

Eleventh Annual

PROGRAM AGENDA MARCH 1-3, 2023

LOCATION

Silverado Resort and Spa
1600 Atlas Peak Road
Napa, CA 94558
(844) 421-6474

COST

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

REGISTRATION

www.ogletree.com

QUESTIONS:

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

Jarvis Estate Winery.

California
EMPLOYMENT LAW

&
CABERNET



WEDNESDAY, MARCH 1, 2023

2:00 – 6:00 p.m. Early Registration

3:00 – 6:00 p.m. California Dreamin': Where Am I and What Am I Doing Here?

For many employers, plaintiff-friendly California can feel like an alien planet compared to other states. Whether you only have a few employees in the state or thousands, there are a myriad of California statutes, 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 two days and will include proactive and practical compliance tips.

Speakers: Cara F. Barrick (San Francisco)
Betsy Johnson (Los Angeles)
Christopher W. Olmsted (San Diego)

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



- 8:00 – 8:45 a.m. Registration and Breakfast**
- 8:45 – 9:00 a.m. Welcome and Opening Remarks**
C. Matthew Keen (Raleigh)
Dennis A. Davis, Ph.D. (Torrance)
James M. McGrew (New Orleans)
- 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 employment law cases, workplace safety developments, union activity, immigration developments impacting California employers, and trends such as managing marijuana in the workplace.
Speakers: Maria Anastas (Los Angeles)
Kevin D. Bland (Orange County)
Robert R. Roginson (Los Angeles)
Michael J. Sexton (Orange County)
Yvonne Toy (San Francisco)
- 10:00 – 10:45 a.m. Update on California Discrimination, Harassment, and Retaliation Litigation and Trends**
Along with flight delays, overpriced rental cars, torrential rain, and heavy snow (and yet we still have a drought somehow), 2023 ushered in new EEO laws, adding to the laundry list of old laws. Just when we thought it could not get any worse, it did. In this session, our experienced practitioners will prepare you for the worst as you hope for the best in 2023. The panel will provide practical compliance insights and ways to avoid litigation.
Speakers: Johnnie A. James (Los Angeles)
Patricia A. Matias (Orange County)
Michael N. Westheimer (San Francisco)
- 10:45 – 11:15 a.m. Break**
- 11:15 a.m. – Noon Workplace Tech Tips and Traps for California Employers**
California employers are increasingly relying on artificial intelligence and other automated technologies in talent acquisition and recruiting, employee engagement, and various employment-related decisions. While these tools may lead to increased efficiency and potentially fairer decisions, they also carry legal compliance risks for employers. In this session, the speakers will discuss the California Fair Employment and Housing Council’s proposed regulations on automated-decision systems, and general labor and employment compliance tips for employers that are using these technology tools.
Speakers: Jennifer G. Betts (Pittsburgh)
Jaime Cole, *Senior Corporate Counsel, Labor & Employment, Amazon*
Danielle Ochs (San Francisco)

Noon – 1:00 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 within the agenda 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 closing panel discussion on Friday.

1:00 – 1:30 p.m.

Break

1:30 – 2:30 p.m.

California Leaves of Absence—Doesn't Anyone Work Here Anymore?

California leaves of absence challenges continue to confound California employers, disrupt workplace operations, and undermine employee morale. Three issues pose particular challenges to employers: revisions to California statutes that change leaves of absence rules, intermittent leave that disrupts the workplace as employees show up on inconsistent schedules, and leaves with changing return dates that create operational limbo. This session will use reality-based situations to illustrate the most recent and provocative changes to California leaves of absence statutes and will provide practical approaches for managing intermittent leave and constantly changing return-to-work dates.

Speakers: Nicole R. McAtee (Los Angeles)
Timothy L. Reed (San Francisco)
Charles L. Thompson, IV (San Francisco)

2:30 – 3:15 p.m.

The Remarkable Impact of Social Media on Today's Workplace

Social media has become embedded in most workplaces just as it has in every other aspect of modern life. In this session, the speakers will discuss how employers can create appropriate policies and practices within the constraints of California law. The speakers will also address how labor unions have embraced social media as a key organizing tool.

