



8:30 a.m. – 9:15 a.m.		Registration and Breakfast 5th Level Lakeside Foyer	
9:15 a.m. – 10:30 a.m.		<p>General Session Superior C Employment Law Update</p> <p>A perennial favorite at the Ohio Employer Conference, this fast-paced, entertaining session provides a unique opportunity to quickly understand the latest court cases and crucial developments that affect your workplace. As in the past, we have assembled a terrific panel of Littler attorneys from multiple practice areas who will guide you through the maze of new developments and prepare you for the challenges ahead. Highlights include: leave and disabilities, sexual harassment, wage and hour, NLRB, discrimination, and drugs in the workplace.</p>	<p>Edward Chyun Shareholder, Cleveland</p> <p>Shannon Patton Shareholder, Cleveland</p> <p>Alex Frondorf Associate, Cleveland</p>
10:30 a.m. – 10:45 a.m.		Break 5th Level Lakeside Foyer	
10:45 a.m. – 11:45 a.m.		Session 1	
Track A	Superior A	<p>Arbitration in the Epic Epoch: Enforcing Arbitration Agreements After Epic Corp. Systems v. Lewis</p> <p>In 2018, the Supreme Court issued its long-awaited and monumental opinion in Epic Systems, allowing employers to enforce arbitral class and collective action waivers. Interestingly, while many more employers are rolling out arbitration agreements, others faced with public backlash over requiring victims of sexual harassment to submit their claim to private arbitrations are reconsidering their use. This session will address new challenges and attacks by the plaintiff's bar, politicians, and the public including criticism of arbitration agreement language; the increasing costly threat of mass arbitrations; recently-enacted and proposed state and federal legislation; and the surge of California Private Attorneys General Act (PAGA) actions. In this session, we will offer practical advice on how to maximize enforcement of existing arbitration agreements, avoid traps in litigation, and address adverse publicity over the use of arbitration agreements.</p>	<p>Tim Anderson Shareholder, Cleveland</p> <p>Inna Shelley Associate, Cleveland</p>
	Superior B	<p>Gender Identity in the United States: A Look at Unique Issues Concerning Transgender Employees</p> <p>Now more than ever, employers must provide an inclusive environment to all employees. Federal, state and local legislatures and courts have endorsed increasingly greater protections based upon "gender identity or expression," (i.e., protection against discrimination of transgender employees). As a result, employers must grapple with how best to accommodate transitioning employees (that is, how to accommodate employees who wish to present a gender different than that assigned at birth, how to address multiuse gender-specific restrooms, locker rooms and changing rooms and other similar issues).</p> <p>There are also several developing issues this topic poses for employers, such as (1) how to handle gender markers in HRIS systems when employees present identification documents indicating they identify as gender neutral; (2) how to address healthcare/benefits for non-binary, gender neutral, and/or transitioning employees; and (3) differences in federal/state/local requirements regarding gender markers (that is, including a third non-binary gender in some jurisdictions v. federal binary reporting requirements).</p> <p>This interactive discussion will review the legal requirements and obligations of employers in the U.S. and Ohio, specifically. Components of this presentation will include an overview of gender identity terms/classifications and discussion points on how to approach various gender identity issues in the workplace. Finally, the discussion will review tips for avoiding discriminatory behaviors and facilitating inclusiveness in the workplace by employers.</p>	<p>Meredith Shoop Shareholder and Co-Chair, OFCCP Practice Group, Cleveland</p> <p>Jennifer Orr Associate, Cleveland</p>

