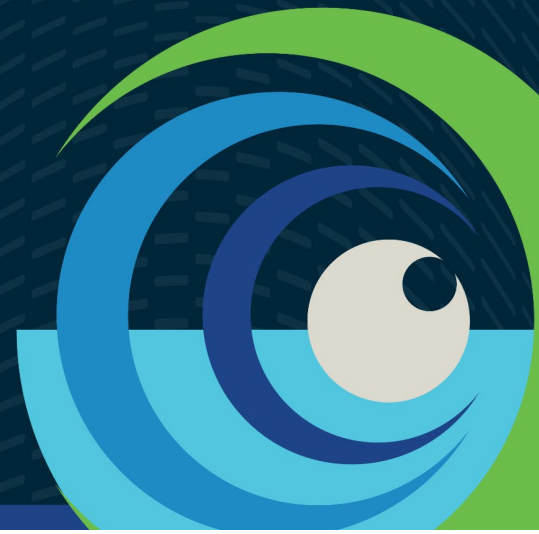




Littler

ENVISION WORK



OHIO REGIONAL EMPLOYER | CLEVELAND, OH | October 10, 2024

7:30 a.m. – 8:30 a.m.

Registration and Breakfast

8:30 a.m. – 9:45 a.m.

General Session

2024 Employment Law Update

A perennial favorite at the Littler's Executive Employer Conference, now brought to the Ohio Regional Employer, 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 that will affect your workplace and your responsibilities. As in the past, we have assembled a terrific team of Littler attorneys who will guide you through the maze of new developments and prepare you for the challenges ahead.

Speakers:

[Alex R. Frondorf](#), [Jennifer Orr](#), [Shannon K. Patton](#), [Amy Ryder Wentz](#)

9:45 a.m. – 10:00 a.m.

Break

10:00 a.m. – 11:00 a.m.

Breakout 2A

Strategies for Separating Employees: Tackling Release Agreements, Restrictive Covenants, and Trade Secret Protection in a Time of Legal Change

Companies expect finality if they pay for a release of all claims. But government agencies, state legislatures, and other rulemaking entities are increasingly imposing obligations on terms used in releases in order to accomplish their public policy goals. This session will update you on the developments in the past year, such as recent SEC activity imposing fines (one for \$10 million!) on companies for "chilling" employee efforts to cooperate with the government, state restrictions on confidentiality and nondisparagement clauses, and squaring the National Labor Relations Board's McLaren Macomb decision and SEC enforcement efforts with conflicting state #MeToo laws. Would it hurt to throw a noncompete or nonsolicitation clause in a

separation agreement when someone is walking out the door? We will address situations and the types of clauses that might hurt more than you think and provide strategies to avoid restrictive covenant pitfalls.

Speakers:

[Ryan J. Morley](#), [Brian P. FitzGerald](#), [John W. Hofstetter](#)

Breakout 2B

Flip the Script: Using Plaintiff's Data to Win Your Case

Faced with the 21st century data deluge, employers have a powerful weapon to level the discovery playing field in traditional asymmetrical litigation: a plethora of relevant – and sometimes case-ending – evidence, from cell tower pings and GPS data on mobile devices that may show where and how long a plaintiff was “working,” to social media accounts that may tip the scales in a case, to forensic inspections that may show the destruction or alteration of evidence. Using real-life examples, this interactive session will teach you how to find opportunities to win employment cases using plaintiff’s data. Test your knowledge of the contemporary risks faced by employers as the lines blur between personal and employer data, including when personal devices are used for work-related activities.

Speakers:

[Donald W. Myers](#), [Andrew N. Domozick](#)

11:00 a.m. – 11:15 a.m.

Break

11:15 a.m. – 12:15 p.m.

Breakout 3A

Artificial Intelligence and the Workplace

Artificial intelligence (“AI”) is undeniably transforming the workplace as employers increasingly rely on algorithms to determine who gets interviewed, hired, promoted, developed, disciplined, or fired. AI-powered programs such as ChatGPT have made headlines by writing essays on complex topics and even passing medical and law school exams. This presentation will explore the widespread benefits and legal risks of using AI in the workplace, the emerging regulatory landscape for workplace AI, and steps that employers can take to reduce their risks when using these tools.

Speakers:

[Bradford J. Kelley](#), [Monica Sislak](#)

Breakout 3B

IE&D Under Attack: Reducing Risk and Seizing the Opportunities in a Vastly Changing Climate

In the wake of increasing challenges, corporate leaders around the globe are grappling with how to lawfully drive inclusion, equity, and diversity initiatives to ensure equity in the workplace, while also complying with the law and reducing risks. Challenges have included the U.S. Supreme Court’s decisions in *Students for Fair Admissions v. Harvard University* and the University of North Carolina, letters to CEOs from several state attorney generals, and the Royal Air Force inquiry in the UK.

Forthcoming decisions, such as the U.S. Supreme Court’s opinion in *Muldrow v. City of St. Louis*, juxtaposed with evolving pressures on employers to react to world events, will also affect the future of IE&D. We will discuss what has really changed and what employers can lawfully do and how they can handle pressure to demonstrate IE&D in a vastly different landscape. And, crucially, we will talk about where the opportunities are for leaders to move beyond the noise.

Speakers:

[Edward H. Chyun](#), [Shannon Henry](#)

12:15 p.m. – 1:45 p.m.

Lunch Hour
A Littler Roundtable

1:45 p.m. – 2:00 p.m.

Break

2:00 p.m. – 3:00 p.m.

Breakout 5A
Labor Law for Employment Lawyers: What Every Business Needs To Know

True or false?

1. “The National Labor Relations Act (NLRA) only applies to unionized employers.” FALSE!
2. “Only members of a union can file unfair labor practice charges with the NLRB.” FALSE!

Section 7 of the NLRA gives all employees the right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from these activities. The Biden NLRB has recently issued several important decisions that impact both unionized and nonunionized employers. In addition, the NLRB General Counsel and the DOL, EEOC, SEC, and other governmental agencies have signed formal agreements to cooperate and share information. This means that every claim or charge with one agency could lead to additional claims and charges with the NLRB! Because of this, it is critical to be aware of potential claims under the NLRA, whether or not your company has workers who are represented by a union. In this session, Littler’s experienced modern labor attorneys will delve into recent labor law developments that every employment lawyer or HR professional needs to know.

Topics addressed include:

- New union organizing rules, including the standard for responding to union demands for recognition
- Expansion of protected concerted activity
- Stricter scrutiny of employee handbooks
- Scope of confidentiality and nondisparagement agreements
- The attack on noncompetes

Speakers:

[Brendan Fitzgerald](#), [Erik Hult](#), [James P. Smith](#), [Jason T. Hartzell](#)

Breakout 5B

Employer Best Practices for an Evolving Leave and Accommodation Landscape

The EEOC recently issued its Final Rule implementing the Pregnant Workers Fairness Act (PWFA), adding a new layer to employee leaves and accommodations. Join this session to explore how the FMLA, ADA, and PWFA intersect, how workplace injuries can impact the employer's leave and accommodation analysis, and how you can balance your obligations to the business and its employees. This session will also highlight common traps that lead to dissatisfied employees. Bring your questions, learn the legal landscape, and leave equipped to tackle the leave and accommodation issues that keep employers up at night.

Speakers:

[Trevor J. Hardy](#), [Nathan Pangrace](#), [Colleen Koehler](#)