



NATIONAL EMPLOYMENT LAW INSTITUTE

42nd Annual

EMPLOYMENT LAW UPDATE

San Diego, CA • July 12 - 13, 2018 • Catamaran Resort Hotel

Chicago, IL • July 19 - 20, 2018 • The Gwen, A Starwood Hotel

Washington, DC • July 26 - 27, 2018 • W Washington DC

FACULTY

TRACY M. BILLOWS, Esq.

*Seyfarth Shaw
Chicago, Illinois*

ELLEN E. BOSHKOFF, Esq.

*Faegre Baker Daniels
Indianapolis, Indiana*

DAVID G. BOWMAN, Esq.

*Morgan Lewis
Boston, Massachusetts*

AARON A. BUCKLEY, Esq.

*Paul Plevin
San Diego, California*

FELICIA A. DAVIS, Esq.

*Paul Hastings
Los Angeles, California*

ZINA DELDAR, Esq.

*Paul Hastings
San Francisco, California*

M. CARTER DELORME, Esq.

*Jones Day
Washington, DC*

SHANNON D. FARMER, Esq.

*Ballard Spahr
Philadelphia, Pennsylvania*

DAVID K. FRAM, Esq.

*NELI
Golden, Colorado*

KENNETH W. GAGE, Esq.

*Paul Hastings
New York, New York*

GREGORY C. KEATING, Esq.

*Choate
Boston, Massachusetts*

ALEXIS C. KNAPP, Esq.

*Little Mendelson
Houston, Texas*

DAVID P. LAMOREAUX, Ph.D.

*Charles River Associates
Tallahassee, Florida*

ANDREW R. LIVINGSTON, Esq.

*Orrick
San Francisco, California*

JULIE S. LUCHT, Esq.

*Perkins Coie
Seattle, Washington*

MANDANA MASSOUMI, Esq.

*Manatt
Costa Mesa, California*

MARK J. OBERTI, Esq.

*Oberti Sullivan
Houston, Texas*

SAMANTHA M. ROLLINS, Esq.

*Faegre Baker Daniels
Des Moines, Iowa*

KENNETH M. WILLNER, Esq.

*Paul Hastings
Washington, DC*

JEFFREY D. WOHL, Esq.

*Paul Hastings
San Francisco, California*

QUENTON KINCAID WRIGHT

*Charles River Associates
Tallahassee, Florida*

WED, JULY 11 • OPTIONAL ONE DAY CALIFORNIA EMPLOYMENT LAW UPDATE

8:15 Registration and Continental Breakfast

9:00 Developments in California Employment Law

A review of current developments in California employment law on a variety of topics not otherwise covered in this course, including arbitration, background checks, whistleblowing, and privacy, as well as an update on new and potential legislation.

Andrew Livingston

10:30 Refreshment Break

10:45 California Fair Employment & Housing Act (FEHA)

Discussion of recent updates and amendments to the FEHA which impact the policies and training employers are required to provide, recent case law authority under the FEHA, including the latest court cases concerning the definitions of “disability” and “reasonable accommodation,” updates in harassment claims alleged under the FEHA in response to the “me too” movement, in addition to other protected groups, analysis of recent claims of discrimination, harassment and retaliation raised under the FEHA and the interplay with federal regulations, and practical considerations for human resources personnel and counsel when facing these claims.

Mandana Massoumi

12:15 Lunch (Hosted by NELI)

1:15 California Family Rights Act (CFRA)

Analyzing current significant updates to the CFRA, including modified notice requirements, changes to reinstatement rights, and limitations on recertification requests, analyzing overlap with and key differences from the FMLA, and also providing practical guidance on navigating the interplay between the CFRA, FMLA, PDLL, and other California leave laws.

Zina Deldar

2:45 Break

3:00 California Wage and Hour Issues

Covering new developments in California-specific wage and hour issues including PAGA litigation, meal periods, rest breaks, day of rest requirements, overtime calculation, joint employer liability, the *de minimis* rule, pay equity, compensable work time, overtime exemptions, business expense reimbursement, and local wage and hour ordinances, plus cases to watch and pending legislation.

Aaron Buckley

4:30 Adjourn

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2018 EMPLOYMENT LAW UPDATE

- San Diego, CA, July 12-13 • Catamaran Resort Hotel
 Chicago, IL, July 19-20 • The Gwen, A Starwood Hotel
 Washington, DC, July 26-27 • W Washington DC

Registration Fee:\$995.00

Early Registration Fee:\$945.00

(Paid Registration received by June 20, June 27 and July 5, respectively.)

CALIFORNIA EMPLOYMENT LAW UPDATE

- San Diego, CA, July 11 • Catamaran Resort Hotel

Registration Fee:\$595.00

Discounted Fee if attending July 12-13 also:\$545.00

- I am unable to attend. Please send me:

2018 Employment Law Update Manual

PDF \$169.00 Print \$189.00 or Both \$229.00 _____

2018 California Employment Law Update Manual

PDF \$99.00 Print \$119.00 or Both \$159.00 _____

Shipping and Handling (\$13.00 for print copy) _____

Colorado residents add 7.4% sales tax (publications only) _____

TOTAL = _____

Do you require any accommodation, due to a disability, to attend this program? No Yes

(Describe) _____

Please print or type the following information:

NOTE: Name & street address required for UPS delivery of publications.

