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**IDENTIFYING NEW OPPORTUNITIES IN THE EPLI MARKET, MINIMIZING EXPOSURE  
TO EPL RISKS, DEFENDING AGAINST THE NEWEST CLAIMS,  
AND REDUCING LITIGATION AND SETTLEMENT COSTS**

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- ▶ Significant legal and regulatory developments from the past year and what's ahead for 2017: new legislative rules and proposals, a review of the year's most important case law, and EEOC, NLRB and DOL trends and priorities and their impact on EPLI
- ▶ Wage & hour and EPLI
- ▶ Pregnancy/maternity discrimination claims and the intersection with the ADA/FMLA
- ▶ LGBT issues in today's workplace
- ▶ The fissured workplace and the scope of joint employer liability
- ▶ Pay equity claims
- ▶ ADA, FMLA and worker's compensation
- ▶ Retaliation and whistleblower claims
- ▶ Religious and national origin discrimination and EPLI implications
- ▶ Privacy, data protection and social media in the workplace
- ▶ The tripartite relationship in EPL insurance claims

**KEYNOTE ADDRESS ON  
EEOC PRIORITIES:**

Constance S. Barker  
Commissioner  
U.S. EEOC

**DISTINGUISHED CHAIRS:**

Mercedes Colwin  
Gordon Rees Scully  
Mansukhani, LLP



Patrick H. Hicks  
Littler Mendelson P.C.

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## BE A PART OF THE NATION'S LEADING EPLI FORUM.

ACI's 25th anniversary installment has a new home at the Intercontinental Times Square and is stacked with top speakers from all over the nation to ensure you are prepared to manage and defend against the increasing number of EPLI claims being filed.

The program has been revamped and updated to include enhanced industry perspectives and account for new developments, strategies and industry trends. Claims professionals, underwriters, risk managers, in-house counsel and outside counsel must thoroughly understand the ever changing EPLI market with new coverage options, ways to reduce costs of defending against and settling EPLI claims, and how to minimize exposure to risk.

### New sessions for this year include:

- ▶ **Significant legal and regulatory developments from the past year and what's ahead for 2017:** new legislative rules and proposals, a review of the year's most important case law, and EEOC, NLRB and DOL trends and priorities and their impact on EPLI
- ▶ **Wage & hour and EPLI:** recent market and coverage needs, what underwriters are looking at in evaluating wage & hour risk, mitigating exposure to claims and what lies ahead in W&H insurance
- ▶ **Pregnancy/maternity discrimination claims and the intersection with the ADA/FMLA:** reasonable accommodations; pregnancy disability leave issues; the latest EEOC guidance and state/local anti-discrimination and leave requirements
- ▶ **LGBT issues in today's workplace:** heightened focus on sexual orientation, gender identity and gender expression discrimination claims
- ▶ **The fissured workplace and the expanding scope of joint employer liability:** crucial considerations for franchisors/franchisees, latest guidance on who is a joint employer and implications for employers from a policy perspective
- ▶ **Pay equity:** the rise in compensation discrimination claims and the impact on EPLI
- ▶ **ADA, FMLA and worker's compensation:** coverage complexities, "hot button" accommodation issues, website accessibility claims and solutions for minimizing exposure to disability discrimination/FMLA claims
- ▶ **Retaliation and whistleblower claims:** expanding scope of anti-retaliation provisions, underwriting coverage, managing risks through employment policies/training, reporting processes for employee complaints & internal investigations and beyond
- ▶ **Religious and national origin discrimination and EPLI implications**
- ▶ **Privacy, data protection and social media in the workplace:** avoiding privacy-based disputes and security breaches, the line between what is work and personal, continued NLRB scrutiny and interplay with EPLI coverage/claims
- ▶ **The tripartite relationship between carriers, insureds and defense counsel in EPL insurance claims**

Register now by calling 1-888-224-2480 or by faxing your registration form to 1-877-927-1563.

