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8th ANNUAL EMPLOYMENT LAW CONFERENCE 2019

Off to Work we Go

8th Annual Employment Conference
Friday, September 13
Disneyland Hotel | 1150 West Magic Way | Anaheim, CA 90802

8:00 am to 8:30 am: Registration and Continental Breakfast

8:30 am to 9:30 am: “Key Strategies For Preventing Workplace Harassment and Complying With Law: An Update from the Department of Fair Employment and Housing.”

Presented by Tina Walker, Assistant Deputy Director of Employment at the Department of Fair Employment and Housing (DFEH) and Brandon Butler, Esq., Senior Attorney at the DFEH.

Topic Overview: *Learn from the experts about this important work place topic as Ms. Walker and Mr. Butler discuss the legal definition of harassment; training requirements for all employers with 5 or more employees under the new law (SB 1343); how to respond to and investigate harassment complaints; and, key strategies for preventing workplace harassment to ensure compliance with the law and maintain a positive work environment. Ms. Walker and Mr. Butler will also review helpful employer resources offered by the DFEH for providing the required harassment training to employees pursuant to SB 1343.*

9:30 am to 10:30 am: “Hi Ho, Hi Ho, Its Off to Court We Go: Seven Habits of Frequently Sued Employers.”

Topic Overview: *Employers continue to face costly employment related litigation. This presentation will review the “Seven Habits” of frequently sued employers: (1) Misclassification of workers as independent contractors (especially in light of Dynamex), or as exempt from overtime; (2) Meal and rest breaks are not provided as required; (3) Failure to accommodate disabled employees and conduct the interactive process when required; (4) Leaves of absence (family and medical leave, pregnancy leave, sick time) are not provided when required; (5) Lack of oversight for payroll and HR software providers; (6) Outdated employee handbooks; (7) Termination of employees without proper assessment and documentation.*

10:30 am to 10:45 am: Morning Break

10:45 am to 12:00 pm: “The Mad Hatters Tea Party: California Legislature’s View of Employers as We Move Toward 2020.”

Topic Overview: *This presentation will provide a look at the California Legislature’s view of employers as 2020 approaches, and an overview of the new and anticipated legislation impacting the workplace for 2020, including legislation related to leaves of absence; wildfires; sexual harassment; penalties for wage violations; drug screening and medical marijuana use; consumer notification of data breaches; and, presumptions that certain diseases and injuries are caused by the workplace.*

12:00 pm to 1:00 pm: Lunch



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1:00 pm to 2:15 pm: Break Out Session One

1. **“Did Captain Hook Lose His Hand In a Workers’ Compensation Accident?: Key Tips for Preventing, Defending, and Resolving Post-Termination Work Comp Claims.”**

Topic Overview: *Post-termination claims continue to challenge employers. Such claims are costly and can result in increased work comp costs. This presentation will cover a review of how the courts have defined post-termination work comp claims, the latest cases impacting post-termination work comp claims, strategies for preventing such claims, and key tips on defending such claims.*

2. **“Entering the World of Yesterday, Tomorrow, and Fantasy: Artificial Intelligence and the Impact it Will Have on the Workplace.”**

Topic Overview: *As 2020 approaches, AI and automation are radically changing the workplace and human resource management. This presentation will provide guidance for employers on AI and its potential impact on many facets of the workplace, including talent acquisition, pay equity, Chatbots, litigation strategy, along with the legal pitfalls of AI in the workplace.*

3. **“Does Cruella De Vil Just Need a Stress Leave?: The Latest Developments In FMLA/CFRA/PDL/PSL.”**

Topic Overview: *This presentation will cover the latest cases and legislation impacting family and medical leave, pregnancy disability leave, and paid sick leave, including a proposal under federal law to require paid parental leave, and the current status of a proposed bill that expands the scope of the California Family Rights Act to require employers with 5 or more employees (current law is 50 or more) to provide eligible employees with up to 12 weeks of unpaid leave for family care and medical leave if an employee has 180 days of service with the employer. If passed, this bill will significantly increase the obligations of all California employers with 5 or more employees to provide family and medical leave.*

