



APRIL 11–12, 2024 | SAINT JOHN'S RESORT, PLYMOUTH

49TH ANNUAL

Labor & Employment Law Institute

COSPONSORS

Labor & Employment Law Section of the State Bar of Michigan
Federal Mediation & Conciliation Service

KEEP CURRENT

Get critical updates on ADA, FMLA, FLSA, EEO, and more.

REGISTER TODAY

www.icle.org/labor
877-229-4350



ICLE

THE INSTITUTE OF CONTINUING LEGAL EDUCATION

The education provider of the State Bar of Michigan

The State Bar of Michigan • The University of Michigan Law School • Wayne State
University Law School • University of Detroit Mercy School of Law • Western Michigan
University Thomas M. Cooley Law School • Michigan State University College of Law



Tackle Today's Hot Topics

Hear up-to-date, expert analyses on artificial intelligence (AI) for lawyers and HR, employee handbook audits, workplace violence prevention, and more. Get comprehensive updates on ADA, FMLA, FLSA, EEO, SCOTUS decisions, and Michigan statutory changes. Plus, stay on top of what's new at the NLRB and MERC. With 33 speakers covering these hot issues and more, this event helps you make sense of today's workplace so your clients and companies stay one step ahead.

Ideal for Lawyers and HR Professionals

Featured Speakers

AI Amplified: Sculpting the Future of Work

Adam is well-known for his expertise on tech-related issues and is one of our most popular presenters. He brings his familiar blend of fun and facts to a session on all things artificial intelligence (AI). Go beyond the headlines with analysis of recruitment, performance management, data privacy, ethics, and more.



Adam S. Forman
Epstein Becker & Green PC,
Southfield

Understanding and Preventing Workplace Violence

Luther is a sought-after speaker nationwide and is back for his third presentation at the institute! See why he has garnered rave reviews: "Covered real-life everyday topics." "Engaging and informative." "Bring him back every year!" This time, he shares critical insights on preventing and de-escalating workplace violence, using real-life examples with an emphasis on those driven by political or cultural disagreements.



Luther Wright, Jr.
Ogletree Deakins,
Nashville, TN

Audit Employee Handbooks Now

Haba is an award-winning practitioner who focuses her practice on employment counseling, litigation, and strategic workforce planning. She joins firm colleague James Reid to shed light on the new guidelines for employee handbooks so your clients can be certain there are no unlawful provisions. Gain best practices for handbook updates on everything from hairstyles to remote work.



Haba Korkees Yono
Honigman LLP,
Detroit

Can't-Miss Update Sessions

Federal Updates

Get practical takeaways regarding the ADA, FMLA, FLSA, EEO, and SCOTUS decisions. Stay on top of the NLRB, including potential upheaval with noncompete agreements. Hear from both plaintiff and defense lawyers—top Michigan practitioners you know and trust.

State Updates

Take a deep dive into how recent Michigan statutory changes impact abortion protections and more. Explore the latest on changes to the Elliott-Larsen Civil Rights Act that protect sexual orientation and gender identity. Confidently represent public employers in the face of substantial MERC changes, from a new commissioner to the repeal of the right-to-work law.

HR Updates

Be prepared for the ramifications of pending bills regarding pay equity and transparency. Gain strategies for ensuring equitable compensation and know how it will be enforced by the Office of Federal Contract Compliance Programs (OFCCP). Plus, get practical tips on seemingly implausible—but real—workplace scenarios in a fun, interactive session on strange situations in today's climate.

Featured Speakers



Kathleen L. Bogas
Bogas & Koncius PC, *Bingham Farms*



Michelle P. Crockett
Miller Canfield PLC, *Detroit*

Hot Topic

The Year of the Strike

From auto workers to Hollywood writers, many groups have renewed the movement for better pay and working conditions. Go beyond the headlines with practical advice about how the 1935 law providing the right to strike affects today's employers. Make sure you're up to speed on the types of strikes, permanent replacements, benefits while striking, and more.



