An informative and educational seminar to address the latest labor and employment law topics impacting all employers

LOCATION
The American Club
419 Highland Drive
Kohler, WI 53044
(920) 457-8000

DATE AND TIME
Thursday, September 14, 2017
8:45 a.m. – 4:45 p.m.

Friday, September 15, 2017
9:00 a.m. – Noon Immersion Sessions (Choice of One)
(Registration and breakfast will begin at 8:00 a.m. on both days.)

Please join us for a pre-conference reception on Wednesday, September 13, 2017, at 5:30 p.m. at the Kohler Design Center.

COST
$99.00 per person
(A pre-conference reception, breakfast, lunch, and program materials are included.)

REGISTRATION
Register online at www.ogletree.com, or contact Suzanne Schwartz at (414) 755-7823 or MILevents@ogletree.com.

We have submitted this program to the HR Certification Institute and SHRM for review. We are also applying for Wisconsin CLE credit.
THURSDAY, SEPTEMBER 14, 2017

8:00 – 8:45 a.m.  REGISTRATION AND BREAKFAST

8:45 – 9:15 a.m.  WELCOME AND BREAKING NEWS: UPDATE ON THE TRUMP ADMINISTRATION

Presenter: Timothy G. Costello (Milwaukee)

9:15 – 10:00 a.m.  TOP 10 BENEFITS ISSUES TO WATCH FOR IN 2018

With the number of laws and regulations governing employee benefits constantly on the rise, benefits professionals must run—not walk—to keep pace with all the new requirements. We will cover the top 10 most challenging issues that organizations face as they endeavor to remain compliant.

This session will provide up-to-date information on changes in the works for retirement plans and health and welfare plans, including the status of the Affordable Care Act “repeal and reform” efforts in Congress. We will also discuss the latest developments in data security, mental health parity, and wellness benefits that affect your health plans. You will learn about common compliance traps, tax triggers, and other sleeper issues that plan administrators need to be aware of in order to identify and correct errors in your retirement plans.

Presenter: Stephanie A. Smithey (Indianapolis)

10:00 – 10:15 a.m.  PICK ME! SPEED DATING WITH TODAY’S BREAKOUT SESSION SPEAKERS

In this fast-paced segment, our breakout session speakers will have three minutes to convince you to attend their session by providing you with a substantive synopsis of key employment law issues and developments.

10:15 – 11:00 a.m.  BREAK AND SIGN-UP FOR AFTERNOON BREAKOUT SESSIONS

11:00 a.m. – Noon  WHAT HR AND LEGAL NEED TO KNOW ABOUT LGBTQA EMPLOYEES AND OTHER EMERGING PROTECTED CLASSES

Keeping up with the latest developments in the area of lesbian, gay, and transgender rights and other emerging protected characteristics can be a daunting task for even the most sophisticated human resources and legal professionals. Not only is there a multitude of new state and local laws, agency guidance, and case law, but some of these are contradictory, and new developments seem to happen daily. This session will clarify terminology and provide up-to-date information on issues ranging from employment discrimination and harassment to restroom use for transgender employees and customers. Interactive real-world scenarios will help attendees understand how the law applies to the workplace and how best to deal with gray areas and the unknown. We will also cover the evolution of protected characteristics such as credit scores, unemployment, family responsibilities, and obesity (among others).

Presenter: Nonnie L. Shivers (Phoenix)

Noon – 1:30 p.m.  WORKING LUNCHEON: GENERATIONAL DIFFERENCES AT WORK

Today’s workplace is at a generational crossroads unlike any other time in our nation’s history. As the baby boomers ride off into the retirement sunset, Generation X is left to manage an empowered millennial generation raised with a new set of attitudes and expectations about their work-life balance. Our guest speaker, Steve Bench, will tackle stereotypes and build understanding through a fun and humorous approach that is sure to energize your group and get people talking!

Presenter: Steve Bench, Founder, Generational Consulting, LLC

1:30 – 1:45 p.m.  BREAK AND ROOM CHANGE
BREAKOUT SESSION SERIES ONE—CHOOSE BETWEEN:

1:45 – 2:30 p.m.  
**BACKGROUND CHECKS: WHAT YOU DON’T KNOW MAY HURT YOU**  
Background checks have long been an integral part of many employers’ screening processes. However, an employer’s ability to obtain criminal information on workers is becoming increasingly difficult. This session discusses how background checks are used in the hiring process, how to handle arrest and conviction records under the Wisconsin Fair Employment Act (WFEA), and strategies for complying with the Fair Credit Reporting Act (FCRA) and equivalent state laws, along with Madison’s unique arrest and conviction record twist and ban-the-box law.  
**Presenter:** Mark A. Johnson (Milwaukee)

1:45 – 2:30 p.m.  
**TO ARBITRATE, OR NOT TO ARBITRATE: THAT IS THE QUESTION**  
Like storms, class and collective action claims tend to brew and blow in from the west. Although Wisconsin isn’t California (yet!), we do have some unique state and local wage and hour laws that can be land mines for employers. This session will focus on the current state of the law and pending U.S. Supreme Court cases addressing the legality of agreements requiring workers to arbitrate disputes with their employers individually versus via class action lawsuits, as well as the creep of wage and hour class/collective actions in Wisconsin and their explosion elsewhere.  
**Presenter:** David J.B. Froiland (Milwaukee)

