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APRIL 11–12, 2019 | PLYMOUTH

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Tackle Today's Hot Topics in Labor & Employment Law

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NEW!

This event helps you save on
malpractice insurance. See page 3.

Tackle Today's Hot Topics

Hear up-to-date, expert analyses on critical workplace topics such as sexual harassment, implicit bias, and guns/marijuana. Get comprehensive updates on ADA, EEOC, FMLA, and FLSA, plus the latest decisions from the NLRB. Explore the e-workplace—including the next generation of communication tools—during Adam S. Forman's ever-popular session. Make connections with decision-makers and your next client.

LAWYER TOPICS

The Threat of Digital Theft

Downloads, recordings, photos—it's easier than ever for employees to take information. Explore real-life situations so you can respond properly.



Jennifer B. Salvatore
Salvatore Prescott & Porter,
Northville

Jen, chair of the Labor and Employment Law Section of the State Bar of Michigan, focuses her practice on

employment, civil rights, and business litigation. She shows you how to help employees better understand company data policies.

HR TOPICS

The Effects of Guns & Drugs

Permits and legalization don't make this any easier. Get expert answers and navigate the thorny issues with confidence.



William J. Vincent
Littler Mendelson PC,
Detroit

A cofounder of the firm, Bill has more than 30 years of experience in labor and employment matters, including discrimination and wrongful termination. He breaks down drug testing and other vexing issues.

The Pros/Cons of Arbitration Agreements

Explore your options in the wake of *EPIC Systems*. Get plaintiff, defense, and in-house perspectives.



Antoinette S. Porter
The DTE Energy Company,
Detroit

Antoinette is manager of the employment and labor group at the utility, where she also provides guidance on

matters of diversity and inclusion. Antoinette brings the in-house perspective to tricky arbitration issues.

The Reality of A.I.

Artificial intelligence has become mainstream in the hiring process. Hire effectively and avoid unintended and unlawful consequences.



Kelly Trindel, PhD
pymetrics,
Washington, DC

Kelly is head of industrial organizational science and diversity analytics at the company, a gamified

cognitive and neuroscience start-up. She discusses benefits and risks associated with recruiting tools.

SOMETHING FOR EVERYONE

From #MeToo to Starbucks

We take you beyond the big headlines. Combat harassment with a better understanding of internal investigations. Target implicit bias with legally compliant approaches. Avoid critical missteps with reasonable accommodation requests by examining *McDonald v UAW-GM Center for Human Resources*. Get the immediate, practical advice you need from those in the know.

Can't-Miss Updates

Leaders in the law and HR join forces to keep you current. We cover ADA, EEOC, FMLA, FLSA, and the NLRB with the comprehensive approach you've come to expect. Plus, our two-part HR Year in Review features all-new speakers, with the president of Detroit SHRM as moderator. Vote on how you would handle workplace situations, then get the experts' perspectives.

The Digital Age Demystified

There's so much to explore. We've added new tracks just for this area. See how to strategically use social media in your cases and ethically expand your client base. Tackle e-discovery challenges, such as what communications to ask for and what clients should—or should not—preserve. Plus, understand social media's role in unionization efforts by examining the effects of *Boeing* and *Cooper Tire*.



HOT SESSION

11:05am/Friday

The Evolving e-Workplace Update

"Always a great session." "Funny, charming, and engaging."
"Relevant and informative."

Adam is back. In his trademark, witty style, Adam Forman rounds up the latest developments in technology, from software to automation. There's something for employer and employee alike.

See page 5.

