

Ogletree Deakins Invites You to Join Us for Our Annual
**NATIONAL EDUCATIONAL LABOR AND
EMPLOYMENT LAW SEMINAR**



ARIZONA



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.

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

We have two offices in Arizona, located in Phoenix and Tucson, and an additional 50 offices across the United States and in Europe, Canada, and Mexico.

www.ogletree.com





WELCOME FROM OUR MANAGING SHAREHOLDER

I am pleased to invite you to Ogletree Deakins' 2018 Workplace Strategies seminar, which will be held May 9–12 in Phoenix, Arizona. I sincerely hope you can join us for our outstanding annual employment law seminar for senior-level human resources professionals, in-house counsel, and other business professionals.

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 2018—with over 70 sessions and 175 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 and excited to recognize Gabriel's Angels, a Phoenix-based organization that serves thousands of abused, neglected, and at-risk children in Arizona through the application of innovative pet therapy. The program's goal is to increase the children's overall sense of well-being and happiness in a safe environment and to build critical core behaviors, such as trust, empathy, respect, tolerance, and self-esteem.

Workplace Strategies 2018 will be held at the Arizona Biltmore, an iconic Phoenix hotel featuring Frank Lloyd Wright–influenced architecture. We expect the program to sell out quickly, so please make plans to join us soon.

Over the last 30 years, this seminar and its associated events have allowed us to consistently provide our clients and friends with the latest information, trends, and strategies affecting the employer community. 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, reading "Charles Matthew Keen". The signature is fluid and cursive, with the first name "Charles" being more prominent.

C. Matthew Keen, *Managing Shareholder*

Ogletree Deakins

WELCOME

PRE-CONFERENCE IMMERSION SESSIONS

10:00 a.m.

Registration Opens

Noon – 1:30 p.m.



LUNCH AND SPECIAL PRESENTATION: Overcoming the Odds as a Leader: Adversity, Accomplishment, and Playing Well at Work

Ann Meyers Drysdale, Vice President, WNBA Phoenix Mercury and NBA Phoenix Suns; Olympian; and Hall of Famer

Every workplace has opportunities for leadership and obstacles that stand in the way of change. Join our keynote welcome speaker, Ann Meyers Drysdale, as she discusses overcoming adversity and leading the pack. Known for forging her own path, Meyers Drysdale has racked up many “firsts”—among them, first high school basketball player to make a U.S. national team, first player drafted in the Women’s Professional Basketball League, first (and so far only) woman to sign a free agent contract with the NBA, and first female sportscaster to broadcast an NBA game.

Introduction by: Kerri S. Reisdorff (Kansas City) • Michael J. Sexton (Orange County)
(Sponsored by the Ogletree Deakins Women’s Initiative (ODWIN))

ANN MEYERS DRYSDALE

1:30 – 2:00 p.m.

Break

2:00 – 5:00 p.m.

PRE-CONFERENCE IMMERSION SESSIONS

1. The Life of a Discrimination Claim—From Allegation Through Trial

Join this session, based on a series of skits involving religious harassment and discrimination claims, for an in-depth look at the life of an employment claim. Starting with an internal complaint and investigation, and following with a discharge and unemployment claim, party depositions, an unsuccessful mediation, and a summary mock jury trial/closing argument, attendees will learn key strategies and how seemingly minor mistakes can haunt employers in litigation. At the end of the process, attendees will apply jury instructions and render a verdict.

Moderator: James M. Paul (St. Louis)

Speakers: Paul Lancaster Adams (Philadelphia) • Mark H. Burak (Boston)
John Gerak (Cleveland) • Betsy Johnson (Los Angeles)

2. Flummoxed by the FMLA? An Interactive Workshop

Navigating the intricacies of the FMLA can prove to be an arduous task for even the most experienced HR professionals and in-house counsel. During this session, attendees will work through various hypothetical scenarios using an FMLA workbook that contains flow charts, checklists, and forms to properly administer FMLA leave in each scenario. Attendees will walk away with real-world tools and tips to help them tackle even the most difficult FMLA situations.

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

Speakers: Stacy M. Bunck (Kansas City) • Nicole Burkett, *Senior Counsel – Labor and Employment*, PetSmart
Steven J. Luckner (Morristown) • Roger G. Trim (Denver)

3. Drowning in Documentation? Staying Compliant and Current With Handbooks, Investigations, and Other Employment Documentation

In recent years, courts and administrative agencies have renewed their focus on employer policies, adequacy of investigations, and proper employment documentation. Join this important refresher course on key employment documentation, which will include preparing must-include (and optional) handbook policies, improving the quality of performance documentation and investigation reports, and more. Attendees will gain vital insights on best practices for staying compliant and up to date.

Moderator: Timothy G. Costello (Milwaukee)

Speakers: John Richard Carrigan (Birmingham) • Jennifer L. Englander (New Orleans)
Rodney A. Harrison (St. Louis) • Caroline Larsen (Phoenix)
J. Victor Waye, *Vice President and Associate General Counsel-Legal*, Sodexo USA

4. Workplace Detox: Strategies for Managing Malcontents and Toxic Employees

It only takes a few toxic employees to make a workplace challenging for others. From the employee who can't get along with others to the employee who constantly pushes the limits of workplace rules, what's an employer to do to maintain a great workplace for all, while dealing properly and effectively with difficult employees? This session will discuss 10 simple strategies for managing the challenges and minimizing legal risk.

Moderator: Gregg M. Lemley (St. Louis)

Speakers: Jennifer Anspach, *AVP, Human Capital, Safeguard Properties* • Rebecca J. Bennett (Cleveland)
James K. Mackie (Tucson) • Patrick R. Martin (Minneapolis)

5. Reducing the Risk of Wage and Hour Claims Through Effective Policies and Procedures

Effective wage and hour, timekeeping, and payroll policies, practices, and paperwork can greatly assist employers in reducing the risk of lawsuits and minimizing potential exposure when claims are pursued. In this session, the panelists will discuss steps employers can take to limit liability, including creating policies that prohibit under- and over-reporting of hours worked, requiring employee sign-off of weekly time records, establishing an FLSA safe harbor policy, and maintaining swipe card records and videos. They will also address issues that are unique to California law.

Moderator: Erika L. Leonard (Atlanta)

Speakers: Christopher W. Olmsted (San Diego) • Steven F. Pockrass (Indianapolis)
Robert R. Roginson (Los Angeles)

6. The Fast-Paced World of Affirmative Action and OFCCP Compliance for Federal Contractors and Subcontractors

The world for federal contractors seems to get more complicated every year. This session will cover affirmative action compliance fundamentals, as well as sophisticated strategies for dealing with complex jurisdiction, hiring, and pay issues. The panelists will examine best practices for preparing legally defensible affirmative action programs, EEO-1 reports, and selection and compensation processes. The panelists will also discuss Office of Federal Contractor Compliance Programs (OFCCP) audit and enforcement trends and provide practical insights on how to prepare for and defend an OFCCP compliance evaluation.

Moderator: Gretchen W. Ewalt (Raleigh)

Speakers: T. Scott Kelly (Birmingham) • Leigh M. Nason (Columbia)
Paul White, Ph.D., *Partner, Resolution Economics*

6:00 p.m.

