



NATIONAL EMPLOYMENT LAW INSTITUTE

*25th Annual MID-YEAR*

# EMPLOYMENT LAW CONFERENCE

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

**Chicago, IL**  
May 7-8, 2020  
The Gwen

**Washington, DC**  
May 14-15, 2020  
The Mayflower Hotel

**Las Vegas, NV**  
May 21-22, 2020  
Four Seasons Hotel

***Provides between 12-14.5 hours of CLE / PDC / CEU credit, including 1-1.4 hours of Ethics.***

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## REGISTRATION AND ORDER FORM

Please accept my registration for the:

### 2020 MID-YEAR EMPLOYMENT LAW CONFERENCE

- Chicago, IL, May 7-8 • *The Gwen by Marriott*  
 Washington, DC, May 14-15 • *The Mayflower Hotel*  
 Las Vegas, NV, May 21-22 • *Four Seasons Hotel*

**Registration Fee:** ..... **\$1045.00**

**Early Registration Fee:** ..... **\$995.00**

(Paid Registration received by April 15, April 22, and April 29, respectively.)

- I am unable to attend. Please send me the:

### 2020 Mid-Year Employment Law Conference Manual

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

**Downloadable PDF** @ **\$169.00**.....

**Both Formats** \_\_\_ copies @ **\$229.00**.....

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

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

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

**Early registration is advised.** Registrations will be confirmed by e-mail. On-site registrations are subject to space availability. **Payment in full is required prior to the program.**

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

### **Early Registration Cut-Off Dates**

Chicago - April 15

Washington, DC - April 22 • Las Vegas - April 29

**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. 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 NELI'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. Refunds will be processed after the conclusion of the Conference series.

## 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 *Mid-Year 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.

### **Chicago - The Gwen by Marriott**

521 North Rush Street, Chicago, IL 60611

(312) 645-1500 or (888) 236-2427

Run-of-House - \$349.00 (plus tax)

**Reservation cut-off date: April 15, 2020**

### **Washington, DC - The Mayflower Hotel**

1127 Connecticut Avenue, NW, Washington, DC 20036

(202) 347-3000 or (888) 236-2427

Run-of-House - \$339.00 (plus tax)

**Reservation cut-off date: April 22, 2020**

### **Las Vegas - Four Seasons Hotel**

3960 S. Las Vegas Boulevard, Las Vegas, NV 89119

(702) 632-5000 or (877) 632-5000

Run-of-House - \$239.00 (plus tax and resort fee)

**Reservation cut-off date: April 29, 2020**

• Lower rates may be available on hotel websites •

## 2020 AGENDA

### DAY ONE

#### 7:45 Conference 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, injunctive relief, and other cutting-edge areas.

*Chicago - Joe Schmitt*

*Washington, DC - Carson Sullivan*

*Las Vegas - Jeff Wohl*

#### 10:45 Refreshment Break

#### 11:00 Retaliation and Whistleblowing Update

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.

*Chicago - Jenny Goltz*

*Washington, DC - Greg Keating*

*Las Vegas - Jason Geller*

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

#### 1:30 Wage and Hour & Misclassification Issues

Discussion of recent decisions, DOL initiatives and regulations (including revisions to the “white collar” exemptions), 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.

*Chicago - Samantha Rollins*

*Washington, DC - Shannon Farmer*

*Las Vegas - Ellen Boshkoff*

#### 3:00 Refreshment Break

#### 3:15 The e-Workplace:

##### Privacy Issues and Cyber Security

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 that impacts employees’ privacy rights and employers’ information security programs, including the use of “Shadow IT,” “Cloud” technology, social media and various communications/collaboration platforms such as Slack 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 privacy and security statutes and regulations, including those restricting the use of employees’ biometric information.

*Chicago & Las Vegas - Adam Forman*

*Washington, DC - Bob Brownstone*

#### 5:00 Adjourn

### DAY TWO

#### 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.

*Chicago & Las Vegas - Dennis Duffy or Shareef Farag*

*Washington, DC - Dennis Duffy*

#### 9:00 Fast-Breaking Developments on “Reasonable Accommodation”

Discussion of the latest and hottest cases on practical reasonable accommodation issues, including important new cases on the meaning of “reasonable,” what technically triggers the duty to interact, what supervisors and HR personnel should be trained to actually say and document in response to employee requests, what to do if the employee fails to cooperate in the reasonable accommodation discussion, what a supervisor can disclose to co-workers about an accommodation, and particular accommodation requests such as leave (including repeated leave extensions), change of supervisors, noncompetitive 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 Compliance and Best Practices

What’s new in terms of DOL opinion letters, including new developments regarding coordination of paid and FMLA leave, practical issues regarding the effect of leave on the measurement of performance goals and handling requests to work after being approved for leave, training supervisors not to say foolish things, proposed changes to DOL forms, special issues when leave is requested to care for a family member, how to use notice requirements and re-certifications to combat intermittent leave abuse, and what to do when you suspect fraudulent use of leave.

*Chicago - Tracy Billows*

*Washington, DC - Megan Norris*

*Las Vegas - Ellen McLaughlin*

#### 12:00 Current NLRA Trends

Covering recent developments at the NLRB and what is likely to occur, including analysis of several important Board decisions overturning rulings from the Board appointed by President Obama, 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.

*Chicago - Curt Kirschner*

*Washington, DC - Denise Keyser*

*Las Vegas - Steve Suflas*

#### 1:15 Adjourn

#### REGISTRATION FEE INCLUDES:

- 2020 Mid-Year Employment Law Conference Manual  
*(in both downloadable PDF and print formats)*
- 12-14.5 CLE / PDC / CEU hours, depending upon jurisdiction
- CLE filing in all states where you’re licensed at no additional fee
- Continental Breakfast both mornings
- Luncheon hosted by NELI - an opportunity to network

NATIONAL EMPLOYMENT LAW INSTITUTE

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