Name _____

Title _____

Organization _____

Street Address _____

City, State, Zip _____

Business Telephone () _____

Signature _____ Date _____

E-Mail _____

(Note: Confirmations and program announcements sent via e-mail.)

Method of Payment (Prepayment is required):

Check Enclosed Visa MasterCard AMEX Discover

Card Number _____ Expiration Date _____

Name as it appears on card _____

CLE CREDIT, provide state and bar numbers.

REGISTRATION INFORMATION

Early registration is advised. Registrations will be confirmed by e-mail. On-site registrations are subject to space availability.

Registration Fee: \$995.00 • Early Discounted Fee: \$945.00
"Add On" California Update: \$545.00

Early Registration Cut-Off Dates

San Diego - June 20

Chicago - June 27 • Washington, DC - July 5

Payment in full is required prior to the program.

Group Rates, Discounts and Substitutions are available and permissible. Email neli@neli.org for more information.

Cancellation Policy: Cancellations must be confirmed in writing and addressed to the Registrar. Registrations cancelled more than ten business days prior to the program may elect to receive a full fee credit, or a refund, less a \$150.00 administrative fee. Those cancelled ten or fewer business days prior to the program will receive a fee credit, less a \$250.00 administrative fee. Transfers between cities must be pre-approved. Fee credits may be applied during the next 12 month period to any of the Institute's programs or publications. Paid no-shows will receive the program Manual upon request in full consideration of fees paid. Unpaid cancellations and unpaid no-shows are liable for the registration fee. Any refunds will be processed after the program series concludes.

CONTINUING EDUCATION

The **Employment Law Update** will provide between **12-14.5 CLE / PDC / CEU credits, depending upon the jurisdiction.**

Our **California Update** will provide between **6-7.2 credit hours.**

NELI applies for credit from all MCLE states. Contact us for approval status. To apply for CLE credit, please complete box on registration form. NELI will provide the necessary forms and proof of attendance. NELI is recognized by most professional associations as an approved CEU/CPE provider, and is an approved provider of HRCI and SHRM for recertification credit.

As always, **NELI will file in as many jurisdictions/states as you are licensed for no additional fee**, although registrants need to file for credit on their own behalf in jurisdictions that require it.

REGISTRATION PROCEDURE

MAILING ADDRESS:

NELI, P.O. Box 1189, Golden, Colorado 80402

PHONE: (303) 861-5600, 8:00 a.m. - 4:30 p.m. Mountain Time

FAX: (303) 861-5665

INTERNET: www.neli.org

EMAIL: registrar@neli.org

HOTEL ACCOMMODATIONS

For NELI's group rate, reservations must be made directly with the hotel (not through a travel agent). Room blocks are limited and group rates cannot be guaranteed after the listed cut-off dates, and may be fully booked before then. Reserve early and state that you are attending NELI's *Employment Law Update*. If you experience difficulty, please call NELI. After the cut-off date, reservations at the group rate are on a space available basis.

San Diego - Catamaran Resort Hotel & Spa

3999 Mission Boulevard, San Diego, CA 92109

(858) 488-1081 or (800) 422-8386

Deluxe Garden View - \$315.00 (plus tax)

Reservation cut-off date: June 13, 2018

Chicago - The Gwen, A Starwood Hotel

521 North Rush Street, Chicago, IL 60611

(312) 645-1500 or (866) 716-8136

Run-of-House - \$299.00 (plus tax)

Reservation cut-off date: June 27, 2018

Washington, DC - W Washington DC

515 - 15th Street, NW, Washington, DC 20004

(202) 661-2400 or (888) 627-7816

"Spectacular" Room (exterior) - \$309.00 (plus tax)

"Wonderful" Room (interior) - \$289.00 (plus tax)

Reservation cut-off date: July 5, 2018

• Lower rates may be available on hotel websites •

DAY ONE

7:45 Program Check-In & Continental Breakfast**8:30 Developments in EEO Law**

Update of Supreme Court cases and the most significant appellate court and trial court cases and their application and implications for employment practices and litigation in key substantive and procedural areas, including race, sex, color, religion, national origin, gender and pregnancy discrimination, the ADEA, damages, and injunctive relief.

San Diego - Jeff Wohl

Chicago - Ken Gage

Washington, DC - Ken Willner

10:45 Refreshment Break**11:00 Retaliation and Whistleblowing Claims**

Determining “protected activity,” what employer conduct negates an inference of “causation,” third party retaliation, retaliatory harassment, in-house counsel or compliance officer as whistleblower, what constitutes “unreasonable opposition,” the rise in “cybersecurity” whistleblowing and increased regulatory enforcement plus the continued surge in whistleblower, Dodd Frank and Sarbanes-Oxley issues, including the expanded rights and remedies of the would-be whistleblower, expansion of Sarbanes-Oxley and best practices to help avoid and/or minimize liability.

