

11th Annual Colorado Employment Law Summit

October 30, 2019 • Denver, CO

Colorado's New Equal Pay Act: Are You Ready?

Under Colorado's new "Equal Pay for Equal Work Act," employers will soon be required to start notifying employees when promotional opportunities become available, publishing pay rate and benefits information on job postings, and prohibiting requests to applicants for previous pay information. Moreover, effective January 1, 2021, the Act will create a new private right of action that goes well beyond federal law in making it much easier for employees to bring claims of pay discrimination. In this special session, members of Jackson Lewis' National Pay Equity Resource Group will explain the new requirements and provide best practices and tips to help make sure your pay systems are fair and defensible before the Act goes into effect.

Litigation Updates: Ban the Box, Minimum Wage Laws and Non-Competes

State and Federal employment laws have continued to evolve each year and 2019 was no exception. Employers need to know how they might be impacted by these developments and where they may be facing legal risk. This session will give an overview of developments in the employment law space including but not limited to "ban the box legislation," new minimum wage laws, non-compete litigation and enforceability of arbitration agreements.

Hiring in the Digital Age: Is New Always Better?

Gone are the days of paper applications, telephone screens and hour after hour of in-person interviews. Recruiting and interviewing techniques have evolved. New tools include the use of on-demand recorded interviews, real-time work samples, machine-scored interviews and artificial intelligence. These tools promise a better candidate experience and greater efficiency in the hiring process. They may also create legal risk. Together, we'll address questions such as: Do these tools pose a greater risk than traditional tools? How will EEOC and OFCCP evaluate these new techniques? Must these techniques be validated? What, if any, accommodations should be offered to applicants? Join us for an interactive, scenario-based session during which we will explore real-world scenarios. Together, we'll explore the benefits and potential pitfalls of using these cutting-edge hiring techniques.

My Employee on Leave is Doing WHAT on Facebook? Using Technology to Detect, Confront and Prevent Leave Abuse

Employees fraudulently taking leave impacts an employer's bottom line, company resources, and the morale of the employees who are working harder to cover the work of employees on leave. The use of social media, video surveillance and other technology, if properly utilized, can effectively detect and prevent leave abuse. What can employers do if an employee is posting on social media while on leave, or is otherwise suspected of leave abuse? What are the legal risks? This session will provide attendees with the guardrails needed to successfully use technology to confront leave abuse by highlighting recent cases and using real life case studies.

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The Class Action Plaintiff's Bar is on the Offensive: What's Your Game Day Strategy?

Companies continue to get hit with various multi-million dollar class actions. Are you calculating employee annual and quarterly bonuses in the regular rate of pay when you calculate overtime? Are you advertising positions on social media? Do you know whether you are asking your advertisers to target specific groups of people, and excluding others from seeing the same opportunities? Have you dusted off your disclosure form before obtaining a background check? Whether under the Fair Labor Standards Act, Fair Credit Reporting Act, or State-specific employment laws, these lawsuits can be costly and time-consuming. This session will explore the class actions being brought around the country by experienced and sophisticated plaintiff's counsel.

The Only Thing Constant Is Change: Keeping Up With OFCCP

For federal contractors and subcontractors, the Office of Federal Contract Compliance Programs (OFCCP) has been unpredictable. It straddles the line between compliance partner and adversary. Current leadership wants to create transparency and predictability, but the rules are changing fast – often too fast to keep up. With new types of audits (including deep-dives focused on disability compliance), to proposed changes to the material that contractors must submit in every review, to increased reliance on large scale statistics, it's hard to implement actionable programs and prepare for an audit. Join us for a discussion of what's new with OFCCP and how best to ensure compliance in your organization.

#MeToo/Harassment Complaint and Lawsuit Trends, Strategies for Prevention and Defense

With sexual harassment continuing to exceed all other complaints in the workplace, this session will discuss prevention through cultural awareness and defense strategies ranging from managing internal complaints and investigations to defending charges of discrimination and lawsuits. We will discuss harassment training opportunities, investigatory techniques, when to consider mediation, and the cost and implications of defending a sexual harassment claim in federal court.

Strategies to Identify, Remedy, and Prevent Pay Inequities

Pay equity often focuses on current pay, which is essential. But it doesn't exist in a vacuum. Instead, current pay is the result of years of compounding decisions made by various decision makers. And so equitable pay practices require not only evaluation of current differences, but efforts to stem them before they begin. Enforcement agencies know it; they routinely identify practices that cause pay disparities. So do state legislatures; they're rapidly passing legislation that level the playing field in salary negotiations and limit justifiable differences in pay. And after this session, you will too. Come join the discussion on identifying equitable differences in pay and best practices to stop inequity before it arises.

Is EPLI Coverage Appropriate For your Company? Probably...

This section will focus on Employee Practices Liability Insurance, why it is important, and the cost benefit analysis. Gain a better understanding on how claims are handled, how your carrier works with your attorneys, coverage pitfalls, and how to maximize your coverage.