You can also register online at [www.AmericanConference.com/EPLI](http://www.AmericanConference.com/EPLI)



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This year marks 30 years since the inception of C5 Group.

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globe

It is time for a brand, logo and language in keeping with the dynamic strides we have made as a company. It is time for a brand that will take us forward for the next 30 years.

Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.

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## DAY ONE: THURSDAY, JANUARY 26, 2017

### 7:15 Registration and Continental Breakfast

### 7:55 Co-Chairs' Opening Remarks



Mercedes Colwin  
Gordon Rees Scully  
Mansukhani, LLP



Patrick H. Hicks  
Shareholder  
Littler Mendelson P.C.

### 8:00 Views from Leading Brokers and Carriers on the Current Pulse of the EPLI Marketplace, Claims Trends, New Products, Pricing, Gaps in Coverage, Exclusions, Underwriting Considerations, the Evolution of EPL Policies and Beyond

#### BROKERS/CARRIERS PART I – 8:00

Claudine English-Tucci  
Senior Counsel  
NA Office of General Counsel  
Chubb

Joni Mason  
Vice President and National  
Practice Advisor  
Professional Risk Practice –  
Risk Management Clients  
Wells Fargo Insurance Services

Jeff Koonankeil  
Senior Claims Specialist  
Professional Lines  
Cap Specialty

Brad Craner, MBA  
Vice President  
Zurich Specialty Wholesale

Anthony Rapa  
Assistant Vice President  
Claims Advocate, FINEX  
Willis Towers Watson

Laura Zaroski, J.D., RPLU  
Cyber, Management  
& Professional Liability  
Socius Insurance Services

Ryan Sardelli  
Vice President  
OneBeacon  
Management Liability

Carolyn Leder  
AVP | Insurance Claims Manager  
Aspen Bermuda Limited

Stacy Parker  
Attorney  
Aon

#### BROKERS/CARRIERS PART II – 9:15

Rachel L. Freedman  
Claim Consulting Director  
EPL Claims  
CNA Specialty Lines

Michelle Pitcher, RPLU  
Senior Vice President,  
Underwriter Insurance  
Professional Liability  
XL Catlin

Julia Keenan  
Vice President  
Management Solutions Group  
Specialty Products  
Zurich North America

William W. Fahey  
Senior Vice President  
Berkshire Hathaway  
Specialty Insurance

Steve Boughal, CFA, FRM  
VP. Chief Underwriting Officer  
Hartford Financial Products

Ryan Hale  
Senior Claims Examiner  
Global Management Liability  
Markel – Claims

Daniel Aronowitz  
Managing Principal  
Euclid Specialty Managers

Martetta Thompson  
Specialty Claim Consultant  
The Hanover Insurance Group

Kenneth L. Latham  
Vice President, North America  
Financial Lines  
Chubb

#### MODERATOR FOR PANEL I AND II:

Mercedes Colwin  
Managing Partner, New York Offices  
Gordon Rees Scully Mansukhani, LLP

### 10:30 Break

### 10:35 The Clients' Perspective: Views from In-House Labor and Employment Counsel on Current Trends in the EPLI Marketplace and Current Drivers That Are Underlying the Purchase of Coverage

Brendan Sweeny  
Vice President  
Deputy General Counsel, Litigation  
Luxottica Group

Mary Ulmer Jones  
Associate General Counsel  
Bank of America

Wanda Morris  
Senior Counsel  
The Home Depot

Philip Weis  
Director  
Senior Employment Counsel  
Boehringer Ingelheim  
Pharmaceuticals, Inc.

Diana Wagner-Hilliard  
Director EEO and Workforce  
Diversity  
Bi-State Development

E. Jane Hix  
Senior Counsel  
Office of Legal Affairs  
Thomas Jefferson  
University Hospitals

Nicole A. Groves  
Director, Senior Counsel  
Avon

John W. Hamlin  
Chief Counsel, Employment,  
Benefits and Governance  
Marsh & McLennan Companies, Inc.

