



Littler

ENVISION WORK



KANSAS CITY REGIONAL EMPLOYER | OVERLAND PARK, KS | October 8, 2024

8:15 a.m. – 9:00 a.m.

Registration and Breakfast

9:00 a.m. – 9:30 a.m.

Whistleblowers Run Amok: Avoiding Legal Landmines While Minimizing Disruptions When Whistleblowers Behave Badly

Using hypotheticals, this session will help you spot the legal landmines and identify strategies for addressing bad behavior by whistleblowers. We will discuss what can and should an employer do when an employee who claims to be a whistleblower:

- Takes confidential documents from the employer
- Posts disparaging comments about co-workers online
- Engages in threatening behavior in the workplace
- Refuses to work or uses work time to advance “reports”
- Violates the legal rights of co-workers
- “Harasses” uninterested co-workers to join in their complaints

We will address what kinds of activities protect whistleblowers, the parameters of confidentiality, and how recent U.S. Supreme Court decisions regarding religion and diversity may affect an employer’s ability to stop potentially harmful employee behavior undertaken in the name of whistleblowing. We will also provide strategies for how best to handle and overcome these obstacles.

Speakers:

[Robert A. Sheffield](#), [Allyson Crowder](#)

9:30 a.m. – 9:45 a.m.

Break

9:45 a.m. – 10:45 a.m.

Labor Law for Employment Lawyers: What Every Business Needs to Know

True or false?

1. “The National Labor Relations Act (NLRA) only applies to unionized employers.” FALSE!
2. “Only members of a union can file unfair labor practice charges with the NLRB.” FALSE!

Section 7 of the NLRA gives all employees the right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from these activities. The Biden NLRB has recently issued several important decisions that impact both unionized and nonunionized employers. In addition, the NLRB General Counsel and the DOL, EEOC, SEC, and other governmental agencies have signed formal agreements to cooperate and share information. This means that every claim or charge with one agency could lead to additional claims and charges with the NLRB! Because of this, it is critical to be aware of potential claims under the NLRA, whether or not your company has workers who are represented by a union. In this session, Littler's experienced modern labor attorneys will delve into recent labor law developments that every employment lawyer or HR professional needs to know.

Topics addressed include:

- New union organizing rules, including the standard for responding to union demands for recognition
- Expansion of protected concerted activity
- Stricter scrutiny of employee handbooks
- Scope of confidentiality and nondisparagement agreements
- The attack on noncompetes

Speakers:

[Bonnie Birdsell](#), [William S. Robbins, Jr.](#)

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 12:00 P.m.

Top 10 FMLA Compliance Issues You Should Be Thinking About Right Now

The Family and Medical Leave Act (FMLA) can be a huge trap for unwary employers. Thorny issues include: recognizing an employee's notice of the need for FMLA leave, tricky medical certification issues, unplanned intermittent leave taken on a moment's notice, suspicions of FMLA misuse, and more. No wonder employment counsel and HR professionals everywhere regularly identify leaves of absence as the most difficult workplace benefit to administer and a constant compliance nightmare. But it need not be this complicated, and you do not have to fight through these issues alone. This session will engage attendees on the most difficult FMLA compliance issues while offering practical solutions so employers can minimize risk and maximize compliance with the law.

Speaker:

[Robert Rojas](#), [Sara O'Keefe](#)

12:00 p.m. – 12:45 p.m.

Networking Lunch

12:45 p.m. – 1:45 p.m.

What to Expect When Employees are Expecting - New PWFA Accommodation Challenges

The Pregnant Workers Fairness Act (PWFA) took effect in June 2023. It requires employers to provide reasonable accommodations to employees for conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. Join us for a dynamic discussion of emerging themes in requests for accommodation from employees trying to become pregnant, are pregnant, or are resuming work after pregnancy. While the PWFA adopts key ADA concepts, it differs in significant respects. Alyssa and Curt will summarize what the law requires and how we expect the EEOC to construe the PWFA

based on the recently published final regulations. By applying key terms to actual situations, we will help attendees identify where updates to their interactive accommodation processes are warranted. We also will address the interplay of this new law with the ADA, the FMLA, the Pregnancy Discrimination Act, and the PUMP Act, and discuss how application of the PWFA may differ for employers who grant light-duty accommodations in workers' compensation schemes and other contexts. We will also highlight how employers may need to modify interactive process forms and medical documentation requests in response to the PWFA.

Speakers:

[Alyssa S. Gonnerman](#), [Curtis R. Summers](#)

1:45 p.m. – 2:00 p.m.

Break

2:00 p.m. – 2:30 p.m.

IE&D Under Attack: Reducing Risk and Seizing the Opportunities in a Vastly Changing Climate

In the wake of increasing challenges, corporate leaders around the globe are grappling with how to lawfully drive inclusion, equity, and diversity initiatives to ensure equity in the workplace, while also complying with the law and reducing risks. Challenges have included the U.S. Supreme Court's decisions in *Students for Fair Admissions v. Harvard University* and the University of North Carolina, letters to CEOs from several state attorney generals, and the Royal Air Force inquiry in the UK. The Supreme Court's opinion in *Muldrow v. City of St. Louis*, juxtaposed with evolving pressures on employers to react to world events, will also affect the future of IE&D. We will discuss what has really changed and what employers can lawfully do and how they can handle pressure to demonstrate IE&D in a vastly different landscape. And, crucially, we will talk about where the opportunities are for leaders to move beyond the noise.

Speaker:

[Jeffrey D. Hanslick](#), [Traer Cundiff](#)

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:45 p.m.

2024 Employment Law Update

A perennial favorite at the Littler's Executive Employer Conference, now brought to the Kansas City Regional Employer, is a fast-paced, highly entertaining session that provides a unique opportunity to understand the latest court cases, legislative and regulatory activity and crucial developments that will affect your workplace and your responsibilities. As in the past, our experienced attorneys will guide you through the maze of new developments and prepare you for the challenges ahead.

Speakers:

[Daniel B. Boatright](#), [LaceShionna N. Cline](#)