

Thursday & Friday
May 18 & 19, 2023
Saint Paul RiverCentre

The 2023 Upper Midwest

Employment Law Institute



co-sponsored by Minnesota CLE, the MSBA Labor and Employment Law Section,
and the Twin Cities Society for Human Resource Management

The Nation's Best Employment Law Conference!

- 1 | **New Laws, New Rules, New Cases, New Trends**
- 2 | National and Local **Agency Leaders**
- 3 | **70 On-Point** Sessions
- 4 | Engaging, Energizing, **Fun** Atmosphere
- 5 | **Diverse Practice Perspectives**
- 6 | Valuable **Resource Materials**
- 7 | New **Bonus** Wage and Hour Handbook
- 8 | 3 **Bonus** Post-Institute Webcasts
- 9 | New **Bonus** Post-Institute Seminar
- 10 | **21.5 Credits** (12.5 at the Institute and 9 After)

...And Much More!

IT'S WHAT YOU'RE LOOKING FOR IN PROFESSIONAL EDUCATION

On-Point Topics, Real-World Guidance, Diverse Perspectives
in an Energizing, Fun Atmosphere!



New Developments – Identified, Explained, and Applied to Real-World Scenarios

The Upper Midwest Employment Law Institute is your “one stop” for practical updates on the new laws, new rules, new cases, and current trends that employment attorney advisors, litigators, in-house counsel, and human resources professionals need to know.

A Fun, Engaging Event!

There's no doubt that this year's Institute will be filled with friendly conversation with new acquaintances, with laughter catching up with old friends, and with hands in the air to catch the attention of colleagues.

“Nice to meet you!”

“It's great to see you again!”

“Which session are you headed to?”

“Want to chat about that case we have?”

“See you at the reception!”

The Institute has always been an incredibly important, annual gathering place to re-energize and connect with others in the employment law and human resources fields. And this year, it's even more so!

Impressive Faculty Roster with Diverse Practice Perspectives

The 2023 Upper Midwest Employment Law Institute features an outstanding faculty committed to providing the best and most practical education for you. Attend for insights from the **EEOC's Legal Counsel** and the **USDOL Wage and Hour Division's Principal Deputy Administrator, state commissioners, federal regional and local agency leaders, a former EEOC commissioner**...and that's just for starters! Speakers are from in-house, government, and private practice – advisors and litigators, both plaintiffs' counsel and defense. This faculty mix leverages diverse insights and perspectives to spot and analyze the issues that matter and to offer real-world guidance.

70 Sessions – Tailor an Agenda That Meets Your Needs and Experience Level

Here are just some of the many sessions and topics at this year's Institute –

- EEOC, USDOL Wage and Hour Division, and NLRB Updates
- New Pregnant Workers Fairness Act, PUMP Act, Speak Out Act and Other New Laws
- New Supreme Court Decisions and Other Case Updates
- Joint Employment and Other New Rules in Development
- Medical Inquiries – ADA, FMLA, Work Comp
- Pay Transparency and Pay Equity
- FMLA and Other Leaves
- Settlement Agreements
- Employee Marijuana Use
- Disability Accommodation
- Whistleblower and Retaliation Claims
- Religious Accommodations
- LGBTQ+ Employee Rights
- Workplace Investigations
- Hiring and Applicant Screening
- ESG and DEI
- Workforce Restructuring
- Discipline, PIPs, Discharge
- Managing Remote Workers
- Impact of *Roe v. Wade* Reversal
- Non-Competes
- Ethics, Elimination of Bias, and ADR
- PLUS Employee Privacy, Mandatory Arbitration, AI, Wage Theft Enforcement, Damages, Handbook Updates and Many More!

