

Learn from the past.
PREPARE FOR THE FUTURE.



30th Annual LABOR & EMPLOYMENT LAW SEMINAR

Presented by the Labor & Employment Law Group of McNees Wallace & Nurick LLC

Thursday • 06.04.2020
8:45 a.m. - 2:45 p.m.

HERSHEY LODGE
325 University Dr. • Hershey, PA 17033



8:00 - 8:45 a.m. – Registration

8:45 - 10:15 a.m. – Opening Remarks, Introductions and Plenary

Plenary Session

Learn from the Past - Prepare for the Future

In this session, we will recap the biggest labor and employment legal developments over the last 30 years, with an eye toward what is to come.

A. The 1990's – The Decade of New Employment Statutes

Moderator: Eric Athey

Presenters: Shaun Henry and Kelley Kaufman

B. The 2000's – The Decade of Reactions and Regulations

Moderator: Brian Jackson

Presenters: Andrew Levy and Adam Long

C. The 2010's – The Decade of Executive Orders and Pendulum Swings

Moderator: Langdon Ramsburg

Presenters: Renee Lieux and Adam Santucci

10:15 - 10:35 a.m. – Break/Networking

10:35 - 11:35 a.m. – Concurrent Breakout Session #1

A. Supreme Court Update and Preview

Presenters: Mark Hipple and Chase O'Savio

The Supreme Court decided several employment law issues in 2019 and is set to decide several more contentious issues in 2020. In this session we will review the Court's 2019 decisions and discuss the impact the decisions have on the workplace. We will also address the Court's upcoming cases, including the collection of cases that will determine whether Title VII of the Civil Rights Act of 1964 prohibits discrimination based on an individual's sexual orientation and gender identity.

B. Workplace Drug Testing in Era of Medical Marijuana

Presenters: Denise Elliott, Micah Saul & Yesenia Justiniano

So medical marijuana is legal in PA and a majority of the U.S. . . . does that mean your workplace drug testing policy should go up in smoke? Not exactly. You can and should maintain a workplace drug testing policy, but your policy may need revision. This session will cover those revisions and discuss best practices for maintaining workplace safety while complying with the rapidly evolving law around marijuana legalization.

C. Recent NLRB Developments Affecting Unionized and Non-Union Employers

Presenters: Adam Santucci and Jennifer Will

For years, we lamented the pro-union, pro-employee agenda of the National Labor Relations Board. Now, we are happy to report that the NLRB is quietly restoring order and balance to labor and employee relations. This session will cover what private sector, union and non-union employers need to know about confidential investigations, the use of the employer's email system, union election rules, the NLRB's views on workplace policies and more.

11:35 a.m.- 12:30 p.m. – Lunch/Networking

12:30 - 1:30 p.m. – Concurrent Breakout Session #2

A. ADA/FMLA/WC Update: H.R.'s Role in Managing Employees with Mental Health Issues

Presenters: Kelley Kaufman and Ursula Siverling

Navigating situations involving employees with mental health issues in the workplace is becoming more prevalent for employers and their H.R. personnel. This session will work through the legal context and provide scenarios and best practices for supporting employees with mental health issues, and working through related medical leave and accommodation needs, as well as workplace safety questions that often arise.

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B. Wage & Hour Law in 2020: Keeping Up with Changes in Federal and State Law

Presenters: Adam Long and Austin Wolfe

Wage and hour compliance has long presented challenges for employers, and the risks associated with non-compliance continue to grow. Employers face overtime exemptions in flux, possible minimum wage rate changes, growing inconsistency between federal, state, and local requirements, and the continuing proliferation of class action litigation. This session will provide an update on wage and hour cases and regulatory activity over the last year and what employers should expect in 2021. The session also will highlight critical compliance issues for employers in our evolving 24/7 world.

C. Trends in Employment Litigation (Privacy, Pay Equity & ADR)

Presenters: Anne Zerbe, Shaun Henry and Mark Hipple

The last several years have brought a range of social, legislative and judicial developments that impact practical approaches for preventing and planning for employment litigation. This session will address a number of new and continuing legal trends that we expect to affect employment litigation this year and beyond. These trends include class action waivers, limits on enforcement of restrictive covenants, equal pay, alternative dispute resolution and more.

1:30 - 1:45 p.m. – Break

1:45 - 2:45 p.m. – Concurrent Breakout Session #3

A. Perils of the Digital World: An Employer’s Guide to Dealing with Data Breaches

Presenters: Andrew Levy and Devin Chwastyk

The Pennsylvania Supreme Court has made clear that employers in the Commonwealth have a duty to protect their employees’ personally identifiable information. This session will illustrate the best practices for employers to protect such information from unauthorized disclosure, along with the risks and ramifications of a data security breach.

B. Employee Benefits and Executive Compensation Update

Presenters: Eric Athey, Renee Lieux and Kim Weibley

In this session, we will give an update on issues ranging from the Affordable Care Act to the Secure Act and everything in between, including significant court decisions and regulatory developments governing ICHRAs, MEPs, PEPs, PPPs, Disclosures and Section 162.

C. Workplace Drug Testing in Era of Medical Marijuana

(Repeated from Breakout Session #1)

Pending Credits:

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|-----------------------------|------------------|
| CLE Substantive - 4.5 Hours | SHRM - 4.5 Hours |
| CPE Management - 4.5 Hours | HRCI - 4.5 Hours |

Online Registration

All registrations can be done online by clicking [here](#).

Registration Fees

Early Registration through April 30 — \$99.00 per person

May 1 - June 3 — \$149.00 per person

June 4 (At the Door) — \$229.00 per person

If you have any questions, please contact Karen Swaringen at 717.237.5430 or kswaringen@mcneeslaw.com.

For guests requiring overnight accommodations, please contact the Hershey Lodge directly at 717.533.2171.