

AGENDA

PORTLAND | FRIDAY, SEPTEMBER 15
SEATTLE | FRIDAY, OCTOBER 6**8:15 – 9:00 a.m.** Registration & Breakfast**9:00 – 9:10 a.m.**
(10 mins) Welcome Remarks**SPEAKERS (Portland & Seattle):** KATHERYN BRADLEY & PRIYA VIVIAN, *Lane Powell***9:10 – 10:10 a.m.**
(60 mins)

Lightning Rod: Pressing Legal Developments Employers Need to Know NOW

SPEAKERS (Portland): PRIYA VIVIAN, BRENNA MCLAUGHLIN & PAUL OSTROFF, *Lane Powell***SPEAKERS (Seattle):** PRIYA VIVIAN & SEAN JACKSON, *Lane Powell*

This session will address the top 10 burning issues facing employers, including:

- How the Supreme Court affirmative action and religious accommodation decisions will impact workplace policies
- New federal laws increasing protections for pregnant and lactating workers
- New trends in wage and hour class actions
- Updates to leave laws, including Paid Leave Oregon
- Key updates to benefits laws, including the Secure 2.0 Act, transparency rules, and transgender services
- Failed legislative measures that are almost guaranteed to rise again
- Legislative developments and agency rule making

10:10-10:40 a.m.
(30 mins)

Privacy Issues in Employment

SPEAKERS (Portland & Seattle): RISHI PURI & KARA BACKUS, *Lane Powell*

- Current state of data privacy law regarding employees
- Legislative trends
- Employee monitoring
- What all employers need to know about HIPAA

10:40 – 10:50 a.m.
(10 mins)

Networking Morning Break

10:50 – 11:35 a.m.
(45 mins)

Navigating Mental Health Issues in the Workplace

SPEAKERS (Portland): KATHERYN BRADLEY & COURTNEY MCFATE, *Lane Powell***SPEAKERS (Seattle):** KATHERYN BRADLEY & SHIRLEY LOU-MAGNUSON, *Lane Powell*

More than 15-20% of the population is neurodiverse, meaning many employees have invisible disabilities, such as autism, ADHD, and dyslexia. This presentation will equip employers with the tools they need to navigate mental health concerns in the workplace, covering the following and more:

- Are mental health conditions covered under leave and disability discrimination laws?
- When do mental health diagnoses trigger an employer's duty to engage in the interactive process?
- When must remote work be granted as a reasonable accommodation?
- When can an employer discipline or terminate for performance problems related to mental health challenges?

11:35 – 12:25 p.m.
(50 mins)

Networking Lunch

12:25 – 1:10 p.m.
(45 mins)

Avoiding Lawsuits & Creating Harmony When Current Employees Claim Retaliation

SPEAKERS (Portland): HANNAH ARD & HEATHER ST.CLAIR, *Lane Powell*

SPEAKERS (Seattle): MIKE REILLY & JOE RIDGEWAY, *Lane Powell*

- Managing an employee who has filed a discrimination or harassment claim or lawsuit against the employer
- Tips on avoiding retaliation claims when coaching the underperforming employee
- Learn how to avoid retaliation complaints after an internal investigation: the “failure to move on” defense
- How documentation of the timing of employment decisions can support (or disprove) retaliation claims
- Whether an employee (ineligible for FMLA) can assert FMLA retaliation claims
- Lessons learned from the \$464 million California jury verdict for a retaliation claim

1:10 – 1:20 p.m.
(10 mins)

Special Presentation

Lane Powell's Not Ready for Primetime Players: A.C. ESTACIO-HEILICH, BETH JOFFE, IAN MAHER, MIKE REILLY, JOE RIDGEWAY & PEGGY RODRIGUEZ, *Lane Powell*

1:20 – 2:15 p.m.
(55 mins)

Revisit Your Handbook (and More): Recent NLRB Decisions & Guidance Updates All Employers Need to Know

SPEAKERS (Portland): DOUG PARKER & CHRISTINE THELEN, *Lane Powell*

SPEAKERS (Seattle): DOUG PARKER & ETHAN PICONE, *Lane Powell*

- Discussion of National Labor Relations Board's priorities
 - Handbook policies, work rules, separation agreements (confidentiality/non-disparagement provisions)
 - Workplace confidentiality (including during investigations and in arbitration agreements)
 - Broadening of monetary judgments
 - Independent contractor and joint employer issues
- Prior NLRB standards and impact of new standards adopted in Stericycle decision
- Looking forward/expectations for NLRB's agenda
 - *Weingarten* rights for non-union employees
 - Mandatory arbitration clauses
 - Increases in unfair labor practice charges
 - Organizing and strike activity
- How other federal, state, and local laws will impact handbook policies

2:15 – 2:30 p.m.
(15 mins)

Networking Afternoon Break



2:30 – 3:15 p.m.
(45 mins)

Conducting A Modern Investigation

SPEAKERS (Portland & Seattle): MIKE KITSON, *Lane Powell*

- Practical guidance for how to conduct a fair and impartial investigation and determine appropriate remedial action in the post-pandemic work environment
- How remote technology should and should not be used to conduct investigations
- Considerations related to privilege and confidentiality, both during and after the investigation
- Applying the correct policies and collecting the right evidence to make a fully-informed and fair determination
- Drafting investigation reports that are tailored to the circumstances of your investigation

3:15 – 4:00 p.m.
(45 mins)

The Immigration Lifecycle for Foreign National Employees

SPEAKERS (Portland): DUSTIN O'QUINN & BETTY WONG, *Lane Powell*

SPEAKERS (Seattle): DUSTIN O'QUINN & CHRIS MOTTA-WURST, *Lane Powell*

- Recruiting: Overview of new work visa categories for foreign national candidates. We will also cover the most common visa types.
- Onboarding: The new I-9 rule and other common onboarding issues.
- Maintaining work authorization: Creative strategies for keeping employees at work when visa processing times are unprecedented.
- Long-term options: A discussion of green card strategies: how and when (and why) to apply.
- Terminations and layoffs: A reminder of employer obligations and liabilities when an employee is terminated or laid off.

4:00 p.m.

Closing Remarks