Biltmore, a Waldorf Astoria Resort located in Phoenix. Registrations are rapidly filling up, and we expect the program to sell out—so please make plans to join us soon.

Over the last three decades, 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. We will continue that important tradition this May in Phoenix—and we look forward to having you with us.

Sincerely,

A handwritten signature in dark ink that reads "Charles Matthew Keen". The signature is fluid and cursive.

C. Matthew Keen, *Managing Shareholder*, Ogletree Deakins

**Featuring over 70 sessions  
and 200 speakers (including  
special guest speakers).**



# WEDNESDAY

## MAY 4, 2022

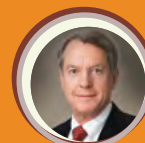
10:00 a.m.

Registration Opens

Noon – 1:30 p.m.

WELCOME LUNCH, KEYNOTE PRESENTATION, AND SPECIAL GUESTS  
BELTWAY BUZZ: Politics, Polls, and Policy—The Impact on Employers

Whit Ayres, *Founder and President*, North Star Opinion Research  
Olivia Beavers, *Congressional Reporter*, POLITICO  
James J. Plunkett (Washington, D.C.)



Whit Ayres



Olivia Beavers



James J. Plunkett

What do you get when you put a political pollster, a congressional reporter, a D.C. legal insider, and a seven-term congressman together on a panel? An incredibly insightful and thorough look at the upcoming historical midterm elections, the turbulent political climate in Washington, proposed legislation, enhanced regulatory activity, and what it all means for employers going forward. This important session sets the stage for many of the employment policy discussions that will follow later in the program.

*Moderated by:* Charles A. Gonzalez (San Antonio), *former Member*, U.S. House of Representatives (D-TX)

1:30 – 2:00 p.m.

BREAK

2:00 – 5:00 p.m.

## IMMERSION SESSIONS

### 1. Workplace Tech Tips and Traps: Achieving Business Objectives While Staying Compliant

Organizations are increasingly relying on biometric technology, data analytics, artificial intelligence, intelligent robots, the metaverse, wearables, augmented and virtual reality, and other advanced technologies. HR and legal can drive value by understanding these technologies and the changes brought by them and collaborating with other internal stakeholders to embrace technology-driven transformations. But myriad, often state-by-state, legal compliance risks can result from the use of these technologies. Join our speakers as they provide an overview of current and projected future technologies as well as legal and practical risks and best practices associated with technology-driven changes to the workplace.

*Speakers:* Jennifer G. Betts (Pittsburgh) • Anne E. Larson (Chicago) • Danielle Ochs (San Francisco)

*Moderator:* Bruce A. Griggs (Austin)

### 2. Training and Presenting in the New Workspace

With many employees returning to the workplace and others shifting to permanent remote work, it will be increasingly important to develop dual-modality trainings and presentations. This immersion session will detail the components necessary to keep your audience's attention and deliver your message whether your employees are participating in person or virtually. Get tips from experienced trainers who have successfully navigated the challenges of the pandemic.

*Speakers:* Maria Greco Danaher (Pittsburgh) • Timothy A. Garnett (St. Louis) • Gregory J. Hare (Atlanta)

### 3. Employee Benefits and Executive Compensation Boot Camp—A Guide for HR

This session presents a unique opportunity to better understand the key benefits issues facing employers. The discussion will be divided into three main areas. The first, **Health and Welfare Plans**, will address the types of benefits subject to the Employee Retirement Income Security Act (ERISA), funding strategies, the definition of “group health plan” under ERISA, and compliance mandates applicable to ERISA plans. The second, **Retirement Plans**, will review qualified plans, compliance requirements under the Internal Revenue Code and ERISA (including coverage and discrimination testing, annual limitations, and eligibility), design considerations, and common administrative challenges. The final area, **Executive Compensation and Deferred Compensation**, will focus on common executive compensation programs including incentive pay, deferred compensation, equity compensation, change in control and severance benefits, and perquisites, along with an explanation of the legal and tax rules that drive their design and operation. Attendees will receive checklists, templates, and issue spotting guides.

*Speakers:* Kristine M. Bingman (Portland, OR) • Chris Guthrie, *Corporate Counsel*, Delta Air Lines  
Eric D. Penkert (Greenville) • Timothy J. Stanton (Chicago) • Timothy G. Verrall (Houston)

*Moderator:* Ruth Anne Collins Michels (Atlanta)



#### 4. Responding to Union Organizing Under the New NLRB Obstacles

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.

**Speakers:** Kyle T. Abraham (Portland, OR) • Elizabeth M. Soveranez (Phoenix) • Thomas M. Stanek (Phoenix)

**Moderator:** James C. Pennington (Birmingham)

#### 5. How to Investigate Workplace Complaints—A “Graduate-Level” Practicum

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 session will also test your investigation abilities and provide you with the opportunity to learn by doing while receiving helpful feedback from experienced practitioners.

**Speakers:** Monique Gougisha Doucette (New Orleans) • Carolyn A. Knox (San Francisco)

**Moderator:** Michael Clarkson (Boston)

#### 6. The Jury Has Reached a Verdict!

As courts open up, the backlog created by the pandemic will soon result in a flood of trials. With the assistance of a well-known jury consultant, our seasoned trial lawyers will conduct an interactive session where you are part of a jury that evaluates real-world problems affecting companies. You will hear scenarios that likely occur in your everyday practice, see how they can be interpreted through the eyes of the jury, and then you can reach a verdict! This is a fast-moving, eye-opening experience you won’t want to miss.

**Speakers:** Gary D. Eisenstat (Dallas) • Dan R. Gallipeau, Ph.D., *President*, Dispute Dynamics, Inc.  
Michael D. Mitchell (Houston/Miami) • Danielle Vanderzanden (Boston/Portland, ME)

5:30 – 8:00 p.m.

#### WELCOME RECEPTION—VALLEY OF THE SUN STYLE!

Join us for a casual reception in the elegant Gold Room at the Arizona Biltmore. Enjoy local hors d’oeuvres and cocktails while admiring the beautiful architecture and connecting with old and new friends.





- 7:00 – 8:30 a.m.**      **Registration and Breakfast**
- 7:30 – 8:15 a.m.**      **Special Briefings**  
Topics will address the very latest labor and employment law developments and will be announced approximately two weeks prior to the program.
- 8:30 – 8:45 a.m.**      **Welcome to Phoenix!**  
C. Matthew Keen, *Managing Shareholder* (Raleigh) • Christopher J. Meister (Phoenix)
- 8:45 – 9:00 a.m.**      **Workplace Strategies 2022—Everything You Need to Know**  
Joseph L. Beachboard and Dennis A. Davis, Ph.D., *Program Moderators* (Torrance)
- 9:00 – 9:45 a.m.**      **“Headline News”—Key Developments Impacting Employers**  
There has been no shortage of workplace news over the last year. Join our panelists for a quick spin around some of the latest labor and employment developments—and learn how they might impact your organization! From affirmative action to workplace safety, we will hit the highlights.  
**Speakers:**      Monique Gougisha Doucette (New Orleans) • Eric E. Hobbs (Milwaukee)  
T. Scott Kelly (Birmingham) • Jacquelyn P. Maroney (Austin) • John A. Morrison (Atlanta/New York)  
Diana J. Nehro (New York/Boston) • Sarah J. Platt (Milwaukee)

