

THE 33RD ANNUAL JACKSON LEWIS WORKPLACE LAW CONFERENCE

JUNE 5, 2015 • WESTCHESTER RENAISSANCE HOTEL

PROGRAM AGENDA



Morning Sessions

(Not Quite) Family Feud

In this program, we'll put a Jackson Lewis spin on the classic game show to address some of the most important issues facing employers today. Two teams will compete as we reveal the results of our pre-symposium survey and provide substantive discussions on the most frequently-raised issues in the survey responses. The winning team will be rewarded with a handsome prize pack including a free lunch with the presenters!

Never a Dull Moment: A Look Back at the Year's Notable Disability and Leave Developments

From court decisions clarifying the Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA) leave and accommodation obligations, to the U.S. Equal Employment Opportunity Commission's (EEOC) release of guidance requiring new pregnancy accommodations, to lawsuits challenging wellness programs and state and local regulation of paid sick leave, pregnancy accommodations, and medical marijuana, so much has occurred since our last Symposium. Come and enjoy this fast-paced review of the seemingly never-ending onslaught of disability related compliance challenges for employers.

The NLRB Makes More Steps to Make Unionizing Easy

Major changes to National Labor Relations Board (NLRB) election rules (effective April 14, 2015), coupled with Labor Board case decisions expanding employee rights to solicit at work and through your electronic networks will make it easier for unions to organize your employees. This session will discuss these significant changes to the labor law landscape and offer proactive measures to help your organization address the heightened challenge and risk of union activity.

Making Cents of the FLSA

The premise of the Fair Labor Standards Act (FLSA) is simple: employees must be paid at least a minimum wage for all hours worked and nonexempt employees who work more than 40 hours in a week must be paid overtime. These seemingly simple requirements, however, have taken volumes of regulations to explain and have generated thousands of lawsuits since the FLSA was enacted over 70 years ago. We will review some common mistakes and new issues.

Top 10 Reasons to Have an ERISA Litigator on Speed Dial

The U.S. Supreme Court's has demonstrated heightened interest in the Employee Retirement Income Security Act (ERISA.) This, along with an increase in investigations from the U.S. Department of Labor and the dangerous ERISA fiduciary exception to attorney-client privilege, are just some of the reasons why companies should have ERISA litigators on speed dial to consult on these issues.

Afternoon Sessions

A Case Study in How Conflicting Internal Communications Undercut Your Company

Participants will review the case file on a recent termination and collectively analyze how the documentation either supports, or can be used against, the employer when the disgruntled employee goes to an attorney. We will identify and evaluate how any inconsistencies in communications can buttress a plaintiff attorney's claim of pretext for discrimination when refuting the company's offered reason for termination.

HR in the Digital Age

In most employment cases, plaintiffs and their lawyers are searching for the "smoking gun" to prove a case of discrimination or retaliation. In the digital age, as all communication becomes easily stored and reproduced, the risk of such documents existing in your company archives grows with each email or text. This presentation will focus on how to make sure your company's HR communications are lawful, effective and won't embarrass managers or the organization if reproduced in litigation.

The I-9: The Little Form that Could (and Does) Fill Government Coffers at Employer Expense

This session will focus on what employers need to know about I-9 compliance and additional immigration related issues that frequently result in costly audits and investigations. We will also provide an update on President Obama's Business-Related Immigration Actions (including some that don't make headlines but impact employers the most).

Sexual Stereotyping in the Workplace

In this seminar, we will address LGBT and sexual stereotyping (preconceived notions of gender - what it means to look or act like a man or woman) under federal and state employment discrimination laws and best practices regarding the gender transition plan, the name change, the rest room/locker room issues, the leave of absence, and potential staff objections to the transgender employee.