

DECEMBER 19, 2023 | EVENTS

Announcing Conn Maciel Carey's 2024 Labor and Employment Webinar Series



The legal landscape facing employers seems as difficult to navigate as it has ever been. Keeping track of the ever-changing patchwork of federal, state, and local laws governing the workplace may often seem like a full-time job whether you are a human resources professional, in-house attorney, or business owner. Change appears to be the one constant. As we enter Year 3 of President Biden's Administration, employers will continue to closely track the changes taking place at the NLRB, the DOL, the EEOC, and even the FTC. At the same time, many states will continue introducing new laws and regulations governing workplaces across the country, making it more important than ever for employers to pay attention to the bills pending in the legislatures of the states where they operate.

Conn Maciel Carey's complimentary [2024 Labor and Employment Webinar Series](#), which includes monthly programs (sometimes more often, if events warrant) put on by attorneys in the firm's [national Labor and Employment Practice](#), will focus on a host of the most challenging and timely issues facing employers, examine past trends and look ahead at the issues most likely to arise. To register for an individual webinar in the series, click on the link in the program description below. To register for the entire 2023 series, [click here to send us an email request](#), and we will register you. If you missed any of our programs from the past eight years of our annual Labor and Employment Webinar Series, [here is a link to an archive of recordings](#) of those webinars.

DOL Update: 2023 Updates that Will Affect Your Business in 2024 Wednesday, January 24 th	Mid-Year Calif. Labor and Employment Update Thursday, July 25 th
Mitigating Cybersecurity Risks from Exiting Employees Thursday, February 15 th	Avoiding, Minimizing, and Fighting Withdrawal Liability Wednesday, August 14 th
Safety and Employment Law Compliance in ESG Programs Thursday, March 21 st	Addressing Whistleblower and Retaliation Complaints Wednesday, September 25 th
Strategies for Responding to Workplace Violence Wednesday, April 24 th	2nd Annual Cal/OSHA and Calif. Employment Law Summit October 8 th and 10 th
The Changing Legal Landscape of Non-Compete Laws Wednesday, May 15 th	ADA Website Compliance Issues for Public Accommodations Thursday, October 23 rd
Employee Handbooks: Compliance Tips for Employers Wednesday, June 26 th	Artificial Intelligence in Employment and OSHA Law Wednesday, November 13 th
The Latest in Employment Discrimination Laws Thursday, December 12 th	

See below for full program descriptions.

[DOL Update: Changes in 2023 that Will Affect Your Business in the New Year](#)

Wednesday, January 24, 2024, at 1 pm ET / 10 am PT

Presented by [Daniel C. Deacon](#) and [Kimberly Richardson](#)

Are you classifying and paying your workers correctly? The tests have changed in some cases, and new rules have been proposed that could have a significant impact on businesses. This webinar provides an update on the overall status of the law, a general overview of the changes that have taken effect, and some tips to make compliance easier.

Participants in this webinar will learn about:

- Changes to the rules governing overtime laws and misclassification of workers
- Legal challenges to new and proposed laws
- Compliance tips designed to help you mitigate payroll and classification legal risks

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

[Mitigating Cybersecurity Risks to Your Company's Confidential Information from Exiting Employees](#)

Thursday, February 15, 2024, at 1 pm ET / 10 am PT

Presented by [Kara M. Maciel](#) and [Darius Rohani-Shukla](#)

In the modern workplace, keeping track of proprietary information and ensuring its confidentiality has become significantly more challenging due to the prevalence of remote employees, cloud computing, and the comingling of personal and company devices that can access company information. Employers who are not conscientious about maintaining the confidentiality of their proprietary information can threaten the viability of their business moving forward. Exiting employees can more easily than ever attempt to take company information with them, delete essential company documents, or even try to publish proprietary documents in an attempt to destroy their former employer's competitive advantage.

During this webinar, participants will learn:

- Guidelines for identifying cybersecurity risks during employee exits, whether through layoffs, downsizing, or involuntary terminations;
- Tips for protecting trade secrets and confidential information at work through strict confidentiality policies and access restrictions;
- Best practices for protecting company information when offboarding exiting employees; and
- Legal options for recovering company information or property from disagreeable former employees.

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

Workplace Safety and Employment Law Compliance in ESG Programs

Thursday, March 21, 2024, at 1 pm ET / 10 am PT

Presented by [Kara M. Maciel](#), [Eric J. Conn](#), [Rachel L. Conn](#), and [Kimberly Richardson](#)

Over the last decade, Environmental, Social and Governance (“ESG”) has been an ever-evolving regulatory topic around the globe. Younger generations joining the workforce have been vocal about the importance of environmental and social responsibility in their place of employment, and as we continue to experience the effects of climate change, businesses have been feeling the pressure to prioritize ESG strategies and initiatives.

