



Littler

# ENVISION WORK



PHILADELPHIA REGIONAL EMPLOYER | PHILADELPHIA, PA | October 25, 2024

9:00 a.m. – 9:45 a.m.

## Registration and Breakfast

9:45 a.m. – 11:00 a.m.

## Flip the Script: Using Plaintiff's Data to Win Your Case

Faced with the 21st century data deluge, employers have a powerful weapon to level the discovery playing field in traditional asymmetrical litigation: a plethora of relevant – and sometimes case-ending – evidence, from cell tower pings and GPS data on mobile devices that may show where and how long a plaintiff was “working,” to social media accounts that may tip the scales in a case, to forensic inspections that may show the destruction or alteration of evidence. Using real-life examples, this interactive session will teach you how to find opportunities to win employment cases using plaintiff’s data. Test your knowledge of the contemporary risks faced by employers as the lines blur between personal and employer data, including when personal devices are used for work-related activities.

### Speakers:

[Donald W. Myers](#), [Traer Cundiff](#)

11:00 a.m. – 11:15 a.m.

## Break

11:15 a.m. – 12:15 p.m.

## The Ins and Outs of Internal Investigations – Privilege, Work Product and Relying on the Results

Employers recognize the need to promptly and effectively investigate employee complaints and other improper conduct concerns in the workplace. Our session will not rehash the “blocking and tackling” of investigations. Instead, we will delve into more sophisticated questions, particularly how to structure your investigation process considering your need to rely upon the results for legal defenses, your need or desire to conduct the investigation under the auspices of the attorney-client privilege, and the possible application of the work product doctrine to the investigation process. This session will include a higher-level discussion that will assist you in planning your investigation processes with an eye toward litigation and jury presentation, while still ensuring an effective process to uncover the facts and implement a remedy.

### Speakers:

[Kristine Grady Derewicz](#), [Paul C. Lantis](#), Kelly Day (External Presenter)

12:15 p.m. – 1:30 p.m.

### Power Lunch: A Discussion of Recent Decisions and Laws Affecting the Workplace

This fast-paced special lunchtime session provides a unique opportunity to understand the latest court cases, legislative and regulatory activity, and crucial developments that will affect your workplace and responsibilities. A terrific panel of Littler attorneys will guide you through the maze of new developments and prepare you for the challenges ahead.

**Speakers:**

[Andrea M. Kirshenbaum](#), [Martha J. Keon](#), [William J. Leahy](#), [Paul J. Sopher](#)

1:30 p.m. – 1:45 p.m.

### Break

1:45 p.m. – 2:45 p.m.

### Alignment at the Top: Evolving IE&D Strategy to Seize Opportunities While Managing Differences Across Stakeholders

With challenges in the spotlight, corporate leaders around the globe are grappling with how to lawfully drive inclusion, equity and diversity initiatives. Recent decisions, lawsuits and agency activity reflect a shift in how risk can be assessed. Reactions and proposed responses to this shift often reflect polarized opinions and ideologies, which may diverge further when IE&D strategy intersects with positions on social justice, political issues and world events. We will discuss key considerations in this evolving landscape, holistic strategies that balance opportunity and uncertainty, and, crucially, reaching leadership alignment.

**Speaker:**

[Britney Noelle Torres](#)

2:45 p.m. – 3:00 p.m.

### Break

3:00 p.m. – 4:00 p.m.

### What Every Employment Attorney and HR Professional Needs to Know About Labor Law in 2024

Section 7 of the National Labor Relations Act (NLRA) gives all employees the right to form, join, or assist a union, and also engage in other concerted activities for mutual aid or protection. The National Labor Relations Board (NLRB) continues to issue unprecedented decisions that impact both unionized and nonunionized employers, and employers are increasingly dealing with both unionized and unrepresented employees participating in a wide range of concerted activities, including walk-outs, strikes, sick-outs and other demonstrations. The NLRB General Counsel and other government agencies have agreements to cooperate and share information, meaning that claims with one agency could lead to additional claims with the NLRB. It is accordingly important, now more than ever, to be aware of potential claims under the NLRA.

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

- New union organizing rules, including responding to union demands for recognition
- Expansion of protected concerted activity and how to mitigate risk under the NLRA and still manage your workforce
- Scope of confidentiality and nondisparagement agreements
- Stricter scrutiny of employee handbooks

**Speaker:**

[Nina K. Markey](#)

4:00 p.m.

Cocktail Reception