



## 2023 Tri-State Regional Employer Conference

Tuesday, June 20 | New York, NY

8:00 a.m. – 8:45 a.m.

### Registration and Breakfast

8:45 a.m. – 10:00 a.m.

### Aftershocks: How the Pandemic Has Reshaped Leaves of Absence and Disability Accommodations

As employers continue to recall employees to the physical workplace, they face increasing numbers of employee requests for accommodations based on physical and mental health conditions, as well as proliferating state and local leave of absence requirements. HR and leave management professionals are challenged to relearn and update their pre-pandemic policies, while courts and agencies are increasingly receptive to novel requests to modify the way we work.

This panel will review how COVID-19 has reshaped leave and disability accommodation requirements and practices, including evolving assumptions about reasonableness, statutory changes, and the emerging case law in this area.

**Moderator:**  
Devjani Mishra, Shareholder, Littler New York

**Speakers:**  
Paula Anthony, Shareholder, Littler New Haven  
Jill Lowell, Shareholder, Littler Rochester  
Lauren Marcus, Shareholder, Littler Newark  
Sanjay Nair, Associate, Littler Long Island

10:00 a.m. – 10:15 a.m.

### Break

10:15 a.m. – 11:30 a.m.

### Breakout 1A | Reductions in Force Master Class - Part 1

The economic slowdown and fear of recession has caused companies across all industry sectors to restructure their operations and eliminate certain unprofitable lines of business, culminating in significant reductions in force. Is a business restructuring or reduction in force in your organization's future? The Reductions in Force Master Class will provide you with the critical skills and an essential understanding of the recommended practices your organization can employ to effectively right-size while avoiding legal risk. We will also provide you with the forms, checklists, and legal surveys you need to get through this detailed process and help ensure that your restructuring is compliant and implemented correctly.

**Speakers:**  
Shawn Clark, Shareholder, Littler New York  
Bruce Millman, Shareholder, Littler New York  
Terri Solomon, Shareholder, Littler New York  
Amber Spataro, Shareholder, Littler Newark  
Adriana Foreman, Associate, Littler New York

## Breakout 1B | Conducting Lawful Investigations in the Evolving Workplace - Part 1

Littler's 2.5-hour investigations session will address strategies for conducting effective investigations in our changing workplace. This program goes beyond lecturing, providing a unique interactive approach that gives participants an opportunity to get hands-on experience with some of the finer points of responding to allegations of workplace misconduct. Participants will also receive feedback from colleagues and experienced Littler attorney-facilitators regarding investigation and response strategies that address current workplace challenges.

### Speakers:

Jeanine Conley Daves, Office Managing Shareholder, Littler New York  
Jacqueline Phipps Polito, Office Managing Shareholder, Littler Rochester  
Lisa Griffith, Shareholder, Littler Long Island  
Emily Haigh, Shareholder, Littler New York

## Breakout 1C | Navigating the Minefields of Recruiting and Hiring: Pay Transparency, Pay Equity, Background Checks, Drug Testing

The stringent and detailed requirements of the new pay transparency and background check laws, along with the expanded equal pay laws and evolving drug testing laws, are potential land mines for employers and potential gold mines for plaintiffs' attorneys.

This session will provide practical advice on how to comply with these laws, including how the new pay transparency laws affect recruiting, the increase in pay equity lawsuits, proper classification of employees and labor contractors, how an HR professional can meaningfully apply the statutory factors for reviewing criminal checks, and compliance with drug testing laws as more states legalize marijuana.

### Speakers:

Stephen Fuchs, Shareholder, Littler New York  
Elizabeth McKenna, Shareholder, Littler New Haven  
Jean Schmidt, Shareholder, Littler New York  
Ellen Storch, Shareholder, Littler Long Island

11:30 a.m. – 11:45 a.m.

## Break

11:45 a.m. – 1:00 p.m.

## Breakout 2A | Reductions in Force Master Class - Part 2

The economic slowdown and fear of recession has caused companies across all industry sectors to restructure their operations and eliminate certain unprofitable lines of business, culminating in significant reductions in force. Is a business restructuring or reduction in force in your organization's future? The Reductions in Force Master Class will provide you with the critical skills and an essential understanding of the recommended practices your organization can employ to effectively right-size while avoiding legal risk. We will also provide you with the forms, checklists, and legal surveys you need to get through this detailed process and help ensure that your restructuring is compliant and implemented correctly.

### Speakers:

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Bruce Millman, Shareholder, Littler New York  
Terri Solomon, Shareholder, Littler New York  
Amber Spataro, Shareholder, Littler Newark  
Adriana Foreman, Associate, Littler New York

## Breakout 2B | Conducting Lawful Investigations in the Evolving Workplace - Part 2

Little's 2.5-hour investigations session will address strategies for conducting effective investigations in our changing workplace. This program goes beyond lecturing, providing a unique interactive approach that gives participants an opportunity to get hands-on experience with some of the finer points of responding to allegations of workplace misconduct. Participants will also receive feedback from colleagues and experienced Little attorney-facilitators regarding investigation and response strategies that address current workplace challenges.

