



# 2022 HOUSTON REGIONAL EMPLOYER CONFERENCE



## The Metamorphosis of the Workplace Thursday | October 6, 2022

8:30 a.m. — 9:00 a.m.

### Registration & Breakfast

General Session | 9:00 a.m. — 10:00 a.m.

### 2022 Employment Law Update

This fast-paced presentation provides a unique opportunity to hear about the latest court cases, legislative and regulatory activity, and crucial developments impacting an employer’s responsibilities in Texas workplaces.

Join us as we navigate through the maze of new developments and prepare you for the challenges ahead!

**Speakers:**

- Danielle Herring
- Luke MacDowall

General Session | 10:00 a.m. — 11:00 a.m.

### Our Workers are Wandering, Why Would We Worry?

Perhaps Texas employers once had it easy: a favorable business climate, simple, at-will employment rules, and sparse employee protections. But the pandemic sparked a paradigm shift for employers everywhere. Office space is stagnating, commuting is passé, and employees are disappearing from view and heading to different cities, counties, states and even countries. What does this mean for employers?

Follow us as we weave through a host of issues created by state and local wage and hour laws, compensation calculations, and a variety of other predicaments in the wilderness beyond Texas.

**Speakers:**

- David Jordan
- Allison Williams

# 2022 HOUSTON REGIONAL EMPLOYER CONFERENCE

The Metamorphosis of the Workplace

11:00 a.m. — 11:15 a.m.

## Break

General Session | 11:15 a.m. — 12:15 p.m.

## Practically Navigating Leave and Accommodation Issues – The Common and the Complex

Emerging from the pandemic has brought back to the forefront some timeless FMLA and ADA issues, with some new twists. This session will address common challenges employers are facing, such as an onslaught of work-from-home requests, never-ending and recurring leaves of absence, and unusual workplace accommodation requests, all in an environment where employees (and their healthcare providers) are demanding more flexibility than ever before. The session will also explore the current state of the law and agency enforcement on emerging issues including sufficient notice of the need for leave or accommodation, leave abuse, pregnancy and light duty, and more.

### Speaker:

Alexis Knapp

12:15 p.m. — 12:45 p.m.

## Lunch

General Session | 12:45 p.m. — 1:30 p.m.

## Finding Beauty in Change: The Metamorphosis of Work

The news is full of stories about the “Great Resignation.” Many employers are weathering a particularly painful perfect storm of the labor shortage, the supply chain crush and, of course, the pandemic that never ends. As employees come and go, employers wonder: Where are they going, and how can we incentivize talented people to join us, stay with us, and be productive? How can we predict what employees need and want without overhauling the fundamentals of doing business in an ever-changing economy? How can we achieve our commitment to equity when it’s harder than ever to retain women? To add to these challenges, none of the old answers seem to crack the complex coded mystery of what is happening with the workforce. This session will discuss “The Metamorphosis of Work”, which examines the idea that the change we are living through in our workplaces is more than pandemic-related, more than a shift in generations, and more than a new way of looking at how and where we work. Instead, it is a sociocultural metamorphosis affecting the fundamental connection and expectations between employer and employee. And it’s not over.

This session is not eligible for CLE.

### Speaker:

Claire Deason

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1:30 p.m. — 1:45 p.m.

## Break

Breakout Sessions A & B | 1:45 p.m. — 2:30 p.m.

### Session A (Grande Ballroom)

#### The State of Labor Relations Through the Littler Lens

This session will provide practical advice and guidance to employers navigating the agenda of the Biden Administration and general counsel, including in the following areas:

- Union organizing trends
- The labor-related challenges of employing a multigenerational workforce, including younger workers' demands for nontraditional benefits such as a voice in the boardroom or climate change commitment
- Managing work-related activism by both unionized and nonunionized employees, including sickouts, walkouts and social media postings

Additionally, hear how the Biden administration's policies, combined with the pandemic, social justice issues, and social media, have created an environment ripe for unions to attempt to reverse decades of decline. Today's workforce is looking for a cause, and unions are stepping in to try to fill the void. Employers, too, are empowering the worker voice with some unintended consequences. Explore this complex and consequential state of labor relations with Littler's experienced labor relations attorneys.

