

**ACI**American Conference Institute
Business Information in a Global Context

Register by April 21 and Save! See page 7 for details...

June 12-13, 2017 | Park Lane Hotel | New York, NY

ACI's 30th National Forum on

WAGE & HOUR

CLAIMS AND CLASS ACTIONS

**EARN CLE
CREDITS**

Network with:

JPMorgan Chase
 PetVet Care Centers
 Berry Plastics Corporation
 Macy's
 IBM Corporation
 Safeway / Albertson Companies
 Equifax
 Sodexo, Inc.
 Avon
 AIG
 Chubb
 And many others

Sessions include:

- The Latest **Initiatives of the New Secretary of Labor** and What is On the Horizon for Labor Agendas in the Year Ahead
- Update on the New **DOL Overtime Rules** and Crucial Considerations for Companies as These Rules Are in Flux
- Effective Strategies for **Equal Pay Litigation**
- Avoiding and Defending the Latest **Misclassification Claims**
- State Activity Round-Up: Key State Wage & Hour Developments with Regard to **Minimum Wage, Tipping, Paid Sick/Family Leave, Wage Theft, Overtime, Meal & Rest Breaks** and Beyond)
- Preparing for and Responding to **Ramped Up State Level Enforcement** and Litigation
- Trends in Wage & Hour **Class & Collective Actions**, the Use of Representative Evidence in Wage & Hour Class Actions After *Tyson v. Bouaphakeo*, and the Status of **Class Action Waivers in Arbitration Agreements**
- Latest Wage & Hour Exposures by Key Industry: The Latest Regulatory, Enforcement and Claims Trends Being Seen in the **Transportation, Hospitality, Healthcare, Education and Retail/Service Industries** and Beyond
- Interactive Class Action Settlement Exercise: **Strategies for Settlement** in the Face of Increasing Court Scrutiny

VIEW FROM THE BENCH

Hon. Steven I. Locke
 U.S. Dist. Ct., E.D.N.Y.



Hon. Suzanne Segal
 U.S. Dist. Ct., C.D. Calif



Hon. Nancy Atlas
 U.S. Dist. Ct., S.D. Tex.



Hon. Roslyn Silver
 U.S. Dist. Ct., D. Ariz.



Hon. Timothy C. Batten
 U.S. Dist. Ct., N.D. Georgia



Hon. Young B. Kim
 U.S. Dist. Ct., N.D. Illinois



Hon. Michael Kaplan
 U.S. Bankr. Ct., D.N.J.



Hon. John Milton Young
 Philadelphia Ct. Common Pleas



Sponsored by:

BakerHostetler**Drinker Biddle****GT GreenbergTraurig**Register Now | 888-224-2480 | AmericanConference.com/WageHourNYCa C5 Group Company
Business Information in a Global Context

New Secretary of Labor Initiatives...Trump Administration Labor Agendas in the Year Ahead...Update on DOL Overtime Rules.... Rapid Rise in Equal Pay Litigation...Plaintiff and Defense Strategies in Litigating the Latest Misclassification Claims...Ramped Up State Level Activity with Regard to Minimum Wage, Tipping, Paid Sick Leave, Wage Theft, Overtime, Meal & Rest Breaks... Class Action Certification Developments and Key Takeaways Post-Tyson...The Debate Over Class Action Waivers in Arbitration Agreements...Increased Scrutiny of Class Action Settlements...

THE LIST GOES ON

It has never been more essential to be well versed in all the new nuances involved in defending against and managing the latest wage and hour claims and class actions. Come join your colleagues and clients at the nation's premier wage and hour forum and hone your skills and strategies needed to keep pace with this rapidly changing area of law, manage and defend against new and innovative claims, and prepare for new and evolving regulations and enforcement priorities.

American Conference Institute's **30th National Forum on Wage & Hour Claims and Class Actions** will provide you with an unparalleled opportunity to convene with expert in-house counsel from:

- JPMorgan Chase
- PetVet Care Centers
- Berry Plastics Corporation
- Macy's
- Chubb Insurance
- Safeway / Albertson Companies
- Equifax
- Sodexo, Inc.
- Avon
- IBM Corporation
- AND MANY OTHERS....