4. **“I See Heffalumps and Woozles: Navigating Medical Marijuana In the Workplace – Must an Injured Worker’s Use be Accommodated?”**

*Presented by Troy W. Slaten, Esq., Partner at Floyd Skeren Manukian Langevin, LLP. **Topic Overview:** This presentation will provide an update for California employers on the current status of medical marijuana in the workplace, including a discussion of whether employers must accommodate the use of medical marijuana prescribed for an employee with a disability, and a review of proposed legislation, AB 882, which would prohibit an employer, regardless of the number of employees, from terminating an employee for testing positive for a drug that is being used as a medical-assisted treatment, prescribed by a physician or licensed treatment program.*

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2:15 pm to 2:30 pm: Afternoon Break

2:30 pm to 3:45 pm: Break Out Session Two

1. **“The Hazards of Gepetto’s Workshop: Employer Rights and Strategies that OSHA Does Not Want You To Know.”**

Topic Overview: *Mr. Parker will share real-world experiences and provide you with critical information about employer rights and best practices during an investigation. OSHA investigations are extremely time sensitive, emotional, and confusing – Mr. Parker will not only review the fundamentals of responding to an OSHA investigation, but will teach you how to appropriately respond to OSHA inquiries in a manner that may limit additional liability. The presentation will also discuss all phases of an OSHA inspection and provide tips on how to best manage each phase. Provided materials will include a case flow chart and employer’s checklist.*

2. **“Ariel Needs a Watch: 5 Key Tips for Managing Excessive Absenteeism – Without Violating the Law.”**

Topic Overview: *Excessive absenteeism by employees is one of the most significant challenges faced by employers, human resource administrators and risk managers, especially because such absences may be protected by law (e.g. family and medical leave, disability related leave, pregnancy leave, or paid sick leave). Therefore, before an employer decides to terminate an employee due to excessive absenteeism the employer must understand the laws that protect and excuse absences, and alternatively understand the definition of an unexcused absence so that appropriate disciplinary measures can be taken. This presentation will cover key cases and laws that protect absences; extended medical leaves; leave as an accommodation under the Fair Employment and Housing Act; and recommendations for employee discipline related to unexcused absences.*

3. **“Did Scrooge McDuck’s Employees Have I-9s?: Important Developments in Immigration Compliance and the Workplace.”**

Topic Overview: *This presentation will cover the latest developments in immigration law and trends impacting the workplace including a review of pertinent legislation such as California’s “Immigrant Worker Protection Act”; a discussion on the Social Security Administration’s substantial increase in the number of “No-Match” letters being sent to employers, and do’s and don’ts for employers in responding to such letters; and guidance for employers on the increasing number of Form I-9 audit notices being issued by the U.S. Immigration and Customs Enforcement (ICE).*

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4. **“Working For Maleficent: How Work Comp Claims Are Creating Employment Law Liability – What Employers Need to Know.” Topic Overview:**

Topic Overview: *Increasingly applicant attorneys are filing employment related claims along with the underlying work comp claim, such as harassment claims that form the basis for psych claims, and wage hour claims. This presentation will review key strategies for preventing and resolving employment law claims that are filed as part of a work comp claim, including global settlements obtained as part of a Compromise & Release.*

3:45 pm to 4:45 pm: Closing Session

“Cinderella Had A Great Meal and Rest Case Against Her Step Mother: What All Employers Must Understand About the Risk of Wage and Hour Lawsuits.”

Topic Overview: *Post-Brinker, meal and rest period PAGA and class action claims continue to skyrocket, resulting in multi-million dollar settlements and judgments against California employers. All employers are at risk, but employers with 100 or more employees are particularly at risk due to the size of their workforce and amount of damages. Unfortunately for employers, compliance with the law does not always prevent costly litigation. This presentation will cover key strategies for preventing and defending such claims, which all employers must understand and implement.*

4:45 pm to 6:00 pm: Reception