SEE WHO ATTENDED LAST YEAR'S EVENT:

BCBSM
General Motors
Greektown Casino
Little Caesars Enterprises
Dunham's Athleisure Corp
Thyssenkrupp Materials
Trinity Health
Lake Trust Credit Union
University of Michigan Office
of General Counsel
Grand Rapids Public Schools
City of Detroit
City of Traverse City
Bay County Corporation Counsel
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Agenda

CLE: 7.5 | **HRCI Credit:** Call ICLE* | **SHRM Credit:** 7.5* | **Level:** Basic/Intermediate/Advanced

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

THURSDAY, APRIL 11, 2019

9:00am Welcome and Section Activity Update

9:20am Americans with Disabilities Act Update

10:05am Networking Break

10:20am Equal Employment Opportunity Update

| | Employment/Labor Track A | Employment/Labor Track B | Human Resources Professionals Track |
|----------------|---|--|--|
| 11:15am | The Current State of Protected Concerted Activities | Strategies for Arbitration Agreements: Yay, Nay or How? | The Year in Review for Human Resources Professionals: Part One |
| 12:00pm | Networking Lunch On-Site (<i>All Attendees</i>) Special Lunch Roundtable Event: Networking and Marketing (<i>Pre-Registration Required—Limit 75</i>) | | |
| 1:25pm | MERC/NLRB Update | Theft of Employer Property & Electronic Evidence: You Can't Take It With You—or Can You? | The Year in Review for Human Resources Professionals: Part Two |
| 2:20pm | Best Drafting Practices for Employee Handbooks and Policies | Effective Workplace Investigations | Managing Diversity Issues |

3:05pm Networking Break

3:20pm Family and Medical Leave Act Update

4:15pm Fair Labor Standards Act Update

5:00pm Networking Reception

FRIDAY, APRIL 12, 2019

| | Social Media Track ¹ | Tech Track ¹ | Human Resources Professionals Track ¹ |
|----------------|---|---|--|
| 9:00am | Using Social Media to Find New Clients | E-Discovery Challenges in an Era of Evolving Communications Practices | Reasonable Accommodation Requests |
| 10:00am | Strategies for Using Social Media in Your Cases | Recruitment and Selection in the Digital Age | Guns & Drugs in the Workplace |
| 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 submitted for general recertification credit hours toward aPHR, PHR, PHRca, SPHR, GPHR, PHRI, SPHRI recertification through HR Certification Institute (HRCI). If approved, you will receive the program ID number on-site.

For more information, 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

Jennifer B. Salvatore, Chair, Labor & Employment Law Section of the State Bar of Michigan, Salvatore Prescott & Porter, *Northville*

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*

12:00pm/Thursday

Networking Lunch On-Site
(All Attendees)

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

12:00pm/Thursday

Special Lunch Roundtable Event:
Networking and Marketing
(Pre-Registration Required—Limit 75)

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.

3:20pm/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*

4:15pm/Thursday

Fair Labor Standards Act Update

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

5:00pm/Thursday

Networking Reception

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

11:05am/Friday

The Evolving e-Workplace Update

Adam is back to round up the latest developments in technology and the workplace. From the latest software and devices, to the automated workplace to the next generation of communication tools, gain insight into the challenges faced by employer and employee alike. Plus, learn how recent statutes, regulations, court decisions, and administrative agency activities are continuing to shape the e-workplace.

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

Employment/Labor Track A

11:15am/Thursday

The Current State of Protected Concerted Activities

Examine the current state of workplace rules in the wake of *Boeing*, *Cooper Tire*, and the NLRB General Counsel Guidance Memoranda. Gain insight into the balance between the negative impact to employees' Section 7 rights and the rule's connection to an employer's right to maintain discipline and productivity. Look at protected concerted activities in the age of social media and learn how to draft social media and other work rule policies in 2019 and beyond. It's everything you need to know and more.

Kelly Jackson, OHM Advisors, *Livonia*; Amy J. Zdravecky, Barnes & Thornburg LLP, *Grand Rapids*

1:25pm/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.