FIESTA UNDER THE STARS

Join us for a magical evening at historic El Chorro, an authentic Arizona venue with stunning views of the area's most prominent landmark, Camelback Mountain. Savor seasonal cuisine with handcrafted cocktails while listening to local music and enjoying the beauty of this exceptional property. By attending, you will be supporting Gabriel's Angels, a charity that delivers healing pet therapy to abused, neglected, and at-risk children. Representatives from Gabriel's Angels, including therapy dogs, will join us at the event.



THURSDAY, MAY 10, 2018

7:00 – 8:30 a.m.

Registration and Breakfast

7:30 – 8:15 a.m.

Pre-Conference 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!

Greg Stanton, *Mayor*, City of Phoenix, Arizona

Leah S. Freed (Phoenix) • C. Matthew Keen, *Managing Shareholder* (Raleigh)

8:45 – 9:00 a.m.

Workplace Strategies 2018—Everything You Need to Know

Joseph L. Beachboard, *Program Moderator* (Torrance)

9:00 – 9:30 a.m.



KEYNOTE POLICYMAKER PERSPECTIVE: Sexual Harassment in the Workplace: A View From the EEOC

Chai R. Feldblum, *Commissioner*, U.S. Equal Employment Opportunity Commission

A 2016 report from the EEOC presciently warned that workplace harassment remains a persistent problem and too often goes unreported. Now, with a spate of high-profile sexual harassment claims rising to the forefront, employers and employees are increasingly turning to the EEOC for guidance and assistance in addressing these matters. Join EEOC Commissioner and Co-Chair of the Select Task Force on the Study of Harassment in the Workplace Chai Feldblum as she explores what the EEOC is doing to address the issue of sexual harassment and what this means for employers.

Introduction by: Margaret H. Campbell (Atlanta)

CHAI R. FELDBLUM

9:30 – 10:15 a.m.

Panel Discussion: Sexual Harassment: What Should Employers Do Now?

Corporate America has been swept up in a wave of self-examination and scrutiny over whether their internal systems for reporting and investigating harassment complaints work as they should—particularly in situations involving alleged misconduct by C-suite officers and other high-level executives. As stated in numerous media reports about high-profile allegations, sexual harassment issues have rocked workforces everywhere. How did we get here, and what should employers do now? Join our panel for a discussion of the causes of these issues and how employers can eradicate unlawful behavior from the workplace.

Moderator: Cynthia A. Bremer (Minneapolis)

Speakers: Dennis A. Davis, Ph.D. (Torrance) • Theresa Donahue Egler (Morristown)
Chai R. Feldblum, *Commissioner*, U.S. Equal Employment Opportunity Commission
Denise Rodine, *Senior Vice President, Human Resources*, Endemol Shine North America

10:15 – 10:45 a.m.



KEYNOTE POLICYMAKER PERSPECTIVE: The NLRB: A New Direction

Marvin E. Kaplan, *Board Member*, National Labor Relations Board

The National Labor Relations Board recently issued several decisions that overturn legal standards adopted during the previous administration. Join NLRB Board Member Marvin E. Kaplan as he provides his perspective on the latest labor developments and previews what issues and trends may be on the horizon at the NLRB.

Introduction by: Mark G. Kisicki (Phoenix)

MARVIN E. KAPLAN

10:45 – 11:15 a.m.

Break

11:15 a.m. – Noon

BREAKOUT SESSIONS—SERIES 1

1. The Discussion Continues: More From Board Member Kaplan

The conversation about the direction and pace of possible change at the NLRB will continue with Board Member Marvin E. Kaplan and former NLRB member and current Ogletree Deakins shareholder Brian Hayes. Bring your questions and interact with these knowledgeable labor leaders and D.C. insiders.

Moderator: C. Thomas Davis (Nashville)

Speakers: Marvin E. Kaplan, *Board Member*, National Labor Relations Board

2. When Employees Return From Leave, the Journey for HR Continues

When leave ends, many questions and challenges often remain. Join this session for a discussion of the issues, including assessing potential leave and reinstatement obligations, determining employee notice requirements prior to return, handling medical questionnaires and fitness-for-duty certifications, assessing ADA reasonable accommodation duties, considering reassignment requests, conducting return-to-work interviews and medical assessments, evaluating benefits reinstatement, and identifying best practices for designing effective return-to-work policies.

Moderator: J. Carin Burford (Birmingham)

Speakers: Matthew K. Johnson (Greenville) • Charles L. Thompson IV (San Francisco)

3. No Rest (Breaks) for the Weary: Getting a Handle on State and Local Wage and Hour Laws

An ever-growing number of state and local jurisdictions have passed their own unique wage and hour laws—and figuring out how to reconcile them may require some serious working hours for multistate employers. Join us for a session on patching together disparate payroll procedures, reconciling mismatched minimum wage requirements, and sidestepping common pitfalls while walking the fine line between varied state, local, and federal requirements.

Moderator: Jana S. Baker (Dallas)

Speakers: William L. Duda (Columbia) • James M. Barrett (Portland)

4. The Ever-Changing Legal Landscape of LGBTQIA+ Issues

LGBTQIA+ issues are ever-evolving and constantly in the media. The current administration's focus on rolling back LGBTQIA+ protections and the ensuing social and political fights have made it more challenging and uncertain for employers, especially in the benefits arena. Our panel will get attendees up to speed on the evolving terminology, the current state of legislative and regulatory developments, and recommendations concerning frequently asked benefits issues (including plan design).

Moderator: Adam T. Pankratz (Seattle)

Speakers: Jeanne E. Floyd (Richmond) • Carolyn A. Russell (Houston)

5. Dealing With—and Recovering From—Embezzlement, Kickbacks, and Theft at Work

Despite corporate policies and best efforts to avoid them, embezzlement, kickbacks, and theft are a fact of life for some employers, many of which are not well-equipped to deal with this type of conduct. When should employers contact authorities to assist in—or conduct—an investigation? Who should be called? When should a civil action be filed? Join this panel for a discussion of how employers can effectively deal with misappropriation in the workplace, from the first suspicion of unlawful activity through possible discharge, arrest, and recovery of funds.

Moderator: Clark Whitney (Philadelphia)

Speakers: Ashley Prickett Cuttino (Greenville) • R. Lance Witcher (St. Louis)

6. Disaster Preparedness and Crisis Management: An Employer's Checklist

There were an astonishing number of natural disasters in 2017, as well as mass shootings and violent protests. Employers and their employees are often profoundly affected by these events, as they may force the shutdown of operations, impact the ability of employees to report to work, and cause injury or illness. This session will analyze the myriad state and federal laws implicated by these events and provide employers with essentials for an emergency response plan.

Moderator: Michael Oliver Eckard (Charleston)

Speakers: Tiffany L. Cox (San Antonio) • Charles E. Engeman (St. Thomas)



7. Don't Let Class Actions Keep You Up at Night: Avoiding, Defending, and Winning These Cases

Bet-the-company class action litigation can arise from a single employee dispute or internal complaint. Once filed, whether an employer wins or loses a class or collective action can depend on how it initially reacts to the filing. Our panelists will identify risk factors and strategies to help employers avoid multi-plaintiff class or collective actions and will discuss how best to respond to establish defenses to class certification and prepare effective dispositive motions and creative approaches to settlement.