- 9:45 – 10:10 a.m.**      **KEYNOTE POLICYMAKER ADDRESS: U.S. Equal Employment Opportunity Commission (EEOC) Vice Chair Jocelyn Samuels**  
Join our keynote speaker, EEOC Vice Chair Jocelyn Samuels, as she offers valuable insights on the commission's current enforcement priorities and highlights important areas of interest for employers. This “inside look” into this key federal agency for employers will provide critical insights for all attendees.  
*Introduction by:* Nonnie L. Shivers (Phoenix)



- 10:10 – 10:45 a.m.**      **COVID Concerns Continue—Even as the Virus (Hopefully) Wanes**  
Employers are still struggling to find the right balance for their COVID-19 mitigation measures—while trying to keep up with ever-changing state, local, and federal standards. Can employers continue to require vaccinations, and if so, when should they consider rolling back such requirements? How should employers respond to the rise in religious accommodation requests? What are the COVID-19-related litigation developments employers need to take note of? The panel, featuring EEOC Vice Chair Jocelyn Samuels, will discuss current and anticipated legal trends and COVID-19 mitigation strategies during what we all hope is the back end of the pandemic.  
**Speakers:**      Michael Oliver Eckard (Charleston/Atlanta)  
James M. Paul (St. Louis) • Jocelyn Samuels, *Vice Chair*, EEOC  
**Moderator:** Bryant S. McFall (Dallas)

- 10:45 – 11:15 a.m.**      **BREAK**

## 11:15 a.m. – Noon      **BREAKOUT SESSIONS—SERIES I**

- 1. The Shifting Scale of Sexual Harassment: How the Focus, Size, and Allegations Have Evolved**  
Unlike some areas of employment law, sexual harassment litigation has not slowed during the pandemic. Accusations are increasingly focused on high-ranking or prestigious officials and company-wide practices, and class action litigation has grown in viability. In this session, the speakers will discuss the top trends in sexual harassment litigation, review key decisions affecting employer strategies, and identify best practices for prevention.  
**Speakers:**      Lisa Stephanian Burton (Boston/Portland, ME) • M. Kimberly Hodges (Memphis)  
**Moderator:** Patrick R. Martin (Minneapolis)
- 2. Everyone's Favorite New Accommodation: Working From Home**  
Since the Americans with Disabilities Act (ADA) was enacted, employees have asked to telecommute as an accommodation. Such requests were typically denied for a number of reasons (e.g., no reliable way to manage performance and the nature of the job requires in-person interaction). For the last two years, employees have worked from home—and performed well—despite these concerns. As a result, employees who are asked to return to the office may seek to continue working remotely as a reasonable accommodation under the ADA and state laws. This session will provide insight on how to manage and evaluate such requests, and offer tips on how to balance these requests with employers' desire to return employees to the workplace.  
**Speakers:**      Charles E. McDonald, III (Greenville) • Toby Piering, *Senior Corporate Counsel – Labor & Employment*, Amazon  
**Moderator:** Rodney A. Harrison (St. Louis)





### 3. COVID-19 Litigation: Never Let a Crisis Go to Waste

The wave of COVID-19-related employment litigation continues unabated in 2022 as plaintiffs' lawyers continue to leverage novel legal theories based on the unprecedented workplace issues faced by employers during the pandemic. Plaintiffs' lawyers are poised to file copycat claims based on cases working their way through the system and verdicts yet to come. Also, the flood of pending agency claims filed during the height of the pandemic will finally be processed generating right to sue letters as a precursor to a whole new wave of case filings. This breakout session will build on the morning's general session discussion and provide valuable insight from the front lines on successful defenses to COVID-19-related claims, emerging trends and legal theories, and tactics to prepare for what comes next.

**Speakers:** Hal A. Shillingstad (Minneapolis) • Marlene C. Williams (Houston)

**Moderator:** James M. Barrett (Portland, OR)

### 4. Wage and Hour Class Action Defense Strategies—Deep Dive

Class actions continue to provide a source of concern for companies, especially wage and hour litigation. In 2021, workers certified more class and collective actions in the wage and hour space than all other types of workplace litigation, and settlement numbers skyrocketed to an all-time high. In this session, you will learn unique strategies to help prevent class actions being filed against your company, how to settle class actions favorably, and how to prevail on class actions in the event you cannot avoid or settle them.

**Speakers:** Maggie Hanrahan Santen (Charlotte/Atlanta) • Spencer C. Skeen (San Diego)

**Moderator:** Chris R. Pace (Kansas City)

### 5. Managing a Unionized Workforce Post-COVID

Many employers face unique situations when it comes to bargaining and contract administration in a post-COVID world. A significant increase in strikes, work stoppages, and concerted activity, coupled with employers' need to increase recruitment and retention, pose new and different challenges. Employers wanting to make improvements mid-contract worry that doing so may set unacceptable precedent or may be limited based on zipper clause language, for example. The speakers will explore this challenging environment as well as provide creative alternatives to address what feels like unprecedented obstacles in the post-COVID, unionized world.

**Speakers:** Sandi F. Dubin (New York) • John T. Merrell (Greenville)

**Moderator:** Brandon M. Shelton (Charlotte/Indianapolis)

### 6. Customers and COVID: Masks, Moderna, Mandates, and Minefields

Just as employees have challenged mask and vaccine mandates in the workplace, so too have customers. Claiming protection under Title III of the ADA, Title II of the Civil Rights Act of 1964, religious freedom principles, and various states' laws, customers have initiated a wave of litigation and administrative (and less formal) complaints against businesses for their efforts to protect the health of their employees and other customers. With the possibility of still further surges of infections from COVID-19 variants and the other pandemics that experts promise are coming, it has become increasingly important for businesses to understand the legal theories used in these consumer claims and how best to position your business to defend and win in this litigious environment. Calling on the last two years of experience advising and defending businesses on these types of claims, and many more years defending customers' claims under all of these laws, the panel will offer best practices for establishing, enforcing, and defending, if necessary, your business' efforts to protect employees and customers from the spread of COVID-19.

**Speakers:** Gretchen M. Lehman (Tampa) • Amber L. Roller (Los Angeles)

**Moderator:** David Raizman (Los Angeles)

### 7. A Return to "Normal" OSHA Enforcement Post-COVID-19: What Exactly Might That Look Like?

COVID-19 knocked the whole world, including the Occupational Safety and Health Administration (OSHA), off its pins. It distracted OSHA from its usual rulemaking and enforcement activity. Now that COVID-19 seems to be transitioning from pandemic to endemic, OSHA is trying to return to normal. But what does normal look like when it comes to rulemaking and enforcement? This session will bring attendees up to date on the latest developments and do some crystal ball gazing into the future.

**Speakers:** Frank D. Davis (Dallas) • Wayne E. Pinkstone (Philadelphia)

**Moderator:** R. Lance Witcher (St. Louis)

### 8. Embracing Workplace Mobility—Without Creating Legal Liability

Employers need to possess knowledge in a number of areas before doing business in other countries. This session will address the legal hurdles, such as complying with local employment laws and ensuring ownership of intellectual property without unintentionally submitting to jurisdiction outside the United States. The speakers will also address payroll tax challenges, benefits governance and equalization, and other factors to know before venturing into the cross-border world. No passport required!

**Speakers:** Michael K. Mahoney (Morristown) • Ruth Anne Collins Michels (Atlanta) • Diana J. Nehro (New York/Boston)

**Moderator:** Roger James (London)



# THURSDAY

## MAY 5, 2022

(Continued)



Noon – 1:30 p.m.



