



NATIONAL EMPLOYMENT LAW INSTITUTE

39th Annual

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 - November 1 - 2 • **Washington, DC** - November 8 - 9

Austin, TX - November 15 - 16

San Francisco, CA - November 29 - 30 • **New Orleans, LA** - December 6 - 7

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

2018 FACULTY

- | | | |
|--|--|---|
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<i>Seyfarth Shaw
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<i>Paul Hastings
San Francisco, California</i> |
| | NEAL D. MOLLEN, Esq.
<i>Paul Hastings
Washington, DC</i> | |

REGISTRATION AND ORDER FORM

Please accept my registration for the:

2018 EMPLOYMENT LAW CONFERENCE

- Chicago, IL, November 1-2 • *The Gwen, A Starwood Hotel*
- Washington, DC, November 8-9 • *The Mayflower Hotel*
- Austin, TX, November 15-16 • *W Austin*
- San Francisco, CA, November 29-30 • *Westin St. Francis*
- New Orleans, LA, December 6-7 • *The Ritz-Carlton*

Registration Fee:\$995.00

Early Registration Fee:\$945.00

(Paid Registration received by October 10, 17 & 24 and November 7 & 14, respectively.)

I am unable to attend. Please send me the:

2018 Employment Law Conference Manual

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

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

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

NELI PUBLICATIONS:

Resolving ADA Workplace Questions, 45th Edition

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

I have received prior editions. Please send me:

Resolving ADA Workplace Questions, 45th 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 _____

2018 Affirmative Action Workbook

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

2018 Affirmative Action Resource Manual

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) _____

TOTAL = _____

Please print or type the following information:

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

Name _____

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City, State, Zip _____

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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: \$995.00 • Early Discounted Fee: \$945.00

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

Early Registration Cut-Off Dates

Chicago - October 10 • Washington, DC - October 17

Austin - October 24

San Francisco - November 7 • New Orleans - November 14

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.

Chicago & Austin - George Abele

Washington, DC - Neal Mollen

San Francisco - Jeff Wohl

New Orleans - Ken Gage & Emily Pidot

10:45 Refreshment Break**11:00 Tricky 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.

Chicago - Tracy Billows

Washington, DC - Jill Rosenberg

Austin - Mark Oberti

San Francisco - Andrew Livingston

New Orleans - Greg Keating

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

Discussion of decisions and new 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.

Chicago - Samantha Rollins

Washington, DC - Shannon Farmer

Austin - Paulo McKeeby

San Francisco - Ellen Boshkoff

New Orleans - Chris Parlo

3:00 Refreshment Break**3:15 The eWorkplace: Privacy Issues and Cybersecurity**

The expanding set of technology platforms and apps keeps challenging employers who must decide how to restrict, monitor and scrutinize employees and applicants' technology usage inside and outside the workplace. This ever-evolving landscape impacts employees' privacy rights and employers' information security programs, including the “Shadow IT” use of “Cloud” technology, employers' rights to limit employees' personal social networking site (SNS) postings, implications of BYOD vs. COPE, prohibitions on forced disclosure of personal login credentials, proactive steps to minimize risks of data theft and breaches, the emergence of workplace artificial intelligence, compliance with state laws restricting use of employees' biometric information and discoverability of SNS posts, photos, videos and messages.

Chicago - Adam Forman

Washington, DC & Austin - Karla Grossenbacher

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, “ghostwriting” of communications, and court enforcement of professionalism and civility codes.

All Locations - Dennis Duffy

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

Covering the latest developments from the courts and EEOC on practical reasonable accommodation issues, including effective training of first-line supervisors on what to listen for as possible triggers to the interactive process, proper documentation of the process, cases fleshing out the definition of “reasonable,” and 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, and whether discipline must be rescinded as an accommodation.

All Locations - David Fram

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

What's new in terms of compliance and on-site audits 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.

Chicago & New Orleans - Ellen McLaughlin

Washington, DC - Megan Norris

Austin - Darrell Van Deusen

San Francisco - Martha Gates

12:00 Labor Law Update in the Trump Era

With the Trump NLRB taking shape and having overruled or criticized many controversial Obama-era precedents, we'll discuss what has been done so far and what is likely to occur, including analysis of *PCC Structural, Inc.*, *Hy-Brand Industrial Contractors, Ltd.*, *The Boeing Company*, and *Raytheon Company*, plus new initiatives announced by NLRB General Counsel Peter Robb, as well as the Board's rulemaking on joint employer standards and call for comments on the “quickie elections” rule, and also covering critical court decisions affecting traditional labor law, including the Supreme Court's blockbuster decisions in *Epic Systems* and *Janus*.