Moderator: Bernard J. (Bud) Bobber (Milwaukee)

Speakers: Margaret Santen Hanrahan (Atlanta) • Spencer C. Skeen (San Diego)



Designed Specifically for Attorneys

8. An Ounce of Prevention . . . May Not Be Enough: Thriving in an Era of Increased I-9 Audits and Investigations

The decision by U.S. Immigration and Customs Enforcement to more than quadruple the agency's worksite inspections signals an inevitable increase in the number of I-9/E-Verify audits and investigations that employers can expect. We've already seen a number of high-profile enforcement activities. Our speakers will help employers understand what steps the government is taking, what potential consequences are at stake, and what employers need to do to ensure compliance.

Moderator: Lee Depret-Bixio (Columbia)

Speakers: Leigh N. Ganchan (Houston) • Christopher L. Thomas (Denver)

Noon – 1:30 p.m.



LUNCH AND KEYNOTE ADDRESS: Global Security Means Local Problems: Security, Intelligence, Space, the Internet, and Politics

Mike Rogers, *CNN Commentator; former U.S. Representative, Michigan's 8th Congressional District; former Chair, U.S. House of Representatives Intelligence Committee*

Television news commentator and former Congressman Mike Rogers will discuss the rapid changes of technology, the emergence of new (and old) national security problems, and how the nexus of technology and security will change the way we look at and interact with the world. From Russian information operations abroad (especially in Europe) to China's expansionist foreign policy and from conflict in cyberspace and outer space to economic development and innovation, challenges that seem distant have an impact here at home, including in the workplace. Rogers will cover the issues, from the lighter side to the sobering reality we face in current times, and offer tips on how we will chart our way forward.

Introduction by: Charles A. Gonzalez (San Antonio)

MIKE ROGERS

1:30 – 1:45 p.m.

Break

1:45 – 2:30 p.m.

BREAKOUT SESSIONS—SERIES 2

1. "My Favorite Mistake"—Perspectives From the Plaintiffs' Bar

Back by popular demand, get a close-up look at how successful plaintiffs' attorneys view workplace litigation. A panel of well-known Phoenix 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!

Moderator: Christopher J. Meister (Phoenix)

Speakers: Dave Kresin, Robaina & Kresin PLLC • Michelle Matheson, Matheson & Matheson, PLC
Michael Zoldan, The Zoldan Law Group, PLLC

2. Is Your Drug-Free Workplace Discriminatory? The Confluence of Disability Discrimination and Mind-Altering Substances

In light of recent, high-profile court rulings on the topic (and decisions that are likely to come in the following months), now is an ideal time to address the interplay between disability antidiscrimination laws and an employer's right to a drug-free workplace. There are myriad multijurisdictional issues, the laws are constantly changing, and employers aren't sure how to stay safe when there are no clear answers. This session will address how medical marijuana use, prescription drug use, and alcohol and drug addiction are impacted by disability antidiscrimination laws.

Moderator: Kim F. Ebert (Indianapolis)

Speakers: Rayna H. Jones (Phoenix) • Marc L. Zaken (Stamford)

3. Salary History Inquiries: The Latest Limitations on Employer Hiring Practices

Employers are continually struggling to stay abreast of the growing number of state and local laws that impact their business, and pay equity laws continue to top the list. An important and burgeoning area is the trend by states and local jurisdictions to pass laws prohibiting employers from inquiring about prior salary information on employment applications. This session will get attendees up to speed on the jurisdictions that have those prohibitions and the latest developments.

Moderator: Simone R.D. Francis (St. Thomas)

Speakers: Jacqueline R. Barrett (Philadelphia) • Charles E. McDonald III (Greenville)

4. Engaging Team Members to Drive Business Results (in a Lawful Manner)

Employee engagement is a hot topic, as leaders recognize that the most important corporate resource over the coming years will be talent. It's also the resource in shortest supply—one study shows that just 13 percent of employees worldwide are engaged in their jobs, costing organizations between \$450 billion and \$550 billion annually. In this session, the presenters will share a practical approach to surveying and following through on specific actions to drive engagement—including the importance of action planning and managing assessment data to best drive engagement while maintaining compliance.

Moderator: Kevin J. Kinney (Milwaukee)

Speakers: Charles B. Baldwin (Indianapolis) • Andrea Butcher, *President*, HRD Advisory Group
Charles B. (Charlie) Young, *Chief Human Resources Officer*, PSAV, Inc.

5. When the Pendulum Swings: Understanding the New Rules From the NLRB

The NLRB under the previous administration changed many major rules with respect to how unions organize and approach collective bargaining in a way that was unfavorable to management. The year 2017 brought a major policy shift with new Board members, a series of important NLRB decisions, and other developments. Building on Chairman Kaplan's remarks during the plenary session, our panelists will delve into the new decisions and standards, including the rules on bargaining units, joint employment, bargaining obligations, and how basic workplace policies will now be viewed by the NLRB. The panel will also share insights on how unions are responding.

Moderator: Rodolfo R. Agraz (Dallas/Raleigh)

Speakers: Ruthie L. Goodboe (Pittsburgh/Detroit (Metro)) • David Rittorf, *President*, Modern Management, Inc.
Thomas M. Stanek (Phoenix)

6. Stop California Dreaming and Wake Up to the State's New Laws

Don't let California's array of new legal developments catch you sleeping. Join us for a session on the welter of new California rules—both state and local—on pay equity, harassment training, ban the box, and more. Also, keep up with the latest from the California courts, including the California Supreme Court's key ruling on PAGA claims.

Moderator: Anthony J. DeCristoforo (Sacramento)

Speakers: Tracie L. Childs (San Diego) • Douglas J. Farmer (San Francisco)



7. Arbitration and Other Ways to Protect Your 401(k) Plan From Fee Litigation

When allegations of fiduciary breaches arise in connection with 401(k) plans, employers can face millions of dollars in liability. This session will discuss recent cases alleging excessive fees and sub-optimum investment menus and the ways in which employers can mitigate liability, including developing an investment policy statement, forming an investment committee, using outside consultants, and benchmarking. We will also discuss the pros and cons of using arbitration agreements in conjunction with 401(k) plans.

Moderator: Joel A. (Buddy) Daniel (Greenville)

Speakers: Ruth Anne Collins Michels (Atlanta) • Mark E. Schmidtke (Chicago)

8. As the World Turns: Protecting Trade Secrets, Customer Relationships, and Intellectual Property When Employees Leave

Not much keeps CEOs awake more than the prospect of losing a key employee—laden with business secrets and customer relationships—to a competitor. In this session, the panel will examine effective steps businesses can take—both when employees join the company and when they leave—to protect the company's assets. In addition to analyzing the issues under U.S. law, the panel will discuss important legal principles and common themes applicable to employees working and competing internationally.

Moderator: Sharon P. Margello (Morristown)

Speakers: John C. Glancy (Greenville)
Mark Hilliard, *Vice President Law & Deputy General Counsel*, University of Phoenix
Bonnie Puckett (Atlanta)

2:30 – 2:45 p.m.

Room Change



Designed Specifically for Attorneys

2:45 – 3:30 p.m.

BREAKOUT SESSIONS—SERIES 3

1. Investigating Sexual Harassment Allegations . . . and Getting It Right

When sexual harassment accusations surface, employers feel increasing pressure to act—and act fast. Employers run risks if they make decisions without the facts, however, and finding the facts requires thorough, effective investigations. Join us for a discussion of the legal, practical, and ethical considerations in conducting a sexual harassment investigation, including handling confidentiality issues, empowering impartial investigators, dealing with claims against the C-suite, and examining allegations about long-past behavior.