Beth Mabe Gianopulos  
Counsel, Legal Department  
Wake Forest Baptist  
Medical Center

Kevin G. Chapman  
Associate General Counsel  
Dow Jones

#### Moderator:

Patrick H. Hicks  
Shareholder  
Littler Mendelson P.C.

### 12:00 Keynote Address: EEOC Initiatives for 2017 and Lessons Learned from 2016



Constance S. Barker  
Commissioner  
U.S. Equal Employment Opportunity Commission

### 12:30 Networking Lunch for Speakers and Delegates

### 1:25 Significant Legal Developments from the Past Year and What's Ahead for 2017: New Legislative Rules and Proposals, A Review of the Year's Most Important Case Law (Including from the U.S. Supreme Court), EEOC, NLRB and DOL Trends and Their Impact on EPLI, and How the Recent Political Elections Will Affect Agency Activism and Enforcement

Karen P. Fernbach  
Regional Director  
NLRB, Region 2

Ricki Roer  
Partner  
Wilson Elser

Andrew S. Naylor  
Partner  
Waller Lansden Dortch  
& Davis, LLP

Cassandra Jean-Baptiste  
Claims Manager  
Starr Adjustment Services, Inc.

- ▶ Review of the year's most notable court rulings involving or affecting EPL
- ▶ Supreme court decisions on the horizon in 2017
- ▶ The latest legislation introduced regarding fair pay
- ▶ The latest federal and state legislation affecting EPLI claims
- ▶ Assessing new EEOC, NLRB and DOL trends and how they are impacting EPLI and employers: new charges and lawsuits; key issues on the EEOC, NLRB and DOL current radar
- ▶ The NLRB's continued efforts in the non-union workplace
- ▶ Collaborative efforts by the EEOC, NLRB and DOL: how employers can best prepare for increased coordination amongst the different agencies



- ▶ An industry discussion of how the 2016 election results will affect the activism and enforcement efforts of the DOL, EEOC and NLRB

## 2:25 The Current Intersection of EPLI and Wage & Hour: Assessing the Recent Market and Coverage Needs, What Underwriters Are Looking at in Evaluating Wage & Hour Risk, Best Practices for Mitigating Exposure to Claims, Risks Associated with the New DOL Overtime and White-Collar Exemption Regulations, and What Lies Ahead in W&H Insurance?

Talene N. Megerian  
Assistant Vice President  
Claims Advocate, FINEX  
Willis Towers Watson

Todd Aidman  
Partner  
Ford & Harrison LLP

Paul Lukas  
Partner  
Nichols Kaster PLLP

- ▶ Assessing the rapidly increasing wage & hour exposures, and examining industry trends relating to wage & hour coverage
- ▶ The expanding insurance marketplace for wage & hour coverage, and the narrowing of coverage under other types of EPL policies
- ▶ What are underwriters looking at in evaluating wage & hour risk?
- ▶ Underwriting for wage & hour coverage: scope of coverage; defense-only sub-limits; indemnity coverage; coverage limits
- ▶ Assessing the costs and benefits of available wage & hour coverage
- ▶ The latest risks/claims associated with the new DOL overtime and white-collar exemption regulations
- ▶ An overview of the latest wage & hour claims trends across industries, and the next potential wave of wage & hour regulations
- ▶ Mitigating exposure to the latest risks/claims related to: Misclassification / independent contractors / fallout from the the DOL's latest guidance; Exempt / non-exempt employees; Minimum wage violations; Tipped employees; Off-the-clock work / BYOD (bring your own device policies) / pre-post shift activities and the continuous work day
- ▶ The role of insurance in the defense and settlement of claims
- ▶ What lies ahead in wage & hour insurance?