### LUNCH AND KEYNOTE ADDRESS: The Future of Business in a Post-COVID World

Ian Morrison, Ph.D. (Author, Consultant, Futurist)

The pandemic has had a profound effect on organizations, families, and individuals and the repercussions continue for the future of cities, work, business, and the health system. In this big picture review, noted futurist Ian Morrison will explore some of the implications of a post-COVID world for business and society. Drawing on a wide range of experience as a futurist who has worked with more than 100 Fortune 500 companies in his career, Dr. Morrison will describe his perspective on the lasting impact of the pandemic and the uncertainties and curveballs that may still lie ahead.

*Introduction by:* Tibor Nagy Jr. (Tucson/Phoenix)

1:30 – 1:45 p.m.

**BREAK**

1:45 – 2:30 p.m.

## BREAKOUT SESSIONS-SERIES 2

### 1. 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.

**Speakers:** Maria Anastas (Los Angeles) • David Rittorf, *President and CEO*, Modern Management, Inc.

**Moderator:** Christopher E. Moore (New Orleans/Houston)

### 2. Not My Problem! (Or Is It?): Maintaining Checks and Balances With Third-Party Leave Administration

Increasingly employers are relying on third-party providers to administer Family and Medical Leave Act (FMLA), ADA, and other company-centric employee leaves. But are employers maintaining sufficient control of those decisions and processes to comply with legal requirements and withstand legal challenges? When legal challenges arise, are the related documents employers used to have at their fingertips now beyond their reach? Under the service agreement, who is really responsible for final decisions? Is the provider covering and complying with state and local leaves too? If not, who is? This session will provide recommendations and best practices on these issues and more that come from outsourcing leave and accommodation administration.

**Speakers:** Tina M. Bengs (Chicago/Indianapolis)

Kimberly Yourchuck, *Counsel – Employment & Labor*, General Motors

**Moderator:** William L. Duda (Columbia)

### 3. Restrictive Covenants Under Assault: What You Need to Know in 2022

This session will explore hot topics in restrictive covenants (e.g., noncompete agreements, nonsolicitation agreements, anti-raiding clauses, and confidentiality provisions). The session will address in detail the Federal Trade Commission regulation under President Biden's 2021 bombshell executive order. Also, the panel will provide an update on the Department of Labor's (DOL) antitrust efforts and examine developments at the state level that are narrowing the path of restrictive covenant enforcement.

**Speakers:** Christine Bestor Townsend (Milwaukee/Chicago) • Sean C. Urich (Dallas)

**Moderator:** Tobias E. Schlueter (Chicago)







#### 4. When Cupid's Arrow Targets the Workplace

Despite spending much of the past two years in a “virtual” world, workplace romances have increased during the COVID-19 pandemic. Many employers now recognize the likelihood of romantic relationships and have adopted policies expressly permitting such relationships (at least among peers) and encouraging transparency. But there is little, if any, incentive for those in a direct reporting relationship to disclose their romance to their employers, creating significant legal risks, particularly where there is likely to be a significant digital footprint left behind. This session will review the practical and legal implications associated with office romances, discuss recent legal developments, and provide guidance for minimizing legal exposure when those relationships fail.

**Speakers:** Tiffany Cox Stacy (San Antonio) • John G. Stretton (Stamford)

**Moderator:** Karen M. Morinelli (Tampa)

#### 5. The Brave New World of Data Security: Protecting Employee and Benefit Plan Data

From beginning to end, the employment relationship generates large amounts of sensitive data, and both regulators and cybercriminals are increasingly focusing their attention on it. This session will explore both the evolving security standards and practices for securing employee and benefit plan data and recent changes to the legal requirements that regulate how this data is used and stored. The speakers will also provide practical guidance for employers in developing their own employee-oriented data security measures and mitigating the risks of misuse of their data.

**Speakers:** Danielle Vanderzanden (Boston/Portland, ME) • Timothy G. Verrall (Houston)

**Moderator:** Stephanie A. Smithey (Indianapolis)

#### 6. Multi-Jurisdictional Compliance: More States, More Problems

With 86 percent of employers describing multistate and multilocality compliance as a challenge (and more than 20 percent ranking that and remote work as their biggest risk), this topic is on employers' minds (or perhaps the source of their bad dreams). With litigation, charges, and daily advice demanding immediate attention, it is easy to let compliance slide. In this session, the speakers will tackle several of the toughest issues—leaves (including paid sick leaves and COVID-19 paid leaves), arbitration, state taxes, wage payment (including direct deposit/payroll cards), and background checks—and provide practical options for addressing these and other challenges.

**Speakers:** Dee Anna D. Hays (Tampa)

Janie Perelman, *Vice President and Assistant General Counsel*, The Michaels Companies

Stephen R. Woods (Greenville)

#### 7. COVID in California: Strategies for Employers

California still is on the forefront of employer COVID-related obligations—and will be for some time. This session will address state and local COVID sick leave requirements, COVID testing and vaccination, quarantine and pay requirements mandated by the Division of Occupational Safety and Health (Cal/OSHA), and other state and local COVID requirements. The speakers will also discuss revised Cal/OSHA COVID obligations and pending legislation that requires employees be fully vaccinated in order to be employed. Finally, the speakers will provide educated predictions about California's next steps in the COVID arena.

**Speakers:** Karen F. Tynan (Sacramento) • Leslie E. Wallis (Los Angeles)

**Moderator:** Charles L. Thompson, IV (San Francisco)

#### 8. The Client's Guide to Arbitration—Strategies for Winning

One recent study suggests workers win more money and more often in arbitration than in court. This does not have to be your experience. In this session, you will hear from seasoned litigators who have successfully arbitrated employment and wage and hour claims. You will learn unique strategies concerning arbitrator selection/disqualification, how to bring and prevail on dispositive motions, whether motions in limine actually work, and how to prepare winning opening and closing statements.

**Speakers:** Linda Claxton (Los Angeles) • Daniel P. O'Meara (Philadelphia)

**Moderator:** Carolyn A. Russell (Houston)





2:45 – 3:30 p.m.

### BREAKOUT SESSIONS-SERIES 3

#### 1. Pulse on Pay Equity: Top Issues for U.S. and Global Employers

Pay equity remains top of mind for many employers, and for good reason. These issues continue to make news headlines and an increasing number of jurisdictions are passing pay equity-related laws. For global employers, reporting requirements around the world create even more challenges. This session will focus on the latest pay equity issues and best practices for U.S. and global employers, including pay disclosure and salary history ban laws, proactive pay audits, global compliance obligations, attorney-client privilege, and other trends in pay transparency initiatives.

**Speakers:** Daniella McGuigan (London) • Sarah J. Platt (Milwaukee)

**Moderator:** Liz S. Washko (Nashville)

#### 2. Addressing Talent Needs in New Ways: Developing English Language Skills Is a Win-Win Solution

Employee recruitment and retention is perhaps the greatest challenge facing employers today. With more open roles than job seekers, many organizations are rethinking how they source and cultivate talent, often turning to workplace-based upskilling and reskilling programs. Many workers are left out of these programs simply because they do not have the English skills they need to participate. In fact, over two million immigrants in the United States are underemployed—unable to use their professional skills and credentials from their home countries simply because they lack English skills. This session will address how employers can use AI-powered English training to address talent shortages, enhance workplace communication and collaboration, and provide internal upward mobility.

**Speakers:** Bernard J. (“Bud”) Bobber (Milwaukee)  
Katie Brown, Ph.D., *Founder and Chief Education Officer, EnGen*

**Moderator:** J. Howard Daniel (Greenville)

#### 3. The Remote Experience: Best Leave Practices Learned During the Pandemic

Is your company adapting to the challenges associated with retaining employees during the “Great Resignation”? Are you continuing to offer flexible remote work options to retain talent? This session will address leave issues unique to working in a remote environment. It is designed for employers that have migrated to remote, are migrating back from remote, or are contemplating offering more remote options.

