



NATIONAL EMPLOYMENT LAW INSTITUTE

39th Annual

# PUBLIC SECTOR EEO & EMPLOYMENT LAW UPDATE

*Comprehensive Training on Major EEO Developments  
and Their Impact on Public Sector Employment Practices*

**San Francisco, CA**

August 15-16, 2019  
Westin St. Francis

**Washington, DC**

August 22-23, 2019  
W Washington DC

***Provides 12 - 14.5 CLE / PDC / CEU credits in all states.***

## FACULTY

RYAN D. DERRY, Esq.  
*Paul Hastings  
Los Angeles, California*

ELLEN E. BOSHKOFF, Esq.  
*Faegre Baker Daniels  
Indianapolis, Indiana*

DENNIS P. DUFFY, Esq.  
*BakerHostetler  
Houston, Texas*

TERRY D. JOHNSON, Esq.  
*Morgan Lewis  
Princeton, New Jersey*

ROBERT D. BROWNSTONE, Esq.  
*Fenwick & West  
Silicon Valley, California*

DAVID K. FRAM, Esq.  
*NELI  
Golden, Colorado*

MEGAN P. NORRIS, Esq.  
*Miller Canfield  
Detroit, Michigan*

FELICIA A. DAVIS, Esq.  
*Paul Hastings  
Los Angeles, California*

KERRY M. FRIEDRICH, Esq.  
*Seyfarth Shaw  
San Francisco, California*

KENNETH M. WILLNER, Esq.  
*Paul Hastings  
Washington, DC*

## 2019 PROGRAM SCHEDULE

### EMPLOYMENT LAW UPDATE

*San Diego, CA, July 11-12 • Seattle, WA, July 18-19  
Washington, DC, July 25-26*

### CALIFORNIA EMPLOYMENT LAW UPDATE

*San Diego, CA, July 10*

### ADA WORKSHOP SERIES

*Los Angeles, CA, August 28 • Seattle, WA, September 5  
New York, NY, September 11  
Denver, CO, September 18 • Washington, DC, September 25*

### CALIFORNIA / WASHINGTON DISABILITY LAW WORKSHOP

*Los Angeles, August 29 • Seattle, September 6*

### AFFIRMATIVE ACTION UPDATE - AUTUMN WEBINAR SERIES -

*October 8 and 10*

### EMPLOYMENT LAW CONFERENCE

*Austin, TX, November 7-8 • Chicago, IL, November 14-15  
Washington, DC, November 21-22  
San Francisco, CA, December 5-6 • New Orleans, LA, December 12-13*

Visit [www.neli.org](http://www.neli.org) for complete program information.

# REGISTRATION AND ORDER FORM

Please accept my registration for the:

## 2019 PUBLIC SECTOR EEO

### & EMPLOYMENT LAW UPDATE

- San Francisco, CA, August 15-16 • Westin St. Francis
- Washington, DC, August 22-23 • W Washington DC

#### Registration Fees

- Government Employees.....**\$895.00**
- Non-Government Employees.....**\$995.00**

#### Early Registration Fees

(Paid Registration received by July 24 - San Francisco; July 31 - Washington, DC)

- Government Employees.....**\$845.00**
- Non-Government Employees.....**\$945.00**

I am unable to attend. Please send me the:

#### 2019 Public Sector EEO & Employment Law Manual

Print \_\_\_ copies @ **\$189.00**..... \_\_\_\_\_

Searchable PDF \_\_\_ copies @ **\$169.00**..... \_\_\_\_\_

Print & Searchable PDF \_\_\_ copies @ **\$229.00**..... \_\_\_\_\_

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(Describe) \_\_\_\_\_

\_\_\_\_\_

CLE CREDIT: Provide state(s) and bar number(s).

## 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**  
**Government Fee: \$895.00 • Early Discounted Fee: \$845.00**

#### Early Registration Cut-Off Dates

San Francisco - July 24 • Washington, DC - July 31

**Payment in full or a fully-executed purchase order is required prior to the program.**

**Group Rates, Discounts and Substitutions** are available and permissible. Email [neli@neli.org](mailto:neli@neli.org) for more information.

**Cancellation Policy:** Cancellations must be confirmed by email to our 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

This program will provide between **12-14.5 CLE / PDC / CEU credits, depending upon the jurisdiction.** 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. - 4:00 p.m. Monday - Thursday Mountain Time

8:00 a.m. - 12:00 p.m. Friday Mountain Time

#### FAX: (303) 861-5665

INTERNET: [www.neli.org](http://www.neli.org)

EMAIL: [registrar@neli.org](mailto: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 *Public Sector EEO & 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 Francisco - Westin St. Francis**  
335 Powell Street, San Francisco, CA 94102  
(415) 397-7000 or (888) 627-8546

#### NELI Group Rates:

Traditional - \$276.00; Deluxe - \$306.00

Prevailing Government Per Diem - \$270.00

**Reservation cut-off date: July 24, 2019**

**Washington, DC - W Washington DC**  
515 - 15th Street, NW, Washington DC 20004  
(202) 661-2400 or (888) 236-2427

#### NELI Group Rates:

"Wonderful" (Interior) Room - \$179.00

"Spectacular" (Exterior) Room - \$199.00

Prevailing Government Per Diem - \$179.00

**Reservation cut-off date: July 30, 2019**

- Lower rates may be available on hotel websites.
- All rates subject to taxes.
- Government ID will be required at hotel check-in to qualify for government rate (subject to change).