Chicago - Joe Torres

Washington, DC - Dan Johns

Austin - Denise Keyser

San Francisco - Curt Kirschner

New Orleans - Steve Suflas

1:15 Adjourn

2019 PROGRAM SCHEDULE

EMPLOYMENT LAW BRIEFING

Scottsdale, AZ - March 3-6
Naples, FL - March 10-13
Coronado, CA - March 24-27

ADA & FMLA COMPLIANCE UPDATE

San Francisco, CA - April 4-5
Chicago, IL - April 11-12
Washington, DC - April 18-19

MID-YEAR EMPLOYMENT LAW CONFERENCE

San Francisco, CA - May 9-10
Chicago, IL - May 16-17
Washington, DC - May 23-24



CALIFORNIA EMPLOYMENT LAW UPDATE

San Diego, CA - July 10

EMPLOYMENT LAW UPDATE

San Diego, CA - July 11-12

Seattle, WA - July 18-19

Washington, DC - July 25-26

PUBLIC SECTOR EEO & EMPLOYMENT LAW UPDATE

San Francisco, CA - August 15-16

Washington, DC - August 22-23

AMERICANS WITH DISABILITIES ACT WORKSHOP &

WASHINGTON & CALIFORNIA
DISABILITY LAW WORKSHOPS

Dates and Locations TBA

NELI PUBLICATIONS

Available in print and searchable PDF format.

Resolving ADA Workplace Questions: 45th 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, ADA & EEO 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**.

2018 Affirmative Action Workbook

Substantially revised for NELI's Affirmative Action Update in October 2018, topics in this Workbook include:

What's on the OFCCP Director's Desk • Recent Significant OFCCP and EEOC Developments • Using Apprentices Programs to Help Satisfy OFCCP Obligations • Why Pay Equity Programs Should Go Much Farther and Much Deeper, Much Sooner than You Think • Defending Trump Administration OFCCP Audits • How the Plaintiff's Bar is Attacking Algorithmic Hiring Processes • Talent Acquisition Rules of Engagement: When Can You Use the “Rooney Rule?” • How to Prepare a Database for the Statistical Analysis of Pay Equity • The Current OFCCP Litigation Report

2018 Affirmative Action Resource Manual

This Manual is prepared especially for federal contractors and subcontractors, as well as those employers which are not contractors but which wish to develop voluntary Affirmative Action Plans using federal contractor requirements under Executive Order 11246 as a model. Experienced Affirmative Action Program writers, planners and managers will also find this Manual useful to update or upgrade existing Affirmative Action Programs and to identify new approaches to affirmative action planning. The chapter containing a Model Affirmative Action Program has been revised and updated to provide a boiler-plate AAP which conforms with all current requirements from OFCCP.

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

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.

Chicago - The Gwen, A Starwood Hotel

521 North Rush Street, Chicago, IL 60611
(312) 645-1500 • (866) 716-8136

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

Hotel Reservation cut-off date: October 6, 2018

NELI Early Registration cut-off date: October 10, 2018

Washington, DC - The Mayflower Hotel

1127 Connecticut Avenue, NW, Washington, DC 20036
(202) 347-3000 • (877) 212-5752

Standard Room - \$289.00 (plus tax)

Hotel Reservation cut-off date: October 16, 2018

NELI Early Registration cut-off date: October 17, 2018

Austin - W Austin

200 Lavaca Street, Austin, TX 78701

(512) 542-3600

"Wonderful" Rooms - \$325.00 (plus tax)

Hotel Reservation cut-off date: October 22, 2018

NELI Early Registration cut-off date: October 24, 2018

San Francisco - Westin St. Francis

335 Powell Street, San Francisco, CA 94102

(415) 397-7000 • (888) 627-8546

Traditional / Deluxe Room - \$309.00 / \$339.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:

November 7, 2018

New Orleans - The Ritz-Carlton

921 Canal Street, New Orleans, LA 70112

(504) 524-1331 • (800) 826-8987

Run-of-House - \$249.00 (plus tax)

Hotel Reservation & NELI Early Registration cut-off date:

November 14, 2018

REGISTRATION FEE INCLUDES:

- 2018 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 2018 CONFERENCE, CONSIDER THE...

2019 EMPLOYMENT LAW BRIEFING

SCOTTSDALE, AZ - MARCH 3-6 • NAPLES, FL - MARCH 10-13 • CORONADO, CA - MARCH 24-27

ADA IN-HOUSE TRAINING & EXPERT WITNESS SERVICES

David K. Fram is NELI's Director, ADA and EEO 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.

NATIONAL EMPLOYMENT LAW INSTITUTE

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