Successful ESG programs are vital for addressing common labor and employment legal issues such as employee engagement, mental health, whistleblower complaints, and Diversity, Equity, and Inclusion (“DEI”) efforts to name a few. However, while invaluable, ESG programs do not come without risk, so companies are strongly advised to work with labor and employment counsel to identify existing issues and to audit or develop comprehensive policies to proactively address these issues.

The Occupational Safety and Health Administration (“OSHA”) also plays a critical role in the push for ESG preparedness. OSHA’s Center for Safety and Health Sustainability (“CSHS”) introduced an OSH-Sustainability initiative to integrate environmental, social, and economic considerations to carve out new opportunities to advance worker safety and health. Under this broad umbrella, companies have been shifting their view towards sustainability as an imperative investment in their business growth strategy.

This program will explore the emerging world of ESG including why it should matter to your organization, how it affects the legal landscape, and how to address risks associated with formulating your own ESG program.

Participants in this webinar will learn about:

- The benefits of implementing ESG initiatives in your workplace
- ESG compliance and reporting requirements for employers

- The OSH-Sustainability Connection model
- Key risks associated with ESG
- Tips for boosting your company's ESG strategy
- Tools for creating or auditing your company's ESG policies and procedures

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

Tips and Strategies for Preventing and Responding to Workplace Violence Incidents

Wednesday, April 24, 2024, at 1 pm ET / 10 am PT

Presented by [Kara M. Maciel](#), [Rachel L. Conn](#), and [Daniel C. Deacon](#)

Workplace violence has been a focus for both the Occupational Safety and Health Administration ("OSHA") and the Equal Employment Opportunity Commission ("EEOC") for several years, as it continues to be one of the leading causes of occupational injuries in the country every year. While OSHA has no specific standard for workplace violence, the OSH Act's General Duty Clause requires employers to provide a workplace free from recognized serious hazards, and OSHA has instituted enforcement actions under its General Duty Clause after incidents of workplace violence. OSHA has also initiated a rulemaking to address workplace violence in specific industries.

California has taken the lead in implementing the first workplace violence rule in the country for general industry, requiring nearly all California employers (unless they fall under one of the limited exemptions) to establish, implement, and maintain an "effective" written workplace violence prevention plan, investigate every incident workplace violence (broadly defined), create and maintain violent incident logs, conduct annual employee and supervisor training, and abide by additional recordkeeping requirements. This general industry rule follows the Cal/OSHA regulation on Workplace Violence Prevention in Health Care.

The EEOC has also prioritized ways to effectively prevent and address workplace violence, particularly in the form of workplace harassment. And outside of OSHA and the EEOC, employers can also be held liable for workplace violence through other claims such as negligent hiring and supervision.

In this webinar, attendees learned:

- What constitutes workplace violence
- EEOC and OSHA enforcement priorities related to workplace violence
- Legal risks associated with workplace violence
- Updates on federal OSHA workplace violence rulemaking
- California's New Workplace Violence law
- Best practices for workplace violence prevention

- Tips for responding to a workplace violence incident in your work environment

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

What Employers Should Know about the Changing Legal Landscape of Non-Compete Laws

Wednesday, May 15, 2024, at 1 pm ET / 10 am PT

Presented by [Jordan B. Schwartz](#) and [Kimberly Richardson](#)

There is a nationwide trend to restrict the use of employee non-compete agreements, and employers should remain informed of the changes because the stakes are high. The consequences of noncompliance can include civil as well as criminal penalties in some situations. This webinar provides an update on the overall status of non-competes in the United States including an update on the status of the FTC Rule, a general overview of states (including the District of Columbia) that have restricted non-competes, and some tips to make compliance easier.

Participants in this webinar will learn about:

- New laws that have been enacted or are being considered across the country
- Common issues that employers have encountered
- Tips for compliance

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

New Employee Handbook Laws: Tips for Compliance

Wednesday, June 26, 2024, at 1 pm ET / 10 am PT

Presented by [Mark Ishu](#) and [Samuel S. Rose](#)

As we near the end of the Biden Administration's first term, the NLRB has continued to be very active in issuing decisions that align with the Administration's philosophy. These decisions are wide-ranging and include increased scrutiny of employee handbooks, expanded union access to non-union workplaces, changes in joint employer law, and a return to pre-Trump Administration ambush election rules.

