



NATIONAL EMPLOYMENT LAW INSTITUTE

40th Annual

EMPLOYMENT LAW CONFERENCE

*The Definitive Advanced-Level Update of the Most Important Developments
Affecting the Employment Policies and Practices of Business and Government*

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

Provides 12 - 14.5 CLE / PDC / CEU hours, including 1 hour of Ethics.

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REGISTRATION AND ORDER FORM

Please accept my registration for the:

2019 EMPLOYMENT LAW CONFERENCE

- Austin, TX, November 7-8 • *Westin Austin Downtown*
- Chicago, IL, November 14-15 • *The Gwen*
- Washington, DC, November 21-22 • *W Washington DC*
- San Francisco, CA, December 5-6 • *Westin St. Francis*
- New Orleans, LA, December 12-13 • *The Ritz-Carlton*

Registration Fee:\$1045.00

Early Registration Fee - see Cut-Off Dates below:.....\$995.00

I am unable to attend. Please send me the:

2019 Employment Law Conference Manual

Print ___ copies @ **\$189.00**..... _____

Searchable PDF ___ copies @ **\$169.00**..... _____

Print & PDF ___ copies @ **\$229.00**..... _____

NELI ADA PUBLICATIONS:

Resolving ADA Workplace Questions, 47th Edition

PDF \$179.00 Print \$229.00 or Both \$279.00 _____

I have received prior editions. Please send me:

Resolving ADA Workplace Questions, 47th Edition Supplement

PDF \$159.00 Print \$179.00 or Both \$229.00 _____

HR Guide to Answering ADA Workplace Questions, 10th Edition

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

Shipping and Handling (\$13.00 for print copy, no charge for downloadable PDF) _____

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

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Please print or type the following information:

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

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Signature _____ Date _____

E-Mail _____

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

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

(Describe) _____

Method of Payment (Prepayment is required):

Check Enclosed Visa MasterCard AMEX Discover

Card Number _____

Expiration Date _____

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: \$1045.00 • Early Discounted Fee: \$995.00

Fees include non-refundable administrative fee (see Cancellation Policy below). **Payment in full is required prior to the Conference.**

Early Registration Cut-Off Dates

Austin - October 16 • Chicago - October 23

Washington, DC - October 30

San Francisco - November 13 • New Orleans - November 20

Group Rates, Discounts and Substitutions are available and permissible. Email 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 conclusion of the program series.

■ 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

EMAIL: registrar@neli.org

PROGRAM LOCATIONS: See "Program Locations/Hotel Accommodations" page for complete information.

Please e-mail neli@neli.org for available discounts!

■ CONTINUING EDUCATION

This program will provide between **12-14.5 CLE / PDC / CEU hours, including 1 Hour of Ethics**, 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.

7:45 Conference Check-In & Continental Breakfast**8:30 Developments in Equal Employment Opportunity**

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.

Austin - Felicia Davis

Chicago - Joe Schmitt

Washington, DC - Neal Mollen

San Francisco - Jeff Wohl

New Orleans - George Abele

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

Determining “protected activity,” understanding the expanded concept of “adverse action,” how to negate 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.

Austin & New Orleans - Mark Oberti

Chicago - Jill Rosenberg

Washington, DC - Greg Keating

San Francisco - Andrew Livingston

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

Discussion of recent decisions, DOL interpretations and federal and state initiatives, new developments involving joint employers, contingent workers and other non-covered workers, exemption and misclassification decisions, wage and rate calculation issues, compensable time in our increasingly technology-centered workplace, and emerging case law on actual or constructive knowledge of time worked required to prove a claim.

Austin - Andrew Murphy

Chicago & New Orleans - Shannon Farmer

Washington, DC - Alex Passantino

San Francisco - Ellen Boshkoff

3:00 Refreshment Break**3:15 The e-Workplace: Privacy Issues & Cybersecurity**

Covering the expanding set of technology platforms and apps that keep 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, 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.