G FOR ION.

ves –

Plan now to take part in
the **2023 Employment Law
Institute!**

► **If you've attended the
Institute before, you've
experienced –**

- the **energy** of the event
- the **fun** of seeing old friends and meeting new people
- the **“a-ha” moments** during sessions
- the **confidence** that you're up to date amid all the new developments
- the **ability to customize an agenda** that's perfect for your needs
- the **chance to learn from experts** with diverse practice perspectives, and
- all the **important insights being shared** formally in sessions and informally with colleagues and faculty during the breaks!

► **We're excited to again offer
you a conference jam-packed
with these qualities.**

► **And if you haven't yet
attended the annual Institute,
we look forward to welcoming
you for the first time in 2023!**

- You can feel confident that our reputation as the best employment law conference in the country is well earned.
- That reputation is built on more than 30 years of timely, practical program line-ups that meet attendees' practice needs, **educating thousands of employment lawyers and human resources professionals from Minnesota and across the Upper Midwest.**

5 Post-Conference Tools – The Benefits Continue Well Beyond the Institute

In addition to helpful presentations by a terrific faculty during the conference, you'll get a host of post-Institute benefits including –

- 1 | Your choice of 3 post-Institute bonus webcasts at no extra charge
- 2 | Valuable session materials with helpful analysis, checklists, and more
- 3 | 2 Summary Guides™ and 3 Legal QuickSheets™ providing quick answers and guidance on selected employment law and practice issues
- 4 | A new wage and hour guide prepared especially for this Institute
- 5 | A bonus post-Institute full-day seminar

See pages 4 and 5 for more details.

Register today at www.minncle.org

HIGH VALUE, DELIVERED.

Looking for an incredibly efficient and effective way to increase your knowledge on Sharpen your strategies? Make sure you're up to date with new developments? Re-Earn lots of credit? **The 2023 Institute benefits package delivers all this, and even**

MAY 18 & 19, 2023

Next-Level Conference Experience

Here are 7 of the reasons that the Upper Midwest Employment Law Institute is the “go to” yearly event for employment lawyers and human resources professionals alike!

1 | Insights from Senior Agency Speakers Including –



Jessica Looman
Principal Deputy Administrator
USDOL Wage and Hour Division
Washington, D.C.



Carol Miaskoff
Legal Counsel
EEOC
Washington, D.C.

2 | Updates on New Laws, New Rules, New Cases, New Trends

The Institute is, hands down, the most effective and efficient way to keep up on all the important new developments.

3 | 70 Practical Sessions

Dozens upon dozens of valuable sessions packed with practical analysis, tips, and strategies. In addition, all attendees can access the recordings of all main plenary and all alternate plenary sessions, plus select breakout sessions, for 1 year following the Institute.

4 | Customizable Schedule to Fit Your Needs and Experience

5 | 100+ Faculty with Diverse Practice Perspectives

6 | In-Person Event with Features to Engage, Energize, and Connect

7 | Ethics, Elimination-of-Bias, and ADR Sessions

Opportunities to help you fulfill your special credit requirements.

And Much More!

12.5
CREDITS

JULY & AUGUST 2023

3 Bonus Post-Institute Webcasts

Choose 3 of the 8 post-Institute bonus webcasts listed below to attend for free, and earn up to 3 additional credits. Each webcast will be 1-hour long and scheduled for July or August 2023. Specific dates and times to be announced.

- **Workplace Violence: Warning Signs and Prevention**
Dennis A. Davis, Ph.D.
- **Tools for Your Toolbox: Advanced Leave and Accommodation Issues for Employers**
Jade B. Jorgenson & Bryan J. Morben
- **Driver's Licenses for All – What Employment Lawyers and HR Professionals Need to Know About State Laws That Permit Undocumented Immigrants to Obtain Driver's Licenses**
Loan T. Huynh & Veena Iyer
- **Organizing FAQs – What Can Employees, Unions, and Management Do and Say?**
Nichole L. Harville & Michael J. Moberg
- **Transgender Inclusivity 101 – Human-Focused Interactions with Transgender Clients, Witnesses and Attorneys**
1.0 elimination of bias credit applied for
Ellie Krug
- **Employees' Rights Under Minnesota Law Often Broader Than the Federal Law – Minnesota Courts Go Their Own Way on Employment Cases**
Emma Denny & Sheila Engelmeier
- **ADEA Basics – 10 Things You Must Get Right to Avoid Age Discrimination Claims**
Tracey Holmes Donesky
- **The “Problem Employee” – Litigation Lessons Learned**
Monica Delgado & Melissa Raphan