### Speakers:

Jeanine Conley Daves, Office Managing Shareholder, Littler New York  
Jacqueline Phipps Polito, Office Managing Shareholder, Littler Rochester  
Lisa Griffith, Shareholder, Littler Long Island  
Emily Haigh, Shareholder, Littler New York

## Breakout 2C | Are Restrictive Covenants and Trade Secrets in Jeopardy? Updates and a Practical Plan for the Future

Does the FTC's proposed new rule place restrictive covenants in jeopardy? Is the DTSA the new wave of protecting your client and customer relationships? Get the latest updates on restrictive covenant and trade secret laws across the United States. The session will start with a lively discussion and debate regarding the FTC's proposed ban on noncompetition agreements, followed by practical advice concerning the future of restrictive covenants and trade secret protection.

### Speakers:

Ivan Novich, Shareholder, Littler Newark  
Eric Savage, Shareholder, Littler New York  
Miguel Lopez, Of Counsel, Littler New York  
Tyler Sims, Associate, Littler Newark

1:00 p.m. – 2:15 p.m.

### Keynote Lunch

**Do Something Different – My Journey to Chief Diversity Officer**  
A Fireside Chat with Darryl Gibbs, Chief Diversity Officer at Equitable

### Moderator:

Ivie Serieux, Shareholder, Littler New York

2:15 p.m. – 2:30 p.m.

### Break

2:30 p.m. – 3:45 p.m.

## Breakout 3A | The Resurgence of the Labor Movement and What It Means to Your Business

Amidst steady support from the federal government, a stressed-out workforce, and growing interest among the country's youngest workers, unions are on the minds of today's employers more than they have been in many years. Whether it's navigating the organizing and representation election process, understanding trends and priorities in bargaining, or preparing for labor strife, employers in the Tri-State area have good reason to reevaluate their labor relations protocols in an effort to mitigate risk. In this session, Little's Traditional Labor Law attorneys will discuss current developments that employers should be aware of, as well as steps employers in all industries should be taking now to understand their potential exposure under the NLRA. This session will benefit both nonunion and unionized employers.

### Speakers:

Theo E.M. Gould, Shareholder, Littler New York  
Alan Model, Shareholder, Littler Newark  
Jason Stanevich, Shareholder, Littler New Haven

## Breakout 3B | Whistleblowers: The New and Increased Risks

Employers are increasingly targets of lawsuits brought by employees who assert that they were subject to discipline or termination because they complained internally or to third parties about alleged violations of law or ethics. Employees who bring these claims are often those with direct internal responsibility for assuring that their employer is acting in a lawful manner, and so they may have access to highly confidential internal documentation concerning compliance. In addition to covering recent legal developments, we will discuss best practices in responding to these internal complaints, and the challenges posed by the complex and perhaps conflicting goals of encouraging employees to blow the whistle on unlawful conduct and guarding against internal retaliation, while defending against frivolous claims that are brought as preemptive strikes to avoid valid discipline.

### Speakers:

Philip Berkowitz, Shareholder, Littler New York  
Margaret Watson, Shareholder, Littler New York  
Jennifer Fischer, Of Counsel, Littler Newark

## Breakout 3C | Managing Your Global Workforce – Legal Pitfalls, Compliance Challenges and New Trends

Executives at U.S. corporate offices are frequently tasked with managing and making critical employment decisions about employees working outside the U.S. The workplace legal framework in many foreign countries is substantially different than in the U.S., which creates compliance risks for the unwary U.S.-based decisionmaker. During this session, our New York-based international team will update you on new trends and provide an overview of critical cross-border employment issues to understand, such as: 1) the hiring process and related documents; 2) developing global employment policies; 3) the use of independent contractors; 4) drafting and enforcing noncompete, non-solicit, confidentiality and IP agreements; 5) multi-country layoffs; and 6) use of AI and data privacy developments.

### Speakers:

Don Dowling, Shareholder, Littler New York  
Johan Lubbe, Shareholder, Littler New York  
Renata Neeser, Shareholder, Littler New York  
Isha Malhotra, Of Counsel, Littler Singapore

3:45 p.m. – 4:00 p.m.

## Break

4:00 p.m. – 5:15 p.m.

## Wage and Hour Update: What's New With New York Wage and Hour Law

The Wage and Hour Update is a fast-paced, highly entertaining session that provides a unique opportunity to understand the latest court cases, legislative and regulatory activity, and crucial developments in New York State Wage and Hour law that will affect your workplace and your responsibilities with respect to paying your employees properly. We will discuss issues such as overtime, exemptions, prevailing wages, recent trends in wage and hour lawsuits, Department of Labor enforcement activities, and likely changes on the horizon with respect to minimum wage obligations. 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.

### Speakers:

John Bauer, Office Managing Shareholder, Littler Long Island  
Eli Freedberg, Shareholder, Littler New York  
Michael Paglialonga, Of Counsel, Littler New York  
Scott Silverman, Associate, Littler Newark  
Erin Train, Associate, Littler Rochester

5:15 p.m.

## Cocktail Reception