Austin & Washington, DC - Karla Grossenbacher

Chicago - Adam Forman

San Francisco & New Orleans - Bob Brownstone

5:00 Adjourn**7:30 Continental Breakfast****8:00 Ethics in Labor and Employment Law**

Annual update on cutting edge ethics issues, including conflicts of interest, attorney-client privilege and waiver, ex parte access to current and former managers and employees, pre-trial investigations, employee confidential communications using employer-provided computers and email, in-house counsel ethical issues, improper acquisition and inadvertent disclosure of information and documents, access to social media information, settlement and negotiations, and court enforcement of professionalism and civility codes.

All Locations - Dennis Duffy or Shareef Farag

9:00 Fast-Breaking Developments on “Reasonable Accommodation” Under the ADA

Discussion of the latest cases on practical reasonable accommodation issues, including critical new cases on the meaning of “reasonable” and why these cases are so important, what technically triggers the duty to interact, what supervisors and HR personnel should be trained to say and document in response to employee requests, the employee’s duty to cooperate in the process, what type of medical information may be requested from the employee, and particular accommodation requests such as leave (including repeated leave extensions), change of supervisors, non-competitive reassignment, light duty, work-at-home, shift changes, and a perfume/irritant-free workplace.

All Locations - David Fram

10:30 Refreshment Break**10:45 FMLA: Current Issues and Trends**

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.

Austin - Darrell Van Deusen

Chicago & New Orleans - Ellen McLaughlin

Washington, DC - Megan Norris

San Francisco - Julie Lucht

12:00 NLRA Update

We’ll discuss what has been done so far at the NLRB and what is likely to occur, including analysis of *PCC Structural, Inc.*, *Hy-Brand Industrial Contractors, Ltd.*, *SuperShuttle DFW*, *The Boeing Company*, and *Raytheon Company*, new initiatives announced by NLRB General Counsel Peter Robb and the Board’s rulemaking on joint employer standards, union representational issues, and other potential topics and critical court decisions affecting traditional labor law, including the Supreme Court’s blockbuster decisions in *Epic Systems* and *Janus*.

Austin & New Orleans - Steve Suflas

Chicago - Derek Barrella

Washington, DC - Denise Keyser

San Francisco - Curt Kirschner

1:15 Adjourn

2020 PROGRAM SCHEDULE

EMPLOYMENT LAW BRIEFING

Palm Springs, CA - March 1-4
Miami Beach, FL - March 8-11
Santa Barbara, CA - March 22-25

PUBLIC SECTOR EEO &
EMPLOYMENT LAW UPDATE
San Francisco, CA - August 20-21
Washington, DC - August 27-28

ADA & FMLA COMPLIANCE UPDATE

San Francisco, CA - April 2-3
Washington, DC - April 16-17
Chicago, IL - April 23-24

AMERICANS WITH DISABILITIES ACT WORKSHOP &

WASHINGTON & CALIFORNIA
DISABILITY LAW WORKSHOPS
Dates and Locations TBA

MID-YEAR EMPLOYMENT LAW CONFERENCE

Chicago, IL - May 7-8
Washington, DC - May 14-15
Las Vegas, NV - May 21-22



NELI ADA PUBLICATIONS

Available in print and searchable PDF format.

Resolving ADA Workplace Questions: 47th Edition

This is the most comprehensive publication addressing compliance with the employment provisions of the ADA, essential for employment counsel, human resource professionals, and government enforcement officials who deal with ADA issues that arise every day in the workplace. Authored by David K. Fram, Director of ADA Services for the National Employment Law Institute, this extensive guidebook includes hundreds of the most recent case and policy citations, as well as extremely useful “checklists” for handling actual ADA matters and cases.

New editions are published every March and September. Prior purchasers of **Resolving ADA Workplace Questions** will want to supplement their edition with the replacement chapters. Call or e-mail us for further information regarding special pricing.

The Human Resource Guide to Answering ADA Workplace Questions: 10th Edition

This publication consists of step-by-step checklists to guide a supervisor, manager, human resource professional, EEO officer, or other in-house personnel in handling everyday ADA workplace issues. “Expanded Checklists” are included for each topic which summarize federal agency and judicial decisions in a user-friendly manner. David K. Fram has designed this extremely practical stand-alone HR guide so that it may also accompany, chapter by chapter, the extensive case-oriented citations provided in **Resolving ADA Workplace Questions**.