**Speakers:** Lucas J. Asper (Greenville) • Steven J. Luckner (Morristown)

**Moderator:** Stacy M. Bunck (Kansas City)

#### 4. Developments in Labor Law, Union Organizing, and Collective Bargaining: An Overview

One of the many significant impacts of COVID-19 is the elevated visibility of labor unions and the fact that more workers than ever have asked this question: would it have been any different if we had a union? From the significant number of high-profile organizing campaigns and recent strikes, to the effort by organized labor to connect with the next generation of workers, to the highly aggressive, pro-union reform agenda at the NLRB, there is much for labor relations professionals to be aware of in this new environment. If you only attend one labor discussion at Workplace Strategies 2022, this is the one. This session will present a high-level overview of every topic and developing story labor professionals need to understand to counsel their employers.

**Speakers:** Rodolfo R. (Fito) Agraz (Dallas/Raleigh) • Kevin J. Kinney (Milwaukee)

**Moderator:** Eric C. Stuart (Morristown)

#### 5. M&A From an L&E Perspective

The mergers and acquisitions (M&A) market remains white hot. Involving HR and labor and employment (L&E) legal team members at every stage of the process limits deal disruption, increases employee engagement, and creates deal value. Pay practices, employee and labor relations strategies, benefit plans, agreements with employees, and HR systems integration must be analyzed. Similarly, onboarding, recruiting, management styles, employee collaboration and engagement, and organizational cultural issues must be discussed. All these issues require the same attention in pre-deal due diligence and post-deal integration planning as any other aspect of a deal. This session will assist your organization in their coordinated analysis from an L&E perspective, which in turn can avoid or limit some of the challenges that typically arise throughout the deal process.

**Speakers:** Anthony L. Martin (Las Vegas) • Courtney Rogers Perrin, *Member, Frost Brown Todd*

**Moderator:** Greg Guidry (New Orleans/Lafayette)







**6. The Future of Work: Navigating Global Mobility, Remote Work, and Immigration Compliance**

COVID-19 forced employers to implement new ways of working—in most cases, including work-from-home models. And U.S. agencies implemented flexible policies designed to assist with this unprecedented challenge. The speakers will explore how employers can continue to remain compliant with U.S. immigration law, whether they choose to have employees “return to work,” remain remote, or formulate a framework encompassing both options.

**Speakers:** Daniel Maranci (Boston) • Paul Reifler Messenger, *Immigration Program Lead*, CVS Health  
Caroline Tang (Austin)

**Moderator:** Bernhard Mueller (Columbia)

**7. It's a Matter of Faith: An Update on Religious Discrimination and Accommodation Issues**

The pandemic led to a rise in employees seeking religious accommodations in the workplace for vaccinations and testing. As we exit the pandemic, employers can anticipate that employees may continue to seek religious accommodations for a variety of reasons. Properly handling issues involving religion in the workplace is a sensitive issue that will continue to present unique fact situations and challenges for employers. This session will cover the latest on religion in the workplace, including the importance of knowing the legal framework in order to navigate the line between religious accommodation and discrimination.

**Speakers:** Katherine A. Manuel (San Francisco/Chicago) • Roger G. Trim (Denver)  
**Moderator:** Jennifer L. Colvin (Chicago)

**8. Negotiating Executive Compensation Arrangements—Employer Best Practices**

Negotiating executive compensation arrangements is part art and part science. This session focuses on the negotiation of employment, retention, and severance arrangements, market trends and practices in key areas, and typical counterproposals that you should expect. The speakers will provide insights from both an employment law and executive compensation perspective, including restrictive covenants, arbitration clauses, and compensation clawbacks.

**Speakers:** Carlos Gonzalez (Atlanta) • Caren Skversky Marlowe (Tampa)  
**Moderator:** John A. Morrison (Atlanta/New York)

3:30 – 3:45 p.m.

**BREAK**

3:45 – 4:30 p.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? Four DEI practitioners will share their experiences and insights to explore these and other timely questions.

**Speakers:** Ekpедeme (Pamay) M. Bassey, *Chief Learning and Diversity Officer*, KraftHeinz  
Shafeeqa W. Giarratani (Austin) • Julius E. Rhodes, *Founder and Principal*, mpr group  
Jacqueline M. Welch, *Executive Vice President and Chief Human Resources Officer*, The New York Times

**Moderator:** Michael H. Cramer (Chicago)

4:30 – 5:00 p.m.

**The Wacky World of Employment Law**

One of our most popular Workplace Strategies sessions each year is our humorous look at some of the zaniest employment law developments of the past year. The entertainment value is high, and there may even be some lessons to learn from these bizarre cases!

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

5:00 – 5:15 p.m.

**Closing Remarks and First Prize Drawing**

6:30 – 10:00 p.m.

**CHARITY RECEPTION AND DINNER: Cinco De Mayo—Workplace Strategies Style!**

Join us for a magical outdoor evening celebrating Cinco de Mayo, surrounded by the resort's luxurious palms and guarded by Frank Lloyd Wright's famous Biltmore Sprites. You will savor traditional Mexican cuisine with handcrafted cocktails—all while taking in the entertainment and excitement of Cinco de Mayo. By attending, you will be supporting Alice Cooper's Solid Rock Teen Centers, a charity that is dedicated to enriching the lives of teens through music, dance, and the arts.





7:00 – 8:30 a.m. Breakfast

7:30 – 8:15 a.m. **"EARLY BIRD" SESSIONS**

**1. News You Can Use: Employment Policy Developments From Washington, D.C.**

Grab a cup of coffee and start your day with a lively examination of the morning headlines from Washington, D.C. Join our own author of the *Beltway Buzz*, Jim Plunkett, as he gives you the inside scoop on all the timely legislative and regulatory developments that employers need to know. Be sure to bring your questions to test Jim's D.C. acumen!

**Speaker:** James J. Plunkett (Washington, D.C.)

**Moderator:** Douglas J. Farmer (San Francisco)

**2. OFCCP Goes On the Offensive: Federal Contractors (and You May Be One Without Knowing It) Beware!**

The Office of Federal Contract Compliance Programs (OFCCP) wants you! The agency has begun ferreting out federal contractors and subcontractors who do not comply with affirmative action regulatory requirements, utilizing its online Contractor Portal. In addition, OFCCP's regulatory agenda would clarify the definition of "federal subcontractor" and require the agency be notified when federal subcontracts are signed. In the midst of these initiatives, OFCCP continues an aggressive enforcement agenda: pursuing hiring, promotion, and compensation claims; challenging the use of artificial intelligence in hiring; and continuing to focus on tangible outreach and recruitment efforts/results for disabled individuals and protected veterans. This session will unpack the agency's new initiatives and share best practices for contractor compliance.

**Speakers:** Lauren B. Hicks (Atlanta/Indianapolis) • Leigh M. Nason (Columbia)

**Moderator:** T. Scott Kelly (Birmingham)

**3. 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.

**Speakers:** Dean F. Kelley (Milwaukee) • Phillip B. Russell (Tampa)

**Moderator:** Eric E. Hobbs (Milwaukee)

**4. Restricting Employees Around the World: Is It Worth It?**

Whether you are going after a departing employee who is taking your best clients and performers or hiring a new employee with their little black book of contacts, you will need nerves of steel and deep pockets. To what extent do different countries around the world make this a complicated and expensive business? Hear the leaders of three of our international offices give a 30,000-foot view of what is involved. Strap in and enjoy the flight!