Moderator: Robin Banck Taylor (Jackson)

Speakers: Lisa C. Hamasaki (San Francisco) • Bryant S. McFall (Dallas)
Shirin Saks, *Assistant General Counsel, Litigation & Employment*,
The Dun & Bradstreet Corporation



2. Fatal Attraction: Dealing With the Obsessive and Serial Pro Se Plaintiff

Pro se litigants can create unique and often painful difficulties for employers. The challenges can range from multiple, baseless filings to difficult and compulsive behavior and greatly increased costs. This session will cover effective approaches for properly dealing with the pro se plaintiff in employment litigation, including discovery strategies, counterclaims, media and publicity options, psychiatric examinations, and ethical concerns.

Moderator: Keith D. Frazier (Nashville)

Speakers: Lisa Stephanian Burton (Boston) • Robert R. Niccolini (Washington, D.C.)

3. The Misclassification Wars Continue: How to Ensure Your Company Is Ready for Battle

Independent contractor classification issues continue to be a hot topic and the source of government enforcement actions and class and collective actions. This presentation will cover independent contractor classification law, as well as recent legislative and case law developments. The panelists will also provide recommendations on what employers can do to maximize their chances of successfully defending misclassification claims.

Moderator: Greg Guidry (New Orleans)

Speakers: Kevin P. Hishta (Atlanta) • Vicki M. Nielsen (Washington, D.C.)

4. Fingerprints, Voice Patterns, and Retinal Scans—The Risks of Using Employee Biometrics in the Workplace

Facial recognition and fingerprint identification were once just the province of the movies—but the future is now. Your snazzy new phone might not be the only device capturing your biometrics, as many employers have moved to biometric recognition technology for purposes of granting security access and tracking employee time. A recent slew of class actions highlight how the use of this technology comes with risks for employers. This session will discuss recent trends in biometric litigation, explore the pitfalls of using biometric information, and provide tools for employers to help insulate themselves from liability.

Moderator: Keith E. Kopplin (Milwaukee)

Speakers: Thomas E. Deer (Chicago) • Anne E. Larson (Chicago)
Jack Pawley, *Senior Staff Attorney – Labor Relations*, Kohler Co.

5. Shifts, Twists, and Turns in the World of Immigration Under the New Administration

Immigration issues have been a key focus of the Trump administration. This session will discuss several high-profile immigration changes pursued by the administration, including travel bans, the border wall, and searches of electronic devices by Customs and Border Protection. The panelists will also survey changes looming on the immigration landscape, including updates on DACA/"the Dreamers," temporary protected status, the Visa Waiver Program, NAFTA, and H-1B and L-1 visas.

Moderator: Stephen H. Smalley (Raleigh)

Speakers: Amy R. Dalal (Raleigh) • Caroline Tang (Austin)



6. How In-House Counsel and HR Professionals Can Work Together to Reduce HR Burnout

Having extensive knowledge of state and federal laws, providing immediate responses to critical employee situations, and retaining full accountability for personnel issues have become facts of life for today's HR professionals. Knowledgeable in-house lawyers are beginning to develop resources and activities designed to help de-escalate and minimize the negative ramifications of that stress on valuable HR personnel. This session, which is designed for both in-house counsel and HR professionals, will assist in ameliorating stress that may cause disruption and mistakes by HR professionals—mistakes that could have unintended and serious legal consequences.

Moderator: Hal A. Shillingstad (Minneapolis)

Speakers: Maria Greco Danaher (Pittsburgh) • Jennifer A. Nelson (Portland)

Laurence A. Shapero (Seattle) • Joyce Taber, *Senior Counsel*, Actelion Pharmaceuticals US, Inc.

7. Remote Workers Don't Come With Remote Controls: Cross-Border Employment Case Studies

Legal obligations may travel across borders along with workers, as anti-discrimination laws, sexual harassment provisions, health and safety requirements, and rules about bullying sometimes have extraterritorial application. And actions by local subsidiaries can expose parent companies to liability. The ways employers choose to structure employment relationships abroad also can have an enormous impact on their obligations under both foreign and domestic laws. Join us for a session exploring case studies to learn the options—and their risks and benefits—for managing a remote workforce.

Moderator: Carson G. Burnham (Boston)

Speakers: Wendy S. Kosche-Gelinas, *Corporate Counsel, Legal*, Yardi Systems, Inc.

Dr. Marcus Longino, LL.M. (Berlin) • Diana J. Nehro (Boston)

8. Oh Well! An Update on Wellness Plans

How do employers motivate employees to lead healthy lives without running afoul of law? This session will dissect the many legal requirements that apply to workplace wellness programs, including ERISA, HIPAA, the ADA, GINA, the Internal Revenue Code, and the ACA, to help employers design a healthy—and compliant—corporate wellness program. The panelists will also review recent EEOC activities against employers and the various ways employers are effectively implementing smoking cessation programs and other rewards for a nicotine-free workforce. Course materials will include the “safe harbor” language employers need for their wellness plans.

Moderator: William A. Gray (Atlanta)

Speakers: Jeanne E. Floyd (Richmond) • Stephanie A. Smithey (Indianapolis)

3:30 – 3:45 p.m.

Break

3:45 – 4:20 p.m.

Washington Watch

What a fascinating year it has been in Washington, D.C., with lots of developments and changes happening in the labor and employment law arena. Join this fast-paced session for the latest news on key D.C. developments.

Moderator: James J. Plunkett (Washington, D.C.)

Speakers: Margaret Carroll Alli (Detroit (Metro)) • Jeffrey C. Londa (Houston)

Jacquelyn P. Maroney (Austin) • Stephanie A. Smithey (Indianapolis)

4:20 – 4:50 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 are even some lessons to learn from these unusual cases!

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

4:50 – 5:00 p.m.

Closing Remarks and First Prize Drawing

5:00 – 7:00 p.m.

AN ENCHANTING EVENING ON THE TERRACE

Join us for a cocktail reception on the Squaw Peak Terrace surrounded by luxurious palms and guarded by the famous Frank Lloyd Wright–designed Biltmore Sprites. You will enjoy local cuisine and cocktails while admiring breathtaking mountain views.



Designed Specifically for Attorneys

7:00 – 8:30 a.m.

Breakfast

7:30 – 8:15 a.m.

"EARLY BIRD" SESSIONS

1. Leave-Related Missteps That Can Lead to Liability

Many employers go beyond their legal obligations with respect to employee leaves. However, when providing additional time off, PTO sharing/donation programs, unlimited vacation, or even extended wages due to a natural disaster or personal emergency, employers may be at risk of liability for the unintended effects of their generosity. These risks can include loss of eligibility in a benefit plan, delay or loss of other benefits due to additional receipt of wages or PTO, and unexpected tax liability. This session will cover the issues most overlooked by employers in this area and how to avoid them.

Moderator: Jonathan O. Harris (Nashville)

Speakers: Tina M. Bengs (Chicago) • Aimee E. Dreiss (Houston)

2. Doing Business With the Government: An Update for Government Contractors

The first year of the Trump administration did not make things as "great" for government contractors as some had hoped it would. The OFCCP still operates as a stand-alone agency, wage and hour issues abound, and government contractors remain subject to special rules for paid sick leave, pay transparency, arbitration policies, union organizing, trafficking in persons, and drug-free workplaces, to name a few. Join this session for a discussion of the key challenges that will confront government contractors in the labor and employment area in 2018 and beyond.

