



Public Sector EEO and Employment Law Update

WEBINAR

*AGENDA/SPEAKERS SUBJECT TO CHANGE

Tuesday, August 15

11:30am – 1:30pm (Eastern) **Developments in EEO**

Speaker: [Chris Jalian](#) and [Eric Distelburger](#) - Paul Hastings

Update of Supreme Court cases, and the most significant appellate court cases and their application and implications for employment practices in key substantive and procedural areas, including race, sex, color, religion, national origin, gender and pregnancy discrimination, the ADEA, damages, and injunctive relief, highlighting those relevant of the Public Sector.

1:30pm – 1:45pm (Eastern) **Break**

1:45pm – 3:15pm (Eastern) **Wage and Hour & Misclassification Issues**

Speaker: [Samantha Rollins](#) and [Andrew Murphy](#) – Faegre Drinker

Changing priorities and rulemaking at the DOL under the Biden administration, the latest from the Supreme Court on wage and hour law, new developments involving contractors and other non-covered workers, exemption and misclassification decisions, remote working, and compensable time in our increasingly technology-centered workplace. Joint employment theories and developments in litigation defenses will also be covered.

Wednesday, August 16

11:30am – 1:15pm (Eastern) **Harassment and Internal Investigations**

Speaker: [Dennis P. Duffy](#) – Kane Russell Coleman Logan and [Carolina Bravo-Karimi](#) –
Wilson Turner Kosmo

Update on judicial and EEOC developments including what constitutes severe and pervasive conduct, same sex harassment, when and how to establish an affirmative defense, and actions employers should implement to reduce exposure to liability, including preventative strategies, beyond basic harassment training and updating policies, to diagnose and proactively manage workplace culture issues, promote an environment that values respect, and fosters open communication important to creating a culture of compliance and mutual respect. Also, the additional legal requirements in harassment investigations, including selecting the right investigator, defining the scope, distinguishing between fact finding and findings of policy and law, balancing confidentiality and the duty to investigate, ensuring prompt thorough investigations, establishing and preserving privilege, investigating misconduct with criminal implications and/or in the absence of a cooperative complainant, and the unique challenge of conducting “remote” investigations.

1:15pm – 1:30pm (Eastern) **Break**

1:30pm – 3:15pm (Eastern) **Retaliation and Whistleblowing Claims**

Speaker: [Greg Keating](#) – Epstein Becker Green

Coverage of the continued surge in these claims and the drivers which are fueling the surge. A focus on a variety of evolving hot topics which are dividing the courts, including “protected activity,” expanded concept of “adverse action,” negating the inference of “causation,” third party retaliation, retaliatory harassment, and “unreasonable opposition.” We will also discuss whistleblower claims, including expanded rights and remedies of the would-be whistleblower, stepped up agency enforcement and best practices to help avoid and/or minimize liability, especially now.

Thursday, August 17

11:30am – 1:15pm (Eastern) **“Reasonable Accommodation” Under the ADA & Rehabilitation Act: Fast-Breaking Developments**

Speaker: [David K. Fram](#) with NELI

Latest developments from the EEOC and federal courts on fast-breaking reasonable accommodation issues and the importance of training first-line supervisors on what to listen for as possible triggers to the interactive process, what supervisors and HR personnel should be trained to say and document in response to employee requests, important, practical developments on the meaning of the term “reasonable,” particular accommodation questions, such as work-at-home, whether/how much “leave” (including a repeated leave extension) is required, how this interplays with the FMLA, whether reduced workloads, non-competitive reassignment, an “irritant-free” environment, shift changes, supervisor changes, or reserved parking spaces are required, whether discipline must be rescinded as an accommodation, and where the funds for accommodations should come from.

1:15pm – 1:30pm (Eastern) **Break**

1:30pm – 3:15pm (Eastern) **FMLA Compliance and Best Practices**

Speaker: [Sara Fowler](#) – Seyfarth

Updates from the DOL in 2023, the continuing difficulties in dealing with medical certifications and best practices, practical issues regarding the effect of leave on the measurement of performance goals, training supervisors on what not to say and how to recognize notice of need for FMLA leave, how to use notice requirements and re-certifications to combat intermittent leave abuse, how to handle an employee who states their “return to work” date is unknown, combatting suspected intermittent leave abuse, and what to do when you suspect fraudulent use of leave.