



Public Sector EEO and Employment Law Update

WEBINAR

*AGENDA/SPEAKERS SUBJECT TO CHANGE

Tuesday, August 16

11:30am – 1:30pm (Eastern) Developments in EEO and the Most Pressing Concerns Raised by COVID-19 Issues

Speaker: [Ryan D. Derry](#) and [Elizabeth S. Minoofar](#)

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: [Christopher A. Parlo](#)

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 17

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

Speaker: [Dennis P. Duffy](#)

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 COVID-19 implications on internal investigations including the unique challenge of “remote” investigations.

1:15pm – 1:30pm (Eastern) Break

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

Speaker: [Jill Rosenberg](#) and [Andrew R. Livingston](#)

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 18

11:30am – 1:15pm (Eastern) “Reasonable Accommodation” Under the ADA & Rehabilitation Act: Fast-Breaking Developments Including COVID-19 Issues

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, Including FFCRA Coverage and Other New Issues Related to COVID-19

Speaker: [Megan P. Norris](#)

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.