Mark H. Cousens, AFT Michigan, *Southfield*; Dynn Nick, National Labor Relations Board, *Detroit*

2:20pm/Thursday

Best Drafting Practices for Employee Handbooks and Policies

Drafting effective employee handbooks involves balancing practicalities and legal issues. Delve into the issues impacting employment policies in light of recent National Labor Relations Board activity which are applicable to all employers, union and non-union alike. Pinpoint the flaws in common employee policies and help your clients avoid the pitfalls of off-the-shelf products.

Scott T. Patterson, Butzel Long, *Bloomfield Hills*

Employment/Labor Track B

11:15am/Thursday

Strategies for Arbitration Agreements: Yay, Nay or How?

Weigh the pros and cons of mandatory arbitration agreements. Discuss elements such as arbitrator selection, discovery limits, fee sharing, and class-action waivers (deemed enforceable by the *EPIC Systems* ruling). Explore strategies on how and when to challenge arbitration agreements.

Sarah M. Riley Howard, Pinsky Smith & Fayette & Kennedy LLP, *Grand Rapids*; Christina K. McDonald, Dickinson Wright PLLC, *Grand Rapids*; Antoinette S. Porter, The DTE Energy Company, *Detroit*

1:25pm/Thursday

Theft of Employer Property & Electronic Evidence: You Can't Take It With You—or Can You?

As technology evolves, employees are increasingly recording conversations at work and downloading or photographing employer information. Through a series of hypothetical situations, help employees understand when and how they may be violating company data policies, employment contracts, and/or civil or criminal laws, and be equipped to respond effectively when theft of proprietary company info happens.

Terry W. Bonnette, Nemeth Law PC, *Detroit*; Jennifer B. Salvatore, Chair, Labor & Employment Law Section of the State Bar of Michigan, Salvatore Prescott & Porter, *Northville*

Tracks

2:20pm/Thursday

Effective Workplace Investigations

The #MeToo movement has brought renewed attention to the importance of effective internal investigations to combat and eliminate harassment in the workplace. Take away best practices for internal investigations, including how to conduct investigations ethically and effectively in the context of harassment claims and broader workplace concerns.

Stephen R. Drew, Drew Cooper & Anding, *Grand Rapids*; Elizabeth W. Skaggs, Varnum LLP, *Grand Rapids*

Human Resources Professionals Track

11:15am/Thursday and 1:25pm/Thursday

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

Case studies and audience voting help show how the newest court decisions impact your HR department. Get expert insight and analysis. Bring your questions and get them answered.

Part One: Shereef H. Akeel, Akeel & Valentine PLC, *Troy*; Caryn Blanchard, *Cypress, TX*; Carey A. DeWitt, Butzel Long, *Detroit*; Jaclyn Rose Therese Giffen, Littler Mendelson PLC, *Detroit*. Part Two: Brian A. Kreucher, Howard & Howard Attorneys PLLC, *Royal Oak*; Sarah S. Prescott, Salvatore Prescott & Porter, *Northville*; James M. Reid IV, Maddin Hauser Roth & Heller PC, *Southfield*; Andrey T. Tomkiw, Dinsmore & Shohl LLP, *Troy*

2:20pm/Thursday

Managing Diversity Issues

With Starbucks in the news, learn how to recognize and interrupt unconscious bias in the workplace with legally compliant approaches. Focus on training, hiring practices, and process implementation in this interactive session.

Michelle P. Crockett, Miller Canfield PLC, *Detroit*; Roderick D. Gillum, Jackson Lewis PC, *Southfield*; Jay B. Marks PhD, Oakland Schools, *Waterford*

9:00am/Friday

Reasonable Accommodation Requests

Because most are fact specific, there is always a steady stream of questions about reasonable accommodation requests. Too often companies handle the requests incorrectly. Gain plaintiff and defense perspectives and new insights from the recent *McDonald v UAW-GM Center for Human Resources* 6th Circuit case.