3.0
MORE
CREDITS

*the topics you need? Benchmark and learn from others?
connect with colleagues and friends, and get introduced to new ones?
more.*

AUGUST 15, 2023

Bonus Post-Institute Seminar

Free for all Institute attendees, this bonus full-day seminar is a practical dive into key wage and hour requirements. This bonus seminar will be available live in-person on August 15 and as an online replay on September 14.

Welcome & Introduction

Kayla M. Kienzle, Joseph G. Schmitt & Mary B. Thomas, Course Co-Chairs

Overview

Anne M. Radolinski

FLSA Coverage Issues

Tracey Holmes Donesky & Elizabeth A. Papacek-Kovach

Basic Minimum Wage and Overtime Law

Penelope J. Phillips

Compensable Work Time Under the FLSA and State Wage and Hour Laws

Ryan E. Mick

Calculating Regular Rate of Pay and Overtime Compensation

Krista A.P. Hatcher & Janet M. Olawsky

Timing and Manner of Payment

Heather R. Bredeson & Laura A. Pfeiffer

Special Wage Issues and Work-Hour Requirements

Jillian M. Flower, Ilyse S. Goldsmith & Charles F. Knapp

Child Labor, Public Sector and Other Special Worker Categories

Jonathan F. Reiner

Recordkeeping and Posting Requirements

Joseph G. Schmitt

U.S. DOL and Minnesota Administrative Enforcement

Gina K. Janeiro & Michael J. Moberg

Plaintiff and Defense-Side Analysis of Wage-Hour Litigation Issues

H. Clara Coleman, Caitlin L. Opperman, Andrew E. Tanick & Jody A. Ward-Rannow

California Wage and Hour Issues

Mandana Massoumi

6.0
MORE
CREDITS

Continuing Reference Tools

- **Valuable Session Materials**

You'll get extensive, helpful written materials as well as PowerPoint slides. **In-person attendees** receive printed copies of the session written materials for the main plenary sessions, as well as for the breakout sessions that they attend; electronic access to all session written materials even if they didn't attend those sessions; and electronic access to PowerPoint slides. **Online replay attendees** receive electronic access to session written materials and PowerPoints.

- **NEW 14-Chapter Bonus Book – Wage and Hour Handbook: Federal and Minnesota**

In-person attendees receive a printed book as well as electronic access to the book.

Online replay attendees receive electronic access.



- **2 Summary Guides™ and 3 Legal QuickSheets™**

In-person attendees receive a printed copy of these 5 handy at-a-glance guides, as well as electronic access.

Online replay attendees receive electronic access.

**PLUS –
1 Year
“Watch Again”
Access**

to all plenary sessions and
select breakout sessions

DAY 1 – THURSDAY, MAY 18, 2023

Times are CDT.

MORNING PLENARY SESSIONS

7:15 – 8:20 a.m.

CHECK-IN

Coffee Cart,
Continental Breakfast &
Conversation!

Coffee cart sponsored by
GOLD SPONSOR

Nichols Kaster
ATTORNEYS AT LAW

Continental breakfast sponsored
by SILVER SPONSOR

Littler

8:20 – 9:50 a.m.

MAIN PLENARY

8:20 – 8:30 a.m.

WELCOME & INTRODUCTION

8:30 – 8:55 a.m.

U.S. Supreme Court Case Update

An indispensable review of the U.S. Supreme Court cases since May 2022 that every employment practitioner needs to know.

