

Tenth Annual

PROGRAM AGENDA MARCH 2-5, 2022

LOCATION

The Meritage Resort and Spa
875 Bordeaux Way
Napa, CA 94558
(866) 370-6272

COST

\$995 per person (clients)
\$1,495 per person (non-clients)

REGISTRATION

ONLINE
www.ogletree.com

QUESTIONS?

Email: ODEvents@ogletree.com

HRCI, SHRM, and CLE credit is anticipated for this program. To confirm whether CLE is available in your state, please email cle@ogletree.com in advance.

Join us Thursday evening for a learning, wine tasting, and dining experience at the iconic

Silver Oak Winery.

California
**EMPLOYMENT LAW &
CABERNET**



WEDNESDAY, MARCH 2, 2022

2:00 – 6:00 p.m. Early Registration

3:00 – 6:00 p.m. Don't Let the Weather Fool You—California Is Not Paradise for Employers!

It's not easy to manage a workforce in California. Whether you only have a few employees in the state or thousands, there are a myriad of California laws, regulations, ordinances, and judicial precedents that can create potential liability for employers. In this immersion session, the speakers will provide a summary of the key areas of employment law that are unique to California. This primer on California law is a great way to prepare you for the following three days and will include proactive and practical compliance tips.

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

6:00 – 8:00 p.m. Welcome Reception and Dinner

You won't want to miss our hosted wine tasting and dinner on the Oakville Terrace at the Meritage Resort. By popular demand, the tasting will feature several varietals from Mi Sueño Winery (Spanish for "My Dream"), which was founded by Rolando and Lorena Herrera in 1997 and featured during our virtual program in 2020. The Herreras' story of the American Dream realized is as amazing as their grapes. You will also enjoy delicious food items, carefully selected to pair with the Mi Sueño wines. What a great way to start a great event!



THURSDAY, MARCH 3, 2022 (DAY 1 AGENDA)

8:00 – 8:45 a.m. Registration and Breakfast

8:45 – 9:00 a.m. Welcome and Opening Remarks

Joseph L. Beachboard, *Moderator*, Ogletree Deakins (Torrance)
C. Matthew Keen, *Managing Shareholder*, Ogletree Deakins (Raleigh)

9:00 – 10:00 a.m. “Headline News”: The Latest Developments in California Employment Law

Each new year brings new challenges for organizations doing business in the Golden State. This session will highlight the latest developments, with a special focus on the practical ramifications for your organization. The speakers will address the most significant California case law from 2021, health and safety news from the California Division of Occupational Safety and Health (Cal/OSHA), immigration developments impacting California employers, technology and the California workplace, union activity and trends, and more.

Speakers: Daniel A. Adlong (Orange County)
Kevin D. Bland (Orange County)
Evan R. Moses (Los Angeles)
Amanda M. Mullane (San Diego)
Danielle Ochs (San Francisco)

10:00 – 10:45 a.m. California’s Legislature (and the State’s Regulatory Agencies) March On: What Employers Need to Know

Even a global pandemic couldn't keep the California legislature from passing new employment laws in 2021 that make it even more complicated (and risky) to manage a workforce in the Golden State. Further, regulatory agencies such as the Department of Fair Employment and Housing (DFEH), the Labor Commissioner, and others continue to make employers' lives more difficult in light of how they interpret the California labor laws. In this session, the speakers will review these new laws, regulations, and developments while also providing practical tips on how to ensure compliance (including preparing effective documentation) to manage related risks.

Speakers: James T. Conley (Sacramento/Orange County)
Nicole R. McAtee (Los Angeles)
Michael J. Nader (Sacramento)

10:45 – 11:15 a.m. Break

11:15 a.m. – Noon Not So Fast! Don’t Rush Hiring Employees in California

The media is full of reports regarding the talent shortage nationwide and employers are looking for ways to streamline and speed up the hiring process. In the rush to recruit, hire, and onboard employees, employers can easily run afoul of the unique California laws relating to background checks, drug and alcohol screening, pre-employment testing, and the use of criminal and salary history. Complicating the process further is the myriad of local ordinances that impact the hiring process. In this session, the panel will navigate through the murky waters of hiring employees in California.

Speakers: Christian J. Keeney (Orange County)
Michael N. Westheimer (San Francisco)
Sarah Pontoski, *Associate General Counsel – Employment Law*, NFI Industries

Noon – 1:15 p.m.



