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APRIL 19–20, 2018 | PLYMOUTH

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Tackle Today's Hot Topics in Labor and Employment Law

Hear up-to-date, expert analyses on timely topics. Make connections with decision makers and your next client. Comprehensive updates on ADA, EEOC, FMLA, and FLSA. The latest decisions from the NLRB. Learn techniques to resolve public sector claims. Plus, check out our new tracks: plaintiff, defense, and HR leadership.

For Lawyers

Updates on ADA, EEOC, FMLA, and FLSA

If you're not on top of these constantly evolving areas, your practice may suffer. Get expert tips from both plaintiff and defense lawyers.

Defense and Plaintiff Tips for Whistleblower Retaliation Suits

These cases are on the rise. Avoid procedural pitfalls and employ the essential elements you need to win your case.

Strategies to Resolve Public Sector Claims

This is a complicated area of law. Learn to effectively use pre-litigation tactics to gain a competitive edge—no matter who you represent.

For HR Professionals

Two Days of Dedicated Programming

Leaders in the law and HR combine to keep you current on new law. Using real-life scenarios, vote on how you would handle situations—then get the experts' viewpoints.

Tips for Pre-Employment Testing

Personality and strengths tests are becoming more commonplace. Understand employer responsibilities so you can avoid litigation.

Essential HRCI General and Business Credits

HR pros are called upon more and more to be strategic leaders. From litigation-related change management to development plans, guide your executive team with confidence. Reduce costs, increase efficiencies, and enhance productivity.

Featured Speakers



Colleen J. Carol

National Labor Relations Board, *Grand Rapids*

Colleen Carol has been with the National Labor Relations Board for 18 years as a field attorney in both the Grand Rapids and Chicago offices. She has extensive experience in investigating and litigating unfair labor practices both within the NLRB's administrative proceedings as well as U.S. District Court.



Stephen R. Drew

Drew Cooper & Anding, *Grand Rapids*

Practicing in the area of litigation, Stephen R. Drew concentrates on trial advocacy before federal, state, and administrative tribunals with an emphasis on civil rights and employment, including sexual and racial harassment, discrimination, police misconduct, and personal injury litigation.



James M. Reid IV

Maddin Hauser Roth & Heller PC, *Southfield*

James M. Reid IV is a shareholder and member of the firm's corporate/employment and franchise and distribution practice groups. Mr. Reid works mainly with employers on a spectrum of employment issues, including counseling and advising human resources professionals and business owners.



Susan West

QuadWest Associates LLC, *Troy*

Susan West is CEO and founder of the firm. As a consultant, business coach, and trainer/speaker, Ms. West and a team of HR business professionals provide HR consulting services, payroll processing services, and leadership development training. She brings more than 25 years of corporate executive, operational, and HR experience to her management consulting.

Details

April 19–20, 2018

Plymouth, Michigan

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See page 8

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Updated for 2018, every attendee gets a free **Legal Resource Guide**. Use it for quick and easy reference throughout the year.

Contributed by: Lori Keen Adamcheski, Blue Cross Blue Shield of Michigan, *Detroit*; Stuart M. Israel, Legghio & Israel, PC, *Royal Oak*; Ronda Tate Truvillion, Lewis & Munday PC, *Detroit*

Agenda

8:00am Continental Breakfast, Vendor Showcase, and Registration (Both Days)

THURSDAY, APRIL 19, 2018

- 9:00am** Welcome and Section Activity Update
- 9:20am** Americans with Disabilities Act Update
- 10:05am** Networking Break
- 10:20am** Equal Employment Opportunity Update
- 11:05am** Family and Medical Leave Act Update
- 11:55am** Networking Lunch On-Site *(all attendees)*
- 11:55am** Special Lunch Roundtable Event: Networking and Marketing *(pre-registration required)*
- 1:10pm** Fair Labor Standards Act Update

	Labor Law Track	Employment Law Track	Human Resources Professionals Track
2:05pm	Top Things the Non-Labor Lawyer Needs to Know	Anatomy of a Whistleblower Retaliation Lawsuit	The Year in Review for Human Resources Professionals: Part One
2:50pm	Networking Break	Networking Break	Networking Break
3:05pm	MERC/NLRB Update	Understanding the Unique Aspects of Bringing and Defending Public Sector Employment Claims	The Year in Review for Human Resources Professionals: Part Two
4:00pm	Nuts and Bolts of Responding to an Unfair Labor Practice Charge	The Civil Workplace: Navigating Employee Rights to Demonstrate and Protest	Best Practices for Pre-Employment Screening and Testing