David S. Williams

8:55 – 9:25 a.m.

EEOC Update 2023

The latest developments in EEOC guidance, policy directions, and enforcement including its initiative on artificial intelligence (AI) and algorithmic fairness; the new Pregnant Workers Fairness Act; and EEOC litigation pending and resolved in the last year.

Carol R. Miaskoff

9:25 – 9:50 a.m.

NLRB Update 2023

New rulings, regulations, and guidance of the NLRB – with a focus on developments that impact non-union and union workplaces alike. Topics will include new developments regarding dress codes, available remedies for labor violations, joint employer coverage, independent contractor classification, and common personnel policies.

Paul J. Zech

8:20 – 9:50 a.m.

ALTERNATE PLENARY

8:20 – 8:30 a.m.

WELCOME & INTRODUCTION

8:30 – 9:50 a.m.

When, Why, and How to Terminate – A Scenario-Based Analysis of Decision-Making at 3 Critical Stages of the Process

Applying key discipline and discharge principles to live enactments of common situations, our presenters dissect, analyze, and offer guidance on decision-making moments at three critical stages of the termination process: (1) assessing the decision; (2) implementing a performance improvement plan; (3) planning and conducting a termination meeting.

M. William O'Brien & Melissa Raphan

9:50 – 10:15 a.m.

BREAK

10:15 – 11:15 a.m.

BREAKOUT SESSION A

001

Risk Reduction – When and How to Use Early Neutral Workplace Intervention in Deteriorating Co-Worker Interactions

Antone Melton-Meaux

002

Central Questions in Accommodating Employees' Mental Health Conditions

*Nicole F. Dallo & Heather C. Fokken
Ann Huntruds (moderator)*

003

Pregnant Workers – Non-Discrimination and Accommodation Rights Including the New Pregnant Workers Fairness Act

Carol R. Miaskoff

004

Aligning Human Capital Management with ESG

Lindsey M. Hogan & Amy C. Seidel

005

Repeated at #804 2023 Race Discrimination Case Update – Takeaways from Recent Cases, Plus Potential Impact of SCOTUS College Admissions Cases

Sara Gross Methner & Sara Lewenstein

006

Dealing with Bad Behavior in Depositions – Opposing Counsel's, the Other Party's, or Your Client's

Jenny Gassman-Pines & Steven Andrew Smith

007

Strategic Discovery and Use of Workplace Investigations in Subsequent Litigation

*Cynthia A. Bremer, Chris D. Jozwiak &
Beth Papacek-Kovach*

ADVISORS AND IN-HOUSE COUNSEL

IN-HOUSE
COUNSEL

UPDATES

LITIGATION

PUBLIC
SECTOR

11:30 a.m. – 12:30 p.m.

BREAKOUT SESSION B

101

Medical Inquiries for Leave, Accommodation or Workers' Comp – What Employee Medical Information May an Employer Get? How? When?

Penelope J. Phillips

102 *Repeated at #801*

Recognizing and Investigating Bullying in Traditional, Remote, and Hybrid Workplaces

Fran A. Sepler

103

Job Descriptions, Applications and Postings – What Can and Must an Employer Do and Say?

Susan E. Ellingstad & Stephen M. Owen

104

How to Manage the Challenges of a Hybrid Workforce – Evaluating, Implementing, and Fine-Tuning Policies and Processes

*Ann M. Clowser, Ilyse S. Goldsmith & Greg Petouvis
Michael J. Moberg (moderator)*

105

AI for Workplace Decision-Making – Utility, Risks and New Developments

*Eric Dunleavy, Ph.D., Victoria A. Lipnic &
Marko J. Mrkonich*

106

Minnesota Wage Theft Enforcement – Hear from Experts at Local, State, and Federal Enforcement Authorities

*Nicole Blissenbach, Jonathan Moler, Sarah Stennes &
Kristin Tout
Sara Sidwell (moderator)*

107 *1.0 ADR credit applied for*

Enforceability Challenged – 7 Ways to Calibrate Litigation Strategy to Contest or Defend Mandatory Arbitration Clauses

Ryan E. Mick & Rachana T. Srey

108

"No Comment": How Employee Privacy Rights Impact Transparency in the Public Sector

Kristyn Anderson & Sarah Riskin

11:15 – 11:30 a.m.

