

From The Center for Management and Professional Development

2016 EMPLOYMENT ISSUES UPDATE



LABOR AND EMPLOYMENT INFORMATION FOR MANAGERS, LEGAL COUNSEL AND HR PROFESSIONALS

ATTEND THIS
PROGRAM TO
RECEIVE IMPORTANT
UPDATES ON SOME
OF TODAY'S **MOST**
CHALLENGING
WORKPLACE ISSUES

TOPICS INCLUDE:

- Essential Employment Law Updates
- DOL's Newest Initiatives Under the FLSA and Beyond: Employers Beware
- The ADA: Common Fitness for Duty, Restricted Duty, Attendance, and Leave Dilemmas
- Harassment and Bullying: The Next Generation
- The Three Accommodation Obligations: Religious Beliefs, Pregnancy and Disability
- EEOC's Newest Initiatives and Their Significant Impact on Employers

STATE OF MISSOURI
Center FOR
MANAGEMENT AND
Professional Development

"We inspire current and potential leaders on their journey to excellence."

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November 9, 2016

9:00 AM - 4:00 PM
Governor Office Building
Room 450
200 Madison Street
Jefferson City, Missouri
\$169.00

2016 EMPLOYMENT ISSUES UPDATE AGENDA

Each of the following modules will be approximately 1 hour in length.

EMPLOYMENT LAW UPDATE

This session will address key federal and state employment law developments during 2015 and 2016, including court cases and legislative/regulatory developments. It will also include the key takeaways and lessons learned from these developments and practical guidance for complying and going forward. It will also cover major pending court cases to keep an eye on in 2017 and any major legal trends. Also to be discussed are key employment law issues that are on the horizon and expected to be hot topics in the foreseeable future.

DOL'S NEWEST INITIATIVES UNDER THE FLSA AND BEYOND: EMPLOYERS BEWARE

The DOL continues to aggressively enforce its position that all workers are employees (and non-exempt ones at that) unless an employer can clearly prove otherwise. This presentation will discuss the three major DOL initiatives on this topic: (1) whether a worker is an employee or an independent contractor; (2) when two businesses that are horizontal or vertical to each other will be considered "joint employers" (even if they are not related entities); and (3) the new FLSA white collar exemptions and overtime rules and what to expect as they are implemented by employers.

THE ADA: COMMON FITNESS FOR DUTY, RESTRICTED DUTY, ATTENDANCE, AND LEAVE DILEMMAS

This session will discuss what you can, cannot, and should do when an employee: (1) may not be fit or safe for duty; (2) has work restrictions; (3) needs a special work schedule; (4) needs a continuous leave of absence beyond FMLA (including worker's compensation); (5) has non-FMLA intermittent medical absences; (6) requests fitness-related accommodations; (7) requests a leave after adverse performance or disciplinary action; (8) fails or refuses to provide medical information; (9) has a contagious illness; or (10) holds a critical job which needs to be done.

HARASSMENT AND BULLYING: THE NEXT GENERATION

Do you know the difference between unlawful harassment and bullying? What is the preferred definition of "bullying?" Just how prevalent is bullying in the workplace? How can employers effectively address bullying situations? Should your harassment policy include a prohibition against bullying? Should you have a separate anti-bullying policy? This session will answer these questions, address the prevalence of bullying in the workplace, and provide practical guidance on addressing workplace bullying issues.

THE THREE ACCOMMODATION OBLIGATIONS: RELIGIOUS BELIEFS, PREGNANCY AND DISABILITY

There are now 3 accommodation obligations under federal law – religious beliefs, disability, and pregnancy. However, they involve different standards and requirements for accommodation. Pregnancy accommodation in particular will be challenging because of the U.S. Supreme Court's recent decision in *Young v UPS* and its lack of useful guidance. This session will address the 3 accommodation standards as well as practical tips for making sound accommodations for each of the 3 types of protected characteristics.

EEOC'S NEWEST INITIATIVES AND THEIR SIGNIFICANT IMPACT ON EMPLOYERS

The EEOC is becoming more aggressive in protecting employees, and employers must be prepared to deal with new EEOC developments. This session will address the EEOC's position on sharing employers' responses to charges with the claimant, its proposed enforcement guidance on retaliation, sexual orientation as a protected category, the new digital charge filing system, the new guidance on wellness programs, enforceability of releases, submission of compensation data as part of EEO-1 report, and other EEOC initiatives.

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This program is **UNDER REVIEW** to receive **6.0 (General) recertification credit hours** toward PHR, SPHR and GPHR recertification through the HR Certification Institute; and 7.2 MO CLE credit hours.

The use of the HRCI seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.



Our Presenter:

Sue K. Willman, JD, SPHR

Sue Willman is a member of **Spencer Fane LLP in Kansas City** and has over 30 years of experience as an employment lawyer. Sue represents management exclusively on workplace legal issues, specializing in hiring, discipline, discharge, employment-related contracts, FMLA, ADA, harassment, discrimination, wage/hour, safety, state employment laws, and more; and defends employers in connection with employment-related claims filed with government agencies. Sue is often quoted and published in HR publications and is a frequent presenter at employment law conferences. Sue attended law school and received her J.D. degree from the University of Missouri-Kansas City.

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