



# Littler's Upper Midwest Employer: A Path Forward to the Next Normal



## Wednesday | November 11

**8:30 am - 9:30 am CT**

**Session 1: The 2020 Littler Report**

Littler has always been ahead of the curve in recognizing trends, predicting results and providing practical, proactive advice in the world of labor and employment law. The 2020 Littler Report will explore the changes dramatically impacting our workplaces and influencing how HR and employment law professionals address their job responsibilities today and in the coming years. Join us as we continue our tradition of providing attendees with the tools to handle today's challenges and guidance on preparing for future changes in the laws and the very nature of our workplace.

**Karen M. Charlson**,  
Minneapolis,  
Shareholder

**Michael G. Congiu**,  
Minneapolis,  
Shareholder

**Shanthi V. Gaur**,  
Chicago, Shareholder

**Marko J. Mrkonich**,  
Minneapolis,  
Shareholder

**Bruce J. Sarchet**,  
Sacramento,  
Shareholder

**9:30 am - 9:45 am CT**

**Break**

**9:45 am - 10:45 am CT**

**Session 2: Conquering the Challenges of Family Medical and Sick Leave Obligations in the Time of COVID-19**

Before the COVID-19 pandemic situation, employers already struggled to comply with myriad employee leave obligations. The current pandemic adds a whole new layer of complexity, as employers are forced to analyze COVID-19 related family and medical issues not only through the lens of FMLA and the recently-enacted Families First Coronavirus Response Act (FFCRA), but also through "emergency" paid sick leave laws at the state and local level. In this session, we will highlight the key pressure points when all these legal obligations clash and offer practical insight into how employers should address these situations now and in the future.

**Stephanie L. Mills-Gallan**,  
Milwaukee, Associate

**Jaqueline A. Mrachek**,  
Minneapolis,  
Shareholder

**Jeff Nowak**,  
Chicago, Shareholder

<b>10:45 am - 11:00 am CT</b>	<b>Break</b>	
<b>11:00 am - 12:00 pm CT</b>	<p><b>Session 3: What's New Illinois? Legal Updates on Illinois Legislation</b></p> <p>This session will discuss the monumental changes 2020 brought to Illinois employment law and provide practical tips on revising policies, practices, and trainings to comply with in this new era.</p> <ul style="list-style-type: none"> <li>• With the implementation of SB 75, Illinois saw comprehensive changes to the landscape of employment law – particularly with sexual harassment and discrimination. SB 75 has left little untouched in this area - affecting handbook language, training obligations, leave protection, reporting and disclosure requirements, arbitration agreements, and various employment related agreements (i.e., severance and settlement agreements).</li> <li>• COVID-19 has had a drastic effect on the world and brought with it new “norms” for the workplace. We will discuss various return to work requirements issued by Governor Pritzker and state agencies specifically related to COVID-19, as well as some local requirements specific to Chicago.</li> <li>• Illinois also has some new developments in wage and hour law that employers should be aware of and not let fall through the cracks.</li> </ul>	<p><b>Shanthi V. Gaur,</b> Chicago, Shareholder</p> <p><b>Staci Ketay Rotman,</b> Chicago, Shareholder</p> <p><b>Jennifer Schilling,</b> Chicago, Shareholder</p>
<b>12:00 pm - 12:30 pm CT</b>	<b>Lunch Break</b>	
<b>12:30 pm - 1:30 pm CT</b>	<p><b>Session 4.1: The Labor Law Pendulum Keeps Swinging: Trump, COVID, and Beyond</b></p> <p>Labor lawyers anxiously awaited Election Day. Were they in for four more years of employer-friendly decisions, or a swing back to Board policy more akin to the Obama-era? Now that the vote is in this session will discuss: (1) The past – how the Trump Board rewrote the law; (2) The present – how we expect the COVID pandemic will impact labor law going forward; and (3) The future – what to expect from the new President.</p>	<p><b>Jonathan O. Levine,</b> Milwaukee, Office Managing Shareholder</p> <p><b>David P. Radelet,</b> Chicago, Shareholder</p> <p><b>Kathryn E. Siegel,</b> Chicago, Shareholder</p>
<b>12:30 pm - 1:30 pm CT</b>	<p><b>Session 4.2 Wage and Hour Headaches During the Pandemic: Remote Work, Return to Work, and a New Independent Contractor Standard!</b></p> <p>This session will focus on specific wage and hour considerations and best practices for employees who are working remotely or telecommuting, including topics such as off-the-clock work, meal and rest break issues, changes in compensation, temperature checks and health questionnaires, and reporting time. We will also address wage and hour considerations as more employees return to work and the DOL's proposed independent contractor rule.</p>	<p><b>Jennifer L. Ciralsky,</b> Milwaukee, Shareholder</p> <p><b>Claire B. Deason,</b> Minneapolis, Shareholder</p> <p><b>John H. Lassetter,</b> Minneapolis, Shareholder</p>
<b>1:30 pm - 1:45 pm CT</b>	<b>Break</b>	