Speakers: Maria Anastas (Los Angeles)
Natalie Griffiths, *Assistant General Counsel and Chief Compliance Officer*, Inter-Con Security Systems, Inc.
Christopher W. Olmsted (San Diego)

3:15 – 3:30 p.m.

Break

3:30 – 4:15 p.m.

Managing Reductions in Force in California

In these uncertain economic times, reductions in force may become inevitable. In California, layoffs, furloughs, relocations, or closures may implicate the California Worker Adjustment and Retraining Notification (WARN) Act as well as other aspects of the California Labor Code. This session will review the legal mandates and offer practical compliance tips.

Speakers: Alexandra Asterlin (Sacramento)
Alexander M. Chemers (Los Angeles)
Michael D. Wilson, Jr. (San Francisco)

4:15 – 4:45 p.m.

Stranger Things: The Most Bizarre Employment Cases of 2022—California Style

It seems employers are seeing more and more unbelievable things happening as we come out of the pandemic. You never know what employees will do or say next. Don't miss this session for a look at some of the craziest employment moments from 2022. While the developments will certainly make you laugh, this session will also provide plenty of practical tips.

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 Jarvis Estate Winery. Pair their incredible wines with some wonderful food and this is an experience you won't want to miss!



- 
- 8:00 – 8:45 a.m. Breakfast**
- 8:45 – 8:50 a.m. Welcome and Day Two Conference Kickoff**
- 8:50 – 9:20 a.m. The Post-Pandemic Jury: The New Activist Juror**
How have events impacted the jury? Since the courts reopened, what is actually happening in real trials? The traditional profile of the pro-plaintiff juror has changed, as well as how damages are viewed and awarded by juries. In addition, the perceptions of many employers have evolved. The speakers will discuss how these changes impact employers' decision-making process and trial strategy.
Speakers: Dan Gallipeau, Ph.D., *President*, Dispute Dynamics, Inc.
Lyne Richardson (Torrance)
Vince M. Verde (Orange County)
- 9:20 – 10:20 a.m. Will It Ever End? California Wage and Hour Update**
Wage and hour lawsuits continue to worry California employers. In 2022, businesses faced more than 6,000 wage and hour class actions and representative Private Attorneys General Act (PAGA) lawsuits alleging violations of California's unique rules regarding minimum wages, meal and rest periods, pay stubs, compensable hours, and overtime rate calculations. To make matters worse, the Supreme Court of California recently enhanced the risks and penalties for noncompliant meal and rest breaks. The California legislature also continued its pattern of adopting a host of new wage and hour laws, which went into effect on January 1, 2023. A panel of seasoned defense attorneys will review the latest trends and new laws and offer strategies to help your company avoid becoming embroiled in class or PAGA litigation in 2023.
Speakers: Tracie L. Childs (San Diego)
Jessica Haefele, *Senior Legal Counsel*, Lindt, Ghirardelli, and Russell Stover Chocolates
Michael J. Nader (Sacramento)
Spencer C. Skeen (San Diego)
- 10:20 – 10:45 a.m. Break**
- 10:45 – 11:30 a.m. Pay Transparency and Equal Pay in California: Strategies for Compliance**
California equal pay law has evolved rapidly in recent years. Recent amendments to the law require employers to include a pay scale in job postings and respond to employee pay scale inquiries. Moreover, the state's annual pay data reporting mandates have been expanded. This session will address these recent changes and offer practical tips for compliance.
Speakers: Douglas J. Farmer (San Francisco)
James A. Patton, Jr. (Birmingham)
Leslie E. Wallis (Los Angeles)
- 11:30 a.m. – Noon Out With the Old and in With the New! Navigating the New California Privacy Rights Act and Expanding Employee Privacy Rights**
The California Privacy Rights Act, which became operative on January 1, 2023, applies to job applicants and employees (among others), and imposes on employers significant requirements pertaining to employees' ability to control their personal information. Recently enacted amendments to the Labor Code and the Penal Code restrict employers' ability to use GPS in company and personal vehicles. This session will address these new laws and more. The speakers will provide practical tips for proactively balancing employee privacy rights and employer operational needs.
Speakers: Betsy Johnson (Los Angeles)
Sean P. Nalty (San Francisco)
Frank L. Tobin (San Diego)

Noon – 1:15 p.m.