## 3:15 Break

## 3:20 The Latest on Pregnancy/Maternity Discrimination Claims and the Intersection with the ADA/FMLA: Providing Reasonable Accommodations; Pregnancy Disability Leave Issues; the Latest EEOC Guidance on Pregnancy Discrimination and the Continued Expansion of State and Local Anti-Discrimination and Leave Requirements

Moiré L. Morón  
Senior Claims Technical Specialist -  
Liability Management  
and Professional Liability Claims  
QBE North America

Philip R. Voluck  
Managing Partner  
Kaufman Dolowich & Voluck LLP

Lisa A. Krupicka  
Member  
Burch, Porter & Johnson, PLLC

Eric B. Meyer  
Partner  
Dilworth Paxson LLP

- ▶ Examining the latest pregnancy discrimination issues and claims and their impact on coverage
- ▶ The intersection of Title VII; ADA & FMLA; state discrimination laws; disability laws; wage & hour laws relating to lactation time; and state and local laws for paid and unpaid sick leave
- ▶ ADA's definition of pregnancy as a disability; when may pregnancy complications meet eligibility guidelines requiring employers to make accommodations?
- ▶ Diabetes and pregnancy complications
- ▶ New York pregnancy accommodations law as compared to other jurisdictions
- ▶ EEOC guidance
- ▶ Expanding state and local anti-discrimination and leave requirements

- ▶ Defending pregnancy discrimination claims following the Young v. UPS case as the legal landscape has shifted in favor of claimants
- ▶ Extending pregnancy benefits to fathers

## 4:20 The Fissured Workplace and the Expanding Scope of Joint Employer Liability: Crucial Considerations for Franchisors/Franchisees, the Continuing Fallout of the NLRB's Browning-Ferris Decision on Who Is a Joint Employer, and Implications for Employers from a Policy Perspective

Kelly B. Thorig  
Employment Practices  
Liability (EPL)  
Coverage Leader  
Marsh

Joseph A. Starr  
Partner  
Starr, Butler, Alexopoulos & Stoner  
PLLC

Thomas J. Posey  
Partner  
Faegre Baker Daniels LLP

- ▶ Examining the fallout of the NLRB's redefinition of "joint employer" in Browning-Ferris, and the decision's implications on franchisor/franchisees, sub-contractors, and other businesses that use outsourcing or staffing agencies to supply their workers
- ▶ The continuing uncertainty caused by the vague and overly broad joint employer standard – (e.g. what constitutes "indirect and unexercised potential control" for the purposes of finding a joint employer relationship?)
- ▶ The latest guidance by the NLRB and EEOC
- ▶ Advising clients on impending risks and reviewing their policies, procedures, business relationships and practices to limit their potential exposure to employment claims based on a joint employer theory
- ▶ Red flag issues that lead to joint employer liability
- ▶ Staffing firms and PEOs as they relate to the concept of joint employers / use of indemnity agreements
- ▶ The current and potential impacts of the new joint employer standard on EPL underwriting, pricing, etc. / impacts on employers from a policy perspective

## 5:10 Spotlight on Pay Equity: Examining the Rise in Compensation Discrimination Claims and the Impact on EPLI

Christopher Williams  
EPL Product Manager  
Travelers Insurance

Joan M. Gilbride  
Partner  
Kaufman Borgeest & Ryan LLP

Karen Smyth  
Partner  
Lipson, Neilson, Cole  
Seltzer & Garin, P.C.

Sharon Gold  
Partner  
Wyatt, Tarrant & Combs, LLP

- ▶ Discussion of the recent equal pay movement and an overview of the latest key legislative and regulatory developments that employers should familiarize themselves with to stay ahead of the curve
- ▶ Examining the recently ramped up pay equity laws enacted in New York and California
- ▶ New pay equity rules issued for federal contractors
- ▶ What industries are being spotlighted for demonstrating the most dramatic wage gaps between men and women?
- ▶ Evaluating exposure to claims of compensation discrimination and tips for equal pay compliance
- ▶ The latest claims arising from pay discrimination or "glass ceiling" failure to promote cases
- ▶ How are new state laws changing the standards to make it easier for employees to succeed on pay discrimination claims?
- ▶ Strategies for mitigating risk of compensation discrimination
- ▶ Impact of this on EPL coverage trends