4:45pm Networking Reception

FRIDAY, APRIL 20, 2018

	Plaintiff Practice Track¹	Defense Practice Track¹	Human Resources Leadership Track¹
9:00am	Maximizing the Value of Your Case	Litigating Against the Pro Se Plaintiff	Utilizing Internal Investigation to Implement Organizational Change ²
9:55am	How and When to Use Expert Witnesses	Top Overlooked Employer Issues Defense Lawyers Need to Know	Creating a Strategic Training and Development Plan for Your Organization

- 10:50am** Networking Break
- 11:05am** The Evolving e-Workplace Update

¹MP3 download available for all sessions of this track to all registrants after the seminar.



This program has been approved for Recertification Credit Hours Awarded: 7.75 Specified Credit Hours: HR (General) recertification credit hours toward aPHR™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™, SPHRi™ recertification through HR Certification Institute® (HRCI®).

²The Utilizing Internal Investigation to Implement Organizational Change topic is awarded HRCI business credit. You will receive the program ID number on-site to include on your recertification application form. The use of this seal confirms that this activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval. For more information about certification or recertification, please visit www.hrci.org.



The Institute of Continuing Legal Education is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CPSM or SHRM-SCPSM.

Tracks

Plenary Sessions

9:00am/Thursday

Welcome and Section Activity Update

Gloria A. Hage, Chair, Labor & Employment Law Section of the State Bar of Michigan, Eastern Michigan University, *Ypsilanti*

9:20am/Thursday

Americans with Disabilities Act Update

Megan P. Norris, Miller Canfield PLC, *Detroit*; John R. Runyan, Sachs Waldman PC, *Detroit*

10:20am/Thursday

Equal Employment Opportunity Update

Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Heidi T. Sharp, Burgess Sharp & Golden PLLC, *Clinton Township*

11:05am/Thursday

Family and Medical Leave Act Update

Susan Hartmus Hiser, The Murray Law Group PC, *Bingham Farms*; Brian E. Koncius, Bogas & Koncius PC, *Bingham Farms*

11:55am/Thursday

Networking Lunch On-Site (all attendees)

Relax and join faculty, sponsors, exhibitors, and fellow registrants for a leisurely lunch.

11:55am/Thursday

Special Lunch Roundtable Event: Networking and Marketing (pre-registration required)

Sit down with leaders in marketing, human resources, labor law, and employment law to learn how they rose to the top of their fields. Share your experiences, meet new contacts, and network with your colleagues.

Get new ideas and strategies for individual career marketing and career advancement opportunities.

1:10pm/Thursday

Fair Labor Standards Act Update

Robert A. Boonin, Dykema, *Ann Arbor*; Jesse L. Young, Sommers Schwartz PC, *Southfield*

11:05am/Friday

The Evolving e-Workplace Update

Don't miss this year's roundup of the latest developments in technology and the workplace. From wearable technology to artificial intelligence and robotics, gain insight into the challenges faced by employer and employee alike. Plus learn how recent court and administrative agency decisions continue to shape the e-workplace.

Adam S. Forman, Epstein Becker & Green PC, *Southfield*

4:45pm/Thursday

Networking Reception

Relax and join faculty, sponsors, exhibitors, and fellow registrants for light hors d'oeuvres and cocktails.

Employment Law Track

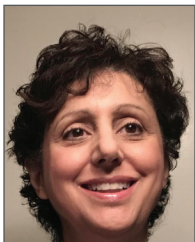
2:05pm/Thursday

Anatomy of a Whistleblower Retaliation Lawsuit

Take a chronological approach to analyzing key issues in whistleblower retaliation lawsuits. Assess "front-end" procedural considerations such as statutes of limitation, exhaustion of administrative remedies, venue, and more. Evaluate the essential elements of a prima facie case of retaliation under differing evidentiary standards. Determine the strength of the employer's legitimate, nondiscriminatory reason for taking adverse action and learn techniques for attacking the employer's reason too.