## 2019 AGENDA

### DAY ONE

#### 7:45 Program Check-In & Continental Breakfast

#### 8:30 Developments in EEO Law

Annual 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, highlighting those relevant to the public sector.

*San Francisco - Felicia Davis*

*Washington, DC - Ken Willner*

#### 10:45 Refreshment Break

#### 11:00 Complex Wage and Hour Issues

Overview of the latest court decisions on misclassification, joint employment, non-covered workers, and minimum wage. Also, a discussion of new developments regarding hours worked and rate calculation issues, and a summary of the latest Department of Labor announcements, interpretations, and planned actions. In addition, we'll cover the best practices for minimizing risk.

*San Francisco - Kerry Friedrichs*

*Washington, DC - Ellen Boshkoff*

#### 12:30 Luncheon (Hosted by NELI)

#### 1:30 Creating and Maintaining 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 establishing diversity programs, the effects of implicit bias, micromessages, the impact of the "me too" movement, workplace training and investigations, victim and bystander empowerment, and other key areas on the topic.

*Both Locations - Terry Johnson*

#### 3:00 Refreshment Break

#### 3:15 The E-Workplace: Privacy Issues and Cyber Security

Covering the expanding set of technology platforms and apps that keeps challenging employers on how to restrict, monitor, scrutinize and/or preserve employees' and applicants' technology usage which impacts employees' privacy rights and employers' information security programs, including the use of "Shadow IT," "Cloud" technology, social media and other forms of offline communications and their implications for an employer's BYOD program and potential discoverability in legal proceedings. Also, discussion of employers' rights to limit employees' social media posts and the ability to discipline for such posts if needed, prohibitions on forced disclosure of personal login credentials, proactive steps employers can take to minimize risks of data theft, and compliance with state laws restricting the use of employees' biometric information.

*Both Locations - Bob Brownstone*

#### 5:00 Adjourn

### DAY TWO

#### 7:30 Continental Breakfast

#### 8:00 Public Employee Free Speech Rights

Update and analysis of the developing law and recent Supreme Court pronouncements involving the interplay between employment law rights and obligations and free speech rights when the regulation of speech conflicts with the First Amendment protections possessed by public sector employees including: use of "speech codes" to prevent and address sexual or other forms of harassment by word or conduct; regulation of "off-duty" speech or conduct by public employees; regulation of employee use (and misuse) of government-supplied electronic mail and computer resources; and practical guidelines to develop permissible methods of regulating the speech of public employees.

*Both Locations - Dennis Duffy*

#### 9:30 ADA / Rehabilitation Act Developments on Reasonable Accommodation

Discussion of the latest cases on practical reasonable accommodation issues, including important new cases on the meaning of "reasonable" and why these cases are so useful, what supervisors and HR personnel should be trained to say and document in response to employee requests, what technically triggers the duty to interact, when accommodations are not required, what type of medical information may be requested from the employee, and particular accommodation requests such as leave (including repeated leave extensions), schedule adjustments, change of supervisors, non-competitive reassignment, light duty, work-at-home, shift changes, and a perfume-free workplace.

*Both Locations - David Fram*

#### 10:30 Refreshment Break

#### 10:45 ADA / Rehabilitation Act Update (continued)

#### 11:30 Best Practices for FMLA Compliance

What's new in terms of compliance, on-site audits and opinion letters from the Department of Labor, medical certification challenges, effective use of recertifications to combat intermittent leave abuse, the importance of clear and accurate communications, employee notice requirements, practical issues including adjusting performance standards while on leave, allowing an employee to work on leave, references to leave by a supervisor, how to conduct an investigation if fraudulent use of FMLA leave is suspected, and the seemingly never-ending burden of intermittent leave, and more.

*San Francisco - Ryan Derry*

*Washington, DC - Megan Norris*

#### 1:15 Adjourn

### REGISTRATION FEE INCLUDES:

- 2019 Public Sector EEO & Employment Law Manual (in both searchable PDF and print formats), a definitive research and reference book, containing in-depth papers and supporting documents. The Manual is available for purchase if you cannot attend the Update.
- Expanded Continental Breakfast both mornings.

- 12 to 14.5 CLE / PDC / CEU hours depending upon your jurisdiction. NELI will file in as many jurisdictions/states as you are licensed for no additional charge.
- Luncheon hosted by NELI, an opportunity to network with other registrants and participating faculty.

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