Lawrence T. Garcia
Miller Canfield PLC, *Detroit*

PLATINUM SPONSOR



GOLD SPONSORS



Agenda

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

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

THURSDAY, APRIL 11, 2024

- 9:00am Welcome and Section Activity Update
- 9:15am Understanding and Preventing Workplace Violence: A Real Conversation
- 10:05am AI Amplified: Sculpting the Future of Work
- 10:55am Networking Break
- 11:10am What Every Employer and Practitioner Needs to Know About Today’s NLRB
- 12:00pm Networking Lunch On-Site (All Attendees)
- 12:00pm Lunch Roundtable Event (Preregistration Required—Limit 60)

Legal Updates Track

Human Resources Professionals Track

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

Audit Employee Handbooks Now

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

Human Resources Challenges Today

3:00pm Networking Break

Networking Break

3:15pm What’s Happening with the Fair Labor Standards Act (FLSA)

When the Unexpected Happens: Nonroutine Compliance Issues

4:10pm What’s Happening with Equal Employment Opportunity (EEO)

Termination: Minimizing Risk with Leave and Disability Issues

5:00pm Networking Reception

FRIDAY, APRIL 12, 2024

Employment Track*

Labor Track*

Human Resources Professionals Track*

9:00am The True Impact of Recent SCOTUS and Michigan Statutory Changes

Things to Remember in the Year of the Strike

Pay Transparency and Pay Equity

10:00am Who Is an Independent Contractor and Who Is a Joint Employer Today?

MERC Update: What’s Old Is New Again

Do All Remote Work Roads Lead Back to the Office?

10:50am Networking Break

11:05am HR Believe It or Not

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

SAVE MORE WITH ICLE

We’ve teamed with CNA and Paragon Underwriters to help you save on malpractice insurance. Now, the more you do with ICLE, the more you save! (2% major event savings is limited to one event per year.)

Learn more: www.icle.org/cna

FREE BONUS GUIDE

Updated for 2024, every registrant gets a free *Legal Resource Guide*. Use it for quick and easy reference throughout the year.

Tracks

Plenary Sessions

9:00am/Thursday

Welcome and Section Activity Update

Hear from the current chair of the Labor & Employment Law Section of the State Bar of Michigan.

Tad T. Roumayah, Sommers Schwartz PC, *Southfield*

9:15am/Thursday

Understanding and Preventing Workplace Violence: A Real Conversation

Explore workplace violence issues with an emphasis on the most effective ways to prevent and respond to workplace violence, especially those that are driven by political or cultural disagreements in the current environment. Grasp the four types of workplace violence as defined by the Occupational Health and Safety Administration (OSHA); situational awareness; the warning signs of violence; and a review of best practices for preventing and de-escalating workplace disagreements and/or violence.

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

10:05am/Thursday

AI Amplified: Sculpting the Future of Work

Discover how AI, with its transformative potential, is reshaping recruitment, employee engagement, performance management, and more. Tailored for HR professionals and employment lawyers, gain insights into the evolving landscape of employment law, including ethical considerations, data privacy concerns, and the evolving legal framework. This lively session transcends buzzwords, dives deep into AI's influence, and equips you to be a trailblazer in shaping the AI-powered workplaces of tomorrow.

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

10:55am/Thursday

Networking Break

11:10am/Thursday

What Every Employer and Practitioner Needs to Know About Today's NLRB

The National Labor Relations Board is more relevant than ever. Navigate the "Biden Board's" aggressive worker-oriented agenda including the legality of noncompete agreements, the increased scrutiny of handbook provisions and work rules, the formulation of modern severance agreements, changes to the union organizing rules, and more. Decipher potential

damages for NLRB violations and gain effective strategies to arbitrate your cases.

Dennis M. Devaney, Clark Hill PLC, *Detroit*; Benjamin L. King, McKnight Canzano Smith Radtke & Brault PC, *Berkley*

12:00pm/Thursday

Networking Lunch On-Site (All Attendees)

12:00pm/Thursday

Lunch Roundtable Event (Preregistration Required—Limit 60)

Sit down with leaders in marketing, human resources, labor law, and employment law. Expand your network and engage in conversation on the pros and cons of remote, hybrid, and face-to-face workforces.

Daniel J. Clinton, Dan Clinton Consulting, *Farmington Hills*; Jennifer Mercier, JMC Leadership, *Lake Orion*; Jenna Sheena, Sommers Schwartz PC, *Southfield*; Daniel D. Swanson, Sommers Schwartz PC, *Southfield*

Moderators



Labor Track

Mark H. Cousens
Southfield



Employment Track

Michelle P. Crockett
Miller Canfield PLC, *Detroit*



Friday Human Resources Professionals Track

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



Thursday Human Resources Professionals Track

Antoinette S. Porter
DT Midstream Inc., *Detroit*



Plenary Session

Tad T. Roumayah
Sommers Schwartz PC, *Southfield*



Legal Updates Track

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

Tracks

11:05am/Friday

HR Believe It or Not

What you see in pop culture is probably not legal in the real-world workplace. The real world is even stranger! This fun, fast-paced, and interactive session will highlight some of the more unusual situations experienced practitioners have encountered in the workplace and offer practical tips for how to address them.