Moderator: Elizabeth M. Townsend (Phoenix)

Speakers: James J. Murphy (Washington, D.C.) • Alfred B. Robinson, Jr. (Washington, D.C.)

3. Take a Deep Breath: Mindfulness Programs in the Workplace

It's no secret that chronic stress is bad for health and well-being. Fortunately, well-understood strategies and interventions such as mindfulness can help prevent or de-escalate the negative side effects of high-stress careers. This session will define "mindfulness" and review the latest research and statistics about mindfulness programs in the workplace. We will discuss potential employment law issues and best practices for designing mindfulness programs.

Moderator: Bruce G. Hearey (Cleveland)

Speaker: Leslie E. Wallis (Los Angeles)

4. Tax Facts: How Recent Reforms Affect Employer-Provided Benefits

New tax laws not only brought a decrease in the corporate tax rate and changes to individual tax brackets and rates, but also a number of measures impacting employee benefits. Join this session for tips on how to comply with the new laws in a way that both benefits the bottom line and bolsters employee satisfaction. Our panel will provide an update on changes to the tax treatment of commuting and parking benefits, employee achievement awards, on-site gyms, meals, moving expenses, and wages paid during FMLA leave. The panel will also address changes affecting the deductibility of costs relating to claims involving sexual harassment, the impact of compensation paid to executives of both for-profit and nonprofit entities, and extensions of time for the repayment of 401(k) loans.

Moderator: Joel A. (Buddy) Daniel (Greenville)

Speakers: John A. Morrison (Atlanta/New York City) • David S. Rosner (Washington, D.C.)

5. Top 10 WARN Act Mind-Benders

The Worker Adjustment and Retraining Notification Act (WARN Act) is one of the laws that many in-house counsel and HR professionals fret about, yet few people have the opportunity to gain practical experience properly handling a mass layoff or plant closing until it occurs. This session will help attendees prepare by discussing WARN Act requirements and exploring some of the more nuanced and difficult questions. When do multiple sites of employment constitute a single site of employment? Can a plant closing exist even when the plant doesn't close? Join this presentation for a discussion of scenarios that will provide practical insights for attendees.

Moderator: Jennifer G. Betts (Pittsburgh)

Speakers: David J.B. Froiland (Milwaukee) • Trina R. Le Riche (Kansas City)

6. The Aftermath of OSHA Fatality Investigations—Personal Injury Lawsuits

OSHA fatality cases pose significant challenges for any employer. But what happens after OSHA has concluded its investigation? This session will analyze the growing trend of subsequent personal injury lawsuits against employers and individual managers that seek to avoid workers' compensation exclusivity rules that exist in many jurisdictions. Attendees will learn what they should do during the OSHA investigation to anticipate and prepare for these risks.

Moderator: Margaret S. Lopez (Washington, D.C.)

Speakers: Kevin D. Bland (Orange County) • Dee Anna D. Hays (Tampa)

7. Retail Roundtable: Strategies and Solutions for Today's Industry Challenges

The retail industry continues to face unique labor and employment challenges. Join this roundtable for a discussion with industry peers about the hottest labor and employment topics for retail employers. Topics will include the localization of state and municipal employment laws, predictive scheduling, bring-your-own-device policies, employee expression and activism, harassment claims, transgender issues, and joint employer challenges. The speakers will discuss the top challenges and provide best practices.

Moderator: John G. Stretton (Stamford)

Speakers: Diane M. Saunders (Boston) • Mark M. Stublely (Greenville)

8. Let Good Deeds Go Unpunished: Support Employee Volunteerism Without Liability

From employer-sponsored charitable events to individual employees who want to volunteer when disaster strikes their community, employers and employees often look for ways to do good together. But doing so can raise a number of legal and practical considerations—i.e., wage and hour issues, risk of injuries, releases, discrimination concerns, and many others. This session will explore what to consider when supporting employee volunteerism and strategies for minimizing risk.

Moderator: Neil V. McKittrick (Boston)

Speakers: Wendy V. Miller (Nashville) • Tibor Nagy, Jr. (Tucson)

8:30 – 8:45 a.m.

DAY TWO CONFERENCE KICKOFF

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

8:45 – 9:00 a.m.

PRESENTATION OF THE HOMER DEAKINS SERVICE AWARD

Recipient: Pam Gaber, *CEO and Founder*, Gabriel's Angels



9:00 – 9:45 a.m.

Panel Discussion: Protests, Political Expression, and the Workplace

Now, more than ever, political and social justice discussions are rampant on social media and occurring with increasing frequency in the workplace. And it isn't just employees—employers are becoming more active in political and social justice arenas as well. This session will identify the key considerations employers need to keep in mind, not only when it comes to managing employee issues stemming from political expression, but also with respect to situations in which companies themselves are active participants in the dialogue.

Moderator: Liz S. Washko (Nashville)

Speakers: Jimmy Alaniz, *General Counsel*, Packers Sanitation Services, Inc., Ltd.
Kelly S. Hughes (Charlotte) • John T. Merrell (Greenville)

9:45 – 10:15 a.m.

Panel Discussion: The Straight Dope on Opioids and Marijuana

The opioid crisis has reached a fever pitch in the United States. At the same time, more and more states continue to decriminalize marijuana possession and use, while the federal government considers enforcing federal marijuana laws, even in states where marijuana is legal. Caught in the middle are employers, with competing needs to comply with all laws while maintaining a safe and healthy workplace. Our panel will provide a rundown of the latest developments and share insights and strategies for employers.

Moderator: Anthony L. Martin (Las Vegas)

Speakers: Michael Clarkson (Boston) • Robin Repass (Denver)
Mindy White, *Chief Counsel – Litigation and Employment*, Quanta Services, Inc.

10:15 – 10:45 a.m.

Break

10:45 – 11:30 a.m.

BREAKOUT SESSIONS—SERIES 4

1. Beyond Maternity Leave: Cutting-Edge Approaches to Lawful Parental Leave Programs

Employers are pondering how they can revamp and possibly expand existing maternity leave (which usually looks like short-term disability and not much else) into lawful parental leave programs. This session will explore the panoply of options with an eye on recent litigation under Title VII, the Equal Pay Act, and the Pregnancy Discrimination Act. Common questions, such as “Can we treat parental leave (or women giving birth) more favorably than those with disabilities without facing legal risk,” will be addressed.

Moderator: Jennifer S. Rusie (Nashville)

Speakers: Nonnie L. Shivers (Phoenix) • Timothy J. Stanton (Chicago)

2. Diversity and Inclusion Initiatives and Where They Can Go Wrong

Today's employment battlefield is riddled with diversity and inclusion landmines. Employers must know how to navigate the area to avoid potential liability or—even worse—creating environments where employees do not feel welcome. This session will address new developments in diversity and inclusion, potential risks, and some examples of where good intentions go awry.

Moderator: Ellen Toth (Cleveland)

Speakers: Shafeeqa W. Giarratani (Austin)

Albert Li, *General Counsel & Compliance Officer*, Ottobock North America

Michelle P. Wimes (Kansas City)

3. Happy 50th Birthday, ADEA: The Latest Issues, Trends, and Strategies

The Age Discrimination in Employment Act (ADEA) just celebrated the 50th anniversary of its passage. With an aging baby boomer population and employees working longer and past traditional retirement age, these issues are more important than ever. Join this session for a discussion of mandatory retirement policies and succession planning, social media advertising, ADEA releases in severance agreements, and strategies for preventing and defending age discrimination claims.