... As well as renowned federal and state judges, top government officials, and leading outside defense counsel from around the nation, who will provide you with expert advice, insider strategies, and comprehensive updates on the latest wage and hour developments.

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/WageHourNYC




ACI

American Conference Institute

Business Information in a Global Context

The **C5 Group**, comprising American Conference Institute, The Canadian Institute and C5 in Europe, is a leading global events and business intelligence company.

For over 30 years, **C5 Group** has provided the opportunities that bring together business leaders, professionals and international experts from around the world to learn, meet, network and make the contacts that create the opportunities.

Our conferences and related products connect the power of people with the power of information, a powerful combination for business growth and success.

Continuing Legal Education Credits

Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

SHRM

ACI is recognized by SHRM to offer Professional Development Credits (PDCs) for SHRM-CP or SHRM-SCP.

This program is valid for 8.5 PDCs for the SHRM-CP or SHRM-SCP. For more information about certification or recertification, please visit shrmcertification.org

About the Park Lane

Located directly on Central Park, in the Midtown Manhattan Business District, Park Lane Hotel is just steps from Fifth Avenue Shopping, Broadway Theaters, Museum Mile, Carnegie Hall, Radio City Music Hall, Lincoln Center and many other NYC Activities and New York attractions. This iconic Hotel sits directly on the edge of beautiful Central Park, offering the opportunity to marvel at the soaring, uninterrupted views of legendary Central Park and the iconic New York City skyline from inside, as well as countless gracious services to ensure a fulfilling stay.

Exclusive Room Rates:

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly at 800-221-4982 and mention the "ACI Wage & Hour" conference to receive this rate.

Who You Will Meet:

- In-House Employment Counsel
- Outside Counsel practicing in the areas of:
 - Labor and Employment Law
 - Employment Discrimination
 - Class Actions
- Human Resources Professionals
- Wage and Hour Insurance Providers

Day One

Monday, June 12, 2017

7:30 Registration and Continental Breakfast

8:00 Co-Chairs' Welcome

Lee Schreter
Littler Mendelson PC

Martin T. Wymer
BakerHostetler

Cheryl D. Orr
Drinker Biddle & Reath LLP

8:05 In-House Roundtables

Panel 1

8:05 – 9:05

Jamie M. Kohen
Executive Director &
Assistant General Counsel
JPMorgan Chase

Adeline C. Park
Vice President and
General Counsel
PetVet Care Centers

Jill H. Greene
Associate General
Counsel - Employment
and Litigation
Berry Plastics
Corporation

Suzanne Alford
Assistant General Counsel
Equifax

Claudine English-Tucci
Senior Counsel, Financial
Lines, NA Office of
General Counsel
Chubb Insurance

Panel 1 Moderator:

Cheryl D. Orr
Drinker Biddle &
Reath LLP

Panel 2

9:05 – 10:05

Michael E. Kreitman
Senior Counsel,
Employment
Macy's

Teri Wilford Wood
Associate General
Counsel
IBM Corporation

Elena Dietrich
Vice President Litigation
and Employment Law
Albertson Companies

Nicole A. Groves
Director, Senior Counsel
Avon

Catherine A. Spicer
Vice President, Associate
General Counsel
Tailored Brands

Panel 2 Moderator:

Martin T. Wymer
BakerHostetler

- New and emerging areas of risk in the wage & hour landscape
- What in-house can do to make their clients less of a target
- First-hand accounts of compliance strategies and pitfalls to avoid
- Selecting and retaining outside counsel
- Managing complex litigation
- AND BEYOND

10:05 Morning Coffee Break

Tracking the Latest Initiatives of the New Secretary of Labor, and What is On the Horizon for Labor Agendas in the Year Ahead?