For pricing and additional information, please see the Registration/Order Form or visit us online: www.neli.org.

AFFIRMATIVE ACTION CONFERENCE - WEBINAR

Tuesday, October 8th, 2019 and Thursday, October 10th, 2019

Morning Each Day: 11:00 - 1:00 (Eastern) • Afternoon Each Day: 3:00 - 5:00 (Eastern)

Co-Chaired by

John C. Fox, Esq. and Candee Chambers, SPHR, SHRM-SCP, Sr. CAAP

Tuesday Morning - **Recent OFCCP Developments** with Craig Leen, OFCCP Director

Tuesday Afternoon - **OFCCP v. Analogic Corp.** with Ken Bello, Esq.

Thursday Morning - **Section 503 of the Rehabilitation Act - Developments on Reasonable Accommodation** with David Fram, Esq.

Thursday Afternoon - **OFCCP "Hot Topics"** with Candee Chambers and John Fox

Visit www.neli.org for more information.

PROGRAM LOCATIONS / 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 Conference*. If you experience difficulty, please call NELI. After the cut-off date, reservations at the group rate are on a space available basis.

Austin - Westin Austin Downtown

310 East Fifth Street, Austin, Texas 78701
(512) 391-2333

Traditional Room - \$279.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:
October 16, 2019

Chicago - The Gwen, by Marriott

521 North Rush Street, Chicago, IL 60611
(312) 645-1500 • (888) 627-7039

Run-of-House - \$309.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:
October 23, 2019

Washington, DC - W Washington DC

515 - 15th Street, NW, Washington, DC 20004
(202) 661-2400

"Wonderful" Rooms - Interior - \$329.00 (plus tax)

"Spectacular" Rooms - Exterior - \$349.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:
October 30, 2019

San Francisco - Westin St. Francis

335 Powell Street, San Francisco, CA 94102
(415) 397-7000 • (888) 627-8546

Traditional / Deluxe Room - \$339.00 / \$369.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:
November 13, 2019

New Orleans - The Ritz-Carlton

921 Canal Street, New Orleans, LA 70112
(504) 524-1331 • (800) 826-8987

Deluxe Room - \$259.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:
November 20, 2019

REGISTRATION FEE INCLUDES:

- 2019 Employment Law Conference 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 Conference.
- 12 to 14.5 CLE / PDC / CEU hours depending upon your jurisdiction, including 1 hour of Ethics. NELI will file in as many jurisdictions/states as you are licensed for no additional charge.
- Expanded Continental Breakfast both mornings.
- Luncheon hosted by NELI, an opportunity to network with other participants and participating faculty.

IF YOU ARE UNABLE TO ATTEND NELI'S NOVEMBER/DECEMBER 2019 CONFERENCE, CONSIDER THE...

2020 EMPLOYMENT LAW BRIEFING

PALM SPRINGS, CA - MARCH 1-4 • MIAMI BEACH, FL - MARCH 8-11 • SANTA BARBARA, CA - MARCH 22-25

ADA IN-HOUSE TRAINING & EXPERT WITNESS SERVICES

David K. Fram, Esq., is NELI's Director of ADA Services. In this position, David conducts in-house ADA training for employers, including manufacturers, service providers, colleges and universities, law firms and bar associations, and federal, state and local governments.

David also performs independent and impartial investigations when employers are charged with ADA violations. David provides guidance to individuals, including human resource professionals and attorneys, concerning difficult ADA workplace situations, that helps resolve these issues in a manner consistent with federal law, and he assists in formulating effective strategies and arguments in on-going cases. He is available to serve as an ADA expert witness during administrative proceedings before the EEOC, state and local EEO agencies, and federal and state courts. Prior to joining NELI, David served as Policy Attorney at the EEOC, where he helped formulate the federal guidelines implementing the ADA. He is the author of **Resolving ADA Workplace Questions**, the definitive ADA compliance guidebook.

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