

2022

HR FALL  
TRAINING  
CAMP

EMPLOYMENT LAW SEMINAR

8:00 AM TO 3:30 PM

9/20

**KALAMAZOO**

Western Michigan University  
Fetzer Center

**TROY**

MSU Management  
Education Center

10/25

Presented by

MILLER  
CANFIELD

# GENERAL SCHEDULE

**Miller Canfield's Annual Employment Law Webinar is designed for corporate counsel, human resource professionals and business executives who need to stay ahead of the ever-changing employment and legal curve.**

## MORNING

- 8:00 – 8:30** Registration, Continental Breakfast and Seating
- 8:30 – 8:40** Welcome
- 8:40 – 9:25** What's Hot in Employment and Labor Law
- 9:25 – 10:10** Beyond Covid-19: Managing and Motivating a Hybrid Workforce
- 10:10 – 10:25** Break
- 10:25 – 11:10** Handling Disability Disclosures, Accommodation Requests and Employee Leave
- 11:10 – 11:55** Correcting Overtime and Worker Misclassification Issues Before They Result in Litigation
- 11:55 – 12:15** Questions and Answers

## AFTERNOON

- 12:15 – 1:15** Lunch
- 12:45 – 3:15** Workshops (Five to Choose From)
- 2:15 – 2:30** Break
- 2:30 – 3:30** Workshops (Six to Choose From)

## WORKSHOPS

- Properly Constructing and Implementing Workplace Investigations **(x2)**
- Why Every Employer – Union and Non-Union Alike – Needs to Pay Attention to Recent Developments at the NLRB **(x2)**
- Toolkit for Drafting Severance and Release Agreements, for Individual Terminations and Reductions in Force **(x2)**
- Protecting Your Most Valuable Assets: Non-Competes, Non-Solicitations and other Restrictive Covenants **(x2)**
- Immigration Strategies and Updates **(x2)**
- Employee Benefits Update: Assessing the Impact of Recent Litigation **(x1)**

# MORNING AGENDA

8:30 a.m. **WELCOME**

8:40 a.m. **WHAT'S HOT IN EMPLOYMENT AND LABOR LAW**

**PRESENTER:** Scott Eldridge

We will be reviewing the latest changes in the areas of employment law, including a review of the key court decisions impacting employers on a day-to-day basis. We will also provide an overview of anticipated regulatory action by the Biden administration and legislative developments at the state and federal level. Finally, we will touch on the potential impact of the upcoming election season, including relevant ballot proposals and the effect on changes in the makeup of the Michigan legislature and Congress.

9:25 a.m. **BEYOND COVID-19: MANAGING AND MOTIVATING A HYBRID WORKFORCE**

**PRESENTERS:** Brian Schwartz and Richard Warren

The effect of COVID-19 on the workplace remains far-reaching and perhaps permanent. In this session, we will review the legal challenges and problems posed by hybrid work, including: issues related to wage and hour monitoring, including the legality of using surveillance and monitoring tools for at-home workers; ensuring compliance with discrimination and harassment policies; disciplining and terminating hybrid workers; effective tools to use when workers push back against a permanent return to in-office work; and the circumstances under which remote work triggers application of state laws where the company does not currently operate.

8:30 a.m. **BREAK**

10:25 a.m. **HANDLING DISABILITY DISCLOSURES, ACCOMMODATION REQUESTS AND EMPLOYEE LEAVE**

**PRESENTERS:** Megan Norris and Sydney Rohlicek

Sometimes employee requests for leave and accommodation can feel like a very complicated alphabet soup of rules, especially when the laws and rules intersect, as often happens with FMLA, PTO, STD, LTD, PMLA and ADA. We'll explore what notice triggers the duty to accommodate and the importance of considering all accommodation options. We'll also discuss what we've learned from the EEOC's response to COVID, including answers to questions like: Why does the employer have to keep medical information private, even if everyone knows about an employee's illness?

11:10 a.m. **CORRECTING OVERTIME AND WORKER MISCLASSIFICATION ISSUES BEFORE THEY RESULT IN LITIGATION**

**PRESENTERS:** Ashley Higginson and Deja Davis

The FLSA remains difficult for employers to maintain compliance with, given its nuance and ever-changing guidance. Misclassification of workers and overtime pay requirements continue to be a minefield. In this session, we review myths surrounding misclassification, address how to properly classify workers, discuss current regulatory guidance and standards, and consider the obstacles associated with current wage and overtime rules.