Michael Billok
Bond Schoeneck & King PLLC

Scott M. Nelson
Baker & McKenzie LLP

Wayne Adams
Ice Miller LLP

Jason C. Schwartz
Gibson Dunn & Crutcher LLP

- 6-month look back on what Trump's administration has done so far
- What is the new Secretary of Labor looking at in terms of labor agendas?
- The latest DOL interactions with the NLRB
- A discussion of the most controversial of the Obama wage & hour enactments and the most promising of the Trump administration proposals
- To what extent has the Trump administration undone or scaled back Obama's wage & hour initiatives, and what new items are on Trump's agenda?
- Addressing the implications of the new and anticipated labor agenda changes

11:10 Update on the New DOL Overtime Rules, Crucial Considerations for Companies as These Rules Are in Flux, and How the New Administration Will Impact the Future of the Rules

Melissa Siebert
BakerHostetler

Joseph Centeno
Obermayer Rebmann Maxwell & Hippel LLP

Toby Dykes
Constangy, Brooks, Smith & Prophete, LLP

Rania V. Sedhom
Sedhom Law Group, PLL

- Update on the status of the enjoined DOL overtime regulations and how Congress and the Trump DOL are responding
- Best practices for companies that have already implemented, or are in the process of implementing Obama's overtime initiatives – strategies for minimizing risk while overtime requirements are in limbo
 - Restructuring workers, tracking time, effecting organizational pay practice changes, reviewing job duties and descriptions to ensure that employees are properly classified
 - If there are no changes in the FLSA exemptions, should employers still be considering whether the duties test is satisfied? Analyzing best practices
- What should companies and their counsel be considering moving forward? Rapidly assessing what actions to take and what actions are possible

In-house counsel provide key insights on:

- Formulating and adapting your wage & hour policies in the face of increased uncertainty caused by the new administration
- What should companies be doing if they have already made, or are in the process of making the changes required under Obama's initiatives? Best practices while in this state of limbo
- Conducting a self/internal wage & hour audit - When should one be conducted? Who should be involved?
- What practices, processes and documents should be looked at? By whom?

12:10 **Networking Lunch for Speakers and Delegates**

1:15 **Effective Strategies for Equal Pay Litigation: Addressing the Recent Rapid Rise in Equal Pay Class Actions, Understanding and Mastering the Unique Nuances of These Cases and Mitigating Your Litigation Risks**

James M. Nelson
Greenberg Traurig LLP

Emily Burkhardt Vicente
Hunton & Williams LLP

Rebekah Bailey
Nichols Kaster PLLP

- Examining the recently ramped up pay equity laws enacted across the states, and how these laws have been opening up the floodgates to new litigation and rising class actions
- How are new state laws changing the standards to make it easier for employees to succeed in these cases?
- An overview of the latest, most notable pay equity litigation - key takeaways
- Compiling, analyzing and synthesizing large amounts of data in these cases
- What extrinsic factors used to determine pay levels are being considered/ weighed by the court?
- Utilizing an economist to conduct statistical evaluations in these cases?
- What are plaintiffs' counsel capitalizing on in these cases and what strategies are they employing?
- Proven strategies for mitigating the risk of equal pay litigation, and for defending against such cases once involved in litigation

2:05 **Plaintiff and Defense Insights on Recent Trends in Wage & Hour Class & Collective Actions, the Use of Representative Evidence in Wage & Hour Class Actions After Tyson v. Bouaphakeo, and the Status of Class Action Waivers in Arbitration Agreements**

Peter A. Walker
Seyfarth Shaw LLP

Timothy J. Long
Orrick, Herrington & Sutcliffe, LLP

Eric Su
Ford & Harrison LLP

Louis Pechman
Pechman Law Group PLLC

- Plaintiff and defense counsel share their insights on the latest developments and trends in wage and hour class and collective actions and their treatment by the courts
- The use of representative / statistical evidence to certify and maintain a class in wage & hour class actions following the Supreme Court's decision in Tyson v. Bouaphakeo
 - How are plaintiffs' and defense counsel approaching this issue?
 - Examining the fallout from this case and its broad implications on proving damages in wage & hour class/collective actions; how are the lower courts interpreting it?

