



Littler

ENVISION WORK



ROCKY MOUNTAIN REGIONAL EMPLOYER | DENVER, CO | October 18, 2024

8:00 a.m. – 9:00 a.m.

Registration and Breakfast

9:00 a.m. – 10:00 a.m.

Engage and Retain Your Most Valued Talent

Forget the Great Resignation, many employees are quiet quitting, and employers need to quickly shift mindsets and retention skills to attract and keep highly valuable talent. In this session, we discuss the latest social science, evidence-based strategies, and practical tools to help your managers become better leaders to build an engaged and loyal workforce. Topics will include:

- Fostering a productive and collegial culture that does not cross the boundaries of appropriate behavior
- Navigating difficult conversations among colleagues with differing communication styles and values
- Creating a sense of pride in your organization and in each employee's contributions
- Building good relationships by putting the right environmental variables in play

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:15 a.m.

Breakout 2A | Colorado Class Actions and Agency Enforcement Explode: Navigating the Wage and Hour Minefield

Increased penalties, a potential six-year statute of limitations, and employee-friendly interpretations of Colorado law have brought an onslaught of wage and hour class actions to Colorado. At the same time, Denver Labor has taken an extremely aggressive enforcement position and the Colorado Department of Labor and Employment is auditing compliance with a wide array of state laws. In this session, we will discuss which wage and hour practices expose employers to the greatest risk based on class action trends and agency enforcement priorities, and provide practical advice about how to avoid, navigate, and decrease the impact of class action lawsuits and agency audits.

Breakout 2B | Reducing Risk While Seizing IED Opportunities

In the wake of increasing challenges, leaders and human resource professionals 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 decisions in *Students for Fair Admissions v. Harvard University* and the University of North Carolina and letters to CEOs from several state attorney generals. These challenges, combined with evolving pressures from US and worldwide events, including this year's election, will affect your IED efforts. We will discuss what has really changed and what employers can lawfully do and how they can handle pressure to demonstrate IE&D in a vastly different landscape.

11:15 a.m. – 11:30 a.m.

Break

11:30 a.m. – 12:30 p.m.

Breakout 3A | Developments in Artificial Intelligence and Data Privacy for Colorado Employers

With the ground-breaking passage of the Colorado Privacy Act, followed by amendments on biological, neural, and biometric data to the Colorado Privacy Act and Colorado's first-in-the-nation, state artificial intelligence law, Colorado has become a leader in regulating both artificial intelligence and data privacy. However, as courts, regulators, and legislators around the U.S. and the world rush to catch up with the technology, Colorado is far from the only jurisdiction with new legal developments in these areas. Panelists from Littler's privacy, data security, and artificial intelligence groups will discuss the practical implications of the evolving legal landscape for artificial intelligence in the workplace, including common uses cases, the legal framework, risks, and developments. Shifting to the related and equally fast-changing world of privacy, speakers will discuss the latest developments in data protection law for employers, including Colorado's new laws on biometrics and a round-up of key updates for multinational employers. The panel will finish with a discussion of practical steps employers can take to reduce their risk in the areas of artificial intelligence and data privacy.

Breakout 3B | Effectively Protecting Your Trade Secrets and Enforcing your Restrictive Covenants in a Time of Legal Change

Among the FTC, NLRB, state governments, and judicial decisions, the legal landscape of restrictive covenants is constantly in flux. Or is it? This session will discuss the current status of federal efforts to limit restrictive covenants, the latest developments in Colorado and other states, and what is—or isn't—settled at the moment. We will also discuss how companies can protect their trade secrets in light of the same evolving environment.

12:30 p.m. – 1:30 p.m.

Lunch

1:30 p.m. – 2:30 p.m.

Breakout 4A | NLRA Today: The Non-Union Employer's Guide to Workplace Speech, Policies, and Modern Labor Compliance

The National Labor Relations Board – and the Colorado General Assembly – have been dramatically expanding the scope of “traditional” labor rights applicable to all modern employers across every industry. How does it affect employers who have never had a unionized workforce? In this session, Littler Denver's labor and employment attorneys will delve into recent labor law developments that every employer needs to know, such as:

- The expansion of Section 7 rights (and related Colorado state law rights) when employees engage in complaints to management, social media posts, political speech, demonstrations, and other protected concerted activity;
- The role of the Colorado General Assembly in expanding “traditional” labor rights, such as captive audience meetings to discuss employer initiatives;
- The impact of these developments (and stricter scrutiny) on employer policies, confidentiality and nondisparagement agreements, and noncompetes; and
- The trends Colorado employers are seeing in litigation, unfair labor practice charges, and enforcement actions involving all these issues.

Think you know all there is to know about labor and employment law in Colorado? This session will challenge you to be on the lookout for those hidden traps tripping up employers under the NLRA and Colorado law, and prepare you with the tools you need to address them.

Breakout 4B | Tales from the Frontlines: Navigating Colorado's Complex Leave & Accommodation Requirements

Colorado has some of the more complicated leave and accommodation issues of any state. We have a sick pay law (the HFWA), that provides for not just sick pay but bereavement and inclement weather leave. And a paid family and medical leave act (FAMLI) that differs from the federal FMLA in ways far beyond providing paid leave. Then, even if an employee is no longer entitled to HFWA, FAMLI, and the FMLA, employers could continue to have obligations under the Americans with Disabilities (ADA) and Colorado Anti-Discrimination Act (CADA). Join us as we share best practices gleaned from real world examples of how to navigate this labyrinthine set of laws.

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:45 p.m.

2024 Employment Law Update

What's left? A lot! Join us for a fast-paced session that provides a unique opportunity to understand the latest Colorado court cases, legislative and regulatory activity and crucial developments that will affect your workforce and your responsibilities. As in the past, we have assembled a terrific panel of Littler attorneys who will guide you through the maze of new developments and prepare you for the challenges ahead.

3:45 p.m.

Cocktail Reception