BREAK

12:30 – 1:30 p.m.

LUNCHEON

Luncheon sponsored by
GOLD SPONSOR

Fredrikson

1:30 – 2:30 p.m.
BREAKOUT SESSION C

2:45 – 3:45 p.m.
BREAKOUT SESSION D

4:00 – 5:00 p.m.
BREAKOUT SESSION E

201
Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2023

Marko J. Mrkonich

301
Working Parents and Other Caregivers – How to Address Challenging Situations That Arise for Employees and Employers

Amy E. Boyle & Gina K. Janeiro

401
Marijuana Use by Employees – Critical Questions About Drug Testing, Discipline and On-Premises Possession

Grant T. Collins

202
Minnesota Sick & Safe Time and Family & Medical Leave – Updates and Practical Guidance

Leonard B. Segal

302
Mitigating ADA Risk – How to Get Managers, HR, and Legal on the Same Page on Understanding and Complying with ADA Obligations

Megan L. Anderson

402
How to Prevent, Correct, and Discipline Remote Employee Performance Issues

Jessica L. Roe

203 *Repeated at #503*
Documenting Employee Performance and Conduct Issues – 9 Tried-and-True Practice Tips

Susan K. Fitzke

303 *Repeated for litigators at #706*
For Advisors: Non-Competes, Non-Solicits and Other Restrictive Covenants – How Proposed State and Federal Laws May Impact Advisory and Litigation Strategies

Joel Andersen, Katie M. Connolly & V. John Ella

403
Expanding the View – Practical Lessons Drawn from Comparing How Plaintiff, Defense and In-House Counsel Assess the Same Case

Judith Bevis Langevin, Nicholas G.B. May & Liane M. Wong

204
Pay Transparency Is Trending – Practical Tips on Implementing Compensation Posting and Reporting Requirements

Amy B. Conway & Nicole L. Faulkner

304
How Are Employers Trying to Attract and Retain Talent? What Are the Legal, HR, and Business Implications?

*Jana O'Leary Sullivan & Mary B. Thomas
Toni D. Newborn (moderator)*

404
California Employment Law – Wage and Hour Trends and Other New Developments

Mandana Massoumi

205
LGBTQ+ Employee Rights – Analysis as Applied to Current Real-World Workplace Scenarios

Rebecca J. Bernhard, Ji Hae Kim & Margaret A. Luger-Nikolai

305
Recent Significant NLRB Decisions and Guidance Impacting All Workplaces – Union and Non-Union Alike

Nichole L. Harville, Tim Louris, Aaron Tharpe & Paul J. Zech

405
Harassment Update – Including the New Speak Out Act

Beth E. Bertelson & Holly M. Robbins

ETHICS
206 *1.0 ethics credit applied for*
Ethically Competent Discovery of Zoom Meeting Recordings, Teams Chats, Slack, and Other Newer Data Sources

Niloy Ray

ETHICS
306 *1.0 ethics credit applied for*
Tricky Ethics Questions in Employment Settlement Agreements

Joshua H. Brand, Scott A. Moriarity, Jonathan Norrie & Katherine E. Rollins

406
7 Top Tips for Effectively Advising Individual Executives and Senior Managers

John Thompson

207 *Repeated at #805*
Claims Available to Whistleblowers – Who, How and When to Sue in Common Scenarios and Industries