- A discussion of the current and future state of class action waivers in arbitration agreements
- How the new NLRB board may affect this issue
- If the Supreme Court ends up in a 4-4 tie on this critical issue, and the deciding vote is cast by newly nominated judge Neil Gorsuch, what is the likely outcome we will see and what are the implications of this?

3:15 **Afternoon Break**

3:25 **Proven Strategies for Litigating the Latest Misclassification Claims - What Are Plaintiffs' Counsel Capitalizing On in These Cases, Best Practices for Avoiding and Defending Against These Claims, and Lessons Learned from Someone Who Has Litigated to a Hung Jury or Judgment**

Mercedes Colwin
Gordon & Rees

Michael C. Schmidt
Cozen O'Connor, P.C.

David Sanford
Sanford Heisler Kimpel LLP

- Examining the latest trends in exempt vs. non-exempt and independent contractor misclassification claims
- Assessing the latest key case law on the federal and state level
- What strategies are being employed by plaintiffs' counsel, and what are they capitalizing on in these cases?
- What are the latest strategies in defeating claims that employers have misclassified workers as "exempt" or as independent contractors?
- What industries, industry niches and new categories of employees are being targeted?
- Focus on the latest "gig economy" claims
- Staying on top of recent changes and nuances in Federal DOL and state rules governing classification
- Key takeaways and lessons learned from someone who has litigated an independent contractor misclassification case to a hung jury or judgment

4:15 **State Activity Round-Up: Key State Wage & Hour Developments with a Spotlight on New York and Other Trendsetting Regions (Minimum Wage, Tipping, Paid Sick/Family Leave, Wage Theft, Overtime, Meal & Rest Breaks and Beyond); and Preparing for and Responding to Ramped Up State Level Enforcement and Litigation**

Andrew Rosenman
Mayer Brown LLP

Matthew W. Lampe
Jones Day

Mandana Massoumi
Mannatt, Phelps
& Phillips, LLP

Brian Schaffer
Fitapelli & Schaffer

- Addressing the increase in state and municipal wage & hour activity and enforcement given the decline in the activity of the Fed

- Taking a look at the latest state regulatory and enforcement developments regarding:
 - Minimum wage
 - Paid sick leave/ family leave
 - Tipping
 - Payroll
 - Overtime
 - Meal & Rest Breaks
- Unique challenges associated with doing business in states with increasingly varied minimum wage laws (e.g. New York which has at least 5 different local minimum wage requirements depending on locality, employer and occupation)
- Avoiding the risks of claims associated with operating under varied and competing state/local/municipal wage & hour laws
- In the face of ramped up state level enforcement – who has gotten into trouble and why? Lessons learned and key takeaways

5:15 Conference Adjourns

Cocktail Reception Hosted by: **Drinker Biddle**



Global Sponsorship Opportunities

With more than 300 conferences in the United States, Europe, Asia Pacific, and Latin America, **American Conference Institute (ACI)** provides a diverse portfolio devoted to providing business intelligence to senior decision makers who need to respond to challenges spanning various industries in the US and around the world.

As a member of our sponsorship faculty, your organization will be deemed as a partner. We will work closely with your organization to create the perfect business development solution catered exclusively to the needs of your practice group, business line or corporation.

For more information about this program or our global portfolio of events, please contact:

Wendy Tyler
Director of Sales, American Conference Institute

Tel: 212-352-3220 x5242
w.tyler@AmericanConference.com

Day Two

Tuesday, June 13, 2017

8:00 Registration and Continental Breakfast

8:30 Views From the Bench: What Works and What Doesn't in Their Courtrooms, Why Employers Succeed and Don't Succeed in Wage & Hour Litigation, Novel Trial and Case Management Strategies, Examples of Bad Lawyering, Judicial Perspectives on Class Certification, and More

Hon. Steven I. Locke
U.S. District Court, E.D.N.Y.

