



JUNE
4
2019



INSTITUTE FOR LAW AND
THE WORKPLACE
EMPLOYMENT LAW CONFERENCE

3

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INSTITUTE FOR LAW AND THE WORKPLACE

EMPLOYMENT LAW CONFERENCE

You will have personal access to nationally recognized experts in the employment law field who provide a comprehensive update on the cutting-edge legal, legislative, and policy developments that impact employment law planning. Concentrated succinctly into a one-day conference, get hands-on practical knowledge, 5.5 hours of CLE credit, including 2.5 hours of professional responsibility credit.

CONFERENCE AT A GLANCE

8:30am–9:00am

Registration

9:00am–9:15am

Opening Remarks

9:15am–10:00am

Opening Plenary

■ **The Department of Labor's
2019/2020 Priorities**

■ **EEOC Priorities**

10:00am–10:15am

Break

10:15am–11:30am

Concurrent Sessions

- The Growth of State and Local Employment Laws: Protecting Workers or Complicating Things?
- Low Wage Workers: Challenges of Representing Them and of Defending Against Their Claims
- Hot Topics in ADA and FMLA Litigation (including the 10th Anniversary of the ADA Amendments Act)
- EEOC: Anatomy of an Investigation and Mediation

11:30am–11:45am

Break

11:45am–1:00pm

Concurrent Sessions

- Ethics: Professional Responsibility During Investigations
- Basics of Representing Parties in Employment Arbitration and Mediation
- The Increasing Role of State Attorneys General in Enforcing Employment Laws

- Hot Topics in Occupational Safety and Health, and Whistleblower Protections Programs

1:00pm–2:00pm

Lunch

2:00pm–3:15pm

Concurrent Sessions

- Hot Topics in Wage and Hour Litigation
- Ethics: Mental Health and Substance Abuse: Recognizing, Understanding, and Referring Colleagues in Need
- Employee Privacy: New Illinois Law and Other Relevant Rules

3:15pm–3:30pm

Break

3:30pm–4:30pm

Closing Plenary Session

What Lies Ahead for Employment Arbitration after *Epic Systems*, et al.?

4:30pm–5:30pm

Networking Reception

CONFERENCE FACULTY

FEATURED SPEAKER



Kate S. O'Scannlain
Solicitor of Labor,
U.S. Department of
Labor



Victoria A. Lipnic
Acting Chair
U.S. Equal
Employment
Opportunity
Commission



Richard Abernathy
Regional Supervisory
Inspector
U.S. Department of Labor
- OSHA



Jane Flanagan
Visiting Scholar, Chicago-Kent
College of Law/ Leadership
in Government Fellow, Open
Society Foundations



**Vicki Lafer
Abrahamson**
Managing Partner
Abrahamson, Yorachek &
Levinson



Terri Ellen Gerstein
Director, State and Local
Enforcement Project
Harvard Law, Labor and
Worklife Program



Christine Binotti
Lead Counsel, Employment
Law, Immigration and
Employee Mobility
Motorola Solutions, Inc.



Kara Goodwin
Partner
Seyfarth Shaw LLP



Alejandro Caffarelli
Founding Shareholder
Caffarelli & Associates Ltd.



Janice Holdinski
Vice President
American Arbitration
Association



Lydia Colunga-Merchant
Legal Director
Raise the Floor Alliance



Haley R. Jenkins
Associate Attorney
Stephan Zouras, LLP



Lisa Fielding
Attorney Mediator
US Equal Employment
Opportunity Commission



Adam Kader
Worker Center Director
Arise Worker Center



JB Kelly
Member, State Attorneys
General Practice
Cozen O'Connor



Jeffrey L. Rudd
Principal
Jackson Lewis P.C.



Nancy L. Maldonado
Partner
Miner, Barnhill & Galland, P.C.



Joe Scally
Clinical Case Manager
Lawyers' Assistance Program



Marty H. Malin
Professor of Law
Chicago-Kent College of Law



Lisa Sciolaro
Regional Labor Liaison
U.S. Department of Labor
- OSHA



Wendy Muchman
Chief of Litigation &
Professional Education
IL Attorney Registration and
Disciplinary Commission



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Jill P. O'Brien
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Rachel Weisberg
Employment Rights Helpline
Manager and Attorney
Equip for Equality



Peter Sung Ohr
Regional Director
National Labor Relations Board,
Region 13



Jeffrey A. Risch
Chair - Labor & Employment
SmithAmundsen LLC



Sonya Rosenberg
Partner
Neal Gerber Eisenberg

PROGRAM SCHEDULE JUNE 4, 2019

8:30am-9:00am

Registration

9:00am-9:15am

Opening Remarks

9:15am-10:00am

OPENING PLENARY PRESENTATION

Solicitor O'Scannlain will address the Department's compliance assistance and enforcement efforts and will discuss the regulatory landscape for 2019 and 2020.