Lawrence P. Schaefer

307
Successfully Litigating Joint Employment and Employee Misclassification Claims

*Grant T. Collins, Michele R. Fisher & Leslie L. Lienemann
Justin D. Cummins (moderator)*

403
Expanding the View – Practical Lessons Drawn from Comparing How Plaintiff, Defense and In-House Counsel Assess the Same Case

Judith Bevis Langevin, Nicholas G.B. May & Liane M. Wong

208
When Can Public Sector Employers Discipline Employees for Off-Duty Misconduct?

Thomas A. Jacobson

308
2023 Public Sector Case Law Update – Highlighting 10 Key Federal and Minnesota Cases

Scott M. Lepak & Emily Marshall

407 *Repeated at #806*
How to Conduct a Public Sector Workplace Investigation – A-Z

Susan E. Ellingstad

2:30 – 2:45 p.m. BREAK

3:45 – 4:00 p.m. SNACK BREAK
sponsored by Bronze Sponsor

Ogletree
Deakins

5:00 – 6:00 p.m. RECEPTION

Reception sponsored by
GOLD SPONSOR

JacksonLewis

FOOD!
FUN!
PRIZES!

MORNING PLENARY SESSIONS

7:15 – 8:20 a.m.

**CHECK-IN –
Coffee Cart, Continental
Breakfast & Conversation!**

Coffee cart sponsored by
GOLD SPONSOR
Nichols Kaster
ATTORNEYS AT LAW

8:20 – 9:50 a.m.

MAIN PLENARY

8:20 – 8:30 a.m.

WELCOME & INTRODUCTION

8:30 – 8:55 a.m.

**2023 Minnesota Update –
New Laws and New Court Decisions**

Leonard B. Segal

8:55 – 9:25 a.m.

**2023 USDOL Wage and Hour Division
Update**

Principal Deputy Administrator Jessica Looman discusses the latest federal wage-hour developments including the PUMP Act amendment to the FLSA; misclassification; recent enforcement in child labor cases in the Midwest; additional enforcement priorities; recent guidance on the FMLA and the FLSA as related to remote work; and more.
Jessica Looman

9:25 – 9:50 a.m.

Remote Work Litigation Update

An overview of recent litigation activity over the past 12 months in which facts and claims are intrinsically related to remote work contexts.
Jessica D. Causgrove & Steven Andrew Smith

8:20 – 9:50 a.m.

ALTERNATE PLENARY

8:20 – 8:30 a.m.

WELCOME & INTRODUCTION

8:30 – 9:50 a.m.

**Implementing and Managing Wage-Hour
Requirements – 14 Key Lessons**

This fast-paced, practical session provides an overview of updates, analysis, and practice tips on the latest legal developments regarding minimum wage and overtime law, Fair Labor Standards Act coverage issues, determining compensable time, recordkeeping requirements, plaintiff and defense-side litigation, special wage issues, U.S. Department of Labor and Minnesota administrative enforcement, and more. The written materials are the newly updated, 14-chapter resource, *Wage and Hour Handbook: Federal and Minnesota*, Second Edition, provided to all Institute attendees at check-in.
Kayla M. Kienzle, Joseph G. Schmitt & Mary B. Thomas

9:50 – 10:15 a.m.

SNACK BREAK
sponsored by Bronze Sponsor

MJSB
EMPLOYMENT
JUSTICE.

10:15 – 11:15 a.m.

