

The Jackson Lewis Corporate Counsel Conference

# Countdown to Election 2016 and Its Impact on the Workplace

FAIRMONT Washington, D.C., Georgetown

Thursday, May 12 – Friday, May 13, 2016



Friday, May 13

**Politics As Usual?**

Guest Speaker:

**Nicolle Wallace**

SPECIAL EVENT : THURSDAY, MAY 12



Dinner at the  
**House of  
the Americas**

AND

Conversation with **CHARLIE ROSE**



Up to 12 Hours of CLE Credit

**jackson lewis.**  
all we do is work





# Join Jackson Lewis to Discuss Current Employment Law Trends and Challenges During This Election Year

Class Actions • NLRB Issues • Immigration  
Paid Sick Leave • Cyber Security • Workplace Violence  
Whistle Blowers • Wage & Hour • Multinational Issues  
Marijuana in the Workplace • And More!

Up to 12  
hours of CLE  
credits

## CONFERENCE SCHEDULE

### WEDNESDAY, MAY 11

5:30 PM – 8:30 PM Registration  
5:30 PM – 8:30 PM Cocktails and Dinner

### THURSDAY, MAY 12

7:30 AM – 9:00 AM Breakfast  
8:00 AM – Noon Registration  
9:00 AM – 12:30 PM **Jump Start Sessions**  
12:30 PM – 1:30 PM **CCC Kick-off**  
Luncheon +  
**State of the Workplace**  
1:30 PM – 4:45 PM **Rapid Fire Sessions**  
5:30 PM Depart to the  
**House of the Americas**  
6:00 PM – 9:00 PM Dinner and  
**Conversation with Charlie Rose**

### FRIDAY, MAY 13

8:00 AM – 9:30 AM Breakfast  
8:30 AM – 9:30 AM **Early Riser Sessions**  
9:45 AM – 10:45 AM **Dialogue about Diversity**  
– Panel Discussion  
11:00 AM – 12:00 PM **Politics as Usual?**  
– **Nicolle Wallace**,  
Guest Speaker

## SPECIAL EVENT : THURSDAY, MAY 12

### Dinner at the House of the Americas and Conversation with Charlie Rose



Established in 1910 as the headquarters for the world's first regional organization, the **House of the Americas** has become a lasting symbol of inter-American unity and

understanding. Our evening will begin in the Tropical Patio that serves as a garden spot for rare tropical plants including the historic "Peace Tree" planted by President William Howard Taft during the building's dedication ceremonies.

Following our cocktail hour, we will host a dinner in the *Hall of the Americas* — the site of numerous historic events, including the signing of the Panama Canal Treaties in 1977.



During dinner, we will be joined by the acclaimed broadcast journalist, **Charlie Rose**. Global leaders and luminaries – from Russian President Vladimir Putin to the actor/activist Sean Penn – have all been eager to sit-down with Mr. Rose to share their world views. We are delighted to have a chance to turn the tables, interview Mr. Rose, and hear his thoughts and insights into the hottest topics of the moment.

**Charlie Rose** is Executive Editor and Host of The Charlie Rose Show and Charlie Rose The Week. He is also Co-Host of CBS This Morning and a contributing correspondent to 60 Minutes.



## Jump Start Sessions

9:00 AM – 10:00 AM    10:15 AM – 11:15 AM    11:30 AM – 12:30 PM

For those arriving to the conference early, we are offering “Jump Start Sessions” covering a variety of timely and relevant compliance topics. These one-hour workshop sessions will begin at 9:00 AM and run through 12:30 PM. This is a great opportunity to earn additional CLE credits.

## Corporate Counsel Conference Kick Off

12:30 PM – 1:30 PM

### State of the Workplace

The 2016 Corporate Counsel Conference will officially kick off on Thursday at 12:30 PM with a Welcome Luncheon and a briefing on the “State of the Workplace” by our Firm Chairman, **Vincent A. Cino**.

### Compliance Strategies for the In House Practitioner

### BREAKOUT SESSION TOPICS

#### Ten Steps to Avoiding the Whistleblower Case.

Whistleblower claims have become an enforcement priority for many federal agencies. During this session, we will address the evolving and expanding definition of “protected activity” under federal and state whistleblower statutes, recent whistleblower awards, and steps employers should take to update corporate internal reporting and investigative mechanisms - including anti-retaliation policies - to encourage employees to raise their concerns internally, rather than to a government agency.

#### Your Company is Being Acquired: What Do You Do Next?

Corporate transactions, including mergers, acquisitions, sales, spin-offs and joint ventures, are increasingly common across industries and have significant workforce implications. This session will address strategic considerations and hidden liabilities with regard to deal structure, benefit plans, unionized workforces and other crucial labor and employment issues.

#### Managing Paid Sick Leave: It's Not Just in California Anymore!

State and local paid sick leave laws are cropping up throughout the United States. Paid sick leave laws in California, Massachusetts and Oregon (and many municipalities) became effective in 2016 and the trend is likely to continue. We will discuss the interplay between paid sick leave laws and other leave entitlements, such as the Family and Medical Leave Act, the Americans with Disabilities Act and state family leave laws. We will also explore practical and creative solutions to the difficult legal and operational problems facing multi-state employers.