Megan A. Bonanni, Pitt McGehee Palmer & Rivers PC, *Royal Oak*; William J. Vincent, Littler Mendelson PC, *Detroit*

Moderators



Plenary Sessions and Employment Law Track

Gloria A. Hage

Chair, Labor & Employment Law Section of the State Bar of Michigan, Eastern Michigan University, *Ypsilanti*



Labor Law Track

Anthony Bauman

Federal Mediation & Conciliation Service, *Troy*



Human Resources Professionals Track

Laurita E. Thomas

The University of Michigan, *Ann Arbor*



Plenary Sessions and Defense Practice Track

Karen B. Berkery

Kitch Drutchas Wagner Valitutti & Sherbrook PC, *Detroit*



Human Resources Leadership Track

Maurice G. Jenkins

Jackson Lewis PC, *Southfield*

Tracks

3:05pm/Thursday

Understanding the Unique Aspects of Bringing and Defending Public Sector Employment Claims

Litigating public sector claims can be tricky—until now. Identify and understand the legal framework, including pleadings and defenses unique to these claims. Use pre-litigation strategy to avoid potential procedural barriers, and learn to spot issues surrounding settlement, damages, and payment in the public sector that may affect the ultimate resolution of a matter.

Gloria A. Hage, Chair, Labor & Employment Law Section of the State Bar of Michigan, Eastern Michigan University, *Ypsilanti*; Sarah S. Prescott, Salvatore Prescott & Porter, *Northville*

4:00pm/Thursday

The Civil Workplace: Navigating Employee Rights to Demonstrate and Protest

Maintaining a positive and productive work environment is challenging in the current climate. From political protests to neo-Nazi rallies to memos about gender diversity—the workplace is filled with outspoken employees who want to be heard. Get tips from both plaintiff and defense counsel about how they would advise their clients in these situations. Determine whether discipline should be considered, what legal protections may be in place, and how it all impacts the work environment.

Daimeon Cotton, Cotton Law Center PLLC, *Detroit*; Jeffrey S. Kopp, Foley & Lardner LLP, *Detroit*

Human Resources Professionals Track

2:05pm/Thursday and 3:05pm/Thursday

The Year in Review for Human Resources Professionals: Parts One and Two

This annual update uses case studies and audience voting to show how the newest court decisions impact your human resources department. Get expert insight and analysis from top experts who advise HR professionals in their practice every day. Bring your questions and get them answered!

Robert A. Boonin, Dykema, *Ann Arbor*; Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Susan Hartmus Hiser, The Murray Law Group PC, *Bingham Farms*; John R. Runyan, Sachs Waldman PC, *Detroit*

4:00pm/Thursday

Best Practices for Pre-Employment Screening and Testing

The use of personality tests and assessments to screen applicants is an increasingly popular tool. Testing vendors' claim assessments helps reduce turnover, improve safety, and locate candidates that align with a company's values. Examine how employers use pre-employment tests and the potential legal liabilities associated with them. Understand what "validation" means under the Uniform Guidelines on Employee Selection Procedures and how and when to monitor tests for adverse impact and ADA issues.

S. Rae Gross, Ogletree Deakins Nash Smoak & Stewart PC, *Birmingham*

Labor Law Track

2:05pm/Thursday

Top Things the Non-Labor Lawyer Needs to Know

When your practice occasionally involves labor issues, you don't know what you don't know. But this panel does. Get the must-know information like understanding the role of the union and employee rights in a unionized workforce. Plus, learn to identify the factors that may lead to an unexpected joint employer relationship with contractors and how to determine if current employment policies comply with the National Labor Relations Act.

Robert D. Fetter, Miller Cohen PLC, *Detroit*; Philip B. Phillips, Foley & Lardner LLP, *Detroit*

3:05pm/Thursday

MERC/NLRB Update

Explore the most significant decisions issued by the National Labor Relations Board, the courts, Michigan Employment Relations Commission, and Michigan Court of Appeals in reviewing MERC decisions.

D. Lynn Morison, Bureau of Employment Relations/ Michigan Employment Relations Commission, *Detroit*; Dynn Nick, National Labor Relations Board, *Detroit*

4:00pm/Thursday

Nuts and Bolts of Responding to an Unfair Labor Practice Charge

Using a case study, experts in the trenches give step-by-step guidance through an unfair labor practice charge. Dig into the procedure of bringing charges and responding. Take away strategies for handling investigations, seeking remedies, appealing decisions, and more.