11:55 a.m. **QUESTIONS AND ANSWERS**

# 1:15 AND 2:30 P.M. WORKSHOPS

## **PROPERLY CONSTRUCTING AND IMPLEMENTING WORKPLACE INVESTIGATIONS**

**PRESENTERS:** Jennifer Sabourin and Erica Jilek

Allegations of workplace misconduct are serious business. Knowing how to conduct an effective internal investigation that will withstand legal scrutiny is an indispensable skill for HR professionals. To be legally compliant, workplace investigations must be timely, led by a competent investigator, thorough, and reasonable under the circumstances. Yet, even to the most experienced HR professionals, workplace investigations are often challenging and time-consuming. This webinar examines best practices for workplace investigations of a variety of claims, including harassment, discrimination, retaliation, and other unlawful employment practices.

## **WHY EVERY EMPLOYER – UNION AND NON-UNION ALIKE – NEEDS TO PAY ATTENTION TO RECENT DEVELOPMENTS AT THE NLRB**

**PRESENTERS:** Robert Zielinski and Ahmad Chehab

We'll take a deep dive into the Biden administration's actions encouraging union activities, recent NLRB decisions and rule changes.

## **TOOLKIT FOR DRAFTING SEVERANCE AND RELEASE AGREEMENTS, FOR INDIVIDUAL TERMINATIONS AND REDUCTIONS IN FORCE**

**PRESENTERS:** Kiffi Ford and Lawrence Garcia

All employment relationships eventually come to an end; some of those endings have the potential to pose legal risks to employers. With a little organization and a few tools in the toolbox, employers can significantly reduce those risks. We'll discuss layoffs and reductions in force, which require special attention and adherence to rules, as well as tailored separation agreements, waivers, confidentiality and the ownership of ideas and products.

## **PROTECTING YOUR MOST VALUABLE ASSETS: NON-COMPETES, NON-SOLICITATIONS AND OTHER RESTRICTIVE COVENANTS**

**PRESENTERS:** Steven Platt, Schuyler Ferguson and Kirstina Magyari

It's a job-seeker's market again and employees are on the move. We'll discuss how to preserve the at-will employment relationship, how to protect your organization's interests in dealing with departing employees, best practices in drafting confidential intellectual property rights and non-disclosure agreements, and the limitations of non-compete agreement enforceability.

## **IMMIGRATION STRATEGIES AND UPDATES**

**PRESENTERS:** Julianne Cassin Sharp, Elizabeth Boyda Baker and Christopher Dutot

In a world where immigration policies are constantly changing, we will discuss the latest developments and how they impact employers and employees. Topics will include employment-based nonimmigrant classifications, the Green Card sponsorship process, I-9 and E-verify, "do's and don'ts" during hiring and recruitment, and an overview of hot topics and recent changes in immigration law.

## **EMPLOYEE BENEFITS UPDATE: ASSESSING THE IMPACT OF RECENT LITIGATION (2:30 p.m. only)**

**PRESENTERS:** Samantha Kopacz and Brian Gallagher

We will discuss recent litigation and changes to the laws governing employee benefits, including lessons learned from *Hughes v. Northwestern* and the landmark decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*, and the impact it may have on benefits programs.

# REGISTER TODAY

## ADVANCE PREPAID REGISTRATION REQUIRED

\$100 per person

## REGISTER

[millercanfield.com/2022HRFallTrainingCamp](http://millercanfield.com/2022HRFallTrainingCamp)

## QUESTIONS?

Contact Heather Willis

313.496.7902 | [willis@millercanfield.com](mailto:willis@millercanfield.com)

No refunds will be provided for cancellations within one week of the seminar; however, substitutions will be accepted.

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**HRCI, SHRM, CLE CREDITS PENDING**

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“The [Miller Canfield Employment and Labor] practice consistently  
satisfies its clients with the standard of its work and its level of service.”

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“The firm undertakes work of a significant complexity  
level for some noteworthy clients.”

*– Chambers & Partners*

“The firm demonstrates significant bench breadth.”

*– Chambers & Partners*

“I rate their ability to handle complex and sophisticated matters as strong.  
The partners I work with are highly skilled. I rate their  
service levels and responsiveness as very strong.”

*– Client Endorsement*

“[Miller Canfield attorneys] really stand out in labor and employment.”

*– Client Endorsement*

“Their service levels are very strong, as they are very responsive. The depth  
and breadth of [the Miller Canfield Employment and Labor Group], as well as  
their ability to handle complex matters, is very strong as well.”

*– Client Endorsement*

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