Participants will learn about the following:

- An overview of the most impactful recent NLRB decisions
- Employer obligations stemming from these decisions
- Tips for complying with these obligations

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

Mid-Year California Labor & Employment Regulatory and Legislative Update

Thursday, July 25, 2024, at 1 pm ET / 10 am PT

Presented by [Megan S. Shaked](#), [Andrea O. Chavez](#), and [Samuel S. Rose](#)

As we reach the halfway point of 2024, it is time to take stock of everything that has happened at the U.S. Department of Labor (DOL) over the past 6 months. We will provide a comprehensive review of the latest developments, discuss current trends in labor and employment law, and look ahead at the remainder of the year and beyond. Join us for this informative discussion to stay ahead of the curve and equip yourself with actionable insights to ensure your workplace practices align with the ever-evolving legal terrain of labor and employment law in the Sunshine State.

Participants in this webinar will learn about:

- Guidance and recommendations to ensure compliance with new legal employer obligations
- Legislative developments for companies doing business in California
- The latest trends and statistics in the regulatory landscape
- Predictions for what California employers can expect for the remainder of 2024

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

Avoiding, Minimizing, and Fighting Withdrawal Liability

Wednesday, August 14, 2024, at 1 pm ET / 10 am PT

Presented by [Mark M. Trapp](#)

This webinar will address the significant challenges faced by companies that participate in multiemployer pension plans. Specifically, it will help unionized employers understand and analyze what is often the most critical challenge facing their business – multiemployer pension withdrawal liability.

Participants will learn about the following:

- Specific strategies to address withdrawal liability and plan for your company's future
- Recent court cases and arbitration decisions, tips for collective bargaining and the impact of the American Rescue Plan
- The latest developments in litigating withdrawal liability assessments, including determining the highest contribution rate and calculating the credit for a prior partial withdrawal

[Click here to register](#) for this webinar.

This program is currently under review for SHRM and HRCI credits.

Addressing Employee Complaints: Retaliation and Whistleblower Complaints with the EEOC, OSHA, and MSHA

Wednesday, September 25, 2024, at 1 pm ET / 10 am PT

Presented by [Kara M. Maciel](#), [Lindsay A. DiSalvo](#), [Nicholas W. Scala](#), and [Mark Ishu](#)

Over the past several years, employers have seen a significant uptick in retaliation claims filed by employees and investigated by federal agencies. For example, in 2010, only approx. 30% of all charges filed with the EEOC included a retaliation claim, but that number shot up to over 50% in FY 2022. Similarly, the number of total whistleblower complaints filed with OSHA increased significantly in FY 2023, with the vast majority of those complaints – about 71% – filed under Sec. 11(c) of the OSH Act (retaliation based on protected safety acts). The whistleblower complaints filed under Section 105 of the Mine Safety and Health Act have also been on the rise and MSHA is particularly aggressive in its approach to the investigation of these claims, often seeking temporary reinstatement of the complainant for the duration of the investigation, and litigation, if the complainant was terminated

When a retaliation or whistleblower complaint is received, employers have a chance to explain why the complaint should be dismissed. However, each Agency handles the investigation and analysis of the evidence differently – using varying processes and burdens of proof to determine whether and how the retaliation complaint should proceed. The strategy and response provided by the employer will depend on the type of complaint and the agency investigating it, but it is generally an opportunity for the employer to provide the information necessary for the agency to conclude its investigation and ultimately close the case file. The responses can, however, create a written record of admissions that the agency could use against the employer. Thus, employers should be strategic in their approach to a whistleblower investigation and the information shared at that early stage.

Participants in this webinar will learn:

- Applicable federal whistleblower and anti-retaliation laws
- The varying processes used by the EEOC, OSHA, and MSHA to evaluate whistleblower and retaliation claims
- Strategies employers can use to effectively respond to retaliation complaints
- Proactive measures employers can take to avoid employee complaints

[Click here to register](#) for this webinar.

This program is currently under review for SHRM and HRCI credits.

2nd Annual Cal/OSHA & Employment Law Summit

Tuesday, October 8, and Thursday, October 10, 2024

Conn Maciel Carey LLP's 2nd Annual Cal/OSHA and California Employment Law Summit is an in-person program conducted by the California-based attorneys in CMC's national OSHA Workplace Safety and Labor Employment Practice Groups, to update California employers on important developments involving workplace safety and health and employment law issues in California.

Learn How to Navigate California Requirements:

California's Division of Occupational Safety and Health (Cal/OSHA) is the most aggressive and enforcement-heavy approved State OSH Program in the nation, and as a result, California employers face a host of requirements that other employers around the country do not. And with a packed rulemaking agenda on the horizon, most employers stand to be impacted by at least one new standard.

In addition, California continues to experience regular changes in the employment law landscape through new legislation and decisions from the California courts. California employers always have something new to learn as the legislative session comes to a close in the fall and we know with certainty which new laws will take effect in 2025.

Our Cal/OSHA and California Employment Law Summit will cover what employers can expect in the coming months from the latest legislative and rulemaking updates to changes in enforcement priorities, and best practices for compliance.

Here is the [agenda from last year's Inaugural Cal/OSHA and California Employment Law Summit](#).

