



APRIL 19–20, 2022 | PLYMOUTH

47TH ANNUAL

# Labor & Employment Law Institute

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# Tackle Today's Hot Topics

Workers leaving in droves. Remote work becoming the norm. Employees demanding more. There's so much to manage—and the climate keeps changing. With 30 speakers covering the hottest topics, this in-person event helps you make sense of today's workplace. Get expert analyses and keep current so your clients and companies stay one step ahead.

## Ideal for Lawyers and HR Professionals

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### **'Cultural Change' and 'Cancel Culture'**

A damaged reputation can be hard to rebuild. Protect your clients and companies from the missteps that can arise as workplaces become more diverse. Help start meaningful conversations and create lasting change—without alienating anyone.

Luther Wright, Jr.  
Ogletree Deakins, *Nashville, TN*



### **Impacts of 'The Great Resignation'**

Women are among those leaving the workforce in record numbers. Understand why so you can prepare for the impact down the road. Develop strategies for finding new employees and tackling leave issues.

Tiffany A. Buckley-Norwood  
Trinity Health, *Livonia*



### **Remote Work Considerations**

Get the latest thinking so you can handle issues involving the supervision of remote workers, COVID-19 regulations and vaccines, taxes and worker's compensation, returning to the office, and more.

Thomas L. Kent  
University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*

### **NEW! Join Us Mid-Week This Year**

This year only, the institute will be held on a Tuesday and Wednesday. Mark your calendar and join us in person.

## Can't-Miss Update Sessions

### Federal Updates

Get practical takeaways regarding the ADA, EEOC, FMLA, FLSA, and mandatory EEO-1 filing requirements. Each federal update session features a plaintiff lawyer and a defense lawyer—top Michigan practitioners you know and trust.

### HR Updates

Solve real-life scenarios in our newly expanded “Human Resources Challenges.” Two sessions give you even more opportunity to vote on how you would handle workplace situations, then get the experts’ perspectives.

### Technology Updates

In our session on data privacy and cybersecurity threats, a certified expert in information privacy walks you through common scenarios. Learn not only how to prevent incidents, but how to respond—and ultimately minimize risk to the business. Plus, don’t miss Adam Forman’s ever-popular “Evolving e-Workplace Update.” Get insights on how to avoid pitfalls caused by new software, artificial intelligence, and more. Grasp how statutes, regulations, and other factors are affecting technology in the workplace.

“ I am continually impressed by the talent, expertise, and knowledge of the lawyers who present at the institute. ”

Susan Hartmus Hiser  
Fisher & Phillips LLP, *Bingham Farms*

### Featured Speakers



Robert A. Boonin  
Dykema, *Ann Arbor*

Rob is no stranger to this event and has been described as both “thorough” and “witty” over his many years as a presenter. He brings 35+ years of experience to the FLSA update.



Heidi T. Sharp  
The Sharp Firm PLLC, *Clinton Township*

As Heidi says of the institute, “You’ll hear from practitioners who are in the trenches every day.” She’s one of them—and shares invaluable insight on EEO.



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

Adam is a sought-after lecturer on tech-related issues—and is one of our most popular presenters. He is also known for his knowledge of equal opportunity matters.

## Agenda

CLE: 8.25 HRCI: Pending SHRM: 8.25 LEVEL: Basic/Intermediate/Advanced

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

### TUESDAY, APRIL 19, 2022

**9:00am** Welcome and Section Activity Update

**9:20am** Navigating the Space Between ‘Cultural Change’ and ‘Cancel Culture’

**10:05am** Networking Break

**10:20am** Women and the Workplace: Impacts of ‘The Great Resignation’

**11:10am** Operational and Legal Considerations of Remote and Hybrid Work

**12:00pm** Networking Lunch On-Site (All Attendees)

**12:00pm** Special Lunch Roundtable Event: Networking and Marketing (Preregistration Required—Limit 60)

#### Legal Updates Track

**1:15pm** What’s Happening with the Americans with Disabilities Act (ADA)

**2:10pm** What’s Happening with the Family and Medical Leave Act (FMLA)

**3:00pm** Networking Break

**3:15pm** What’s Happening with Equal Employment Opportunity (EEO)

**4:10pm** What’s Happening with the Fair Labor Standards Act (FLSA)

#### Human Resources Professionals Track

Human Resources Challenges Today: Part 1

Human Resources Challenges Today: Part 2

Networking Break

Executive Compensation 101

Leaves of Absence: Practically Speaking

**5:00pm** Networking Reception

### WEDNESDAY, APRIL 20, 2022

#### Employment Track\*

**9:00am** NIL: Legal Implications of the Name, Image, Likeness Era

**10:00am** Trends in Workplace Data Privacy and Cybersecurity Threats

**10:50am** Networking Break

**11:05am** The Evolving e-Workplace Update

#### Labor Track\*

The Overlap of Collectively Bargained and Statutory Rights

Effective Labor Law Advocacy

#### Human Resources Professionals Track\*

Mandatory Filing Requirements: An HR Primer

Marijuana and Drug-Testing Issues in the Workplace

\*MP3 download for each session in the track will be available to all registrants after the seminar.