LUNCH AND KEYNOTE PRESENTATION: Former California Supreme Court Justice Ming W. Chin

Ogletree Deakins is pleased to welcome former California Supreme Court Justice Ming W. Chin to the program. In 1996, Governor Pete Wilson appointed Justice Chin as the first Chinese American Associate Justice, a position he held until his recent retirement from the high court. During his tenure as the court's longest sitting member, Justice Chin authored more than 350 majority opinions and over 100 separate opinions. His record includes many landmark employment law decisions that have profoundly impacted California employers and how they do business. Justice Chin continues to serve the legal community in his role as a mediator, arbitrator, and appellate consultant with ADR Services, Inc. Please join us for what promises to be a rare and exciting look into the role of the judiciary and its impact on California employment law.

Interviewed by: Douglas J. Farmer (San Francisco)

1:15 – 1:30 p.m.

Break

1:30 – 2:30 p.m.

COVID in California: Strategies for Employers

During this fast-paced interactive session, attorneys with extensive knowledge on COVID-19 and workplace safety in California will navigate employers' ever-changing pandemic obligations. The speakers will discuss California peculiarities in complying with federal COVID-19 mandates for federal contractors and other employers, California's approach to vaccine exemptions, county and city-specific COVID-19 requirements, COVID-19 testing and booster shots in the Golden State, and state benefits available to California employees. The speakers will even provide educated predictions on what California employers can expect next as well as answer your questions!

Speakers: Tamara Swenson, *Associate General Counsel*, ResMed
Charles L. Thompson, IV (San Francisco)
Karen F. Tynan (Sacramento)
Leslie E. Wallis (Los Angeles)

2:30 – 3:15 p.m.

The Devil Is in the Details: Little Is Regular About the “Regular Rate”

In California, the “regular rate” is used to calculate overtime pay, paid sick leave, and meal and rest period penalties. But what is the “regular rate” and how is it calculated? Frequently this is more complicated than employers expect. This is especially true when incentive pay, commissions, and bonuses are involved or when workers are paid multiple rates. And recently the courts have only made this calculation even more difficult—while escalating the liability risks. The panel will walk you through various regular rate scenarios and provide details on what information must be reported on employees' itemized wage statements.

Speakers: Alexander M. Chemers (Los Angeles)
Tracie L. Childs (San Diego)
Julia Luster, *Vice President and Senior Counsel, Labor & Employment*,
Guaranteed Rate

3:15 – 3:30 p.m.

Break

3:30 – 4:15 p.m.

Mediation and Arbitration in the New Era: A Guide for California Employers

A well-developed alternative dispute resolution program remains one of the most effective ways to resolve disputes and limit exposure to class action lawsuits in California. The state legislature recently passed a bill designed to curtail arbitration. Some question whether it is still useful or lawful to have an arbitration program in the Golden State. Join us for an informative presentation on recent developments impacting mediation and arbitration. The panel will discuss arbitrations and mediations conducted by Zoom, as well as how to navigate legislative changes impacting arbitration.

Speakers: Randy Frisch, *General Counsel and Interim President,*
National University System
Robert R. Roginson (Los Angeles)
Spencer C. Skeen (San Diego)

4:15 – 4:45 p.m.

The Most Bizarre Employment Cases of the Pandemic—California Style

California is famous for crazy employment law news, and COVID made things even wackier than normal. While the entertainment value is high (we hope), there is a learning (and therapeutic) component to examining the mistakes of others and the truly weird world of California employment law. This session is a great way to end our first day!

Speaker: Joseph T. Clees (Phoenix)

4:45 – 5:00 p.m.

Closing Remarks

6:00 – 10:00 p.m.

California Employment Law & Cabernet—A Learning, Wine Tasting, and Dining Experience



After a day of intensive education, enjoy a special evening with the program speakers and your colleagues from around the country at Silver Oak Winery. Founded out of a dairy barn in 1972, Silver Oak is one of the most recognizable names in Napa Valley wines—and to this day remains family owned. Pair their incredible Cabernet with some wonderful food and this is an experience you won't want to miss!



FRIDAY, MARCH 4, 2022 (DAY 2 AGENDA)

8:00 – 8:45 a.m. **Breakfast**

8:45 – 9:00 a.m. **Welcome and Day Two Conference Kickoff**

9:00 – 9:30 a.m. **A Sacramento Insider's View of California Employment Legislation: What to Expect in 2023**

In this session, lobbyist Mike Belote will present a behind-the-scenes perspective on the California legislative process, and what employers can expect in 2023. Named by *Capitol Weekly* as one of the “most powerful movers and shakers in California politics,” Mike (and California Advocates) have provided legislative advocacy services to many of California's largest businesses. This promises to be a unique insider's perspective valuable for all California employers.

Speaker: Michael Belote, *President*, California Advocates, Inc.

9:30 – 10:30 a.m. **There's No Vaccine for Harassment, Discrimination, and Retaliation Claims**

We have learned many things during the pandemic, one of which is that even if employees are working remotely, harassment, discrimination, and retaliation claims don't just go away. Rather, like COVID-19, there are new variants that cause new headaches for employers. This session will analyze recent litigation trends, developing theories of liability, and strategies for minimizing risk.