1:45 – 2:30 p.m.  
**REPEAL. . . REPLACE. . . REFORM? THE LATEST HEALTHCARE DEVELOPMENTS**  
President Trump has repeatedly promised to “repeal and replace” the Affordable Care Act, potentially altering or obliterating one of the hallmark legislative victories of former President Obama. This session will address the latest status of the efforts to repeal and replace the Affordable Care Act and how it may impact employers.  
**Presenter:** Stephanie A. Smithey (Indianapolis)

2:30 – 2:45 p.m.  
**BREAK AND ROOM CHANGE**

BREAKOUT SESSION SERIES TWO—CHOOSE BETWEEN:

2:45 – 3:30 p.m.  
**THE TECHNICOLOR DREAMCOAT—A PATCHWORK OF LAWS FOR MULTISTATE EMPLOYERS**  
Employers with operations in multiple states face laws and regulations that can vary widely from one jurisdiction to another, and managing compliance in several states can be extremely challenging. This session will provide guidance on how to minimize the risk of fines, penalties, or judgments resulting from mismanaged state and federal obligations affecting multistate employers, including paid sick leave, non-compete agreements, employment application and ban-the-box laws, family and medical leave, and wage/hour and overtime regulations.  
**Presenters:** Sarah J. Platt (Milwaukee) and Nonnie L. Shivers (Phoenix)

2:45 – 3:30 p.m.  
**THE TRUMP NLRB—A SEASON OF CHANGE**  
With President Trump’s nomination of new NLRB members, employers anticipate the reversal of many of the Obama-era NLRB’s aggressively pro-labor positions and decisions. However, the Trump administration’s unexpected slow start in filling NLRB vacancies delayed these expected changes. This session will review what has happened to date, discuss what problematic rules and decisions still remain in place, and predict what additional changes will occur in the near term.  
**Presenter:** Timothy C. Kamin (Milwaukee)

2:45 – 3:30 p.m.  
**DAZED AND CONFUSED? MARIJUANA AND PRESCRIPTION DRUG ISSUES AT WORK**  
Don’t be left in the weed(s)! This session will discuss the impact of the legalization of medical and recreational marijuana on an employer’s right to maintain a drug-free workplace and will explain whether protections exist for employees who use marijuana. We will also discuss the latest guidance and OSHA regulations on how employers should handle the delicate issue of drug testing for and creating policies regarding prescription drugs—in both safety-sensitive and non-safety-sensitive positions.  
**Presenter:** Eric E. Hobbs (Milwaukee)
3:30 – 3:45 p.m. **BREAK AND RETURN TO GENERAL SESSION**

3:45 – 4:30 p.m. **WAGE AND HOUR ROADMAP: THE FEDERAL AND WISCONSIN TOUR**
Expect the trend toward federal and state wage and hour laws—whether on minimum wages, pay equity, paid sick leave, call-in pay, joint employment and independent contractors, or the U.S. Department of Labor’s overtime rule—to explode now that Republicans control the executive and legislative branches of government. This session will provide a road map to guide employers through the hodgepodge of current federal and Wisconsin-specific wage and hour laws, as well as practical guideposts for staying on top of developments and making the necessary course corrections.

*Presenter:* Keith E. Kopplin (Milwaukee)

4:30 – 4:45 p.m. **WRAP-UP AND DOOR PRIZE: THE WACKY WORLD OF LABOR AND EMPLOYMENT CASES (NO, WE DON’T MAKE THIS STUFF UP!)}

*Presenters:* Timothy C. Kamin (Milwaukee) and Nonnie L. Shivers (Phoenix)

**FRIDAY, SEPTEMBER 15, 2017**

8:00 – 9:00 a.m. **REGISTRATION AND BREAKFAST**

**IMMERSION SESSIONS—CHOOSE BETWEEN:**

9:00 a.m. – Noon **LEAVES, LEAVES, AND MORE LEAVES! SUCCESSFULLY MANAGING THE MOST DIFFICULT SITUATIONS**
Some leave requests are downright complex, confusing, and difficult to administer. Employers often have little room for error, due to the specter of time-consuming and costly litigation. Using real-life scenarios, our panel will steer attendees through the most challenging employee leave requests, which simultaneously require compliance with the FMLA, the ADA, and other laws (such as pregnancy discrimination and workers’ compensation laws). Participants will work through examples in this workshop-style session to analyze the legal issues, and identify strategies and alternatives for managing a workforce while staying in compliance.

*Presenters:* Keith E. Kopplin (Milwaukee) and Sarah J. Platt (Milwaukee)

9:00 a.m. – Noon **WORKPLACE NCIS—BUILDING FOOLPROOF INTERVIEW TECHNIQUES FOR WORKPLACE INVESTIGATIONS AND AVOIDING DOCUMENTATION DRAMA**
From policy and rule violations to whistleblower complaints, there is no area of human resources responsibility that can so critically impact operations than a properly conducted internal investigation. Employment lawyers and HR professionals agree that documentation is crucial to minimizing liability and litigation risk; yet ensuring that managers prepare clear and well-documented reports of investigations and performance reviews and write-ups can be a challenge.

During this in-depth session, our panel will guide participants through the labyrinth of preparing for and conducting an internal investigation that is both legally compliant and designed to uncover the facts necessary to get to the truth. The session will incorporate mock scenarios and role-playing to highlight the preparation and tools for a thorough and unbiased investigation, and for testing the facts when the credibility of a witness may be an issue. This session will also discuss strategies for systematically improving the quality of performance documentation within your organization, and thus better protecting your company from potential liability.

*Presenters:* Brian M. Radloff (Milwaukee) and Christopher J. Johnson (Milwaukee)