Michelle P. Crockett, Miller Canfield PLC, *Detroit*; Adam S. Forman, Epstein Becker & Green PC, *Southfield*; Gloria A. Hage, University of Michigan Office of the Vice President and General Counsel, *Ann Arbor*; Brian E. Koncius, Bogas & Koncius PC, *Bingham Farms*

Legal Updates Track

1:15pm/Thursday

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/Thursday

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

Terry W. Bonnette, Nemeth Bonnette Brouwer PC, *Detroit*; Ryan Olivia Rosenberg, Fagan McManus PC, *Royal Oak*

3:15pm/Thursday

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

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

4:10pm/Thursday

What’s Happening with Equal Employment Opportunity (EEO)

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

Human Resources Professionals Track

1:15pm/Thursday

Audit Employee Handbooks Now

Employee handbooks are an invaluable tool when drafted properly, yet outdated handbooks may expose employers to increased lawsuits and violations of law. Gain best practices to audit for new protected classes (abortion, hair style, pumping,

brain fog) and legal updates (religious accommodations); new policies for technological advances (artificial intelligence and emoji policies); and trends that are valuable to employees (“paw”-ternity, paid medical leave, and remote work).

James M. Reid, IV, Honigman LLP, *Ann Arbor*; Haba Korkees Yono, Honigman LLP, *Detroit*

2:10pm/Thursday

Human Resources Challenges Today

Back 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*; Daniel L. Villaire, Jr., Ogletree Deakins, *Birmingham*

3:15pm/Thursday

When the Unexpected Happens: Nonroutine Compliance Issues

What if a key leader unexpectedly passes away, a process server asks to serve an employee, or a coworker learns of an active shooter at their child’s school? How you respond can help or hurt the situation. Learn to prepare practical tools and resources beforehand so you can be fully present to support those you serve. This session also covers related benefit transactions, supporting mental health, and compliance issues.

Lori Keen Adamcheski, Delta Dental of Michigan, Ohio, and Indiana, *Okemos*; Antoinette S. Porter, DT Midstream Inc., *Detroit*

4:10pm/Thursday

Termination: Minimizing Risk with Leave and Disability Issues

Join a stimulating discussion with outside and in-house counsel who will help HR professionals minimize risk when addressing thorny termination decisions. Confidently address FMLA and ADA implications and risks for terminations under no-fault attendance programs and poor absenteeism.

Jeffrey S. Kopp, Foley & Lardner LLP, *Detroit*; Sarah M. Younglove, Autokinton, *New Boston*

9:00am/Friday

Pay Transparency and Pay Equity

Grasp the ramifications of Michigan’s pending bill and its potential effects. Explore the role of the Office of Federal

Contract Compliance Programs (OFCCP) in enforcing pay transparency and equity. Unpack systemic inequities and gain strategies for ensuring equitable compensation.

Kathleen L. Bogas, Bogas & Koncius PC, *Bingham Farms*

10:00am/Friday

Do All Remote Work Roads Lead Back to the Office?

Experts say remote work is here to stay in some capacity, but the burdens associated with remote work can be significant. From revamping policies and procedures to dealing with payroll and income tax implications across the country, to figuring out how to properly complete a remote worker's I-9, there are many questions to address when considering the continuation of remote work. Join in the conversation as we look at remote work from all employee angles.

Gabriella D'Agostini, Honigman LLP, *Detroit*; Jennifer Muse, Honigman LLP, *Detroit*

Employment Track

9:00am/Friday

The True Impact of Recent SCOTUS and Michigan Statutory Changes

Learn how recent Supreme Court decisions and Michigan statutory changes may directly impact DEI programs and various other employment practices. Tackle affirmative action, DEI, changes to Elliott-Larsen, the CROWN Act, abortion protection, and the potential impact to LGBTQ+ initiatives through an overview of the legal changes and examples to show how it may impact your operations. Audience volunteers can share best practices from within your organizations.

Tiffany A. Buckley-Norwood, Trinity Health, *Livonia*; Michelle P. Crockett, Miller Canfield PLC, *Detroit*

10:00am/Friday

Who Is an Independent Contractor and Who Is a Joint Employer Today?

Do a deep dive into the constantly changing state and federal laws and regulations that shape the concept of independent contractors and heighten the significance of joint employment in employee and labor relations. Understand how the National Labor Relations Board's proposed rule changes could lead to shared liabilities for unfair practices among businesses. Unravel the complexities of these pivotal changes, their implications, and how to effectively adapt for your clients and companies.