Lori Keen Adamcheski, Ogletree Deakins, *Birmingham*; Angela L. Walker, Blanchard & Walker PLLC, *Ann Arbor*

10:00am/Friday

Guns & Drugs in the Workplace

Firearms and legalized drugs can present vexing issues in the workplace. What should you do when an off-the-clock employee with a permit brings a gun to the workplace? With legalized recreational marijuana on the horizon, what can you do if your employee tests positive? Experts provide the answers you need on these and many other gun and drug issues.

Jeffrey S. Donahue, White Schneider PC, *Lansing*; William J. Vincent, Littler Mendelson PC, *Detroit*

Social Media Track

9:00am/Friday

Using Social Media to Find New Clients

Social media continues to gain importance to the practice of law, yet many lawyers resist. However, all law firms can benefit from efficient and ethical use of social media. Uncover established and new forms of social media, learn how to match measurable goals to social media tools, make proper disclosures for online advertising, and employ social media to spread the reach of your existing work.

Megan A. Bonanni, Pitt McGehee Palmer & Rivers PC, *Royal Oak*; Jon Bowerman, High Level Marketing, *West Bloomfield*; Kenneth M. Mogill, Mogill Posner & Cohen, *Lake Orion*

10:00am/Friday

Strategies for Using Social Media in Your Cases

Social media has increasingly become a dual-edged sword in employee relations, workplace investigations and litigation, given the breadth of relevant information available online concerning employees' workplace conduct. Whether litigation is anticipated or has already commenced, learn how to navigate this sensitive area from both a plaintiff and defense perspective.

Randolph T. Barker, Berry Moorman PC, *Ann Arbor*; Kerry Cahill, Sue Ellen Eisenberg and Associates PC, *Bloomfield Hills*

Tech Track

9:00am/Friday

E-Discovery Challenges in an Era of Evolving Communications Practices

The methods employees use to communicate in both their business and personal spheres are changing rapidly. How should you advise a client on its preservation obligations? What should you ask for in discovery and how can you make the most of situations where the other side does not preserve or produce relevant evidence? Plus, what should you expect from third parties that have information relevant to your case?

Megan P. McKnight, Tealstone Law PLC, *Royal Oak*

10:00am/Friday

Recruitment and Selection in the Digital Age

Recruiting tools have changed dramatically recently. Employers are now using artificial intelligence for writing appealing job descriptions, sourcing viable candidates, narrowing the applicant pool, and predicting successful performance. These tools promise efficiencies and cost savings. Do they also risk perpetuating stereotypes, or alternatively, do they help eliminate potential bias and improve diversity in the recruiting process? Explore these new technologies and the legal benefits and risks they present.

Adam S. Forman, Epstein Becker & Green PC, *Southfield*; Kelly Trindel PhD, pymetrics, *Washington, DC*

Moderators



Social Media Track

Megan A. Bonanni
Pitt McGehee Palmer &
Rivers PC, *Royal Oak*



Tech Track

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



Friday Human Resources Professionals Track

Cynthia Myers
Flagstar Bank FSB, *Troy*



Employment/Labor Track A

Scott T. Patterson
Butzel Long, *Bloomfield Hills*



Plenary Sessions

Jennifer B. Salvatore
Chair, Labor & Employment
Law Section of the State Bar of
Michigan, Salvatore Prescott &
Porter, *Northville*



Employment/Labor Track B

Ronda Tate Truvillion
Lewis & Munday PC, *Detroit*



Thursday Human Resources Professionals Track

David N. Turner
Eastern Michigan
University, *Ypsilanti*

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Updated for 2019, every attendee gets a free *Legal Resource Guide*. Use it for quick and easy reference throughout the year. Contributed by: Lori Keen Adamcheski, Ogletree Deakins, *Birmingham*; Stuart M. Israel, Legghio & Israel PC, *Royal Oak*; Ronda Tate Truvillion, Lewis & Munday PC, *Detroit*.

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A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE for 04/10–11/19. The room rate is \$154/night. Please call 734-414-0600 to reserve a room. Reservations must be made by 03/27/19. Registrants are responsible for their own hotel expenses.