#### Speakers:

John Harper

Ashley Addo

### Session B (Forest Ballroom)

#### AI in HR – Staying Ahead of the Curve

Over the past decade, artificial intelligence has gone from trusty sci-fi gimmick to trusted everyday tool. The use of AI to streamline and support hiring and related HR processes has become mainstream. As we navigate this next wave of innovation, several practical questions arise:

- What AI-driven tools is HR using, and for what purposes?
- What strategic considerations should you apply when selecting an AI product?
- What legal risks do we face when using AI tools in hiring and workforce management?
- What's coming up 'round the curve, in terms of scrutiny, enforcement, legislation and litigation?

Join Littler AI SME Niloy Ray, to learn how AI works, discuss key gaps in existing laws and regulation, and hear our informed predictions of the (AI-driven) future.

#### Speaker:

Niloy Ray

2:30 p.m — 2:45 p.m.

## Break

## Breakout Sessions C & D | 2:45 p.m. — 3:30 p.m.

### Session C (Grande Ballroom)

#### **Top-10 Predictions for the Future of Nontraditional Work Relationships**

During the pandemic, the job duties for many workers changed in a way that warrants an audit of worker classifications to ensure they are properly classified under relevant wage/hour laws. Further, the pandemic has fueled an even stronger gig economy, with employers increasingly relying on independent contractors and other nontraditional workers, raising a variety of complex legal issues. With aggressive penalties for employers that misclassify workers, the DOL, NLRB, other agencies and plaintiffs' lawyers are continuing to focus on worker classifications. Identifying and mitigating risk in this area is made all the more difficult by the increasingly disparate number of factors and standards under the various regulatory schemes, as well as federal and state statutes.

In this presentation, we will discuss trends in worker classifications, provide an opportunity for peer benchmarking through polling technology, and weigh in on future trends.

**Speaker:**

Kim Miers

### Session D (Forest Ballroom)

#### **Restrictive Covenant Agreements- Improving Key Tools to Protect Your Business and Confidential Information**

In such a historically tight labor market, the threat of key employees departing for perceived greener pastures has never been fiercer. And with that threat, the danger of your confidential information and business relationships being delivered to the competition arguably has never been higher. Modernize your strategies for using employee agreements to protect your business, from start to finish of the employment relationship and beyond.

**Speakers:**

Allan Neighbors

Tim Rybacki

## 3:30 p.m. — 3:45 p.m.

### **Break**

Breakout Sessions E & F | 3:45 p.m. — 4:30 p.m.

## Session E (Grande Ballroom)

### **Mental Health Matters: How Employers Can Provide Support and Prevent Crisis in Challenging Times**

The isolation, stress and suffering of the COVID-19 pandemic has significantly affected employees' mental health. We have seen sharp increases in anxiety, depression, delusional thinking, suicidal ideations, substance abuse, and more. As employees have returned to the physical workplace, employers need to recognize these behaviors and know the immediate and long-term options available to address them within the limits of applicable law, while being supportive of all employees impacted and the workplace environment.

**Speakers:**

Katherine Flanagan

Jessica Craft

## Session F (Forest Ballroom)

### **"What A Long, Strange Trip It's Been": Ethical Implications of COVID's Continuing Impact on In-House Counsel**

This important discussion will address several ethics-related topics, exploring a variety of issues that in-house counsel should continue to consider, including:

- Long-term remote work for in-house counsel – risks and opportunities
- Continuing to protect privileged communications
- Implications of in-house counsel acting as a businessperson, not a lawyer
- Managing cases and matters remotely

**Speakers:**

Mark Jodon

Erin McNamara

4:30 p.m.

## **Cocktail Reception**