Speakers: Cara F. Barrick (San Francisco)
Brittany Brown Ceres, *Head of Human Resources*, Skywalker Holdings, LLC
Hardy R. Murphy (Los Angeles)
Jack S. Sholkoff (Los Angeles)

10:30 – 11:00 a.m. **Break**

11:00 – 11:45 a.m. **An Employer's Proactive Defense: Conducting Compliance Audits**

California's many technical employment law compliance mandates, combined with the ever-present threat of litigation, necessitate periodic compliance reviews. But many employers don't even know where to start. This session will provide a list of the most important California audit topics, including wage and hour, anti-discrimination, and more. The panel of experienced speakers will also share their recommended methodologies for successfully completing the audit, along with common problems and pitfalls to avoid during the audit process.

Speakers: Linda Claxton (Los Angeles)
Julie Collins Nelson, *Senior Director, Senior Employment & Immigration Counsel*, Oportun
Christopher W. Olmsted (San Diego)

11:45 a.m. –
12:15 p.m.

The Rising Wave of Employee Activism

California 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 legal and psychological 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) ▪ Dr. Dennis A. Davis, Ph.D. (Torrance)

12:15 – 1:15 p.m.

LUNCH AND SMALL GROUP DISCUSSIONS

(Led by Speakers From Each Presentation)

This popular session will provide an opportunity for attendees to discuss the topics of the prior two days with various speakers from the program. One or more speakers will be assigned to each table. In addition, attendees will help develop talking points for the panel discussion that will follow later in the afternoon.

1:15 – 2:00 p.m.

Managing a California Workforce—Challenges and Solutions

California presents unique employment law and HR challenges for employers, particularly when compared to many other states. This session will identify the top 10 challenges faced by California employers and avenues for resolving them. The panel features California veterans from both the human resources and in-house legal counsel perspective.

Speakers: Lauren Cooper, *Lead Employment Counsel*, Airbnb
Sean Kim, *Corporate Counsel*, Uline
Thomas M. McInerney (San Francisco)
Rachel Robinson, *Vice President People*, Forethought, Inc.

2:00 – 2:45 p.m.

Successfully Navigating California's Challenges—A Group Endeavor

In this session, presenters will provide key takeaways from each of the sessions from the prior two days. The topics to be addressed will include those raised by each table during lunch.

Moderator: Frank L. Tobin (San Diego)

2:45 – 3:00 p.m.

Day Two Closing and Grand Prize Drawing



5:00 – 6:00 p.m.

RECEPTION AND WINE TASTING

SATURDAY, MARCH 5, 2022 (DAY 3 AGENDA)

8:00 – 8:45 a.m.

Breakfast, Networking, and Best Practices Discussions

8:45 – 11:15 a.m.

Navigating California Leave and Employee Time Off: A Practical Approach

For HR professionals and in-house counsel, complying with California's leave and time off laws is challenging to say the least. There are dozens of state and local leave and time off laws and there are plenty of ways to get it wrong. In this interactive session, the speakers will present real-life scenarios and solicit input from attendees to work through the different issues, options, and solutions. This session will provide practical approaches to managing employee leaves, time off, return to work, and reasonable accommodation requests. The speakers will also discuss best practices, provide checklists and forms, and even do some role-playing. So bring your questions and plan to participate!

Speakers: Lisa C. Hamasaki (San Francisco)
Betsy Johnson (Los Angeles)
Michael J. Sexton (Orange County)
Stuart D. Tochner (Los Angeles)

1:00 – 5:30 p.m.

Wine Tasting Tour (an additional fee of \$95 per person)

Join us as we travel by luxury coach to visit two of Napa Valley's premier wineries. Our first stop will be Regusci Winery, in the renowned Stags Leap District. This historic property has been family owned through five generations and produces some of Napa Valley's best wines. Our second stop will be the Del Dotto Estate Winery in St. Helena. The Del Dotto family has been in the winemaking business since the 1400s, and ventured into Napa in 1988. They now have three locations in Napa Valley and have become one of the most popular tasting stops. Due to current capacity limits, we can only accommodate 30 guests; so please reserve your spot as soon as possible.

Registration Information

REGISTRATION

Online: www.ogletree.com
Email: ODEvents@ogletree.com

HOTEL RESERVATIONS

Hotel reservations are the responsibility of participants and can be made by calling The Meritage Resort and Spa directly at 866-370-6272 and requesting the Ogletree Deakins rate of \$229 per night plus \$25 daily resort fee. A limited number of rooms is available, so please make your reservation as early as possible. Reservations must be made on or before Tuesday, February 8, 2022.

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

DATE

March 2-5, 2022

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