

30th Annual Employment Law Seminar
March 6, 2024

Presented by:



- 8:30 a.m. **Registration and Continental Breakfast**
- 9:00 a.m. **Welcome and Opening Comments**
- 9:05 a.m. **The Labor Law World Turned on Its Head**
From making common employee handbook policies illegal, to greatly expanding what constitutes “protected concerted activity” for employees, to changing the union election rules to make it extraordinarily difficult for non-union employers to remain non union, in the last year the Biden National Labor Relations Board has enacted a host of substantial labor law changes that greatly impact union and non-union Indiana employers. This session will provide an up-to-date summary of the recent developments in labor law and offer tips on how Indiana businesses can adapt to satisfy them.
Stuart R. Buttrick, Partner
- 10:00 a.m. **ERISA Litigation Update**
It’s been another busy year for Employee Retirement Income Security Act of 1974 (ERISA) litigation, with new theories emerging for claims against benefit plans, plan sponsors and other plan fiduciaries. This session will discuss the most significant issues and trends from the past year in cases involving retirement plan litigation, health plan fiduciary litigation, arbitration clauses and the use of AI in benefits administration.
Gregory J. Ossi, Partner and Emily Kile-Maxwell, Associate
- 11:00 a.m. **Break**
- 11:10 a.m. **Is DEI DOA?**
In June 2023, the U.S. Supreme Court held unconstitutional the affirmative action practices in the college admissions programs of Harvard University and the University of North Carolina, sending a shockwave through academia. And despite this opinion addressing only these two specific college admissions processes, political rhetoric and burgeoning litigation have now called into question the diversity, equity and inclusion (DEI) efforts of American organizations. Even so, achieving the objectives of DEI and similar initiatives remains important, or even essential, to many institutions. So how should these aims be pursued in the wake of the Supreme Court’s opinion? Attend this session for advice on how to thread this shifting eye of the needle.
James R. Strickland, Associate
- 12:10 p.m. **Lunch (provided)**
- 1:00 p.m. **Navigating the I-9 Maze**
This session will address the new Form I-9, along with compliance and worksite enforcement updates. It will focus on recent I-9 updates from United States Citizenship and Immigration Services, including alternative procedures for E-Verify employers to remotely examine employer documents and the new Form I-9 that must be used starting November 1, 2023.
Sari M. Long, Partner

2:00 p.m.

Evaluating Risk Through an Effective Workplace Audit

Employers often must navigate a complex network of federal, state and local laws when making decisions that impact their employees. The burden of doing that has become more prevalent as employees embrace remote work arrangements and employers provide more flexibility to recruit and retain quality candidates. Given all that, employers of any size can benefit from an effective workplace audit that can identify potential noncompliance and measure the extent of any liability that noncompliance may impose. A workplace audit can include evaluating wage and hour practices (e.g., exempt classifications, meal and rest breaks, time tracking, pay periods), nondiscrimination and harassment policies (including effective complaint procedures and training obligations), independent contractor/consultant relationships, hiring practices, onboarding practices (e.g., I-9 compliance, background checks, wage notices, drug testing), personnel policies and procedures (e.g., leaves of absence, sick leave, disciplinary guidelines) and many other workplace practices. In this session, we will discuss some areas where potential liability may lurk and explore potential solutions for addressing noncompliance so that you may consider whether your business needs a workplace audit.

Sylvia St. Clair, Associate

3:00 p.m.

Break

3:10 p.m.

Employer Compliance in the California Republic

If you have operations or employees in California, employer compliance issues are often unique, or at least different, there. This session will discuss many of these compliance matters, such as arbitration agreements, confidentiality and non-disparagement clauses, employee mobility and restrictive covenants, forum and choice of law, paid sick leave and other leaves of absence, privacy rights, separation/settlement/release agreements, wage and hour “gotchas” and work-for-hire/invention assignment.

Mark E. Terman, Partner

4:15 p.m.

Adjourn