



Littler's 2013 Social Media Summit: The New Reality

Wednesday, April 10, 2013

- 9:00 – 9:15** Welcoming remarks by Co-Chairs, Philip Gordon and Margaret Keane
- 9:15 – 10:15** **Translating the Trends: What to Expect in 2013**
Speakers: Phillip Gordon, Shareholder, Denver and Margaret Keane, Shareholder, San Francisco
- A seat at the table: recognizing and reconciling the interests of IT, HR, legal, marketing and significant others;
 - Incorporating “operational reality” to gauge appropriate measures of control and monitoring for your organization;
 - Using social media as a customer-facing business tool and launching an internal social media platform;
 - Beyond BYOD: differentiating between personal and business communications, data and devices;
 - Security issues: employees posing the single greatest risk to your information security;
 - Wage and hour implications of mobile devices and cloud computing for “anywhere, anytime” access; and
 - Issues for regulated industries and global businesses.
- 10:15 – 10:30** **Break**
- 10:30 – 11:45** **Social Recruiting and Hiring: Sourcing the Best Talent, Doing Due Diligence and Avoiding Liability**
Speakers: Rod Fliegel, Shareholder, San Francisco; Barry Hartstein, Shareholder, Chicago; and Brad Landin, President, Employment Screening Resources (ESR)
- EEOC targeting facially neutral hiring practices as a “Nationwide Priority”;
 - Background checks on applicants and employees, criminal history concerns, FCRA, Password Protection Laws, the EEOC and the FTC;
 - Avoiding decisions based on protected class status and lifestyle considerations;
 - Building a process to guard against disparate impact claims;
 - Records retention obligations in a LinkedIn world and extra credit for compliance with the OFCCP Internet Applicant Rule; and
 - Employee references on social media sites.



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11:45 – 1:00 Lunch & Special Presentation

Maynard Webb is the best-selling author of *Rebooting Work: Transform How You Work in the Age of Entrepreneurship*, a long-time technology executive and angel investor, a board member of Salesforce.com, Yahoo! and LiveOps, and philanthropist. Webb founded Webb Investment Network in 2010 and is the former CEO of LiveOps and former COO of eBay.

1:00 – 2:00 Social Media and the NLRB: New Challenges for Union-Free Employers From An Unlikely Regulator

Speakers: Phillip Gordon, Shareholder, Denver and Michael Lotito, Shareholder, San Francisco

- The NLRB's expansive definition of protected, concerted activity and its application to non-union employees;
- Preventing and responding to "social misconduct" without sacrificing legal compliance;
- Firing employees without triggering an unfair labor practices charge; and
- Organizing in a social media world.

2:00 – 3:00 Goodbye is Forever—or Is It? Planning for Departure, Getting Clear Title to Your Social Media Assets and Other Ways of Protecting Your Confidential Information

Speakers: Margaret Keane, Shareholder, San Francisco; Theodora Lee, Shareholder, San Francisco; and Dylan Wiseman, Shareholder, Sacramento

- Confidentiality, PIAA and Non-Disclosure Agreements;
- Restrictive covenants in a social media world: when communications with friends and connections become solicitations of customers and employees;
- Preventing post-employment disputes over the ownership of social media assets and protecting those assets when a social media star moves to a competitor;
- Remote wipes and other ways to protect your data when an employee departs; and
- Policies to protect your confidential information and avoid having trade secrets undermined by social media postings of otherwise-protected information.

Wrap-Up/Questions