Kate S. O'Scannlain, Solicitor of Labor, U.S. Department of Labor

EEOC Priorities

Acting Director Lipnic will discuss the EEOC under the current administration and will assess possible trends for 2019 and beyond.

Victoria A. Lipnic, Acting Chair, U.S. Equal Employment Opportunity Commission

10:00am-10:15am

Break

10:15am-11:30am

CONCURRENT SESSIONS

The Growth of State and Local Employment Laws: Protecting Workers or Complicating Things?

The political polarization of employment legislation at the federal level has led to the proliferation of employment laws at the state and local level. This panel will address recent developments in Illinois, Cook County and Chicago, including minimum wage, paid sick leave, business expense reimbursement and employee privacy concerns and how issues like preemption and concurrent jurisdiction play a part in asserting and defending claims.

Alejandro Caffarelli, Founding Shareholder, Caffarelli & Associates Ltd.

Tracey L. Truesdale, Senior Counsel, Ogletree, Deakins, Nash, Smoak & Stewart PC

Low Wage Workers: Challenges of Representing Them, and Defending Against Their Claims

Labor and employment cases involving low wage workers present unique challenges, legally and culturally. This presentation will discuss these different challenges from the plaintiff and defendant perspectives and offer tips and suggestions to overcome them.

Moderator: Peter Sung Ohr, Regional Director, National Labor Relations Board-Chicago, Region 13

Nancy L. Maldonado, Partner, Miner, Barnhill & Galland

Jill P. O'Brien, Partner, Laner Muchin Ltd.

Hot Topics in ADA and FMLA Litigation (including 10th Anniversary of the ADA Amendments Act)

Through a review of recent case law, this session will explore key issues currently litigated under the ADA and FMLA, including: complex reasonable accommodation requests; the interactive process; medical exams; misuse of medical leave and DOL investigations.

Jeff Nowak, Shareholder, Littler Mendelson

Rachel M. Weisberg, Employment Rights Helpline Manager and Attorney, Equip for Equality

EEOC: Anatomy of an Investigation and Mediation

We'll walk through the steps that follow the opening of an EEOC investigation and we'll explore the EEOC mediation process.

Lisa Fielding, Attorney Mediator, US Equal Employment Opportunity Commission

Additional speaker(s) to be announced

11:30am-11:45am

Break

11:45am-1:00pm

CONCURRENT SESSIONS

Ethics: Professional Responsibility During Investigations

Using a hypothetical involving allegations of discrimination, e-mail use, performance management, discipline and several corporate policies, this session will provide an overview of best practices for handling complex internal investigations. Includes a discussion of substantive considerations regarding confidentiality and ethics.

- Tips for appropriately staffing and documenting an internal investigation
- When to engage outside counsel or a 3rd party investigator
- Addressing issues of attorney-client privilege
- Balancing the role of in-house counsel with the interests of the corporation's directors, officers and employees
- The importance of cross-functional collaboration and stakeholder management

Christine Binotti, Lead Counsel, Employment law, Immigration, and Employee Mobility, Motorola Solutions, Inc.

Wendy J. Muchman, Chief of Litigation and Professional Education, IL Attorney Registration and Disciplinary Commission



The Basics of Representing Parties in Employment Arbitration and Mediation

Hear about the legal and practical hurdles of arbitration as well as the advantages of settlement through mediation from the experts.

Vicki Lafer Abrahamson, Managing Partner, Abrahamson, Vorachek, Levinson
Janice Holdinski, Vice President, American Arbitration Association
Jeffrey L. Rudd, Principal, Jackson Lewis PC

The Increasing Role of State Attorneys General in Enforcing Employment Laws

From filing cases concerning wage payment and employee classification to multi-state investigations into non-competition agreements and retail employee scheduling, state Attorneys General have shown an increasing interest in employment law enforcement in recent years. This panel will explore this trend, the anatomy of an Attorney General investigation, and will provide an overview of some of the employment topics that state Attorneys General are focused on nationally.

Moderator: Jane Flanagan, Visiting Scholar, Chicago-Kent College of Law and Leadership in Government Fellow, Open Society Foundations
Terri Ellen Gerstein, Director, State and Local Enforcement Project, Labor and Worklife Program, Harvard Law
Adam Kader, Work Center Director, Arise Worker Center
JB Kelly, Member, State Attorneys General Practice, Cozen O'Connor

Hot Topics in Occupational Safety and Health, and Whistleblower Protection Programs

This interactive session will include a brief OSHA overview and explore topics including current Whistleblower statutes, investigative procedures and ongoing initiatives. Much of the session will be dedicated to OSHA Q & A and providing participants an opportunity to discuss scenarios and trends of relevance in their work in a neutral setting.