<p><b>1:45 pm - 2:45 pm CT</b></p>	<p><b>Session 5: 2020 Hot Topics in Minnesota and Wisconsin Employment Law</b></p> <p>Employers have faced new and unique challenges in 2020 that are unlike almost anything most have ever experienced before. The COVID-19 crisis has not only changed how work is being performed by employees, but also how employers must think about state and local laws and ordinances that may apply to their operations in this new telework environment. Additionally, employers must stay on top of the legislative changes brought in 2020 before the pandemic.</p> <p>In the Wisconsin section of this webinar, we will address the following:</p> <ul style="list-style-type: none"> <li>• In mid-March of 2020, the Wisconsin Legislature took dramatic steps in response to the COVID-19 pandemic resulting in key changes to Wisconsin employment laws, including unemployment insurance and the state’s work-share program.</li> <li>• We will bring you up to speed on the very dynamic nature of the state and local business closure and mask regulations.</li> <li>• During the course of recent economic downturn, many Wisconsin employers have had to consider the state’s unique mini-WARN law. We will highlight what you need to know about this Wisconsin law.</li> </ul> <p>In the Minnesota section of this webinar, we will address the following:</p> <ul style="list-style-type: none"> <li>• We will discuss the intersection of COVID-19 and Minnesota law, including compliance challenges and strategies for Minnesota employers relating to Governor Walz’s executive orders, the Minnesota Wage Theft Act, and local sick and safe time ordinances.</li> <li>• This session will also address significant legal developments in Minnesota in 2020, including the Minnesota Supreme Court’s recent decision in Kenneh, which may have a lasting impact on sexual harassment claims under the Minnesota Human Rights Act, and the Minnesota Supreme Court’s reconsideration of the Lee case, which rejected an employee’s argument that accrued and unused vacation is considered “wages” that must be paid out upon termination of employment under Minnesota law.</li> </ul>	<p><b>Sofja Anderson,</b> Milwaukee, Shareholder</p> <p><b>Michael R. Gotzler,</b> Madison, Special Counsel</p> <p><b>Holly M. Robbins,</b> Minneapolis, Shareholder</p> <p><b>Jeremy Sosna,</b> Minneapolis, Shareholder</p>
<p><b>2:45 pm - 3:00 pm CT</b></p>	<p><b>Break</b></p>	
<p><b>3:00 pm - 4:00 pm CT</b></p>	<p><b>Session 6: Moving Diversity, Equity, and Inclusion Programs Forward</b></p> <p>Recognizing the role that our words and deeds play in establishing the organizational culture can go a long way to creating – or maintaining – a workplace where everyone feels appreciated and respected. This session opens a discussion as to how diversity, equity, and inclusion present themselves, and how programs may be designed to impact the workplace. We will review some of the issues raised in workplaces today – especially in light of the recent Black Lives Matter movement seeking systemic changes in how we view race in America. We also will consider the challenges presented by making employment decisions and considering ways to ensure our workforces are diverse. Finally, this session will identify some of the litigation trends we are seeing that touch upon issues related to organizational diversity, equity, and inclusion.</p>	<p><b>Paul E. Bateman,</b> Chicago, Shareholder</p> <p><b>David J. Goldstein,</b> Minneapolis, Shareholder</p> <p><b>Michael A. Wilder,</b> Chicago, Shareholder</p> <p><b>Kate Mrkonich Wilson,</b> Minneapolis, Shareholder</p>
<p><b>4:00 pm - 4:15 pm CT</b></p>	<p><b>Break</b></p>	

<p><b>4:15 pm - 5:15 pm CT</b></p>	<p><b>Session 7.1: Can an Employer Constrain Speech of its Workforce Members in These Turbulent Times?</b></p> <p>Join us for a discussion on how employers may respond to employee speech in the workplace during these charged, political times. We will address employee words and actions in the workplace, as well as more passive forms of speech, such as topical or political attire. We will also discuss how employers should handle employee postings on social media.</p>	<p><b>Kwabena A. Appenteng,</b> Chicago, Shareholder</p> <p><b>Craig M. Borowski,</b> Indianapolis, Office Managing Shareholder</p> <p><b>Jacqueline E. Kalk,</b> Minneapolis, Shareholder</p>
<p><b>4:15 pm - 5:15 pm CT</b></p>	<p><b>Session 7.2: Furloughs, Layoffs, Early Retirement Programs, and Other Restructurings in the Age of a Pandemic</b></p> <p>COVID-19 and associated government orders and business disruption have placed an immense strain on employers. This session will cover a broad array of restructurings necessitated by recent business disruptions, including actions short of termination, furloughs, early retirement and other voluntary reduction programs and involuntary terminations. We will address legal issues related to each option, such as wage and hour concerns, nondiscriminatory selection procedures, effective releases, WARN compliance, OWBPA issues, ERISA obligations, and state law requirements. We will also discuss the importance of conducting an adverse impact analysis in connection with any involuntary restructuring and demonstrate how employers can leverage their data most effectively.</p>	<p><b>Susan K. Fitzke,</b> Minneapolis, Office Managing Shareholder</p> <p><b>Darren M. Mungerson,</b> Chicago, Shareholder</p> <p><b>Holly M. Robbins,</b> Minneapolis, Shareholder</p>