LUNCH AND KEYNOTE PRESENTATION: How to Maximize Your Employment Mediation Money

Because more than 90 percent of cases settle short of trial or arbitration, lawyers and clients must consider how to present their case at mediation from the outset. After 30 years as a successful employment and commercial trial lawyer, Ann Kotlarski transitioned into one of the most respected arbitrators and mediators in California. Ann has tried, arbitrated, and mediated hundreds of cases and implemented many in-house alternative dispute resolution (ADR) programs for clients. Ann will provide practical tips on selecting mediators, preparing for mediation, deciding who should attend mediation, and addressing key issues in advance of mediation, as well as how to implement critical negotiation tactics to get you the best possible result, regardless of the plaintiff's mediation tactics.

Speaker: Ann Kotlarski, Esq., *Mediator/Arbitrator, Ann Kotlarski Mediation*

1:15 – 2:00 p.m.

Managing a Post-Pandemic California Workforce—Challenges and Solutions

California employers face constant and ever-changing challenges in managing their workforces amidst the nation's most demanding and unforgiving legal requirements. The panel, which includes seasoned in-house counsel and HR professionals, will discuss the most significant real-world obstacles involved with managing a post-pandemic workforce in California, and their strategies for dealing with these challenges.

Speakers: Erin Borg, *Vice President, Assistant General Counsel, The Neiman Marcus Group, Inc.*
Anthony J. DeCristoforo (Sacramento)
Tracey Hannah, *Assistant General Counsel, Hallmark*
Ryan Williams, *Senior Vice President, Human Resources, Olam Americas, Inc.*

2:00 – 2:45 p.m.

The Nuts and Bolts of Effective Workplace Investigations

In this post-pandemic world, properly handling complaints of harassment, discrimination, retaliation, and misconduct should remain a top priority for California employers. An impartial and effective internal investigation can be an employer's best defense against a potential lawsuit. This session will provide practical tips for conducting prompt, thorough, and impartial internal investigations that can mitigate an employer's exposure to liability and effectively address employee concerns.

Speakers: Natalie Hernandez Catahan (Orange County)
Lisa C. Hamasaki (San Francisco)
Diana Maier, *Founding Partner, Maier Law Group*

2:45 – 3:30 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 Thursday's lunch.

Moderators: Betsy Johnson (Los Angeles)
Christopher W. Olmsted (San Diego)

3:30 – 3:45 p.m.

Day Two Closing and Grand Prize Drawing

5:00 – 6:00 p.m.

Reception and Wine Tasting



Registration Information

REGISTRATION

Online: www.ogletree.com

Email: ODEvents@ogletree.com

HOTEL RESERVATIONS

Hotel reservations are the responsibility of participants and should be made on or before Monday, January 30, 2023. To book your hotel room, please click [here](#). To make your hotel reservation by phone, please contact the hotel directly at (800) 532-0500 and requesting the group rate for the Ogletree Deakins Navigating CA Employment Law 2023 seminar. The special rate is \$229 per night plus a \$25 daily resort fee.

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

DATE

March 1–3, 2023

LOCATION

Silverado Resort and Spa
1600 Atlas Peak Road
Napa, CA 94558
(844) 421-6474

COST

\$995 per person (clients)

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

CALIFORNIA
Ogletree
Deakins 150
LAWYERS

NAVIGATING CALIFORNIA EMPLOYMENT LAW

A Strategic Program for Multistate Employers

Our California Offices

Los Angeles

San Diego

Orange County

San Francisco

Sacramento

Torrance

www.ogletree.com

