



# 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: TBA**

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:**

Recent DOL initiatives and regulations, new developments involving contingent workers and other non-covered workers, exemption and misclassification decisions, calculation issues, rounding and auto-deductions, remote working, and compensable time in our increasingly technology-centered workplace, especially in the COVID-19 era. Joint employer theories and cases and actual or constructive knowledge of time worked required to prove a claim will also be covered.

### Wednesday, August 16

**11:30am – 1:15pm (Eastern)      E-Workplace: Evolving Privacy Issues and Developments**

**Speaker: TBA**

Covering the expanding set of technology platforms that keep challenging employers on how to restrict, monitor, scrutinize and /or preserve employees' and applicants' technology usage that impacts employees' privacy rights and employers' information security programs, "Cloud" technology, social media and other forms of offline communications and their implications for an employer's BYOD program and potential discoverability in legal proceedings. Also, discussion of employers' rights to limit employees' social media posts and the ability to discipline for such posts, prohibitions on forced disclosure of personal login credentials, proactive steps employers can take to minimize risks of data theft, and compliance with state privacy and security statutes and regulations.

**1:15pm – 1:30pm (Eastern)      Break**

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

**Speaker: TBA**

Coverage of the continued surge in these claims, 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, 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 on practical reasonable accommodation issues, including when the issue arises in the COVID-19 context 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 changes on the definition of "reasonable," particular accommodation questions, such as work-at-home because of COVID-19 concerns, 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: TBA**

New DOL opinion letters and OPM guidance, new developments concerning COVID-19, including the overlap between Families First legislation and the FMLA and the coordination of paid and FMLA leave, handling requests to work without medical clearance and requests to stay home without medical justification, issues when leave is to care for a family member, practical issues regarding the effect of leave on the measurement of performance goals, the relationship between working from home and approved leave, training supervisors on what not to say, 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, and what to do when you suspect fraudulent use of leave.