



Littler

ENVISION WORK



FLORIDA REGIONAL EMPLOYER | ORLANDO, FL | November 14, 2024

8:00 a.m. – 9:00 a.m.

Registration and Breakfast

9:00 a.m. – 9:10 a.m.

Welcome Remarks

9:10 a.m. – 10:00 a.m.

Balancing Business and Duty: Ensuring Fair Leave and Accommodations for All

This session will take a fresh look at an employer's obligations in light of expanding protections for leave and on-the-job accommodations under the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and the Pregnant Workers Fairness Act (PWFA). The discussion will cover topics such as: the expansive scope of the PWFA and the EEOC's recently released PWFA regulations (and how employers need to adjust their policies and practices in response); what we've learned so far in the work-from-home debate as many employers push to get employees back onsite; charge and litigation risks regularly arising under FMLA, ADA and PWFA; and the continually blurred lines between FMLA and ADA/PWFA, where employee needs cross over the leave/accommodation divide.

10:00 a.m. – 10:10 a.m.

Break

10:10 a.m. – 11:00 a.m.

Modern Labor Law: The Election Is Over, Now the Real Campaigning Begins

There is nothing "traditional" about today's labor law landscape. Employers are experiencing a once-in-a-generation transformation in labor and employee relations. Shifts in social/political issues, new technologies creating a more connected workforce, and evolving employee behaviors and expectations, coupled with unprecedented changes in the interpretation and enforcement of the National Labor Relations Act, require employers to ensure they understand their labor risks.

In this session, Littler's experienced labor attorneys will delve into recent labor law developments that every employment lawyer (or HR professional, etc.) needs to know. Topics to be addressed include:

- Employee engagement and labor readiness plans
- New union organizing rules, including the standard for responding to union demands for recognition
- Expansion of protected concerted activity
- Stricter scrutiny of employee handbooks
- Scope of confidentiality and nondisparagement clauses
- The attack on noncompete agreements
- Recent NLRB challenges in federal court

11:00 a.m. – 11:50 a.m.

Choose Wisely: Would You Vote for that Arbitration Agreement Again?

With the earlier success of enforcing employment arbitration agreements before the U.S. Supreme Court, plaintiffs' counsel, and their allies in Congress and state legislative houses, continue to pursue numerous paths to negate the benefits of arbitration. Recently, the Supreme Court and other courts issued meaningful decisions affecting employment arbitration agreements with potential exemptions, the applicable standards and appellate rights. This presentation will explore some of the new complexities associated with drafting and enforcing arbitration agreements, including challenges to the e-signature process, mass arbitration threats and certain exemptions. This session will also address the practicalities of arbitration, such as expenses, evidentiary challenges, venue and arbitrator selection, among others, with recommendations on how employers and counsel can counteract these complexities to effectively utilize the arbitration process.

11:50 a.m. – 1:00 p.m.

A Liberty Lunch: 2024 Employment Law Update

This fast-paced, entertaining lunchtime session addresses employment law updates, providing an opportunity to understand the latest court cases, legislative and regulatory activity, and crucial developments that will affect your workplace and responsibilities. We have assembled a 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.

1:00 p.m. – 1:10 p.m.

Break

1:10 p.m. – 2:00 p.m.

A Wage and Hour Historical Reenactment

As the nature of work continues to evolve, employers remain subject to wage and hour laws that were written on typewriters. The architects of the FLSA could never have imagined the future state of work, yet the law they enacted in 1938 continues to dictate how employers monitor and compensate their employees. We invite you to join us on a lively, theatrical journey back to the future to gain a deeper understanding of the history of our wage and hour laws and prognostications about its future.

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 3:00 p.m.

State of the Union on Separating Employees: Tackling Release Agreements, Restrictive Covenants and Trade Secret Protection in a Time of Legal Change

Companies expect finality if they pay for a release of all claims. But government agencies, state legislatures and other rulemaking entities are increasingly imposing obligations on terms used in releases in order to accomplish their public policy goals. This session will update you on the developments in the past year, such as recent SEC activity imposing fines (one for \$10 million!) on companies for "chilling" employee efforts to cooperate with the government, state restrictions on confidentiality and nondisparagement clauses, and squaring the National Labor Relations Board's McLaren Macomb decision and SEC enforcement efforts with conflicting state #Metoo laws. Would it hurt to throw a noncompete or nonsolicitation clause in a separation agreement when someone is walking out the door? We will address situations and the types of clauses that might hurt more than you think and provide strategies to avoid restrictive covenant pitfalls.

3:00 p.m. – 3:50 p.m.

Defending Our Values: Strengthening IE&D in a Rapidly Changing Landscape

In the wake of increasing challenges, corporate leaders around the globe are grappling with how to lawfully drive inclusion, equity and diversity initiatives to ensure equity in the workplace while also complying with the law and reducing risks. Challenges have included the U.S. Supreme Court's decision in *Students for Fair Admissions v. Harvard University and the University of North Carolina*, letters to CEOs from several state attorney generals and the Royal Air Force inquiry in the UK. The Supreme Court's opinion in *Muldrow v. City of St. Louis*, juxtaposed with evolving pressures on employers to react to world events, will also affect the future of IE&D. We will discuss what has really changed, what employers can lawfully do and how they can handle pressure to demonstrate IE&D in a vastly different landscape. And, crucially, we will talk about where the opportunities are for leaders to move beyond the noise.

3:50 p.m.

Closing Remarks & Cocktail Reception