Track C	Superior C	<p>Labor Law Update: The Pendulum Swings Back - The Trump Board's Efforts to Return to Pre-Obama Law</p> <p>This presentation will focus on the significant reversals and other developments from the NLRB during the past 12-18 months during which the Trump Board has reversed, narrowed or redefined many of the Obama Board decisions. The presenters will discuss many of the lead cases and developments, as well as the prospects for future change with respect to the law governing employee handbooks, workplace civility, protected concerted activity, joint employers, class waivers, email use, collective bargaining (initial contracts, contract expiration issues, etc.), confidential investigations, and NLRB Practice & Procedure. This Update will discuss how the decisions of the Board and the actions of the General Counsel will affect both union and non-union employers and offer suggestions on how to address those changes in the workplace.</p>	<p>Frank Buck Shareholder, Cleveland</p> <p>Jeff Seidle Associate, Cleveland</p>
	11:45 a.m. – 1:15 p.m.	<p>Lunch 5th Level Lakeside Foyer</p> <p>Keynote Presentation Superior C Workplace Policy Issues: An Employer's Perspective and Strategic Considerations</p> <p>Employers are being bombarded from multiple directions with rule, policy, and statutory changes. The Department of Labor has caused employers to face overtime obligations and joint employment issues. The National Relations Board is considering new rules dealing with joint employment and changes to union recognition procedures. The EEOC has a new GC for the first time in years, and the Agency is confronted with controversial issues dealing with LGBTQ matters under Title VII and component 2 of the EEO-1 report. The White House has a Presidential Commission dealing with the future of work, a major concern for many Americans as they fear job displacement. The states are also active with independent contractor scheduling issues and paid leave, to name a few. Our keynote luncheon presentation will provide unique insights into these issues and demonstrate how Littler's Workplace Policy Institute can benefit your organization.</p>	<p>Michael Lotito Shareholder and Co-Chair, Workplace Policy Institute, San Francisco</p>
	1:15 p.m. – 1:30 p.m.	Break 5th Level Lakeside Foyer	
1:30 p.m. – 2:30 p.m.	Session 2		
Track A	Superior A	<p>Tracking Your Employees' Digital Trail</p> <p>Every day new and exciting technologies are adopted by employees and enter the workplace. These technologies include mobile apps, novel forms of messaging, powerful analytical tools, biometrics, location tracking, and microchipping. Employers have been quick to use the new developments to drive productivity and quality, often by tracking and analyzing employee activities at an unprecedented level of granularity. In the context of employment litigation, tracking and analytics can be invaluable in disproving employee legal claims. However, when using these technologies, companies can run afoul of a wide range of privacy laws, including laws on wiretapping, electronic storage and trespass, geo-location, biometrics, and common law principles of privacy. This session will explore these emerging technologies, how to get the data and use it in investigations and litigation, and the potential privacy implications.</p>	<p>Donald W. Myers Shareholder and eDiscovery Counsel, Philadelphia</p> <p>Hunter McMahon Director of Data Analytics at iDiscovery Solutions</p> <p>Jennifer Taiwo Associate, New York</p>
	Superior B	<p>How to Resolve Workplace Barriers Through the Interactive Process</p> <p>The struggle of accommodating an employee with a physical or mental impairment is identifying the real barrier and then effectively using the interactive process to problem-solve. This session will help participants learn how to use the interactive process to identify the barrier and provide accommodations that are reasonable and effective – with fun prizes for those most "interactive" participants!</p>	<p>Amy Ryder Wentz Shareholder, Cleveland</p> <p>Christian McFarland Associate, Cleveland</p>
Track B			

Track C	Superior C	<p>Working Overtime: The 2019 Wage and Hour Litigation and Legislation Update</p> <p>The wage and hour update will survey the swirling expansion of wage and hour law into even more aspects of employer compensation plans, as well as developing wage and hour trends for 2019. We will cover practical tips to prepare for the U.S. Department of Labor's long-awaited Notice of Proposed Rulemaking on the "white collar" overtime exemptions, which, if adopted, will, among other things, raise the salary threshold to qualify as overtime exempt from \$23,660 to \$35,308. We will discuss recent court rulings addressing which components of an employer's cash and in-kind payments must be included in the calculation of overtime, limitations on the attorney-client privilege when affirmative defenses are raised and on counsel's ability to communicate with class members, and also the law on liability for failure to properly pay employees – whether it be an individual officer of a company or an extension of liability from one employer to another, separately operated entity as joint employers.</p>	<p>Ryan Morley Shareholder, Cleveland</p>
	2:30 p.m. – 2:45 p.m.	Break 5th Level Lakeside Foyer	
	2:45 p.m. - 3:45 p.m.	Session 3	
Track A	Superior A	<p>Responding to Workplace Violence: What to Know and How to Prepare!</p> <p>Rarely a week goes by without at least one headline about an act or threat of workplace violence. From physical confrontations in the workplace to active shooter situations, now more than ever employers need to be prepared to handle workplace violence incidents. This interactive session will discuss an employer's obligations to protect employees from workplace violence under OSHA, as well as how to prepare for and handle these very difficult situations.</p>	<p>Brad Hammock Shareholder and Co-Chair, Workplace Safety & Health Practice Group, Tysons Corner</p> <p>Brian FitzGerald Associate, Cleveland</p>
	Superior B	<p>If Unions Can't Succeed Through Traditional Organizing Tactics, What Else Will They Try?</p> <p>As unions struggle to increase their membership ranks, the Trump Board considers changing the current NLRB election rules and unions pursue nontraditional means of organizing. Join us for a discussion of labor's use of social media, corporate campaign tactics, picketing, boycotts, demonstrations, and other tactics to organize today's workers. This session will provide attendees with an understanding of the ways in which employees are targeted and organized in our digital world and will discuss ways that employers can communicate with employees about workplace issues both in person and online.</p>	<p>Stephen Sferra Shareholder, Cleveland</p> <p>Brooke Niedecken Shareholder, Columbus</p> <p>Morena Carter Associate, Cleveland</p>
Track C	Superior C	<p>Managing Minefields – Best Practices for Managing Personnel Challenges</p> <p>This session features video vignettes that serve as a springboard for discussion of best practices and key learning opportunities for legal and HR practitioners. This session will offer practical advice to build sustainable solutions, improve productivity, and diffuse risk to your organization.</p>	<p>Bonnie Kristan Office Managing Shareholder, Cleveland</p> <p>Jessica Bieszczak Associate, Cleveland</p>
3:45 p.m. - 5:00 p.m.		Cocktail Reception Bar 32 Hilton Cleveland Downtown, 32nd Floor	