Colleen J. Carol, National Labor Relations Board, *Grand Rapids*; Craig S. Schwartz, Butzel Long, *Bloomfield Hills*

Defense Practice Track

9:00am/Friday

Litigating Against the Pro Se Plaintiff

As the number of pro se litigants increases, so does the time and cost associated with these cases. Often pro se plaintiffs have very little understanding of the nuances associated with attempting to file employment-based lawsuits, including the timing for filing the lawsuit and the requirement to first exhaust available administrative remedies. Identify strategies and techniques for effectively and ethically working with pro se plaintiffs at every stage, including mediation.

Karen B. Berkery, Kitch Drutchas Wagner Valitutti & Sherbrook PC, *Detroit*

9:55am/Friday

Top Overlooked Employer Issues Defense Lawyers Need to Know

Sometimes the devil really is in the details—so don't get caught off-guard. From arbitration provisions to FLSA safe harbor rules and more, this segment covers the most important, lesser-known and often-overlooked issues facing employment defense lawyers today.

Lori Keen Adamcheski, Blue Cross Blue Shield of Michigan, *Detroit*; David R. Deromedi, Dickinson Wright PLLC, *Detroit*

Tracks

Human Resources Leadership Track

9:00am/Friday

Utilizing Internal Investigation to Implement Organizational Change

Approved for HRCI Business Credit

Sometimes past and even current litigation can be the catalyst for organizational change. Learn to develop a change management strategy for your organization based on lessons learned from the example case *Castelluccio v IBM*. Identify processes to help your organization harness future litigation as a basis for a change management strategy, including reducing costs and increasing efficiencies across the organization. Become a change leader to help intertwine change management strategy into the organization's strategic plan.

James F. Hermon, Dykema, *Detroit*; Jennifer L. Sabourin, Miller Canfield PLC, *Detroit*; Eric L. Walker, Piston Group—Corporate Offices, *Redford*

9:55am/Friday

Creating a Strategic Training and Development Plan for Your Organization

Lead your organization beyond just training compliance to the new frontier of strategic development using competencies. Explain how the competency model helps enhance productivity, increases morale, and raises the public image of the organization—all leading to improved financials. This segment will teach you to work with your executive team to ethically identify specific leadership competencies, integrate competencies with the organizational strategy, use the competencies to create a development plan for key talent, and implement competency-based training.

Kelly Jackson, OHM Advisors, *Livonia*; James M. Reid IV, Maddin Hauser Roth & Heller PC, *Southfield*; Susan West, QuadWest Associates LLC, *Troy*

Plaintiff Practice Track

9:00am/Friday

Maximizing the Value of Your Case

Positioning each case for a maximum return on investment is the secret to running a successful practice. Get best practice tips for improving your ROI from experienced plaintiff lawyers. Can your client withstand the stress and scrutiny of litigation? What defendants are worth suing? What's the best jurisdiction and venue to file? From who to depose and when to properly evaluate the value of your case, you'll gain insight into what cases are worth taking to trial and which to settle early.

Stephen R. Drew, Drew Cooper & Anding, *Grand Rapids*; Cary S. McGehee, Pitt McGehee Palmer & Rivers PC, *Royal Oak*

9:55am/Friday

How and When to Use Expert Witnesses

Expert witnesses are often important for proving claims and rebutting defenses in employment litigation. But are they always needed? Get strategies for determining when your case needs an expert and when it doesn't. Examine whether relevant information can be obtained from other witnesses, including defense witnesses. Identify what local experts may be able to help your case and the costs associated with retaining an expert.

Kevin M. Carlson, Kevin M. Carlson PLLC, *Plymouth*

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Prices guaranteed until 04/20/18. ¹Please attach additional sheet listing lawyers attending. ²Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. ³Registrants will receive the print handbook and electronic materials if no format is specified. Select "electronic materials only" discount or enter SAVE25 online to save \$25 off registration fee. Materials will be posted online before the seminar. **Complete Seminar Policy:** www.icle.org/info/seminarpolicies. **Cancellation Policy:** For a full refund, notify ICLE by 04/05/18. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 04/12/18. **Persons with Disabilities or Dietary Restrictions:** For special arrangements, please contact ICLE no later than seven days before the seminar.

Accommodations: The Inn at St. John's, 44045 Five Mile, Road, Plymouth, MI 48170

A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE for April 18–19, 2018. The room rate is \$152/night. Please call 734-414-0600 to reserve a room. Reservations must be made by 03/27/18. Registrants are responsible for their own hotel expenses.

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