More information about registration and other details to come! Check out the [website](#) for official updates.

ADA Website Compliance Obligations for Businesses

Thursday, October 23, 2024, at 1 pm ET / 10 am PT

Presented by [Jordan B. Schwartz](#) and [Megan S. Shaked](#)

As in years past, the number of lawsuits filed against hotels, restaurants, and other places of public accommodation alleging that their websites violate the Americans with Disabilities Act ("ADA") has continued to rise nationwide. Additionally, this year we ***may*** finally have guidance from the U.S. Supreme Court regarding

whether a plaintiff has standing to challenge a place of public accommodation's failure to provide disability accessibility information on its website, even if she lacks any intention of visiting that place of public accommodation. Regardless of how the Supreme Court rules, however, it is still crucial for hotel owners and operators to know what information to provide to the public regarding the accessible features of its physical property.

Likewise, all businesses should be aware of how to make their websites accessible (i.e., compatible with screen reader software), so that they are usable by individuals with visual and hearing impairments. Indeed, businesses must have a plan in place to testing their website's accessibility and then implement any necessary changes to improve accessibility.

Participants in this webinar will learn:

- What issues to look for when determining website accessibility;
- When to involve legal counsel in conducting such website accessibility tests and remediation efforts in order to preserve attorney-client privilege;
- What specific accessibility-related information should be listed on your website; and
- Whether your company should include an "Accessibility Statement" on its website and, if so, what information that statement should include.

[Click here to register for this webinar.](#)

This program is currently under review for SHRM and HRCI credits.

[The Intersection Between Artificial Intelligence and Employment and OSHA Law](#)

Wednesday, November 13, 2024, at 1 pm ET / 10 am PT

Presented by [Rachel L. Conn](#), [Andrea O. Chavez](#), [Ashley D. Mitchell](#), [Darius Rohani-Shukla](#), and [Samuel S. Rose](#)

The latest phenomenon in artificial intelligence ("AI"), generative AI such as ChatGPT, has changed the world as we know it. While some fear AI will replace workers and others praise its efficiency and productivity, there is no doubt that AI could be the largest technological advancement since the invention of the computer.

Now, companies are starting to wrestle with how to handle the use of AI in the workplace. In fact, it is possible that your company is already using AI in ways that you might not have considered or be aware of. For Human Resources, generative AI can produce strong benefits including helping to create job descriptions, draft model interview questions, or assist managers in preparing performance evaluations. But with every benefit, there comes risk and limitations, including discrimination, confidentiality, and reliability concerns.

Participants in this webinar will learn about:

- Protecting confidential and trade secret information
- The Equal Employment Opportunity Commission's ("EEOC's") Artificial Intelligence and Algorithmic Fairness Initiative
- State and local laws regulating the use of AI
- Best practices on the use of AI in the workplace

[Click here to register](#) for this webinar.

This program is currently under review for SHRM and HRCI credits.

The Latest in Employment Discrimination Laws

Thursday, December 12, 2024, at 1 pm ET / 10 am PT

Presented by [Aaron R. Gelb](#) and [Andrea O. Chavez](#)

Employment discrimination in the workplace is alive and well. Indeed, according to Monster's recent Workplace Discrimination Poll, only 9% of workers claim to have NOT faced some form of workplace discrimination. There have been a host of developments federally that address discrimination issues. The federal Equal Employment Opportunity Commission (EEOC) released its Strategic Enforcement Plan for Fiscal Years 2024 –2028, establishing the EEOC's subject matter priorities for the next few years. The Pregnant Workers Fairness Act – prohibiting employers from discriminating against an employee based on pregnancy, childbirth, or related medical conditions – came into effect in June 2023. Additionally, the U.S. Supreme Court redefined how employers must evaluate religious accommodation requests by setting a new standard for undue hardship. The U.S. Court of Appeals for the Fifth Circuit reversed decades of precedent that limited the scope of Title VII of the Civil Rights Act by determining that Title VII plaintiffs are no longer required to plead an "ultimate employment decision" to properly allege a disparate treatment claim, and rather can survive a motion to dismiss by pleading adverse actions with respect to "terms, conditions, or privileges of employment."

Employers must review their existing discrimination and accommodations policies to ensure that they comply with the most recent developments in employment discrimination laws.

Participants in this webinar will learn about:

- The EEOC's Strategic Enforcement Plan for 2024 –2028
- Requirements in the Pregnant Workers Fairness Act
- Developments in religious accommodation requirements
- The evolving test for Title VII claims in the 5th Circuit
- Current trends and statistics in workplace harassment charges
- Tips and strategies for preventing and responding to employment discrimination complaints

[Click here to register](#) for this webinar.

This program is currently under review for SHRM and HRCI credits.