## 6:10 Conference Adjourns – Cocktail Reception

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Employment Law

## DAY TWO: FRIDAY, JANUARY 27, 2017

### 7:30 Continental Breakfast

#### 8:00 Navigating the ADA, FMLA and Worker's Compensation Maze: Coverage Complexities, "Hot Button" Accommodation Issues and Accessibility Claims (Including Recent Heightened Focus on Website Accessibility), and Solutions for Minimizing Exposure to Disability Discrimination/FMLA Claims

Jeffrey Weisz  
Assistant Vice President  
Chubb North American Financial  
Lines Claims

Joshua A. Hawks-Ladds  
Member  
Pullman & Comley LLC

Susan Volkert  
Partner  
DeCotiis, FitzPatrick & Cole, LLP

Kristen D. Perkins  
Shareholder  
Rogers Towers, P.A.

- ▶ Navigating the complexities involved with the intersection of the ADA, FMLA and Workers' Compensation rules
- ▶ Ongoing hurdles relating to ADA amendments
- ▶ The EEOC's continued efforts in ADA litigation
- ▶ The latest on reasonable accommodations and satisfying the requirement to engage in the "interactive" and "deliberative" process in determining accommodations
- ▶ The latest on what is deemed "reasonable" given the ADA's lack of hard and fast rules
- ▶ The rise in mental disability/accommodation claims and the unique hurdles in identifying and accommodating mental disabilities
- ▶ The recent rise in ADA website accessibility claims (accommodations of disabilities relating to use of company websites); what to expect from DOJ's pending website accessibility rules
- ▶ Training employees regarding FMLA leave and accommodation

#### 8:55 Approaching LGBT Issues in Today's Workplace: Heightened Focus on Sexual Orientation, Gender Identity and Gender Expression Discrimination Claims

Alyssa Nobile Pianelli  
Group Claims - Specialty Lines  
Beazley Group

Brett J. Miller  
Senior Attorney  
Butzel Long

Jonathan Evan Goldberg  
Partner  
FisherBroyles, LLP

Storrs W. Downey  
Capital Member  
Bryce Downey & Lenkov LLC

- ▶ Examining the latest court activity and trends involving claims of sexual orientation discrimination
- ▶ The latest EEOC efforts to push the boundaries of Title VII so that its protections extend to cover transgender employees
- ▶ Historic first cases filed by the EEOC alleging sexual orientation discrimination in the context of Title VII
- ▶ Addressing issues relating to transgender employees and how to create and maintain a legally compliant and productive workplace for transgender employees and their co-workers
- ▶ Where are the courts drawing the line between discrimination on the basis of gender stereotyping and discrimination on the basis of sexual orientation?
- ▶ Understanding the protections afforded to LGBT employees in your particular state, and navigating such claims amidst inconsistent and uncertain legal guidelines
- ▶ Practical guidance for employers on how to handle transgender employees within the workplace; providing accommodations and navigating unknown territory (i.e. addressing bathroom issues, HR issues, dressing and grooming policies, etc.)

#### 9:50 Retaliation and Whistleblower Claims: The Expanding Scope of Anti-Retaliation Provisions, Underwriting Coverage, Managing Risks Through Employment Policies/Training, Reporting Processes for Employee Complaints & Internal Investigations, Reporting Safety Violations to the NLRB and OSHA and Litigating Retaliation Lawsuits

Linda G. Burwell  
President  
National Employment Counsel

Kevin J. Greene  
Partner  
Halloran & Sage LLP

Laura Lapidus  
Management Liability Risk Control  
Director  
CNA

Mark D. Dore  
Partner  
Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.