#### The Stakes are Rising: The Increased Risk of Fiduciary Liability for Employee Pension and Health and Welfare Plans.

Class action litigation and enforcement actions by the U.S. Department of Labor against ERISA fiduciaries are on the rise, and the stakes have never been higher. This session will address recent developments, the potential individual and entity civil and criminal liability for claims of breach of fiduciary duty in the administration of employee benefit plans, including health care plans, and the remedies available to employees. The program also will discuss the importance of educating plan fiduciaries and the C-suite as to the best practices for minimizing these risks by taking and documenting actions.

#### What's On Your Application? “Ban-the-Box” and other Hiring Challenges.

The movement to “Ban the Box” and prohibit employers from inquiring about a job applicant's criminal history on employment applications continues to grow, as seven states, the District of Columbia and numerous cities (including New York and San Francisco) have enacted “Ban the Box” laws applicable to government contractors or private employers. This session will review the recent legal developments that will increase scrutiny of employers' criminal background check policies and suggest strategies for dealing with these new constraints on the use of background checks.

## Rapid Fire Sessions

1:30 PM – 4:45 PM

**It's Not the Same Old Class Action Anymore: Trends and Strategies.** A review of recent trends in class litigation and strategies to defend against class claims, including a discussion of class action waivers and effective trial plans.

**The New Normal: Dealing with Weapons at Work.** Guidance about how best to prepare for, avoid, respond to, and manage the serious workplace threat.

### **The EEOC Comes Calling: The Rise in Systemic Disability Discrimination Investigations.**

An overview of one of the EEOC's top enforcement priorities – systemic litigation under the ADA, highlighting ADA practices that are prompting systemic investigations and ways the EEOC transforms individual charges into systemic investigations.

**Pay Discrimination: The Feds Increase Obligations & Exposure.** With the new California Fair Pay Act, New York Fair Pay Law Amendments, and the proposed federal Equal Pay Reporting Requirements, employers face greatly increased exposure to class-type pay discrimination claims. Join us to learn about the new laws and how best to protect your company from pay discrimination claims.

**Just Say No? Not so Fast: Marijuana in Workplace.** A survey of the legal landscape regarding medical and de-criminalized marijuana use in the workplace, including its impact on employer policies and accommodation obligations.

**You're a Joint Employer With.... Whom?** A look at how the National Labor Relations Board recently expanded the concept of joint employer status, and how the new paradigm is impacting businesses, particularly those with non-traditional workforces.

**Brave New World: Hiring, Evaluating, and Training the Millennial Generation.** A discussion of the unique challenges and opportunities presented when recruiting, managing and training millennials, the new generation of manager, who are accustomed to faster-paced decision making, learning off electronic platforms and social media, and, in some instances, shorter term reward expectations.

**Digital Fitness: Navigating Global Data Transfer.** An update regarding the impact of the European Court of Justice's decision in *Schrems v. Data Protection Commissioner* on the transfer of personal data from European Union member states, the status of negotiations of a new data transfer agreement between the U.S. and EU, and alternative data transfer methods.

**Jerks at Work: Managing Off-Site Employee Misconduct.** Practical insights addressing how boorish off-duty conduct can poison the work environment and steps to take to manage sensitive situations and prevent their recurrence.

## A Roadmap for the Changes Ahead

## BREAKOUT SESSION TOPICS

### **Global Trends in Discrimination, Harassment & EEO Laws.**

Employers with operations outside the United States must keep up with rapidly developing trends in global discrimination, harassment and equal employment opportunity laws. During this session we will examine the different roles played by headquarters and local operations, the legal and human resources departments, and in-house and outside counsel. We will also discuss attorney-client privilege in cross-border matters and provide best practices for EEO compliance.

### **OSHA Goes Big: Preparing for the New Enforcement Tools.**

For the first time in its 40+ year history, the Occupational Safety and Health Administration has been given congressional authority to significantly increase penalties for violations of OSHA standards, with the potential for six-figure citations. This session will discuss the new penalty increase and ways that employers can avoid capture in OSHA's cross-hairs.

### **Coping with Immigration Challenges while the Politicians Fight it Out.**

During this session, we will address recent trends in immigration law and enforcement, including the status of recent Executive Orders on immigration, the proposed revisions to Form I-9, the recent guidance regarding conducting Form I-9 audits, and developments regarding H1-B petitions. We will also discuss key rules-of-thumb and provide the tools necessary to maintain a culture of immigration compliance.

### **The State of the Affordable Care Act.**

Recent developments and guidance under the ACA continue to perplex employers. Our discussion will include the future of the Cadillac Tax, early returns on IRS reporting and enforcement under the Employer Shared Responsibility Requirements, Nondiscrimination Issues and Affordability.

### **The National Labor Relations Board's Ambush Election Rule One Year Later: Myth vs. Reality.**

The NLRB's new election rule is in full swing with an increase in both the number of petitions filed and unions' win rate. We will provide an update about how this "quickie" election rule is impacting employers a year after it went into effect, and offer practical advice to help your organization best respond to and prepare for an election petition.