Richard Abernathy, Regional Supervisory Inspector, U.S. Department of Labor-OSHA
Lisa Sciolaro, Regional Labor Liaison, U.S. Department of Labor-OSHA

1:00pm-2:00pm

Lunch

2:00pm-3:15pm

CONCURRENT SESSIONS

Hot Topics in Wage and Hour Litigation

Learn about the current developments in wage and hour litigation and possible trends for 2019 and beyond.

Lydia Colunga-Merchant, Legal Director, Raise the Floor Alliance
Kara Goodwin, Partner, Seyfarth Shaw LLP

Ethics: Mental Health and Substance Abuse: Recognizing, Understanding, and Referring Colleagues in Need

This session will present data about the prevalence of substance abuse, mental illness, and other conditions in the legal community. Information will be given about identifying and assisting those who may need help.

Joe Scally, Clinical Case Manager, Lawyers' Assistance Program

Employee Privacy: New Illinois Law and Other Relevant Rules

This session will discuss protections afforded employees under the Illinois Biometric Information Privacy Act.

Haley R. Jenkins, Associate Attorney, Stephan Zouras, LLP
Sonya Rosenberg, Partner, Neal Gerber Eisenberg

3:15pm-3:30pm

Break

3:30pm-4:30pm

CLOSING PLENARY ADDRESS

What Lies Ahead for Employment Arbitration after *Epic Systems et al.*?

- Effective Advocacy Strategies to Prevail in Arbitration
- Latest Trends & Developments in Arbitration from the Employer Perspective

Moderator: Martin H. Malin, Professor of Law, Chicago-Kent College of Law
Janice Holdinski, Vice President, American Arbitration Association
Jeffrey A. Risch, Chair-Labor & Employment, SmithAmundsen LLC
Marc Siegel, Managing Partner and Founder, Siegel and Dolan Ltd.

4:30pm-5:30pm

Networking Reception

C-K SPOTLIGHT

UPCOMING CLE CONFERENCES

May 16, 2019	38th Annual Federal Tax Institute Eligible for 7.5 hours of IL MCLE credit
June 13, 2019	38th Annual Conference on Not-For-Profit Organizations Eligible for 7.0 hours of IL MCLE credit
August 15, 2019	Legal Innovations Conference IL MCLE credit to be determined
September 19, 2019	36th Annual Federal Sector Labor Relations & Labor Law Conference IL MCLE credit to be determined
October 17, 2019	11th Annual Conference on Futures & Derivatives IL MCLE credit to be determined
October 29, 2019	The Morris Lecture in International and Comparative Law (<i>free!</i>) Eligible for 1.0 hour IL MCLE credit
November 15, 2019	35th Annual Illinois Public Sector Labor Relations Law Conference IL MCLE credit to be determined



WHO SHOULD ATTEND THIS CONFERENCE?

- Experienced Attorneys
- Experienced Employment Law Administrators & Staff
- Experienced Human Resource Professionals

WHY ATTEND?

As an experienced practitioner you won't want to miss this hands-on, immediately relevant, intermediate to masters' level seminar.

You will:

- Hear directly from the most prominent firm heads and government experts in the field
- Interact directly with each panel during Q&A
- Connect and learn from your industry peers

"Speakers have good energy and always address practical topics that can really benefit an organization."

– Previous Attendee



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EVENT DETAILS

CONTINUING EDUCATION CREDIT

IL MCLE Credit	5.5 hrs	2.5 hr ethics, pending approval
PA MCLE Credit	5.5 hrs	2.5 hr ethics, pending approval

CONFERENCE LOCATION

CHICAGO-KENT COLLEGE OF LAW

565 W. Adams Street

Chicago, IL 60661

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(312)906-5090

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CANCELLATION POLICY

A full tuition refund will be granted if received in writing by May 14, 2019. Tuition, less a 25% cancellation fee will be granted if received between May 15, 2019 and May 28, 2019. No refunds will be granted if received after May 28, 2019, but a substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive access to the written materials.

Email cancellation notices to cle@kentlaw.iit.edu.





ILW Employment Law Conference Pricing

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Group*	<input type="checkbox"/> \$205	<input type="checkbox"/> \$230	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
Chicago-Kent Alumni Graduation Yr: _____	<input type="checkbox"/> \$175	<input type="checkbox"/> \$200	<input type="checkbox"/> \$175	<input type="checkbox"/> \$200
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*To qualify for the group pricing you need only register 3 or more individuals at the same time, does not apply with other discounted rates.

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Firm/Company/Organization _____

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Do You Plan to Attend Lunch? Yes No

CLE Credit? Yes No

Attorney Registration # _____

Registration Code (Enter characters appearing on the mailing label. Please enter this ID even if the label is addressed to someone else. Thank you!) _____

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Tuesday, June 4, 2019

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including 2.5 hrs of ethics credit