

---

---

## 2022 Employment & Labor Law Update Agenda

### Day 1: May 19

**7:45 AM – 8:45 AM: Registration, Breakfast and Networking (*In-Person Attendees Only*)**

**8:45 AM – 9:00 AM EDT: “Welcome and Opening Remarks”**

**Speakers: Cheryl Richards, Ph.D., and Bob Sar**

**9:00 AM – 9:45 AM: “Headline News: Key Developments Impacting Employers”**

**Speakers: Bob Sar and Jefferson Whisenant**

*There’s been no shortage of workplace news over the last year. This fast-moving session will provide a quick spin around some of the latest developments—and how they impact your organization! From affirmative action to workplace safety, we’ll hit the highlights.*

**9:45 AM – 10:30 AM: “Everyone’s Favorite New Accommodation: Working from Home”**

**Speaker: Kevin Joyner**

*Since the Americans with Disabilities Act (ADA) was enacted, employees have asked to telecommute as an accommodation. For the last two years, employees have worked from home and have performed well despite these concerns. Employers should expect employees who are asked to return to the office to want to work remotely as a reasonable accommodation under the ADA and state discrimination laws. This session will provide insight on how to manage and evaluate such requests. Plus, it will offer concrete suggestions on how to balance such requests with an employer’s desire to return employees to the workplace.*

**10:30 AM – 10:45 AM: Break**

**10:45 AM – 11:30 AM: “The Shifting Scale of Sexual Harassment: How the Focus, Size and Allegations Have Evolved”**

**Speakers: Paul Holscher and Dalton Green**

*Unlike some areas of employment law, sexual harassment litigation hasn’t slowed during the pandemic. Accusations are increasingly focused on high-ranking employees and company-wide practices. Relatedly, the viability and risk of class action lawsuits continues to grow. Learn the key trends in sexual harassment litigation, a discussion of significant decisions impacting employer strategies, and identification of “best practices” for prevention.*

**11:30 AM – 12:15 PM: “Non-Compete, Non-Solicit and Confidentiality Agreements Are Not Enough!”**

**Speaker: Allen Thomas**

*Well-written non-compete, non-solicit and confidentiality agreements are effective only when they’re part of a larger plan to protect employers from unfair competition and theft of trade secrets and other confidential information. Our litigators will share their insights as they provide the information you need to develop, implement and maintain an effective plan to protect your company.*

**12:15 PM – 1:30 PM: Lunch**

**1:30 PM – 2:15 PM: “A Return to ‘Normal’ OSHA Enforcement Post-COVID-19: What Exactly Might That Look Like?”**

**Speakers: Michael McKnight and Jefferson Whisenant**

*COVID-19 knocked the whole world, including OSHA, off its pins. Now that the pandemic seems to be easing, OSHA is trying to get back to normal. But what’s that “normal” going to look like when it comes to rulemaking and enforcement? This session will bring attendees up to date as well as make predictions about our future.*

**2:15 PM – 2:30 PM: Break**

**2:30 PM – 3:15 PM: “North Carolina & South Carolina Law Update”**

**Speakers: Allen Thomas and Vanessa Garrido**

*Ogletree attorneys will explain the most important court decisions as well as legislative and regulatory changes from the state court and government systems in North Carolina and South Carolina.*

**3:15 PM – 4:00 PM: “Creating Good Evidence: Performance Management Strategies:**

**Speakers: Bob Sar and Haseeb Fatmi**

*Attendees will learn to recognize good (and not so-good) approaches to performance management documentation practices. The panel will also demonstrate how adopting strong documentation practices is beneficial to employers in the event of litigation. Plus, we’ll provide practical tips to limit potential liability!*

**4:00 PM: “Day 1 Wrap-Up”**

**Speakers: Cheryl Richards, Ph.D., and Bob Sar**

**4:00 PM – 5:00 PM: Reception (*In-Person Attendees Only*)**

---

---

**Day 2: May 20**

**8:00 AM – 8:45 AM: Registration, Breakfast and Networking (*In-Person Attendees Only*)**

**8:45 AM – 9:00 AM EDT: “Welcome and Opening Remarks”**

**Speakers: Cheryl Richards, Ph.D., and Bob Sar**

**9:00 AM – 9:45 AM: “Multi-Jurisdictional Compliance: More States, More Problems”**

**Speakers: Kevin Joyner and Savannah Singletary**

*86% of employers describe multi-state and multi-locality compliance as a challenge. More than 20% rank that and remote work as their biggest risk. This session will tackle topics on employers’ minds (or perhaps in their bad dreams!) Let’s talk several of the toughest issues like leaves (including paid sick leaves and COVID paid leaves), arbitration, state taxes, wage payment (including direct deposit/payroll cards), and background checks. Plus, practical options for addressing these and other challenges.*

**9:45 AM – 10:30 AM: “The Future of Work: Navigating Global Mobility, Remote Work and Immigration Compliance”**

**Speaker: Bernhard Mueller**

*COVID-19 forced employers to implement new ways of working, including work-from-home models. U.S. agencies have also implemented flexible policies designed to assist with this unprecedented challenge. In this session, let’s explore how employers can continue to remain compliant with U.S. immigration law, whether they choose to have employees “return to work,” remain remote, or formulate a framework encompassing both options.*

**10:30 AM – 10:45 AM: Break**

**10:45 AM – 11:30 AM: “How to Investigate Workplace Complaints: A ‘Graduate-Level’ Practicum”**

**Speakers: Bob Sar, Kevin Joyner and Dalton Green**

*Investigations of work-related issues have become both more frequent and more critical in recent years. In an interactive (and entertaining!) format, this important session will provide you with new investigation skills and unique approaches to common challenge. Let’s test your investigation abilities and provide the opportunity to receive helpful feedback from experienced practitioners.*

**11:30 AM – 12:15 PM: “Are Background Checks Making Your Staffing Challenges Worse?”**

**Speakers: Michael McKnight and Vanessa Garrido**

*As employers continue to grapple with the Great Resignation and talent shortages, many consider modifying their background check requirements by hiring employees with criminal records who would not have been considered in the past. This session will address background check requirements and the implications of stepping back from a strict approach. Plus, we’ll discuss how recent policy changes and the current employment landscape may shape employers’ approaches to background checks in the future.*

**12:15 PM – 1:30 PM: Lunch**

---

---

**1:30 PM – 2:30 PM: “The Next Wave? The Latest Topics in Discrimination, Harassment, and Wage and Hour Litigation”**

**Speakers: Paul Holscher and Haseeb Fatmi**

*Things have been changing quickly in employment law. More remote employees mean more accommodation claims based on the ADA. Plus, harassment claims predicated on off-premises conduct are now the norm. Additionally, the U.S. Supreme Court has recently indicated a willingness to revisit its approach to Title VII religious accommodation cases. These are just a few examples of the recent developments in the ever-changing landscape of discrimination and harassment litigation. This session will explore the legal landscape and provide practical tips to minimize legal risk.*

**2:30 PM – 3:30 PM: “Stump the Lawyers Panel”**

*Back by popular demand! The audience leads this session. Try to stump the panel of Ogletree attorneys with your most perplexing workplace questions. We’ll also expand on the information that’s been shared during ELLU. (You may even win a prize!)*

**3:30 PM – 3:45 PM: “Closing Remarks”**

**Speakers: Cheryl Richards, Ph.D., and Bob Sar**