Hon. Suzanne Segal
U.S. Dist. Ct., C.D. Calif

Hon. Roslyn Silver
U.S. District Court, D. Arizona

Hon. Nancy Atlas
U.S. District Court, S.D. Texas

Hon. Timothy C. Batten
U.S. District Court,
N.D. Georgia

Hon. Young B. Kim
U.S. District Court, N.D. Illinois

Hon. Michael Kaplan
U.S. Bankruptcy Court, D. New Jersey

Hon. John Milton Younge
Philadelphia Ct. Common Pleas

Moderator:

Craig Cleland
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

9:50 Morning Break

10:05 The Rapid Growth of Wage & Hour Insurance

Lara A. Bruzzese
Senior Vice President and Global EPLI Product Leader
AIG

Thomas P. Hams
Managing Director, National EPLI Practice Leader
Aon

Matthew Irvine
Chief Underwriting Officer, Professional Lines
XL Catlin, Bermuda

Machua Millett
Chief Innovation Officer, FINPRO US
Marsh

Moderator:

Julianna Ryan

Kaufman Borgeest & Ryan LLP

- The expanding marketplace for wage and hour coverage
- What underwriters are looking for in evaluating wage and hour risk
- The role of insurance in the defense and settlement of claims
- New players in the W&H insurance market
- Methods used / challenges faced in underwriting this risk
- How the policies are evolving
- How claims are being handled and issues that can arise when W&H insurance is in place
- What kind of companies need it most?

11:05

Examining the Latest Wage & Hour Exposures by Key Industry: The Latest Regulatory, Enforcement and Claims Trends Being Seen in the Transportation, Hospitality, Healthcare, Education and Retail/Service Industries and Beyond

Natasha Wilson

Greenberg Traurig LLP

Matthew M. Sonne

Sheppard Mullin Richter & Hampton LLP

Mark D. Temple

Reed Smith LLP

Lee Schreter

Littler Mendelson PC

- This panel will provide a comprehensive overview of the top industries being hit with wage and hour claims and enforcement efforts
 - What are the statutory implications in these claims?
 - What are plaintiffs' counsel capitalizing on in these claims and defense strategies for defeating them
 - The anticipated impact of the Trump DOL on the wage and hour claims being faced by these key industries

12:00

Interactive Class Action Settlement Exercise: A Plaintiff Attorney, Defense Attorney and Judge Engage in a Mock Wage & Hour Settlement to Demonstrate Strategies for Settlement in the Face of Increasing Court Scrutiny

Hon. Steven I. Locke

U.S. Dist. Ct., E.D.N.Y.

Jeffrey Brecher

Jackson Lewis P.C.

Jeanne M. Christensen

Wigdor LLP

- Examining the latest issues, trends, challenges and strategies in approaching settlement of wage and hour claims
- Strategies for settlement in the face of increasing court scrutiny of, and restrictions on settlement and settlement agreements
- Tips and best practices for dealing with the court approval process
- What restrictions are courts placing on what parties can mutually agree to under a settlement agreement?

1:00

Conference Ends



Exclusive Room Rates!

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. To book a room at the discounted rate please contact the hotel directly and mention the ACI Wage & Hour conference.

MISSED A CONFERENCE?

ORDER THE CONFERENCE MATERIALS NOW!

If you missed the chance to attend an ACI event, you can still benefit from the conference presentation materials.

To order the Conference Materials, please call **1-888-224-2480** or visit: **www.americanconference.com/conference_papers**

1 Choose your Registration Method



PHONE:
1-888-224-2480



ONLINE:
www.AmericanConference.com/WageHourNYC



EMAIL:
CustomerService@AmericanConference.com



FAX:
1-877-927-1563



MAIL:
American Conference Institute
45 West 25th Street, 11th Floor
New York, NY 10010

© American Conference Institute, 2017

2 Select your Level of Engagement

SAVE \$200
Register & Pay by April 21, 2017

Register & Pay After April 21, 2017

☐ Conference Only

\$2095

\$2295

All program participants will receive an online link to access the conference materials as part of their registration fee.