**Speakers:** Lucie Guimond (Montréal) • Simon J. McMenemy (London) • Pietro Straulino (Mexico City)

**Moderator:** Michael J. Sexton (Orange County)

## 5. High Court, High Drama—U.S. Supreme Court Update

With each ruling, the Supreme Court of the United States permanently shapes employment law principles. Recent and looming Supreme Court rulings on issues ranging from arbitration and vaccine mandates to employment discrimination based on military service and affirmative action stand to bring significant changes to the workplace. This session will examine these and other key decisions—with more than just a summary of the holding. How the decision will affect the employer community will be analyzed in an interesting and entertaining fashion. This session will also discuss the impact of Justice Stephen Breyer's decision to retire and the nomination of Ketanji Brown Jackson.

**Speakers:** Sam R. Fulkerson (Oklahoma City) • David L. Schenberg (St. Louis)

## 6. I-9 Compliance in a New Era

During the pandemic, companies have been challenged to keep track of where their employees are working while also keeping abreast of changing I-9 compliance and E-Verify rules. And employers might be wondering what's next. This session will cover best practices for post-pandemic E-Verify and I-9 compliance, while sharing methods to shore up loose ends after temporary fixes and mitigating deficiencies. The speakers will identify easy ways to transition to automated processes while flagging the risks of going too far. Topics to be discussed include avoiding the pitfalls of onboarding remote employees, navigating automated compliance posting and recordkeeping, and more.

**Speakers:** Ceridwen J. Koski (Denver) • Amanda M. Mullane (San Diego)

**Moderator:** L. Eric Dowell (Phoenix)

8:30 – 8:45 a.m.

### OPENING REMARKS

Homer L. Deakins, Jr., *Chairman Emeritus* (Atlanta)

8:45 – 9:00 a.m.

### PRESENTATION OF THE HOMER DEAKINS SERVICE AWARD



9:00 – 9:20 a.m.

### KEYNOTE POLICYMAKER ADDRESS: NLRB Member John F. Ring

With a Democratic majority for the first time in four years, the NLRB has begun making significant changes to its policies and reconsidering many of the business-friendly decisions made under the Trump administration. During his keynote presentation, NLRB member John F. Ring will provide an update from the Board, share his perspectives on recent NLRB developments, and discuss what rulemaking may be on the horizon.

**Introduction by:** Mark G. Kisicki (Phoenix)



9:20 – 9:45 a.m.

### The Quickly Expanding Concept of Protected Concerted Activity

While most know that the National Labor Relations Act (NLRA) creates rules regulating union-related activity, the NLRA also creates an equal right for employees to engage in certain "concerted" conduct with or without a union. Known as protected concerted activity (PCA), this concept has become a particular focus for the NLRB's current General Counsel who is pursuing an agenda to robustly enforce this concept and to expand such protections, including into broad areas of political and social justice advocacy. During this panel discussion, Member Ring will help clarify the current state of the law. The session will also provide guidance on how to evaluate and manage the expansion of PCA, both now and in the future.

**Speakers:** Andrea Clark-Smith, *Associate Chief Legal Officer and SVP, Employment, Labor and Physician Contracting*, UPMC  
John F. Ring, *Member*, NLRB • Elizabeth M. Soveranez (Phoenix)

**Moderator:** Ruthie L. Goodboe (Detroit (Metro)/Pittsburgh)

9:45 – 10:30 a.m.

### You Make the Call: Winning or Losing at Summary Judgment

Everyone knows that summary judgment presents the best opportunity to defeat employment-related litigation. However, few employers have actually participated in one of these hearings—during which the future of a lawsuit gets decided. In this unique experiential session, U.S. District Court Judge W. Scott Hardy will preside over the hearing and you will decide whether the case continues or ends. The session concludes with an analysis of the proceedings and a discussion of the lessons learned.

**Attorneys:** Vince M. Verde (Orange County) for the plaintiff • Simone R.D. Francis (New York/St. Thomas) for the defense

**Presiding:** District Judge W. Scott Hardy, U.S. District Court, Western District of Pennsylvania

**Moderator:** Hal A. Shillingstad (Minneapolis)

10:30 – 10:45 a.m.

### BREAK



10:45 – 11:30 a.m.

## **BREAKOUT SESSIONS—SERIES 4**

### **1. The Debriefing Continues—Questions, Tips, and Strategies**

Want to dive deeper into the summary judgment hearing and learn why counsel pursued certain arguments—and why Judge Hardy responded the way he did? Here is your opportunity! In this session, the participants from the mock proceeding will not only field your questions but also will discuss strategic considerations and share their ideas on how to successfully litigate employment claims.

**Speakers:** District Judge W. Scott Hardy, U.S. District Court, Western District of Pennsylvania  
Simone R.D. Francis (New York/St. Thomas) • Vince M. Verde (Orange County)

**Moderator:** Hal A. Shillingstad (Minneapolis)

### **2. Remote Work Is Here to Stay: How to Manage the Hybrid Workplace**

Employers are facing the new reality that the remote workforce is here to stay. The evolution of working from the office to a remote environment presents challenges for employers in managing the transformation and mitigating legal risk, which includes making difficult decisions about where to allow remote work and how to address the myriad compliance issues presented on a state and local level. This session will highlight the main areas of potential liability, breakdown compliance requirements on topics ranging from business expenses and payroll tax withholdings to state-specific hiring and leave laws, outline a strategy for employers to evaluate where they want to do business, and provide recommendations to create effective, long-term remote work programs.

**Speakers:** Jesse C. Ferrantella (San Diego) • Michael K. Mahoney (Morristown)

**Moderator:** Leah S. Freed (Phoenix)

### **3. Are Background Checks Making Your Staffing Challenges Worse?**

As employers continue to grapple with the Great Resignation and talent shortages, many are considering modifying their background check requirements. This session will address background check requirements—and the wisdom and social justice implications of stepping back from a strict approach. The panel includes experienced employment attorneys and a representative from a key organization creating employment pathways for those with criminal convictions.

**Speakers:** Bernard J. ("Bud") Bobber (Milwaukee)

Carmen Perez-Jordan, *Chief of Staff*, REFORM Alliance • James R. Silvers (Greenville)

**Moderator:** Michael Clarkson (Boston)

### **4. The Rise of Pay Transparency Laws and Strategies for Cross-Jurisdictional Compliance**

Pay equity and pay transparency initiatives are on the rise. Various states and cities, including Colorado, Connecticut, and New York City, have passed laws requiring employers to disclose pay scale information. This session will discuss challenges employers face when complying with these laws (including recruiting and employee relations issues), as well as strategies for cross-jurisdictional compliance.

**Speakers:** Michael H. Bell (Denver/Dallas) • Kelly M. Cardin (New York/Stamford)

**Moderator:** Robert R. Niccolini (Washington, D.C.)



**5. Noncompete, Nonsolicit, and Confidentiality Agreements Are Not Enough!**

Well-written noncompete, nonsolicit, and confidentiality agreements are effective only when they are part of a larger plan to protect employers from unfair competition and theft of trade secrets and other confidential information. Our panel of litigators and advisors will share their insights from the trenches as they provide you with the information you need to develop, implement, and maintain an effective plan to protect your company.