San Diego - Mark Oberti

Chicago - Tracy Billows

Washington, DC - Greg Keating

12:30 Luncheon (Hosted by NELI)**1:30 Critical Wage and Hour & Misclassification Issues**

Recent decisions and new DOL interpretations and initiatives from the Trump Administration, the continued surge in joint employer theories and cases, exemption and misclassification decisions, compensable time in our increasingly technology-centered workplace, new tip and tip pooling issues, rounding and auto-deduction issues, decisions on settling FLSA cases, issues involving contingent workers and the gig economy, and emerging case law on actual or constructive knowledge of overtime worked required to prove a claim.

San Diego - Ellen Boshkoff

Chicago - Samantha Rollins

Washington, DC - Shannon Farmer

3:00 Refreshment Break**3:15 Creating Diverse, Inclusive and Respectful Work Environments**

Interactive session discussing strategies to create a highly productive and innovative workforce through successful diversity and inclusion programs, including best practices in creating diversity programs, the effects of implicit bias, micro-messages, the impact of the “me too” movement, workplace training and investigations, victim and bystander empowerment, and other key areas on the topic.

All Locations - David Bowman

5:00 Adjourn

DAY TWO

7:30 Continental Breakfast**8:00 ADA Developments on “Reasonable Accommodation”**

Fast-breaking developments on practical reasonable accommodation issues, including when the issue arises and the importance of training first-line supervisors on what to listen for as possible triggers to the interactive process, what supervisors and HR personnel should be trained to say and document in response to employee requests, important changes on the definition of “reasonable,” particular accommodation questions, such as whether/how much “leave” (including a repeated leave extension) is required, how this interplays with the FMLA, whether reduced workloads, non-competitive reassignment, an “irritant-free” environment, work-at-home, shift changes, supervisor changes, or reserved parking spaces are required, whether discipline must be rescinded as an accommodation, where the funds for accommodations should come from, and whether government enforcement positions are changing under the Trump Administration.

All locations - David Fram

9:45 FMLA: Current Issues and Trends

What’s new in terms of compliance efforts from the Department of Labor, popular topics from the plaintiffs’ bar, what constitutes notice of the need for leave, enforcement of policies and procedures, new “honest belief” cases dealing with suspected FMLA abuse, working during FMLA leave, litigation rulings of interest, and more.

San Diego - Julie Lucht

Chicago - Alexis Knapp

Washington, DC - Carter DeLorme

10:30 Refreshment Break**10:45 FMLA: Current Issues and Trends (Continued)****11:30 Pay Equity and Practical Considerations in Self-Analysis**

Recent developments in pay gap and salary history laws have resulted in a patchwork of inconsistent laws, creating complex legal issues for employers. We will discuss whether employers should make a privileged pay analysis a compliance priority, the legal frameworks to understand how to set up an analysis, as well as how to identify a pay equity shortfall, decisions regarding remediation, and how to implement a pay adjustment. The panel will include a statistical analyst who has worked hand-in-hand with employment counsel to help employers navigate these treacherous and generally uncharted waters.

San Diego - Felicia Davis & David Lamoreaux

Chicago - Felicia Davis & David Lamoreaux

Washington, DC - Zina Deldar & Quenton Wright

1:15 Adjourn**REGISTRATION FEE INCLUDES:**

- 2018 Employment Law Update Manual (*in both downloadable PDF and print formats*)
- **12 - 14.5 CLE / PDC / CEU hours, depending upon the jurisdiction**, and CLE filing in all states where you are licensed for no additional charge
- Expanded Continental Breakfast both mornings
- Luncheon hosted by NELI, an opportunity to network with other participants and faculty

CALIFORNIA UPDATE REGISTRATION FEE INCLUDES:

- 2018 California Employment Law Update Manual (*in both downloadable PDF and print formats*)
- **6 - 7.2 CLE / PDC / CEU hours, depending upon the jurisdiction**, and appropriate CLE filing
- Expanded Continental Breakfast
- Luncheon hosted by NELI, an opportunity to network with other participants and faculty

NATIONAL EMPLOYMENT LAW INSTITUTE
P.O. Box 1189
Golden, CO 80402
(303) 861-5600
www.neli.org

NON-PROFIT ORG.
U.S. POSTAGE
PAID
SAN DIEGO, CA
PERMIT NO. 397



**IF UNDELIVERABLE TO ADDRESSEE, PLEASE ROUTE TO
EMPLOYMENT LAW DEPARTMENT / HUMAN RESOURCES**

Please send address changes to neli@neli.org



NATIONAL EMPLOYMENT LAW INSTITUTE

42nd Annual

EMPLOYMENT LAW UPDATE

*Focusing on the Most Recent and Complex Issues
Affecting Employment Law and Human Resource Practitioners*

San Diego, CA • July 12 - 13, 2018 • Catamaran Resort Hotel
Chicago, IL • July 19 - 20, 2018 • The Gwen, A Starwood Hotel
Washington, DC • July 26 - 27, 2018 • W Washington DC

Employment Law Update provides between 12 - 14.5 hours of CLE / PDC / CEU credit.

OPTIONAL ONE DAY

CALIFORNIA EMPLOYMENT LAW UPDATE

San Diego - July 11