## General Session – Panel Discussions

### Dialogue about Diversity

9:45 AM – 10:45 AM

A panel of distinguished Senior Corporate Legal Advisors from Fortune 100 companies, moderated by the Chair of the Jackson Lewis Corporate Diversity Counseling Group, will discuss the importance of diversity and inclusion to business success and expectations for outside counsel diversity. Panel members also will share their views on developing a compelling diversity strategy and evaluating the performance of internal and law firm diversity and inclusion programs.

### Politics as Usual? With Guest Speaker Nicole Wallace

10:45 AM – 12:00 PM

Who will be the next President of the United States? Which party will control Capitol Hill? We will wrap-up our 2016 Corporate Counsel Conference with an insider's view about the most talked about topics in Washington, D.C. Our guest speaker, **Nicole Wallace**, is a Political Analyst, *New York Times* Best-Selling Author, and Former White House Director of Communications.



#### New Issues, New Challenges

##### The New Wave of Wage Hour Systemic Claims.

Wage-and-hour class and collective actions are the most active type of employment litigation with no sign of slowing down. We will examine the factors that are fueling the rise in systemic wage hour litigation, including increases in state and local minimum wages, a continued focus on independent-contractor v. employee classifications, joint and co-employer status, and off-the-clock work as more employees use technology to work remotely and at any hour. The presentation also will discuss strategies for limiting your company's exposure to wage hour litigation.

##### LGBTQ: Managing an Evolving Workforce.

In this rapidly evolving area of law, it's important for employers to have a clear understanding of their responsibilities and expectations with regard to lesbian, gay, bisexual, and transgender employees. This session will review sexual orientation and transgender terminology, provide an overview of gender discrimination laws, as well as sexual stereotyping and transgender cases, and discuss how these laws and cases impact workplace policy. We will also provide guidance on how employers should prepare for on-the-job transitions and promoting an inclusive, respectful culture.

##### Adapting to the New Overtime Exemption Paradigm.

Changes to the federal overtime regulations will impact every workforce. We will focus on the challenges when converting formerly exempt employees to non-exempt status and managing the morale and productivity concerns as employees' exempt status evolves.

##### Congress Who? The Onslaught of Executive Orders and Their Impact on Your Organization.

During this session, we will recap the flurry of Executive Orders, including the higher minimum wage, paid sick time, heightened disclosure requirements regarding prior violations, and suggested compliance strategies.

If you attend just one workplace law event in 2016, make it this one!





The **Jackson Lewis Corporate Counsel Conference** is designed for corporate counsel with employment, labor, benefits and immigration law responsibilities. It is an ideal opportunity to interact with fellow in-house attorneys and highly skilled practitioners in workplace law.

#### ABOUT JACKSON LEWIS

Founded in 1958, Jackson Lewis is dedicated to representing management exclusively in workplace law. With 800 attorneys practicing in major locations throughout the U.S. and Puerto Rico, Jackson Lewis is included in the AmLaw 100 and Global 100 rankings of law firms. Jackson Lewis is a founding member of L&E Global Employers' Counsel Worldwide, an alliance of premier employment law boutique firms and practices.

#### 2016 Corporate Counsel Conference Co-Chairs:

**Edward M. Cherof**  
Principal  
1155 Peachtree Street  
Atlanta, GA 30309  
404.525.8200

**Joy M. Napier-Joyce**  
Office Managing Principal  
2800 Quarry Lake Drive  
Suite 200  
Baltimore, MD 21209  
410.415.2028

#### CONTINUING LEGAL EDUCATION

This program may qualify for up to 12-hours of Continuing Legal Education (CLE) credits, depending on jurisdiction. Registrants seeking financial aid should contact **Regan Harrison** at: [regan.harrison@jacksonlewis.com](mailto:regan.harrison@jacksonlewis.com). Jackson Lewis is an approved provider for New York State and California CLE.

## REGISTRATION

The 2016 Jackson Lewis  
Corporate Counsel Conference

**May 12-13, 2016**

**FAIRMONT Washington D.C., Georgetown**

2401 M Street, NW  
Washington, D.C. 20037  
866.540.4505

#### CONFERENCE FEES

The \$695 registration fee includes resource materials, meals and associated activities. The cost for a spouse or guest to attend is an additional \$500. The fees must be paid in full to reserve a place. Jackson Lewis reserves the right to limit attendance or deny registration at its discretion.

#### HOTEL RESERVATIONS

Hotel room reservations are the responsibility of the registrant, and they must be booked in addition to the Conference registration. Premium rooms are available for the nights of the Conference at the special rate of \$345/night, exclusive of tax and incidentals.



Register online for the Conference at:

[www.jacksonlewis.com](http://www.jacksonlewis.com)

For further information, please contact:

**REGAN HARRISON**

Practice Group Marketing Manager  
Jackson Lewis P.C.  
10701 Parkridge Blvd. | Reston, VA 20191  
Tel: 703.483.8339

Email: [regan.harrison@jacksonlewis.com](mailto:regan.harrison@jacksonlewis.com)

Sponsored by



**WORKPLACE ANSWERS**