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## Tracks

### Plenary Sessions

9:00am/Tuesday

#### Welcome and Section Activity Update

Keith J. Brodie, Chair, Labor & Employment Law Section of the State Bar of Michigan, Barnes & Thornburg LLP, *Grand Rapids*

9:20am/Tuesday

#### Navigating the Space Between ‘Cultural Change’ and ‘Cancel Culture’

As our country and workplaces become more diverse, the frequency of workplace incidents, disagreements, misunderstandings, and concerns related to diversity increase. Employers are being described as “too tone-deaf,” “too woke,” and some are seen as oblivious to it all. Reputational damage from missteps (in either direction) can have a long-lasting impact on workplace cultures and productivity. Gain tips for effectively creating meaningful workplace culture change without alienating the workforce, customers, communities, or other stakeholders.

Luther Wright, Jr., Ogletree Deakins, *Nashville, TN*

10:20am/Tuesday

#### Women and the Workplace: Impacts of ‘The Great Resignation’

COVID-19 has led more women toward the workforce exit doors, both forced and voluntarily. The impacts will be seen for decades to come. From the challenge of finding employees to leave issues and the Equal Pay Act, women leaving the workforce creates a variety of legal and HR challenges. The panel will tackle the key issues and provide solutions you can take back and implement right away.

Darlene King (moderator), Michigan Diversity Council, *Detroit*; Diane Antishin, DTE Energy, *Utica*; Tiffany A. Buckley-Norwood, Trinity Health, *Livonia*

11:10am/Tuesday

#### Operational and Legal Considerations of Remote and Hybrid Work

Employers face considerable challenges as they move to remote and hybrid workplaces, including performance management, dealing with COVID-19 regulations, vaccine mandates, tax and worker’s compensation issues, equity considerations, data and equipment security, jurisdiction and conflicts-of-law questions, and reintegrating in-person workers. Gain new insights and specific steps to follow as you advise clients or your own company.

Eric W. Gregory, Dickinson Wright PLLC, *Detroit*; Thomas L. Kent, University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*

### Moderators



#### Employment Track

Colin M. Battersby  
McDonald Hopkins LLC, *Bloomfield Hills*



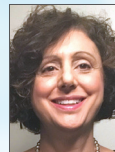
#### Labor Track

Darcie R. Brault  
McKnight Canzano Smith Radtke & Brault PC, *Royal Oak*



#### Plenary Sessions

Keith J. Brodie  
Chair, Labor & Employment Law Section of the State Bar of Michigan, Barnes & Thornburg LLP, *Grand Rapids*



#### Tuesday Human Resources Professionals Track

Gloria A. Hage  
University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*



#### Legal Updates Track

Susan Hartmus Hiser  
Fisher & Phillips LLP, *Bingham Farms*



#### Wednesday Human Resources Professionals Track

Jeffrey S. Kopp  
Foley & Lardner LLP, *Detroit*

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## Tracks

12:00pm/Tuesday

### Networking Lunch On-Site (All Attendees)

12:00pm/Tuesday

### Special Lunch Roundtable Event: Networking and Marketing (Preregistration Required—Limit 60)

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.

Daniel J. Clinton, Dan Clinton Consulting, *Farmington Hills*; Tad T. Roumayah, Sommers Schwartz PC, *Southfield*; Daniel D. Swanson, Sommers Schwartz PC, *Southfield*

5:00pm/Tuesday

### Networking Reception

11:05am/Wednesday

### The Evolving e-Workplace Update

Not a day goes by without a new “breakthrough” technology creating unintended workplace consequences. From software to workplace automation to artificial intelligence, technology continues to present new challenges to employers, employees, and those who represent both. Join Adam’s fast-paced and entertaining presentation as he rounds up the latest developments in workplace technology, including the way that statutes, regulations, court decisions, and administrative agencies continue to shape the e-workplace.

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

## Legal Updates Track

1:15pm/Tuesday

### What’s Happening with the Americans with Disabilities Act (ADA)

Megan P. Norris, Miller Canfield PLC, *Detroit*; Angela L. Walker, Blanchard & Walker PLLC, *Ann Arbor*

2:10pm/Tuesday

### What’s Happening with the Family and Medical Leave Act (FMLA)

Susan Hartmus Hiser, Fisher & Phillips LLP, *Bingham Farms*; Brian E. Koncius, Bogas & Koncius PC, *Bingham Farms*

3:15pm/Tuesday

### Legal Updates Track: What’s Happening with Equal Employment Opportunity (EEO)

Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Heidi T. Sharp, The Sharp Firm PLLC, *Clinton Township*

4:10pm/Tuesday

### What’s Happening with the Fair Labor Standards Act (FLSA)

Robert A. Boonin, Dykema, *Ann Arbor*; Jesse L. Young, Kreis Enderle Hudgins & Borsos PC, *Kalamazoo*

## Human Resources Professionals Track

1:15pm/Tuesday

### Human Resources Challenges Today: Part 1

Newly expanded to address all of today’s challenges, this practical review uses real case studies and audience voting on how to manage common risk factors, all in order to show how the newest court decisions, legislation, and rules may impact your human resources department. Get insight and analysis from top experts. Bring your questions and get them answered!