BREAKOUT SESSION F

501

**How to Apply the FMLA to Common
Leave Questions**

Grant T. Collins & Penelope J. Phillips

502 *Repeated at #802*

**Applicant Screening Do's and Don'ts –
Drug Testing, Reviewing Social Media
Posts, Background Checks, and More**

Howard Bolter & Jody Ward-Rannow

503 *Repeat of #203*

**Documenting Employee Performance
and Conduct Issues – 9 Tried-and-True
Practice Tips**

Susan K. Fitzke

504

**Tackling an Employee Handbook Update
in 2023: Making Key Revisions and
Avoiding Pitfalls**

Teresa M. Thompson

505

**2023 USDOL Wage and Hour Division
Update – In Depth**

Jessica Looman

506

**What's the Harm? – Evaluating and
Proving Damages**

*Lauren D'Cruz, Martin B. Ho & James H. Kaster
Brian T. Rochel (moderator)*

507 *1.0 ADR credit applied for*

**An Attorney's Guide to a More
Productive Mediation**

Leslie Sinner McEvoy & Toni Newborn

508

Activating DEI in Labor Agreements

*Pat Arseneault, Tina Burnside & Jill Coyle
Kathryn M. Engdahl (moderator)*

11:30 a.m. – 12:30 p.m.

BREAKOUT SESSION G

601

**From Remote Work to Quiet Quitting and
Work-Life Balance – Acting on Changing
Perceptions and Realities Around Work and
Workplaces**

*Maria Agostinho Campbell, Spiwe Jefferson &
Brian T. Rochel*

602

**An Investigator's Insight on What Works and
Doesn't Work for Shifting Workplace Culture
and Reducing Misconduct**

Fran A. Sepler

603

**10 Ways Outside Counsel Can Increase
Their Value to In-House Counsel**

*Uzodima Frank Aba-Onu, Sarah J. Gorajski &
Alissa Raddatz
Jessica L. Kometz (moderator)*

604

**Workforce Restructuring and Reductions –
Effective Planning, Implementation, Risk
Mitigation, and Compliance**

Daniel G. Prokott

605

**The *Dobbs* Decision 11 Months Later –
Implications for Employees and Employers**

Barbara J. D'Aquila & Katherine L. MacKinnon

606

**Minnesota Department of Human Rights
Update 2023 – Taking on Big Challenges to
Meet the Moment**

*Commissioner Rebecca Lucero &
Deputy Commissioner Irina Vaynerman*

607

Remote Work Litigation Update – In Depth

Jessica D. Causgrove & Steven Andrew Smith

603

**10 Ways Outside Counsel Can Increase
Their Value to In-House Counsel**

*Uzodima Frank Aba-Onu, Sarah J. Gorajski &
Alissa Raddatz
Jessica L. Kometz (moderator)*

608

**Public Sector Employee Records –
How to Comply with Records Retention,
Government Data Security and Breach
Notification Obligations**

Ann Goering

12:30 – 1:30 p.m.

LUNCHEON

DESSERT
sponsored by Bronze Sponsor

**Lathrop
GPM**

1:30 – 2:30 p.m.
BREAKOUT SESSION H

2:45 – 3:45 p.m.
BREAKOUT SESSION I

4:00 – 5:00 p.m.
CONCLUDING PLENARY

701
Navigating the Requirements and Exemptions of Minimum Wage and Overtime Law
Penelope J. Phillips

801 *Repeat of #102*
Recognizing and Investigating Bullying in Traditional, Remote, and Hybrid Workplaces
Fran A. Sepler

702
10 Tips to Prevent Retaliation Claims – Private and Public Sector Perspectives
Margaret A. Luger-Nikolai & Liane M. Wong

802 *Repeat of #502*
Applicant Screening Do's and Don'ts – Drug Testing, Reviewing Social Media Posts, Background Checks, and More
Howard Bolter & Jody Ward-Rannow

703
USERRA Compliance – A Checklist Approach for Employing Servicemembers
Mathew M. Meyer

ETHICS

803 *1.0 ethics credit applied for*
Do You have Boundary Issues? The Changing Landscape of Multi-Jurisdictional Practice
Eric T. Cooperstein

704
Employee Privacy Done Right – Avoiding Mistakes with Biometrics, Employee Data Requests, and More
Aimée D. Dayhoff & Lisa B. Ellingson

705
8th Circuit & Federal District Court Update – Instructive New Cases
Cynthia A. Bremer & Justin D. Cummins