Moderator: L. Eric Dowell (Phoenix)

Speakers: Candace Gomez Harrison (Orange County) • Daniel P. O'Meara (Philadelphia)

4. The Latest Collective Bargaining Techniques—Has Your Duty to Bargain Changed?

In the last few years, unions have been given new collective bargaining tools that have made it easier for unions to take a more aggressive approach to bargaining. At the same time, it has become more difficult for management to use the tools typically available in response—like declaration of impasse, unilateral implementation at impasse, and even use of permanent replacement workers during a strike. During this session, our panel will discuss the current status of these rules and union tactics, and provide advice on how to approach bargaining to level the playing field and take back some measure of leverage.

Moderator: Maria Anastas (Los Angeles)

Speakers: Jacqueline M. Damm (Portland) • Eric C. Stuart (Morristown)

5. Pitfalls and Action Items as the General Data Protection Regulation Becomes Effective

The effective date of the European Union's new General Data Protection Regulation (GDPR) is May 25, 2018. Employers must take steps now to ensure compliance and address any remaining compliance gaps. This session will discuss the most common pitfalls for employers in complying with the GDPR, including the importance of compliant vendor contracts, as well as the impact of conflicts between U.S. and EU legal mandates for multinational companies.

Moderator: Danielle Y. Vanderzanden (Boston)

Speakers: Hendrik Muschal (Berlin) • Grant D. Petersen (Tampa)



6. Control Class Action Costs: Strategies for Discovery

Join us for a session that will cover key strategies for controlling discovery and curtailing one of the most expensive costs in class action litigation. Companies continue to struggle with preservation, collection, and review of data, while courts are increasingly demanding significant information sharing at the outset of litigation. Despite changes to the Federal Rules of Civil Procedure, discovery can still pose a pricey challenge. This panel will share hard-won insights on managing both class action discovery and its price tag.

Moderator: Lauren H. Zeldin (Atlanta)

Speakers: Evan R. Moses (Los Angeles) • Chris R. Pace (Kansas City)

7. The Rest of the Iceberg: The Heavy Impact of Informal Immigration Enforcement Shifts

Employment-based visas and permanent residency applications are under heightened scrutiny due to a major shift in how immigration policy is being administered. Even without formal rulemaking, the Trump administration has implemented major changes in employment-based immigration that are resulting in closer examination, delays, and burdens on employers seeking high-skilled foreign talent. Our speakers will help employers understand and prepare for these fundamental shifts in the immigration landscape, including proactive steps to mitigate the effects of these changes.

Moderator: Stephen H. Smalley (Raleigh)

Speakers: Lee Gibbs Depret-Bixio (Columbia) • Sara E. Herbek (Atlanta)

8. OUCH! Top Challenges in Handling the Myriad Issues Resulting From Work-Related Injuries

When employees suffer work-related injuries, employers face a litany of potential issues triggered under federal and state statutes, including OSHA reporting, recordkeeping, and possible inspection; workers' compensation reporting and benefits; FMLA, short-term disability, and other leave and benefits rights; reasonable accommodation obligations; disability discrimination issues; confidentiality; and, in some cases, even potential criminal exposure. This session will identify the key issues and simplify the process of dealing with them.

Moderator: John F. Martin (Washington, D.C.)

Speakers: Eric E. Hobbs (Milwaukee) • Penny C. Wofford (Greenville)

11:30 – 11:45 a.m.

Room Change



Designed Specifically for Attorneys

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

1. No Vacation From Retaliation: The Rhyme and Reason Behind Effective Prevention Strategies

Retaliation claims may be litigated in courts and before agencies, but claims with potential merit often start in more informal settings, such as cubicle farms and corner offices, and around water coolers and at corporate retreats. Human nature tends to make people take complaints personally, and employers must guide employees away from that tendency when they train management about appropriate responses to explosive allegations. Join us for a session on best practices for providing tools to identify risks and avoid potentially retaliatory actions.

Moderator: Bruce A. Griggs (Austin)

Speakers: Christopher E. Moore (New Orleans) • Amy M. Pocklington (Richmond)
Joseph J. Traficanti, *SVP, General Counsel, Chief Compliance Officer, Corporate Secretary*,
United Natural Foods, Inc.

2. Employment Arbitration Agreements: New Strategies After the Supreme Court Speaks

With the Supreme Court's imminent ruling on class action waivers, it's time for employers to reevaluate their agreements. What changes should employers make to their existing arbitration approaches? What is the status of class action waivers? What procedures should employers follow when rolling out agreements and amendments to ensure they are enforceable? Join us for a session that will address these questions and more to help attendees develop and enforce a state-of-the-art arbitration program.

Moderator: Ron Chapman, Jr. (Dallas)

Speakers: Christopher C. Murray (Indianapolis) • Jennifer L. Santa Maria (San Diego)

3. The Future of Performance Appraisals: Trends, Successes, and Best Practices

According to some estimates, more than one-third of U.S. companies are planning to abandon (or have already abandoned) the traditional performance review. Putting aside the fact that few enjoy the process, from the manager who has to complete the review to the employee who receives it, the annual review often is ineffective. Even if your company isn't planning to do away with performance reviews anytime soon, reevaluating the effectiveness of the process and implementing changes can be good for employees and the company as a whole. Join this session for a discussion of alternatives to the traditional review, best practices for improving existing review processes, and more.

Moderator: Benjamin P. Glass (Charleston)

Speakers: S. Rae Gross (Detroit (Metro)) • James C. Pennington (Birmingham)

4. Changing the Culture, Not Checking the Box: Management Training in Today's Workplace

HR professionals have the unenviable task of trying to keep routine training for supervisors and managers fresh, interesting, and instructive. How can HR change workplace culture around documentation, meaningful performance appraisals, sexual harassment prevention, and discipline risks, rather than just checking a box? How do they keep the attention of managers when they are receiving the same message over and over, year after year? In this session, we will discuss creative, interactive approaches to management training as well as the three "must do" training topics for 2018.

Moderator: Thomas A. Bright (Greenville)

Speakers: Timothy A. Garnett (St. Louis) • Angela D. Green (Dallas)
Wendy McCrackin, *Training Manager*, Horry Telephone Cooperative, Inc.



5. Professional Responsibility in Employment Litigation: Best Practices and Worst Mistakes

Ethical rules, which are always important, come to the forefront when employment litigation is pending. Issues regarding joint representation, use of confidential information, privilege considerations with former employees, settlement negotiations, and the permissible scope of ex parte contacts can trip up even the most well-meaning attorneys. Join us for a session that covers the top ethical quandaries that arise during litigation, including those governed by Model Rules 1.6, 1.7, 3.5, 4.1, and more, and how to avoid inadvertent missteps.

Moderator: Michael J. Sexton (Orange County)

Speakers: Janice G. Dubler (Philadelphia) • Michael L. Matula (Kansas City)

6. Rise of the Robotics: How Robotics and Artificial Intelligence Are Reshaping the Workplace

Artificial intelligence (AI) processes, autonomous vehicles, and robotics are becoming a part of today's workplaces faster than many industry observers anticipated, and this trend will no doubt have a profound impact on the American workplace. Employers must anticipate and avoid the legal fallout from these fundamental changes. Every corner of the workplace will be impacted—from workplace injuries to data and trade secret protection to more mundane topics of how to structure and implement layoffs. Join this panel for a discussion of these issues and to learn how AI raises new risks and ethical conundrums for all employers.