James F. Hermon, Dykema, *Detroit*; Jennifer L. Lord, Pitt McGehee Palmer Bonanni & Rivers, *Royal Oak*; Sarah S. Prescott, Salvatore Prescott Porter & Porter PLLC, *Northville*; Herbert A. Sanders, The Sanders Law Firm PC, *Detroit*; Daniel L. Villaire, Jr., Howard & Howard Attorneys PLLC, *Royal Oak*

2:10pm/Tuesday

### Human Resources Challenges Today: Part 2

Newly expanded to address all of today’s challenges, this practical review uses real case studies and audience voting on how to manage common risk factors, all in order to show how the newest court decisions, legislation, and rules may impact your human resources department. Get insight and analysis from top experts. Bring your questions and get them answered!

James F. Hermon, Dykema, *Detroit*; Jennifer L. Lord, Pitt McGehee Palmer Bonanni & Rivers, *Royal Oak*; Sarah S. Prescott, Salvatore Prescott Porter & Porter PLLC, *Northville*; Herbert A. Sanders, The Sanders Law Firm PC, *Detroit*; Daniel L. Villaire, Jr., Howard & Howard Attorneys PLLC, *Royal Oak*

3:15pm/Tuesday

### Executive Compensation 101

The executive compensation landscape is evolving in light of COVID-19. Take away new strategies for how companies should address annual and long-term incentive programs; address and ensure pay equity, including best practices for

narrowing gender and racial pay gaps; and update existing change-in-control and severance policies or implement new arrangements as some companies downsize or restructure.

Sue Ellen Eisenberg, Sue Ellen Eisenberg & Associates PC,  
*Bloomfield Hills*

4:10pm/Tuesday

## Leaves of Absence: Practically Speaking

Using real-world leave scenarios, gain solutions and policies while considering the various overlapping employment laws that impact leaves of absence. We will navigate the complexity of the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), and Michigan sick leave laws to spot issues and identify the best practice solutions, including takeaways for women and Baby Boomers leaving the workforce.

James M. Reid, IV, Dinsmore & Shohl LLP, *Troy*

9:00am/Wednesday

## Mandatory Filing Requirements: An HR Primer

Gain a thorough understanding of EEO-1 filings, pay/comp data, affirmative action plans for federal contractors, VETS-4212 federal contractor reporting, and more.

Jeffrey S. Kopp, Foley & Lardner LLP, *Detroit*

10:00am/Wednesday

## Marijuana and Drug-Testing Issues in the Workplace

More than ever, employers are facing difficult workplace decisions resulting from the legalization of marijuana. Grasp the current state of the law and its practical impact on workplace issues such as workplace safety, legal/regulatory compliance, government contractor status, and current trends and best practices for workplace drug testing.

Lori Keen Adamcheski, Delta Dental of Michigan, Ohio, and Indiana, *Okemos*; Jerome Crawford, Pleasantrees Cannabis Company, *Harrison Twp*

## Employment Track

9:00am/Wednesday

### NIL: Legal Implications of the Name, Image, Likeness Era

The Name, Image, Likeness (NIL) space has been rapidly emerging on campuses across America since July 2021. Hear a brief history and the latest on compensation and employment issues for student athletes. Grasp the legal intricacies in different states, for different classes of student

athletes, and at different universities, and how valuable lawyers can be in assisting student athletes and businesses—especially with collective action arrangements.

Kamron Cox, University of Illinois Athletics, *Champaign, IL*

10:00am/Wednesday

## Trends in Workplace Data Privacy and Cybersecurity Threats

Businesses are constantly under attack from bad actors attempting to monetize data and system access. Learn about common attack types and the harm that can result from them, sources of data protection and reporting obligations, and best practices for preventing and responding to data security incidents to minimize business risk.

Colin M. Battersby, McDonald Hopkins LLC, *Bloomfield Hills*

## Labor Track

9:00am/Wednesday

### The Overlap of Collectively Bargained and Statutory Rights

Organized workers' rights derive from multiple sources and may be redressed through alternate or tandem proceedings. Union reps are not typically trained to spot employment issues and employment lawyers often do not explore labor remedies. Review the overlap between labor and employment law, including how to evaluate and proceed with claims of discrimination using the union grievance process, plus the impacts of an arbitration award on litigation.

Darcie R. Brault, McKnight Canzano Smith Radtke & Brault PC, *Royal Oak*

10:00am/Wednesday

### Effective Labor Law Advocacy

Identify important labor law issues and gain best practices for presenting labor arbitration cases, responding to MERC and NLRB unfair labor practice charges, and steps to take when faced with employees who wish to organize.

Charles T. Oxender, Stellantis, *Auburn Hills*

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# Labor & Employment Law Institute

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**Accommodations:** A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE for 04/18-19/22. The room rate is \$162/night. Please call 734-414-0600 to reserve a room. Reservations must be made by 03/27/22. Registrants are responsible for their own hotel expenses.

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- ☐ FREE Special Lunch Roundtable Event 04/19/22  
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