804 *Repeat of #005*
2023 Race Discrimination Case Update – Takeaways from Recent Cases, Plus Potential Impact of SCOTUS College Admissions Cases
Sara Gross Methner & Sara Lewenstein

706 *Repeat of #303, with focus for litigators*
For Litigators: Non-Competes, Non-Solicits and Other Restrictive Covenants – How Proposed State and Federal Laws May Impact Advisory and Litigation Strategies
Joel Andersen, Katie M. Connolly & V. John Ella

805 *Repeat of #207*
Claims Available to Whistleblowers – Who, How and When to Sue in Common Scenarios and Industries
Lawrence P. Schaefer

ETHICS
707 *1.0 ethics credit applied for*
Ethics and ChatGPT: Your New BFF or the End of Lawyering?
Eric T. Cooperstein

702
10 Tips to Prevent Retaliation Claims – Public and Private Sector Perspectives
Margaret A. Luger-Nikolai & Liane M. Wong

806 *Repeat of #407*
How to Conduct a Public Sector Workplace Investigation – A-Z
Susan E. Ellingstad

ELIMINATION OF BIAS

Religious Accommodation, Non-Discrimination and Inclusion in the Workplace – Managing Our Own Potential Unconscious Biases As We Handle Matters That Involve Religion

1.0 elimination of bias credit applied for
Includes Fact Scenarios with Electronic Audience Polling and Practical Takeaways!

A practical, engaging, and informative session to cap off this year's Institute. Claims related to religion at work – discrimination, harassment, microaggressions that run counter to inclusivity, and failure to accommodate an applicant's or employee's religious beliefs or practices – are increasingly common. These claims can be volatile and contentious, often involving not only the employer but also co-workers. This session analyzes realistic workplace scenarios involving religion and provides practical recommendations to approaching them – with a lens on recognizing when and how our own unconscious biases may influence our analysis and recommendations.

Maya Sheikh-Salah & Jana O'Leary Sullivan
Courtney Blanchard (moderator)

3 Bonus Post-Institute Webcasts!

Select from 8 choices – more education, more credits, more value.

See page 4 for the list of webcasts and more details.

2:30 – 2:45 p.m. BREAK

3:45 – 4:00 p.m. ANNUAL ICE CREAM BREAK

Uzodima Frank Aba-Onu
Optum
Eden Prairie

Joel Andersen
Nilan Johnson Lewis PA
Minneapolis

Kristyn Anderson
Minneapolis City
Attorney's Office
Minneapolis

Megan L. Anderson
Lathrop GPM LLP
Minneapolis

Pat Arseneault
Inter Faculty Organization
Saint Paul

Rebecca J. Bernhard
Dorsey & Whitney LLP
Minneapolis

Beth E. Bertelson
Bertelson Law Office PA
Minneapolis

Courtney Blanchard
Nilan Johnson Lewis PA
Minneapolis

Nicole Blissenbach
Minnesota Department
of Labor & Industry
Saint Paul

Howard Bolter
Bolter Law, LLC
Minneapolis

Amy E. Boyle
MJSB Employment
Justice LLP
Minneapolis

Joshua H. Brand
Office of Lawyers
Professional Responsibility
Saint Paul

Cynthia A. Bremer
Ogletree Deakins
Minneapolis

Tina Burnside
Equal Employment
Opportunity Commission
Minneapolis

**Maria Agostinho
Campbell**
Nilan Johnson Lewis PA
Minneapolis

Jessica D. Causgrove
Fisher Phillips LLP
Chicago, Illinois

Ann M. Clowser
Xcel Energy
Minneapolis

Grant T. Collins
Felhaber Larson
Minneapolis

Katie M. Connolly
Nilan Johnson Lewis PA
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Minneapolis

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Minneapolis

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Littler Mendelson P.C.
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Monday & Tuesday, June 26-27, 2023
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