- ▶ Whistleblowers becoming a bigger issue?: Recent large award under the SEC's whistleblower program; Implications for employers
- ▶ Implementing risk management techniques
- ▶ Supreme Court's expansion of who can be subject to retaliation: third party retaliation or 'cat's paw theory'
- ▶ 3rd party claims of retaliation
- ▶ Overcoming jury sympathy for employees and bias towards employers in retaliation cases
- ▶ Preventing and minimizing punitive damages in retaliation cases
- ▶ Interpreting "adverse action": How broad is it?
- ▶ Distinguishing between legitimate claims and disgruntled employees
- ▶ Underwriting coverage in light of recent case law developments
- ▶ Insurability of punitive damages in retaliation claims
- ▶ FMLA and retaliation claims
- ▶ Countering the usage of discrimination and whistleblower claims as precursors to retaliation claims
- ▶ Preserving right to attorney's fees under 42 U.S.C. § 1988
- ▶ Improving the likelihood of succeeding at dismissal, summary judgment and trial
- ▶ Reporting safety violations to NLRB and OSHA: Statement of policies agreement between the NLRB and OSHA

### 10:45 Break

#### 10:50 Rising Claims of Religious and National Origin Discrimination and EPLI Implications

Elizabeth Johnson  
Shareholder  
Fowler White Burnett, P.A.

Richard L. Steer  
Partner  
Tarter Krinsky & Drogin LLP

Hillary J. Raimondi  
Partner  
Traub Lieberman Straus  
& Shrewsbury LLP

Joseph H. Yastrow  
Partner  
Laner Muchin, Ltd.

- ▶ Examining the latest types of claims being brought on the basis of religious discrimination
- ▶ Rising claims of religious and national origin discrimination against those who are, or are perceived to be, Muslim or Middle Eastern
- ▶ What accommodations are employers expected to make when an employee's religion affects or interferes with their employment?
- ▶ Establishing that a religious accommodation would cause undue hardship to the employer/business
- ▶ Addressing the recent rise in reverse religious discrimination claims; managing and litigating claims which allege that employer policies/practices favor minority religious groups
- ▶ EEOC's latest guidance on national origin discrimination
- ▶ When can accent be considered a factor for employment decisions?
- ▶ When can English fluency be considered a factor for employment decisions?
- ▶ Can employers require foreign language fluency?
- ▶ When are English-only rules and other restrictive language policies lawful?

## 11:45 The Tripartite Relationship Between Carriers, Insureds and Defense Counsel in EPL Insurance Claims: Navigating and Overcoming the Ethical Dilemmas and Coverage Complexities (Featuring .5 Ethics Credit)

Raymond Cashman, Esq., CPCU  
Director  
Management Liability  
and Specialty Claims  
Nationwide Insurance

Kristi Mackin Galletti  
Claims Counsel  
XL Insurance

Thomas Lookstein  
Regional Claims Manager  
Starr Adjustment  
Services, Inc.

Brian T. McMillan  
Shareholder  
Littler Mendelson P.C.

- ▶ Examining the unique ethical issues that arise from the relationship among counsel, insurer and policyholder
- ▶ Identifying and navigating the conflicts of interest that arise as a result of the tripartite relationship
- ▶ The dual client dilemma facing counsel retained by an insurance company to represent a policyholder – what issues does this create?
- ▶ What strategies can counsel employ to avoid conflicts of interest resulting from the tripartite relationship?
- ▶ Communication with plaintiffs and company employees: what's appropriate and what's not?
- ▶ Addressing the coverage implications of the tripartite relationship
- ▶ Coordinating the defense with the insured and the carrier
- ▶ Gaining a deeper understanding of the motives and interests of both insureds and carriers when they are faced with an EPL claim
- ▶ Carrier perspectives on working with insureds to better manage claims
- ▶ Carrier expectations as they relate to the defense of a claim and the role of in-house and outside counsel
- ▶ Carrier perspectives on settlement of claims and how it may differ from the insured's perspective
- ▶ How carriers, insureds and defense counsel can best work together to manage and defend against class actions

## 12:45 A Tactical Tool-Kit for Negotiation, Mediation and Arbitration (Including Overseas Arbitration) of EPL Claims: Strategies and Techniques for Engaging in Successful Alternative Dispute Resolutions

Claudia Oliveri  
Claims Manager  
Starr Adjustment Services, Inc.