Gary W. Francis, General Dynamics Land Systems, *Sterling Heights*

Labor Track

9:00am/Friday

Things to Remember in the Year of the Strike

Recently, auto workers, Hollywood writers, screen actors, health care workers, and others went on strike to win improvements on pay and working conditions. The law providing the right to strike—the National Labor Relations Act of 1935—is nearly 90 years old, and many practical lessons about strikes may have been forgotten since the last overhaul in labor conditions. Refresh your knowledge on types of strikes, permanent replacements, benefits while striking, and more.

Lawrence T. Garcia, Miller Canfield PLC, *Detroit*

10:00am/Friday

MERC Update: What's Old Is New Again

It's been an eventful year. The Public Employment Relations Act has been amended to restore bargaining obligations with regard to a broad range of issues. Section 15(b) has been repealed and so has "right to work." MERC has a new commissioner. The Court of Appeals has rejected efforts to apply a broad reading to prohibited subjects. Learn the critical changes and how they will impact collective bargaining in the public sector.

Mark H. Cousens, General Counsel, *Southfield*

SILVER SPONSORS



Clark Hill



DICKINSON WRIGHT PLLC

Dykema

Littler



EPSTEIN
BECKER
GREEN

49TH ANNUAL

Labor & Employment Law Institute

APRIL 11-12, 2024

Saint John's Resort, Plymouth



THE UNIVERSITY OF MICHIGAN
INSTITUTE OF CONTINUING LEGAL EDUCATION
1020 Greene Street
Ann Arbor, MI 48109-1444

NONPROFIT ORG
U.S. POSTAGE
PAID
ANN ARBOR, MI
PERMIT NO. 106

ADDRESS SERVICE REQUESTED

Register today! www.icle.org/labor

A. Personal Info

Name _____

MI Bar# _____ ICLE P'ship# _____

Firm _____

Address _____

City _____

State _____ Zip _____

Phone _____ Fax _____

Email _____

B. Institute Registration | Pick One

- \$445 General
- \$415 Cosponsor Section Member
- \$395 ICLE Partner
- \$445 HR Professionals
- \$195 New Lawyer (0–3 Years in Practice P84440+)
- \$345 per Registrant (4+ Registrants from the Same Firm)¹

Special Registration

- FREE Judges (Limit 40)²

24CI-5330

Prices guaranteed until 04/12/24. Cannot combine discounts. ¹Please attach additional sheet listing registrants attending. All registrations must be submitted and paid for at the same time. ²Current sitting state court judges (limit 40) attend free and must call ICLE or submit order form to register. ³Limit one print handbook purchase per registrant. Print handbooks are nonrefundable after the event cancellation date. **Complete Seminar Policies:** www.icle.org/info/seminarpolicies. **Cancellation Policy:** For a full refund, notify ICLE by 03/28/24. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 04/04/24. **Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar. **Persons with Disabilities or Dietary Restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar.

Accommodations: A discounted block of rooms has been reserved at Saint John's Resort in Plymouth under group code IC041024A. Visit www.icle.org/labor/hotel or call 734-414-0600 to reserve a room. Reservations must be made by 03/27/24. Registrants are responsible for their own hotel expenses.

C. Networking Event | Optional

- FREE Lunch Roundtable Event 04/11/24
(Preregistration Required—Limit 60)

D. Materials Format for Institute Registrants | Pick One

- FREE Electronic Materials
- \$45 Print Handbook³ and Electronic Materials

E. Can't Attend the Institute?

Non-Registrants—Purchase the Electronic Materials

- \$225 Non-ICLE Partners
- \$157.50 ICLE Partners

F. Payment Info

Institute Registration (Box B) \$ _____

Add \$45 for Print Handbook (Optional, Box D) \$ _____

Institute Materials for Non-Registrants (Box E) \$ _____

(Add 6% MI Sales Tax to This Line Only)

Total Amount Due \$ _____

Please make your payment online with credit card:

www.icle.org/labor

Alternate payment options:

If you are unable to make your credit card payment online, please call ICLE to process: 877-229-4350. If you need to pay by check, please mail form with payment to: PO Box 1343, Ann Arbor, MI 48106

Check No. _____ Payable to: ICLE



This Program has been submitted for HR (General) recertification credit hours toward aPHR™, aPHRI™, PHR®, PHRca®, SPHR®, GPHR®, PHRI™ and SPHRI™ recertification through HR Certification Institute® (HRCI®). You will receive the program ID number upon request.

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, please visit HRCI.



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