



2022 ROCKY MOUNTAIN REGIONAL EMPLOYER CONFERENCE



The Accelerating Evolution of the Workplace...We Got This!

Thursday | October 27, 2022

8:00 a.m. — 8:30 a.m.

Registration & Breakfast

8:30 a.m. — 9:40 a.m.

Corporate Counsel Keeping Pace With the Accelerating Evolution of the Workplace

Through an interactive discussion, our panel of in-house counsel will share their first-hand experiences with the changes happening at many of the connected points on our horizon. From attracting and retaining talent, to managing a dispersed workforce, to complying with new legislative trends, our panel will share their approaches to keeping pace with a whole new paradigm for work. Join us as we dive into the chief challenges of 2022 – from corporate counsel themselves!

LOCATION: Crystal Ballroom

9:40 a.m. — 9:50 a.m.

Break

9:50 a.m. — 10:50 a.m.

1A Breakout | Conducting Efficient Investigations in the Endemic Era

Investigating employee complaints has become even more challenging after several years of enduring the COVID-19 pandemic. As we emerge into the Endemic Era, your time may be spread thinner across an increasing number of investigations, there may be fewer investigators to review these concerns, and your employee population, witnesses, evidence and stakeholders may be more geographically dispersed than ever. This session will address adapting investigations to our current reality, such as planning and conducting your investigation efficiently, and interviewing remotely. We look forward to discussing best practices for conducting investigations promptly and equitably during this unprecedented time.

LOCATION: Silverton 2

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9:50 a.m. — 10:50 a.m.

1B Breakout | Game Changers: Top Compliance and Litigation Plays to Protect Your Company in 2022

Employers are facing increasing exposure in both the number of claims brought by workers and the size of verdicts and judgments. For example, recent data suggest a 50% increase in discrimination and harassment claims, with a median cost of defense and jury verdicts increasing fivefold in the last five years. Your Littler sportscasters will discuss practical and effective strategies to avoid the top-trending lawsuits and the compliance steps you can take today to protect your company.

This session will cover:

- Statistics for cases in the Rocky Mountain states, including case types, summary judgment motions and verdicts
- How to defend against new claims being pursued by plaintiffs' attorneys in Colorado and other Rocky Mountain states who are trying to think outside the box to increase the damage potential
- Drafting policies that are specific enough to act on, but open enough to provide discretion on key decisions and unique situations
- A playbook on how some companies have fought back against frivolous lawsuits, with real-world examples to break down the practical steps employers can take to carry the ball in a challenging legal landscape

LOCATION: Silverton 3

10:50 a.m. — 11:00 a.m.

Break

11:00 a.m. — 12:00 p.m.

2A Breakout | Navigating Colorado's Paid Family and Medical Leave Insurance (FAMLI) Program

This session will deliver practical guidance for understanding and complying with Colorado's new paid family and medical leave program, which takes effect January 1, 2023. We will discuss who is covered, the amount of paid leave available, how to calculate and pay premiums, whether employers can opt out of the public program through a private plan, the interplay of paid family and medical leave benefits with other paid and unpaid leave programs, and much more.

LOCATION: Silverton 2

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11:00 a.m. — 12:00 p.m.

2B Breakout | Restrictive Covenants Updates: The Cutting Edge on Colorado and Beyond

HB 22-1317 became effective August 10, 2022, imposing some sweeping new changes on restrictive covenants and related agreements in Colorado that follow a nationwide trend. At the same time, increased employee mobility has underscored the importance of protecting company assets and goodwill. As a result, well-intentioned employers have been grappling with how best to protect their legitimate business interests, while complying with new legal requirements, all without alienating their highest-performing employees.

This session will address:

- The significant impact of HB 22-1317 on employers with Colorado employees, and restrictive covenants in any state
- Drafting and implementation tips to comply with HB 22-1317
- Recent trends in employee mobility and unfair competition disputes
- Creative strategies for protecting company assets and hiring from competitors in the new era
- Tips to help get the upper hand whether defending a post-employment restriction or seeking to invalidate one

LOCATION: Silverton 3

12:00 p.m. — 1:00 p.m.

Lunch/Networking

1:00 p.m. — 2:00 p.m.

3A Breakout | Keys to Implementing Effective and Lawful DE&I Programs

As the national conversation continues to focus on equal justice, employers are motivated more than ever to prioritize building a more diverse and inclusive business environment amid an ever-developing landscape. During this one-hour program, we will discuss workplace diversity, equity and inclusion initiatives, and provide recommendations for balancing compliance with cutting-edge diversity initiatives as corporate America looks to create change through meaningful advancement.

We will also cover:

- The legal framework applicable to diversity and inclusion initiatives
- Considerations for designing an effective, lawful diversity and inclusion program
- What employers should not do when attempting to push the DE&I needle forward

LOCATION: Silverton 2

1:00 p.m. — 2:00 p.m.

3B Breakout | Where in the USA is Erin Winnebago? Causing Your Next Wage and Hour Compliance Challenge

Employers are struggling to keep up with the ever-changing wage and hour compliance landscape. It's no longer just all about California – states, counties and cities across the United States are rushing to pass new and complex wage and hour laws. Making matters worse, the increase in remote work means that employers now need to keep up with wage and hour laws in jurisdictions where their "wandering workers" are located.

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2:00 p.m. — 2:10 p.m.

Break

2:10 p.m. — 3:10 p.m.

4A Breakout | Practically Navigating Complex, Real-Life Leave and Accommodation Scenarios

This program will feature vignettes involving HR professionals and, in some instances, a high-maintenance employee, posing complex leave and/or accommodation scenarios for discussion. Littler attorneys will then talk through the legal and practical issues as they work toward a resolution for each situation that will enable employers to build a compliant, but also workable, response. Topics will include complex return-to-work and work-from-home battles, performance issues commingled with protected leaves or accommodations, leave obligations beyond FMLA, organizational changes and the impact of the FMLA/ADA on those changes, and more.

LOCATION: Silverton 2

2:10 p.m. — 3:10 p.m.

4B Breakout | Practical Answers to Employers' Most Common and Tricky Privacy and Information Security Questions

With new laws, heightened employee awareness and regular media attention, human resources professionals and in-house employment counsel are confronted on an almost daily basis with tricky questions on whether and how their organization can collect, use or disclose employees' personal information. The range of topics can be overwhelming – responding to problematic social media posts, addressing inadvertent disclosures of sensitive employee personal information, proper handling of health information and managing employees who have been arrested. In this panel, the co-chairs of Littler's Privacy and Data Security Practice will use a Q&A format to provide practical, easy-to-use answers to these and other common and often confounding privacy and security questions. The panel will end with a round-up of the key privacy developments relevant to employers going into 2023.

LOCATION: Silverton 3

3:10 p.m. — 3:20 p.m.

Closing Remarks

3:20 p.m. — 5:00 p.m.

Cocktail Reception