Moderator: M. Kimberly Hodges (Memphis)

Speakers: Thomas M. McInerney (San Francisco) • Andrew T. Turner (Dallas)

7. Your Money or Your Data! Cautionary Tales of Cybersecurity in the Benefits World

Employers face a daunting and evolving variety of threats to the sensitive data used by their benefit plans and an ever-expanding list of federal and state mandates to safeguard that data. From sophisticated external attacks to simple (but consequential) inadvertence by internal staff, the risks to the sensitive data generated, maintained, and transmitted by benefit plans have never been greater. This session will discuss the legal regimes regulating the privacy and security of benefit plan data, explore the risks to that data through real-life examples, and consider some practical steps for protecting sensitive data.

Moderator: Christina Maistrellis Broxterman (Atlanta)

Speakers: Stephen A. Riga (Indianapolis) • Timothy G. Verrall (Houston)

8. Brexit Breakdown: A Look at the Labor and Employment Implications

While the United Kingdom (UK) and European Union (EU) continue to negotiate the terms of the UK's exit, employers' anxiety over the impact of Brexit on their workforces continues to increase. Join speakers from our UK and EU offices as they discuss the current status of the Brexit process, top challenges for employers, and tips for preparing for Brexit and thriving in the new paradigm.

Moderator: Roger James (London)

Speakers: Karine Audouze (Paris) • Simon J. McMenemy (London)

12:30 – 1:15 p.m.

"LUNCH WITH THE LAWYERS"

1:15 – 1:45 p.m.

Pardon the Interruption!—Workplace Strategies Style

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

1:45 – 2:30 p.m.

The Employment Law Challenge

Compete with your peers in a game show format that tests your knowledge of key labor and employment law issues facing employers today. Questions involve practical applications of employment issues, including wage and hour, FMLA, ADA, social media, labor, discrimination, retaliation, and others. The whole audience can play, and prizes will go to the winners. Will you be the employment law game show champion?

Speakers: Mary B. Dieng, *Chief Counsel, Employment*, Maxim Healthcare Services, Inc.
William E. Grob (Tampa) • Michael D. Mitchell (Houston/Miami)

2:30 – 2:45 p.m.

Main Conference Closing and Grand Prize Drawing



Designed Specifically for Attorneys

3:00 – 5:00 p.m.

POST-CONFERENCE SPECIAL SESSIONS

1. Firing Without Fear

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

Moderator: Robert W. Stewart (St. Louis)

Speakers: James M. Barrett (Portland)
Lynn K. Fieldhouse, *General Counsel*, Signature Healthcare, LLC
Helen A. Palladeno (Tampa)

2. C-Suite Complaints: Strategies for Navigating Claims From Senior Executives

What happens when a C-suite or human resources executive files a complaint? A number of challenging issues arise when high-level executives become the complainants. Who should handle the complaint? What are the company's objectives? Does the board have a role? Who is the client? This session will examine these questions as well as dive into the substantive areas of law most likely to come up in these situations, including retaliation, attorney-client privilege, and ethics.

Moderator: Peter O. Hughes (Morristown)

Speakers: Sam R. Fulkerson (Oklahoma City) • Danielle Ochs (San Francisco)
Jonathan Ramsfelder, *Chief Labor & Employment Counsel*, Verizon Wireless

3. Skeletons in the Closet and Second Chances: Background Check Update

Background check compliance is increasingly tough year after year under federal, state, and now local requirements. How does an employer ensure a safe workplace for its employees while also complying with a patchwork of laws regulating background checks? In this interactive session, we will move beyond the basics and discuss both litigation trends and EEOC activity, and effective ways to defend against both.

Moderator: Mark Diana (Morristown)

Speakers: Aaron Warshaw (New York City) • Stephen R. Woods (Greenville)

4. Reality HR: The Unraveling of a Reasonable Accommodation Request Right Before Your Eyes

This fast-paced skit and role-playing exercise will demonstrate how job performance discussions, reasonable accommodation requests, and discipline/discharge decisions can interact . . . and lead to good, bad, or ugly results for employers and employees. The legal framework for handling accommodations might be easy enough to describe, but the real-world, practical application of these concepts is a little trickier. Attendees participating in this session will gain additional skills and tools that they can take back to their own workplaces to achieve better and more defensible results.

Moderator: David Raizman (Los Angeles)

Speakers: Donald D. Gamburg (Philadelphia) • Gregory J. Hare (Atlanta)
Erin E. Williams (St. Louis)

5. Demystifying Pay Audits, Pay Transparency, and Pay Disclosures

The continued spate of aggressive new state laws addressing pay equity creates new challenges—and opportunities—for compliance-minded employers that not only strive to achieve fair pay practices in their workplaces but also seek to minimize the risk of pay equity claims. One way for employers to face these issues head-on is to conduct pay audits. This session will address key considerations for conducting the audit, design elements, and how to interpret and act on results, as well as best practices for internal and external communication of the results.

Moderator: John G. Harrison (Nashville)

Speakers: Michael H. Cramer (Chicago) • Lara C. de Leon (San Antonio)
Daniella McGuigan (London)

5:00 – 7:00 p.m.

SPECIAL “WRAP RECEPTION” (Sponsored by Ogletree Deakins Compliance Solutions)

Wrap up the week with a relaxing reception in the elegant Gold Room and adjacent outdoor terrace. Unwind with your colleagues while taking in the beauty of the resort.



POST-CONFERENCE INTERACTIVE SESSIONS

SATURDAY, MAY 12, 2018

8:00 – 9:00 a.m.

Breakfast and Roundtable Discussions

9:00 – 10:00 a.m.



SATURDAY KEYNOTE PRESENTATION: The Future of Work Revealed: Preparing Now **Lawrence Wilkinson, Chairman, Heminge & Condell; Co-Founder, Global Business Network**

What will the workplace be like 10 years from now—or 20 years? Will it be dominated by gig economy workers, robots, biometrics, and artificial intelligence, or by cutting-edge technologies that we aren't even aware of yet? Join leading futurist Lawrence Wilkinson as he explores what the future of the workplace might be and engages the audience on what forward-thinking in-house counsel and HR professionals can do now to be prepared.

Introduction by: J. Howard Daniel (Greenville)

LAWRENCE WILKINSON

10:00 – 10:15 a.m.

Break

10:15 – 11:30 a.m.

INTERACTIVE SESSIONS

1. Reel Ethics for In-House Counsel: Challenging Ethical Situations From the Big Screen *(One hour of ethics CLE credit may be available)*

This session is back by popular demand and uses classic film and television scenes to introduce challenging legal ethics situations in-house counsel might face. Topics will include representing organizational clients, avoiding conflicts of interest, and protecting privilege. In this entertaining and interactive session, attendees will apply the principles they see on film to learn how to tackle these ethical dilemmas in the real world.