Kenneth P. Carlson, Jr.  
Partner  
Constangy, Brooks, Smith  
& Prophete, LLP

Jeffrey Hirsch  
Founding Member  
Kissel Hirsch & Wilmer LLP

- ▶ Trends toward arbitration: is coverage providing for arbitration as opposed to litigation?
- ▶ Overseas arbitration of EPLI coverage disputes: both sides of the foreign arbitration coin and tips on how to protect oneself during the process.
- ▶ Settling collective and class actions
- ▶ How the actual EPL policy can play a crucial role in the settlement and mediation of cases: EPL policy is an important asset, partnering with EPL carrier is to everyone's benefit
- ▶ Evaluating recent successes and failures in the use of ADR to resolve EPL claims: What has worked, what has not worked, and why?
- ▶ Key break points during litigation at which to consider mediation
- ▶ Persuading employees, employers, and carriers to attempt mediation
- ▶ Assessing the costs of litigation: Establishing reserves; What are the costs, liabilities and actual damages; Conducting a cost/benefit analysis of your risks and your options
- ▶ The insured-carrier dynamic: Achieving a result that is satisfactory to both parties
- ▶ Assessing the merits of arbitration as a means of resolving a discrimination, harassment or other employment practices claim

- ▶ Determining whether to require employees to sign mandatory, binding arbitration agreements and whether such agreements are enforceable
- ▶ State by state settlement tendencies

## 1:35 Successfully Navigating the Intersection of Privacy, Data Protection and a Technology-Driven Workplace: The Impact of Social Media in the Workplace; Avoiding Privacy-Based Disputes and Security Breaches; the Blurred Line Between What is Work and Personal, and the Interplay of these Claims with EPLI Coverage

Gail Gottehrer  
Partner  
Axinn, Veltrop & Harkrider LLP

Joel R. Hlavaty  
Partner  
Frantz Ward LLP

- ▶ EPLI coverage as it relates to the use of social media by employers and employees
- ▶ Legislation designed to protect employees from their employers' "intrusion" into what is already in the public realm, and the privacy-based disputes that arise from it
- ▶ Increased focus on information privacy in the workplace, and the challenges that come with the blurred line between what is work/work time, and what is personal/personal time (social media, use of Facebook/LinkedIn, Bring Your Own Device policies, etc.)
- ▶ Social media use in the hiring process; limitations on the use of background checks
- ▶ Pitfalls to avoid when using social media to screen potential and current employees; minimizing exposure to potential privacy and discrimination claims; best practices regarding accessing information that would otherwise not be readily available to an employer
- ▶ EEOC policies regarding social media
- ▶ NLRB guidance on social media and continued scrutiny over employers' practices that "chill" concerted activity
- ▶ Retaliation claims for terminating an employee for complaints based on social media
- ▶ Cyber security issues / risks related to transfers of sensitive personnel information
- ▶ The challenges of complying with an intricate web of federal, state, local and international privacy and data protection laws
- ▶ Tips and best practices for: Reducing the risk of workplace security breach / responding appropriately when one occurs; Developing appropriate policies to regulate the use of the latest technologies that impact the workplace, including social media, location tracking, data loss prevention software, and e-mail and internet monitoring
- ▶ Using social media as evidence and e-discovery challenges/implications

## 2:15 Conference Ends – Lunch for Workshop Participants

**3:00 – 5:00 pm**

### **WAGE & HOUR WORKSHOP: AN IN-DEPTH ANALYSIS OF WAGE & HOUR LAW ESSENTIALS FOR EPLI PRACTITIONERS**

**(separate registration required)**

**Speaker(s) to be announced**  
**Check [AmericanConference.com/EPLI](http://AmericanConference.com/EPLI) for this and other exciting speakers being added.**

This interactive, in-depth session will provide a nuanced understanding of the essential aspects of this complicated area of the law, at both the state and federal levels. Participants will come away from this session with a firm grasp of the key aspects of wage and hour law.



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