

2016

# labor & employment seminar



## Putting Your Business Strategies in Focus

We are putting your business strategies in focus. The Seminar will provide you with answers to cutting edge questions that frequently cross your desk and help you minimize the risk of litigation. Regional Attorney of the EEOC's St. Louis District, Andrea Baran, will discuss recent Equal Employment Opportunity Commission (EEOC) initiatives. In addition, our panelists will suggest strategies to avoid running afoul of the EEOC's initiatives and will discuss what is currently "hot" in human resources and employment law.

THURSDAY,

October 27, 2016

### REGISTRATION

8:00 — 8:30 am

### PROGRAM

8:30 am — 1:30 pm

- **Developments in Employment and Labor Law**

DENISE K. DRAKE, *Shareholder* | Labor and Employment  
CHRISTOPHER L. JOHNSON, *Shareholder* | Labor and Employment

- **EEOC Update**

ANDREA BARON, *Regional Attorney (St. Louis District)* | EEOC

- **The Times They Are a Changin' - Even if the Statutory Language Has Not**

KAREN R. GLICKSTEIN, *Shareholder* | Labor and Employment  
WILLIAM S. ROBBINS, *Shareholder* | Labor and Employment  
KATHARINE K. SANGHA, *Associate* | Labor and Employment

- **Wellness Programs: ACA vs. EEOC**

HANNAH R. DELUCA, *Shareholder* | Labor and Employment  
ANNE E. BAGGOTT, *Associate* | Labor and Employment

- **Pregnancy Discrimination and Accommodation Obligations: Why Does an Employer Need to Accommodate a Pregnant Employee?**

ERIN D. SCHILLING, *Shareholder* | Labor and Employment  
JUDY YI, *Shareholder* | Labor and Employment  
LYNN G. TREVINO-LEGLER, *Associate* | Labor and Employment

- **Winter Is Coming...Tips on How to "De-ICE" Your Company**

JEFFREY S. BELL, *Shareholder* | Labor and Employment

- **Get Ahead of the Class: Avoiding Popular Employment Class Actions**

ROBERT J. HINGULA, *Shareholder* | Labor and Employment  
ERIC E. PACKEL, *Shareholder* | Labor and Employment  
EMMA R. SCHUERING, *Associate* | Labor and Employment

## AGENDA

8:00 AM REGISTRATION | BREAKFAST

8:30 AM WELCOME  
W. TERRENCE KILROY | ERIN D. SCHILLING

8:35 AM **Developments in Employment and Labor Law**  
DENISE K. DRAKE | CHRISTOPHER L. JOHNSON

A lively review and analysis of the past year's most significant decisions in employment and labor law cases, newly enacted laws, and regulations affecting employment relationships, including:

- Viability of arbitration agreements
- Enforceability of class waivers
- Employees' right to engage in concerted activity vs. employer confidentiality rules
- New standards for a finding of joint employment
- Trade secret liability and immunity for limited disclosures

9:00 AM **EEOC Update**  
*Guest speaker:* ANDREA BARON

10:00 AM BREAK

10:10 AM **The Times They Are a Changin' - Even If the Statutory Language Has Not**  
KAREN R. GLICKSTEIN | WILLIAM S. ROBBINS | KATHARINE K. SANGHA

Although amendments have been offered through the years, the language of Title VII has never been changed to include sexual orientation or gender identity as a protected class. Despite this fact, both the courts and federal agencies have recently taken the position that the use of the term "gender" in this statute can be interpreted more broadly than the traditional difference between male and female. Our panelists will discuss what is behind these changes from both a societal and legal perspective, how courts and agencies have stretched traditional definitions to include protections for transgender individuals, and what steps employers should take to best protect themselves from claims of employment or public accommodation discrimination.

10:40 AM **Wellness Programs: ACA vs. EEOC**  
HANNAH R. DELUCA | ANNE E. BAGGOTT

The panelists will discuss the final EEOC rule pertaining to wellness plans and the Affordable Care Act's safe harbor provision for employer-sponsored wellness plans.

Pertinent statutes and cases that the panelists will discuss include the Americans with Disabilities Act, 42 U.S.C. 12101, et seq.; the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 et seq.; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff-2000ff-11; EEOC's final rule on wellness plans, 29 C.F.R. 1630 (2016); and EEOC v. Flambeau, 131 F. Supp. 3d 849 (W.D. Wis. 2015).

## AGENDA

**11:00 AM** **Pregnancy Discrimination and Accommodation Obligations: Why Does an Employer Need to Accommodate a Pregnant Employee?**

ERIN D. SCHILLING | JUDY YI | LYNN G. TREVINO-LEGLER

To what extent does an employer have to accommodate a pregnant employee? Does a company need to provide leave to a pregnant employee beyond what is already offered in its maternity leave policy? This session will cover increased obligations for employers under the ADA and best practices for following the EEOC's Enforcement Guidance on Pregnancy Discrimination in 2015.

**11:25 AM** BREAK

**11:35 AM** **Winter Is Coming...Tips on How to "De-ICE" Your Company**

JEFFREY S. BELL

Join us as we discuss the recent increase in immigration civil penalty schedules for compliance violations. The session will also cover the top five I-9 mistakes and how your company can prevent them, enrollment in E-Verify and whether your company should participate, and Immigration and Customs Enforcement priorities.

**11:50 AM** **Get Ahead of the Class: Avoiding Popular Employment Class Actions**

ROBERT J. HINGULA | ERIC E. PACKEL | EMMA R. SCHUERING

Employment class actions have been on the rise. The new FLSA salary changes and considerations in becoming compliant by December 1st will be discussed, as well as the newest popular class action – claims based on the FCRA, background checks, and proper notices. A brief update will be also given regarding the new EEO-1 salary reporting requirements.

**12:20 PM** BREAK FOR LUNCH

**12:40 PM** **Stump the Panel**

Q & A WITH ALL SPEAKERS