☐ Please reserve ___ additional copies of the Conference Materials at \$199 per copy.

**ELITEPASS is recommended for maximum learning and networking value.*

Bringing a Team?

3 – 4

10% Conference Discount

5 – 6

15% Conference Discount

7

20% Conference Discount

8 or more

Call 888-224-2480

Special Discount

ACI offers financial scholarships for government employees, judges, law students, non-profit entities and others. For more information, please email or call customer service.

Fee Includes

The program, all program materials, refreshment breaks and lunches.

Terms and Conditions

Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to 3 or more individuals employed by the same organization, who register at the same time.

Delegate Substitutions and Cancellations

You must notify us by email at least 48 hrs in advance of the conference if you wish to send a substitute participant. If you are unable to find a substitute, please notify us in writing no later than 10 days prior to the conference date. All cancellations received will be subject to a cancellation fee of \$350. Delegates opting to receive a credit voucher will receive a credit for the full amount paid, redeemable against any other American Conference Institute conference in the next 12 months.

No credits or refunds will be given for cancellations received within 10 days of the conference start date. Delegates may not "share" a pass between multiple attendees without prior authorization. No liability is assumed by American Conference Institute for changes in program date, content, speakers or venue. American Conference Institute reserves the right to cancel any conference it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants.

3 Fill in your Profile

Conference Code

656L17-NYC

SALUTATION NAME

JOB TITLE ORGANIZATION

ADDRESS CITY

STATE/PROVINCE ZIP CODE COUNTRY TEL

FAX EMAIL

TYPE OF BUSINESS NO. OF EMPLOYEES

APPROVING MANAGER JOB TITLE

☐ I would like to receive CLE accreditation for the following states: _____, See CLE details inside.

4 Complete Payment Details

Please charge my ☐ VISA ☐ MasterCard ☐ AMEX ☐ Discover Card ☐ Please invoice me

NUMBER EXP. DATE

CARDHOLDER

☐ I have enclosed my cheque for \$ _____ including applicable taxes made payable to **American Conference Institute** (T.I.N.—98-0116207)

☐ ACH PAYMENT (\$USD)

Please quote the name of the attendee(s) and the event code 656L17-NYC as a reference.

For US registrants:

Bank Name: HSBC USA

Address: 800 6th Avenue, New York, NY 10001

Account Name: **American Conference Institute**

UPIC Routing and Transit Number: 021-05205-3

UPIC Account Number: 74952405

Non-US residents please contact Customer Service for Wire Payment Information

5 Accept the Terms and Conditions to Register



I confirm I have read and understood the terms and conditions of registering for this event

Venue Information at a Glance

Venue: The Park Lane Hotel
Address: 36 Central Park S, New York, NY 10019
TEL.: 800-221-4982
Online: AmericanConference.com/WageHourNYC

Book your Accommodation

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly at (800) 221-4982 and mention the "ACI Wage & Hour" conference to receive this rate.

June 12-13, 2017 | Park Lane Hotel | New York, NY

ACI's 30th National Forum on

WAGE & HOUR

CLAIMS AND CLASS ACTIONS

American Conference Institute
45 West 25th Street, 11th Floor
New York, NY 10010

Attention Mailroom

If undeliverable to addressee, please forward to:

**LABOR & EMPLOYMENT LITIGATION ATTORNEY;
EMPLOYMENT COUNSEL**

Incorrect Mailing Information

If you would like us to change any of your details,
please email Data@AmericanConference.com
or fax the label on this brochure to 1-877-927-1563.

REGISTRATION CODE



S10-656-656L17.S



Can be recycled



ACI

American Conference Institute
Business Information in a Global Context

Register by April 21 and Save! See page 7 for details...

June 12-13, 2017 | Park Lane Hotel | New York, NY

ACI's 30th National Forum on

WAGE & HOUR

CLAIMS AND CLASS ACTIONS