Speakers: Michael R. Buchanan (Dallas) • Bonnie L. Martin (Indianapolis)

2. How You Ask the Question Matters: Effective Investigation Interviews

HR, in-house counsel, and other professionals are now expected to be experts at conducting investigations and resolving conflict in the workplace. However, it's not as easy as it sounds to get the interview right. This session will walk through best practices for conducting an independent, unbiased, and effective investigation interview, as well as some of the most common mistakes employers make. The panelists will engage attendees with mock interview situations, such as how to interview the most obstreperous witness.

Speakers: Benjamin R. Holland (Charlotte) • Mark N. Mallery (New Orleans)

3. Critical HR Competencies: Identifying, Recruiting, and Cultivating the HR Superstar

HR professionals don't just practice HR for their organizations—they also recruit and select professionals to carry out their own mission-critical functions. Join us for a session that will provide helpful insights into what traits and competencies are most essential to the successful HR professional. Our speakers will offer practical examples of these effective competencies in action and guide attendees about how to optimize interviews to select the best candidates. They will also discuss how to cultivate those competencies both personally and within their teams.

Speakers: W. Scott Hardy (Pittsburgh) • Eva W. Turner (Dallas)

4. Getting the Generations to Jell: Managing the Multigenerational Workforce

The makeup of the American workforce is constantly evolving, with millennials and workers over 65 comprising two of the fastest-growing segments of the work population. This session will explore effective ways employers can address the need to attract, compensate, evaluate, retain, and accommodate the needs of today's—and tomorrow's—workforce. This session will also address legal issues that might arise as a result (e.g., wage and hour, restrictive covenants, accommodation issues, etc.).

Speakers: Jennifer L. Colvin (Chicago) • Gary D. Eisenstat (Dallas)

OUR SPECIAL GUEST SPEAKERS



Ann Meyers Drysdale
Vice President
WNBA Phoenix Mercury and
NBA Phoenix Suns
Olympian
Hall of Famer



Chai R. Feldblum
Commissioner
U.S. Equal Employment
Opportunity Commission



Marvin E. Kaplan
Board Member
National Labor Relations Board



Mike Rogers
CNN Commentator
former U.S. Representative,
Michigan's 8th Congressional District
former Chair, U.S. House of Representatives
Intelligence Committee



Greg Stanton
Mayor
City of Phoenix, Arizona



Lawrence Wilkinson
Chairman
Heminge & Condell

Jimmy Alaniz
General Counsel
Packers Sanitation Services, Inc., Ltd.

Jennifer Anspach
AVP, Human Capital
Safeguard Properties

Nicole Burkett
Senior Counsel – Labor and Employment
PetSmart

Andrea Butcher
President
HRD Advisory Group

Mary B. Dieng
Chief Counsel, Employment
Maxim Healthcare Services, Inc.

Lynn K. Fieldhouse
General Counsel
Signature Healthcare, LLC

Mark Hilliard
Vice President Law & Deputy General Counsel
University of Phoenix

Wendy S. Kosche-Gelinas
Corporate Counsel, Legal
Yardi Systems, Inc.

Dave Kresin
Robaina & Kresin PLLC

Albert Li
General Counsel & Compliance Officer
Ottobock North America

Michelle Matheson
Matheson & Matheson, PLC

Wendy McCrackin
Training Manager
Horry Telephone Cooperative, Inc.

Jack Pawley
Senior Staff Attorney – Labor Relations
Kohler Co.

Andrea L. Phillips
Legal Counsel, Human Resources
Rolls-Royce North America, Inc.

Carlos Ramirez
Senior Director of EHS
Sunrun, Inc.

Jonathan Ramsfelder
Chief Labor & Employment Counsel
Verizon Wireless

David Rittorf
President
Modern Management, Inc.

Denise Rodine
Senior Vice President, Human Resources
Endemol Shine North America

Shirin Saks
Senior Counsel
The Dun & Bradstreet Corporation

Joyce Taber
Senior Counsel
Actelion Pharmaceuticals US, Inc.

J. Victor Wayne
Vice President and Associate General Counsel-Legal
Sodexo USA

Paul White, Ph.D.
Partner
Resolution Economics

Charles B. (Charlie) Young
Chief Human Resources Officer
PSAV, Inc.

Michael Zoldan
The Zoldan Law Group, PLLC

PROGRAM HIGHLIGHTS



WEDNESDAY, MAY 9, 2018

Fiesta Under the Stars

Join us for a magical evening at historic El Chorro, an authentic Arizona venue with stunning views of the area's most prominent landmark, Camelback Mountain. Savor seasonal cuisine with handcrafted cocktails while listening to local music and enjoying the beauty of this exceptional property. By attending, you will be supporting Gabriel's Angels, a charity that delivers healing pet therapy to abused, neglected, and at-risk children. Representatives from Gabriel's Angels, including therapy dogs, will join us at the event.



THURSDAY, MAY 10, 2018

An Enchanting Evening on the Terrace

Join us for a cocktail reception on the Squaw Peak Terrace surrounded by luxurious palms and guarded by the famous Frank Lloyd Wright-designed Biltmore Sprites. You will enjoy local cuisine and cocktails while admiring breathtaking mountain views.



FRIDAY, MAY 11, 2018

2018 Homer Deakins Service Award

Each year, Ogletree Deakins presents the Homer Deakins Service Award to recognize an individual who, through selfless and courageous action, has given of themselves in order to help and inspire others, demonstrating the true spirit of giving. Pam Gaber, the 2018 Homer Deakins Service Award recipient, founded Gabriel's Angels to end the cycle of violence for abused, neglected, and abandoned children through healing pet therapy. Ms. Gaber started the program in 2000 after seeing the huge impact her dog, Gabriel, had on children at the Phoenix Crisis Nursery. Gabriel's Angels now serves nearly 15,000 at-risk children across Arizona. Ms. Gaber will be honored in a moving presentation on Friday morning.



Special "Wrap Reception" (Sponsored by Ogletree Deakins Compliance Solutions)

Wrap up the week with a relaxing reception in the elegant Gold Room and adjacent outdoor terrace. Unwind with your colleagues while taking in the beauty of the resort.

Gabriel's Angels serves thousands of abused, neglected, and at-risk children in Arizona through the application of innovative pet therapy. The program's goal is to increase the overall sense of well-being and happiness for children in a safe environment and to build critical core behaviors, such as trust, empathy, respect, tolerance, and self-esteem.



DETAILED REGISTRATION INFORMATION

DATES

May 9-12, 2018

Pre-Conference Immersion Sessions (May 9)

Post-Conference Interactive Sessions (May 12)

LOCATION

The Arizona Biltmore
2400 East Missouri Avenue
Phoenix, Arizona 85016
(602) 955-6600

COST

\$895 per person for clients of the firm

\$1,395 per person for all others

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

GROUP RATES

Contact us 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 of \$209 per night plus a reduced resort fee of \$10 per night (normally \$28 per night). You can also use the Arizona Biltmore's reservation portal link. The hotel block is limited, so please make your reservations as soon as possible. A credit card is required to guarantee each reservation. The special room rate is guaranteed until April 17, 2018, or until the room block is sold out (whichever occurs first).

CANCELLATION POLICY

Cancellations received at least one week prior to the seminar are subject to a \$50 handling fee. Cancellations made less than five working days prior to the seminar are not refundable; however, you may send a substitute.

CLE INFORMATION

Please email any CLE-related questions to cle@ogletree.com.

New York attorneys who need financial aid to attend may view the policy here: <https://tinyurl.com/clefinancialaid>.

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

TO REGISTER

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www.ogletree.com

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