**Speakers:** Scott R. McLaughlin (Houston) • Laurence A. Shapero (Seattle)

**Moderator:** Robert A. Sar (Raleigh)

**6. Coordinating State Leave Laws With Employer Paid Leave Benefits and Policies**

This session will focus on the practical challenges that all employers, but especially multistate employers, face in complying with the patchwork quilt of various state and local leave laws and understanding when one leave law may trump another leave law. In addition, the speakers will provide helpful tips on how best to ensure benefits provided by the employer—whether through benefit plans such as short- or long-term disability or through company policies such as paid parental leave or paid sick leave—are properly applied concurrently or consecutively with any applicable leave laws and take into consideration any offset requirements when more than one paid benefit applies. Finally, the session will cover coordination with other employment benefits, including health coverage that may not continue if plan terms do not account for an extended paid or unpaid leave.

**Speakers:** Tina M. Bengs (Chicago/Indianapolis) • Charles E. McDonald, III (Greenville)

**Moderator:** Stephanie A. Smithey (Indianapolis)

**7. Making Things Worse: Seven Common Mistakes That Will Ruin Your Investigation**

There is no question that workplace investigations are now more important than ever. But even a single misstep can expand rather than limit the potential risks. Our panel of seasoned investigators will examine seven common mistakes that can undermine an otherwise well-done investigation. The panel will also provide practical tips so you can avoid stepping on these rakes.

**Speakers:** Carolyn A. Knox (San Francisco) • Hardy R. Murphy (Los Angeles)

**Moderator:** Donald D. Gamburg (Philadelphia)

**8. Fighting Back the Tide: The Latest Developments and Trends in California Wage and Hour Litigation**

Each new year brings a new set of wage and hour challenges for employers doing business in California. This session will highlight the latest developments, with a special focus on litigation strategies and risk avoidance. The speakers will address the most significant legal developments as well as offer practical steps you can take now to minimize risk and enhance compliance.

**Speakers:** Stephanie Aferiat, *Associate General Counsel – Employment Law*, Home Depot  
Tracie L. Childs (San Diego) • Evan R. Moses (Los Angeles)

**Moderator:** Thomas M. McInerney (San Francisco)



11:45 a.m. – 12:30 p.m. **BREAKOUT SESSIONS—SERIES 5**

**1. “My Favorite Mistake”—Perspectives From the Plaintiffs’ Bar**

Back by popular demand, this session will provide a close-up look at how successful plaintiffs’ attorneys view workplace litigation. A panel of well-known Arizona plaintiffs’ employment lawyers will explain what they look for in the cases they choose to pursue, describe the common employer mistakes they have seen, and share tips on how to avoid being their next target. Bring your questions!

**Speakers:** Ivelisse Bonilla, Averkamp, Bonilla & Giles, PLC • J. Burr Shields, Shields Petitti, PLC  
David C. Kresin, Yen Pilch Robaina Kresin PLC

**Moderator:** Christopher J. Meister (Phoenix)

**2. The Marijuana Conundrum—Safety Versus Compliance Versus Staffing**

In many places, marijuana is legal now . . . so why are we still treating it like cocaine? With the march of medical and recreational marijuana legalization, many employers are considering eliminating or modifying their drug testing protocols. This session will weigh the pros and cons of that approach, addressing workplace safety, benchmarking, staffing, legal compliance, and new marijuana testing technologies.

**Speakers:** Jacqueline R. Barrett (Philadelphia) • Sammie Dabbs, *Senior Vice President, Sales*, Hound Labs, Inc.

**Moderator:** Rayna H. Jones (Phoenix)

**3. I’m Not Okay, You’re Not Okay; But Hey, That’s Okay!—Exploring Mental Health in the Workplace**

Understanding and responding appropriately to mental health situations in the workplace is paramount to retaining an engaged and committed workforce. This session will focus on recognizing and responding to mental health issues that are often reflected in employee behavior in the workplace. The speakers will provide insight on how to distinguish between potential personality disorders and personality traits, and how to recognize and respond to employees experiencing difficulty resulting from remote work, isolation associated with COVID, and other interpersonal challenges that manifest in potentially disruptive behavior.

**Speakers:** Brooke Johnson, *Senior Vice President and Chief Legal Counsel*, Ivanti  
Jennifer Monroe Moore (Tampa)

**Moderator:** William E. Grob (Tampa)

**4. Performance Management Documentation—The Key to Litigation Avoidance**

Excellent performance management documentation practices for all employers is the goal of this session. Attendees will learn to recognize good—and not so good—approaches. Further, the panel will demonstrate how adopting strong documentation practices will be beneficial to employers in the event of litigation as well as share practical tips to limit potential liability. This may not be the sexiest topic on the agenda, but it may save your organization the most money!

**Speakers:** Patricia A. Matias (Orange County) • Tracy A. Miller (Phoenix)

**Moderator:** Thomas E. Deer (Chicago/Indianapolis)

**5. 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. And 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.

**Speakers:** Margaret Carroll Alli (Detroit (Metro)) • Amy Mulchay, *Employment and Litigation Counsel*, Paylocity

**Moderator:** Steven F. Pockrass (Indianapolis)



## 6. Working Together: The NLRB and DOL's Memorandum of Understanding to Cooperate

On January 6, 2022, the NLRB and DOL announced a memorandum of understanding (MOU) between the agencies to share information, collaborate, and coordinate on investigations of potential violations of federal labor and employment laws. The MOU places a particular emphasis on misclassified workers and retaliation. Given the Biden administration's intention to increase its enforcement efforts, this session will focus on: what this cooperation means as employees approach the NLRB and DOL with alleged violations; what organization structures these agencies will scrutinize; what information employers can expect the agencies will share with each other; what this means with regard to overlapping investigations; and what employers should know during the investigations.

**Speakers:** Daniel A. Adlong (Orange County) • Ryan H. Crosner (Los Angeles)

**Moderator:** Todd C. Duffield (Atlanta)

## 7. The Metaverse and Beyond: The Future of Technology in the Workplace

What will your future workplace look like? Join this session to hear a special guest discuss the metaverse and its future impact on the workplace. This session will also address how employers are using biometric technology, data analytics, artificial intelligence, intelligent robots, wearables, augmented and virtual reality, and other advanced technologies in the workplace. Finally, this session will examine the myriad, often state-by-state, compliance risks and provide practical strategies to mitigate these risks.

**Speakers:** Jennifer G. Betts (Pittsburgh) • Anne E. Larson (Chicago)

**Moderator:** Danielle Ochs (San Francisco)

## 8. Discrimination Trends and Evolving Theories in 2022 and Beyond

This important session will discuss the latest expansion of discrimination claims, both from a legal and practical perspective. The speakers will address protected characteristics including national origin, gender identity, and religion. The statutory consequences of the MeToo movement in sexual harassment claims also will be addressed, as will the EEOC's focus on ever-expanding disabilities.

**Speakers:** Blake Barnes, *Senior Attorney, Employment Litigation, Microsoft*  
Eva W. Turner (Dallas)

**Moderator:** Jana S. Baker (Dallas)

12:30 – 1:20 p.m.

## "LUNCH WITH THE LAWYERS"

1:20 – 1:50 p.m.

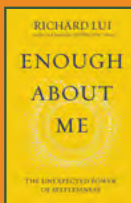
## Pardon the Interruption!—Workplace Strategies Style

With so many sessions to choose from, you can't attend them all. So we have asked speakers from the most popular sessions to provide highlights and key takeaways from their programs—all while on a shot clock. This presentation is guaranteed to be fast-paced, fun, and interesting!

1:50 – 2:30 p.m.

## KEYNOTE PRESENTATION: Examining the Unexpected Power of Selflessness

Richard Lui, *Anchor and Journalist, MSNBC/NBC News*



As the first Asian American man to anchor a daily national cable news program, Richard Lui knows all about both breaking news and breaking barriers. From Rodney King to George Floyd to the increasing violence against Asian Americans/Pacific Islanders in recent years, he has been on the front lines covering racial strife for more than 25 years. But Lui learned his most important lesson when he made the difficult decision to step back from his burgeoning career after his father's Alzheimer's disease diagnosis. In his poignant address, Lui will touch on several timely topics, including the proven benefits of selflessness and the lessons we can learn when we make others a priority. Don't miss his uplifting message of hope for the future. All attendees will receive a copy of *Enough About Me*, Lui's moving memoir examining the unexpected power of selflessness.

*Introduction by:* Paul Lancaster Adams (Philadelphia)

2:30 – 2:45 p.m.

## Closing Remarks and Grand Prize Drawing

2:45 – 3:15 p.m.

## BREAK AND BOOK SIGNING WITH RICHARD LUI



3:15 – 5:15 p.m.

## SPECIAL SESSIONS AND WORKSHOPS

### 1. **Unlocking Your Potential: Why Well-Being Is the Key to Personal, Team, and Leadership Success** (*Ethics or professionalism CLE credit may be available*)

The first week of May marks “Well-Being Week in Law” and “well-being” is a buzzword right now. But why does it really matter? In this session, you will learn what well-being is (more than yoga mats and long walks), the data on well-being, and how improved well-being affects your brain, body, and ability to function at your best in every area of your life, including at work. You will hear from a nationally renowned speaker, Ogletree attorneys and business professionals, and clients who will share their insights, experiences, and ideas. Finally, you will have the chance to connect and engage with others about the one thing that has the greatest power to affect our personal, team, and professional success—well-being. (All conference attendees can benefit from and are invited to attend this program.)

**Special Guest:** Kendra Brodin, *Founder and CEO, EsquireWell*

**Panel Members:** Mark H. Burak (Boston/Portland, ME)

Kelly S. Hughes (Charlotte)

Brandon Maxwell, *Director of Diversity, Equity, and Inclusion* (Atlanta)

Erin McClernon, *Attorney Development Manager* (Kansas City)

Leslie E. Wallis (Los Angeles)

Falon M. Wrigley, *Assistant General Counsel – Labor and Employment, 3M Company*

### 2. **“These Are a Few of My Favorite Things!” (aka What Makes California Employment Law Unique)**

There are more than 3,000 provisions in the California Labor Code and California Fair Employment and Housing Act that impact employers. In addition, there is a myriad of ever-changing regulations and local ordinances that are applicable to the workplace. Keeping up with all the requirements is enough to drive any employer crazy. This session will cover the key compliance issues for 2022 and address the key differences between California and federal employment laws. The speakers will specifically discuss employee time off, sick leave, meal and rest periods, wage statements, and other wage and hour issues.

**Speakers:** Betsy Johnson (Los Angeles) • Christopher W. Olmsted (San Diego)  
Michael D. Wilson, Jr. (San Francisco)

**Moderator:** Ignacio J. Garcia (Tampa)

**3. Crises Management From the C-Suite: Lessons Learned From a Global Pandemic**

During the COVID-19 pandemic, top-level management was forced to react to ever-changing science and facts, information and misinformation, fear and skepticism, and other circumstances that created unprecedented hurdles for continuing their operations. Businesses did many things correctly, but they also made mistakes along the way. This interactive session will explore what worked and what didn't, and audience input will be encouraged. Topics will include remote work, reductions in force (RIFs), masks and vaccines, employee time off, and visitor protocols. The speakers will also share lessons learned so that the next time a worldwide crisis arises, businesses can proactively ensure continuity of operations.

**Speakers:** Joseph Dennis, *Principal/General Counsel*, Arup Americas  
Kristin Snyder Higgins (Dallas) • Kerri S. Reisdorff (Kansas City)

**Moderator:** Burton D. Garland, Jr. (St. Louis)

**4. Test Your Knowledge: Ten Reduction-In-Force "Hypotheticals"**

The disruptions are everywhere—inflation, supply chain, geopolitics, and more. With these rapid developments, employers are required to make hard decisions quickly. This workshop will cover RIF/WARN/OWBPA case scenarios arising from current economic challenges. Are WARN Act notices needed? What is the proper "decisional unit" needed for the OWBPA informational disclosure? How should I proceed if my disparate impact analysis is unfavorable? The speakers will walk through some of the more interesting RIF questions, based on real-life hypotheticals.

**Speakers:** Jana L. Korhonen (Atlanta) • Trina R. Ricketts (Kansas City)

**Moderator:** David J.B. Froiland (Milwaukee)

**5:30 – 7:00 p.m.**

**WRAP RECEPTION AND DINNER**

Ready for some down-home Arizona fun with your fellow wranglers? Then put on your favorite jeans and shine up your boots for Ogletree's evening of backslapping good times! Enjoy some Arizona barbeque and refreshing cocktails as we wrap up the week.





# SATURDAY

## MAY 7, 2022

8:00 – 9:00 a.m.

Breakfast and Roundtable Discussions

9:00 – 9:45 a.m.



### KEYNOTE PRESENTATION: Want to Lead? Then R.E.A.D.—Being a Better Leader in a Post-Pandemic Age

Julius E. Rhodes, *Founder and Principal, mpr group*

As we emerge from very challenging times, what can each of us do to be a better leader? How can we use inclusivity and emotional intelligence (EQ) to promote organizational goals? This practical and experiential discussion will provide attendees with keys to increasing their ability to lead others effectively and inclusively by using the R.E.A.D. model.

*Introduction by:* Lia Dorsey, *Chief Diversity, Equity, and Inclusion Officer* (Washington, D.C.)

9:45 – 10:00 a.m.

BREAK

10:00 – 11:30 a.m.

## INTERACTIVE SESSIONS

### 1. Making “Difficult Communications” Less Difficult: Best Practices and Strategies for Success

This session will examine the five barriers to healthy communications, provide strategies for addressing each, and identify the most common communication mistakes employers make. The session will also explore de-escalation techniques and provide tips for individuals to become better communicators.

**Speakers:** Betsy Johnson (Los Angeles) • Luther Wright, Jr. (Nashville)

### 2. The Intersection of Ethics and L&E Law (*Ethics CLE credit may be available*)

The L&E practice commonly implicates a number of attorney ethics issues. Properly addressing these situations is of paramount importance. This interactive session will provide practical guidance for spotting and addressing a number of ethics issues commonly encountered in the L&E arena. The discussion will include issues related to the no contact rule, conflicts of interest, the organization as a client, client confidential information, advocacy, and communicating with unrepresented individuals.

**Speakers:** S. Rae Gross (Detroit (Metro)) • Frank L. Tobin (San Diego)

### 3. Accommodating the Pandemic: What Do Religious Beliefs, Disabilities, and Politics Have to Do With It?

In this interactive session, the panel will discuss how masking, testing, remote work arrangements, and vaccination requirements have injected novel arguments and perspectives related to reasonable accommodation under both federal and state laws (including various state and local regulations that prohibit or limit organizations from imposing safety protocols and mandates). These quickly emerging concepts have forced employers into a new era of determining whether, how, and when to reasonably accommodate employees' objections to a variety of workplace policies. Join us for an in-depth exploration of these complex issues in which audience participation will create a unique collective learning opportunity.

**Speakers:** Andrew P. Burnside (New Orleans) • Janice G. Dubler (Philadelphia) • James M. Paul (St. Louis)

### 4. “Do This, Not That”: Tackling the Toughest Employment Issues During Tough Times

This interactive session will explore the top ten “lessons learned” from the pandemic and discuss how COVID-19 has permanently changed employee relations. Some of the real-world experiences to be discussed will include how to deal with issues such as medical examinations, substance abuse, and workplace violence. And consistent with the theme of the Saturday program, audience sharing will be encouraged!

**Speakers:** Lisa C. Hamasaki (San Francisco) • Erika L. Leonard (Austin) • Karen M. Morinelli (Tampa)



# OUR SPECIAL GUEST SPEAKERS



**Whit Ayres**  
*Founder and President*  
North Star Opinion Research



**Olivia Beavers**  
*Congressional Reporter*  
POLITICO



**Kendra Brodin**  
*Founder and CEO*  
EsquireWell



**W. Scott Hardy**  
*District Judge*  
U.S. District Court, Western  
District of Pennsylvania



**Richard Lui**  
*Anchor and Journalist*  
MSNBC/NBC News



**Ian Morrison, Ph.D.**  
*Founding Partner*  
Strategic Health Perspectives



**Julius E. Rhodes**  
*Founder and Principal*  
mpr group



**John F. Ring**  
*Member*  
National Labor  
Relations Board



**Jocelyn Samuels**  
*Vice Chair*  
U.S. Equal Employment  
Opportunity Commission

**Stephanie Aferiat**  
*Associate General Counsel – Employment Law*  
Home Depot

**Blake Barnes**  
*Senior Attorney, Employment Litigation*  
Microsoft

**Ekpedeme (Pamay) M. Bassey**  
*Chief Learning and Diversity Officer*  
KraftHeinz

**Ivelisse Bonilla**  
Awerkamp, Bonilla & Giles, PLC

**Katie Brown, Ph.D**  
*Founder and Chief Education Officer*  
EnGen

**Andrea Clark-Smith**  
*Associate Chief Legal Officer and SVP,  
Employment, Labor and Physician Contracting*  
UPMC

**Sammie Dabbs**  
*Senior Vice President, Sales*  
Hound Labs, Inc.

**Joseph Dennis**  
*Principal/General Counsel*  
Arup Americas

**Dan R. Gallipeau, Ph.D.**  
*President*  
Dispute Dynamics, Inc.

**Chris Guthrie**  
*Corporate Counsel*  
Delta Air Lines

**Brooke Johnson**  
*Senior Vice President and Chief Legal Counsel*  
Ivanti

**David C. Kresin**  
Yen Pilch Robaina Kresin PLC

**Paul Reifler Messenger**  
*Immigration Program Lead*  
CVS Health

**Amy Mulchay**  
*Employment and Litigation Counsel*  
Paylocity

**Janie Perelman**  
*Vice President and Assistant General Counsel*  
The Michaels Companies

**Carmen Perez-Jordan**  
*Chief of Staff*  
REFORM Alliance

**Courtney Rogers Perrin**  
*Member*  
Frost Brown Todd

**Toby Piering**  
*Senior Corporate Counsel – Labor & Employment*  
Amazon

**David Rittorf**  
*President and CEO*  
Modern Management, Inc.

**J. Burr Shields**  
Shields Petitti, PLC

**Jacqueline M. Welch**  
*Executive Vice President and  
Chief Human Resources Officer*  
The New York Times

**Falon M. Wrigley**  
*Assistant General Counsel – Labor and Employment*  
3M Company

**Kimberly Yourchock**  
*Counsel – Employment & Labor*  
General Motors



# PROGRAM HIGHLIGHTS

## WEDNESDAY, MAY 4, 2022

### Welcome Reception—Valley of the Sun Style!

Join us for a casual reception in the elegant Gold Room at the Arizona Biltmore. Enjoy local hors d'oeuvres and cocktails while admiring the beautiful architecture and connecting with old and new friends.



## THURSDAY, MAY 5, 2022

### Charity Reception and Dinner: Cinco de Mayo—Workplace Strategies Style!

Join us for a magical outdoor evening celebrating Cinco de Mayo, surrounded by the resort's luxurious palms and guarded by Frank Lloyd Wright's famous Biltmore Sprites. You will savor traditional Mexican cuisine with handcrafted cocktails—all while taking in the entertainment and excitement of Cinco de Mayo. By attending, you will be supporting Alice Cooper's Solid Rock Teen Centers, a charity that is dedicated to enriching the lives of teens through music, dance, and the arts.



## FRIDAY, MAY 6, 2022

### Homer Deakins Service Award

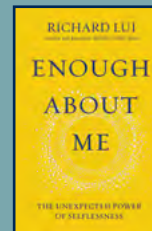
Each year, Ogletree Deakins presents the Homer Deakins Service Award to recognize an individual who, through selfless and courageous action, strives to help and inspire others—demonstrating the true spirit of giving. The 2022 Homer Deakins Service Award recipient will be honored in a special presentation on Friday.



## FRIDAY, MAY 6, 2022

### Book Signing With Richard Lui

Following his keynote presentation on Friday afternoon, Richard Lui will be available to sign his acclaimed book, *Enough About Me: The Unexpected Power of Selflessness*. In his book, Richard provides readers with practical tools to find meaning and compassion in even the smallest of everyday choices. Everyone attending Workplace Strategies 2022 will receive a copy of *Enough About Me: The Unexpected Power of Selflessness*.



## FRIDAY, MAY 6, 2022

### Wrap Reception and Dinner

Ready for some down-home Arizona fun with your fellow wranglers? Then put on your favorite jeans and shine up your boots for Ogletree's evening of backslapping good times! Enjoy some Arizona barbeque and refreshing cocktails as we wrap up the week.



Solid Rock's primary mission is to make an everlasting difference in the lives of teens. The organization helps meet the spiritual, economical, physical, and social needs of teens in the community by offering a safe, engaging environment during non-school hours. Maintaining "a teen's worst enemy is too much time on their hands," Solid Rock provides the music, arts, vocational programs, and fellowship that challenge teens to discover their passion through music, dance, video and sound production, self-expression, and creativity.

# DETAILED REGISTRATION INFORMATION

## DATES

May 4–7, 2022

Pre-Conference Immersion Sessions (May 4)

Post-Conference Interactive Sessions (May 7)

## LOCATION

The Arizona Biltmore, A Waldorf Astoria Resort  
2400 East Missouri Avenue  
Phoenix, AZ 85016  
(602) 955-6600

## COST

\$995 per person for clients

\$1,495 per person for all others

(Registration fee includes breakfast, lunches, pre-conference activities, receptions, and program materials.)

## GROUP RATES

Email [ODEvents@ogletree.com](mailto:ODEvents@ogletree.com) for information regarding special group rates.

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

## HOTEL RESERVATIONS

Hotel reservations can be made by calling the Arizona Biltmore directly at (800) 950-0086 and requesting the Ogletree Deakins Workplace Strategies seminar rate (OD21) of \$249 plus tax per night. You can also use the Arizona Biltmore 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 April 11, 2022, or until the room block is sold out (whichever occurs first).

## CANCELLATION POLICY

All registration fees are nonrefundable after April 20, 2022. However, you may send a substitute or alternate attendee from your company. Please email [ODEvents@ogletree.com](mailto:ODEvents@ogletree.com) to make any changes.

## CLE INFORMATION

Continuing legal education (CLE) will be requested for this program. **Alabama CLE credit is not available for this program.** Please email any CLE-related questions to [cle@ogletree.com](mailto: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](#).

## HRCI AND SHRM CREDIT

This program will be submitted to the HR Certification Institute and SHRM for review.

## TO REGISTER



### EMAIL

[ODEvents@ogletree.com](mailto:ODEvents@ogletree.com)



### ONLINE

[www.ogletree.com](http://www.ogletree.com)



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