

May 23 & 24, 2016
Saint Paul RiverCentre

The 2016 Upper Midwest

Employment Law Institute



All Roads Lead to the Nation's Best Employment Law Conference

Your up-to-the-minute
roadmap for **staying
informed on new
legislation, new rules
and new court cases**

The preferred “express lane” for
employment lawyers and HR
professionals to **quickly and
accurately acquire valuable
information, insights and
practice tools**

Featuring an expert faculty
with diverse perspectives
to help you **navigate the
fast-paced and ever-
changing landscape of
employment law**



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

Comprehensive, Up-to-the- Spanning All Aspect

Employment Law: A High Speed Environment

To survive and thrive in the fast-paced and ever-changing world of employment law requires a strategic approach to managing the vast amount of new, “must know” information. New legislation, rules and practice developments all critically affect the way you do your job. To absorb this information and fully understand the day-to-day implications requires expert training as well as a forum for dialog and discussion. For busy professionals, the Upper Midwest Employment Law Institute provides an express lane for acquiring this knowledge and discussing practical applications.

You'll learn more about newly decided and pending U.S. Supreme Court cases that impact the workplace and employment litigation. And you'll find out the implications of big regulatory developments.

Plus, you'll learn the latest information and practice tips about some of the biggest employment law issues today, including: leave and, in particular, FMLA intermittent leave and leave as an ADA-required accommodation; retaliation; wage-hour litigation; legal rights of transgender employees; new federal e-discovery rules; prayer break accommodations; trends regarding paid sick leave requirements; pregnancy accommodations and discrimination; and medical and recreational cannabis laws – to name just some of the covered topics!

The 2016 Institute: Your Bridge to Knowledge

As the leading employment law conference in the nation, the Upper Midwest Employment Law Institute brings together an unparalleled array of speakers, equipped with timely and relevant course content for employment lawyers and human resource professionals alike. Beyond providing updates and breakdowns of critical information, our presenters take it one step further by addressing the real implications of why these changes matter for you and the clients you represent.

New Regulatory Developments and Fast-Approaching Changes

At the Institute, you will learn the latest about important new regulatory developments, including:

- The coming new DOL white collar exemption rules
- The DOL's new January 2016 administrator interpretation regarding joint employers/joint liability
- The current status of wellness plans in light of the EEOC's rulemaking process
- The EEOC's new proposed enforcement guidance on retaliation
- The EEOC's new proposed revision to the Employer Information Report (EEO-1) to include collecting pay data from employers with more than 100 employees
- The EEOC's newly updated pregnancy discrimination guidance
- The EEOC's “phase II” rollout of its Digital Charge System
- The EEOC's work regarding legal protections for transgender employees
- OSHA and the DOJ's new plan to increase the frequency and effectiveness of criminal prosecutions for worker safety violations
- OSHA's recently published guide to restroom access for transgender workers
- The SEC's pay-ratio rule
- The SEC's investigations of employee confidentiality agreements
- The NLRB's new election rules for union organizing
- The NLRB's recent decisions and enforcement impacting non-union workplaces
- New rules for federal contractors
- And more

Make Your Plans to Attend this Benefits-Rich Confe

-Minute Education s of Employment Law

100+ Sessions: You Choose Your Route

With an extensive offering of more than 100 sessions, each participant creates a custom roadmap to meet their individual needs and areas of interest. While most 2016 sessions are brand new, we also offer a range of updated “back by popular demand” courses that have been highly rated by past participants. Whether you are new to the Institute in 2016, a return participant for the past thirty years, a senior employment attorney or a mid-level human resources professional – or anywhere in between – there is relevant and timely content for everyone.

Increase Your Mileage with Post-Conference Tools

Participants at the Institute will leave well equipped to navigate the winding roads that characterize this practice area. In addition to all the knowledge gained at the conference, you'll walk away with time-saving, practice-enhancing resources to get even more mileage from your Institute attendance:

- The newly revised 2nd edition of the *FMLA Handbook* – fully updated and including 3 new chapters
- 5 New Legal QuickSheets™ – handy “at a glance” reference tools on important employment topics
- Access to 2 post-conference employment law webcasts
- The *2016 Employment Law Institute Handbook* – a compilation of the written materials that accompany the program sessions, in an easy-to-use electronic format

Bridge-Building Opportunities with Colleagues

The 2016 Upper Midwest Employment Law Institute is your chance to make valuable connections. You'll be part of a nationally recognized event where 1,300 employment lawyers and human resources professionals gather. And you'll have plenty of time to visit with friends, clients, and other colleagues throughout the two days – at the Institute luncheons, reception, and between sessions.



rence!

Register today at www.minncle.org
or call 651-227-8266 or 800-759-8840

More Benefits of Attending the 2016 Em

Outstanding Written Resources That Are Time-Saving and Practice-Enhancing

1 New *FMLA Handbook*

(May 2016, Second Edition)

Editors: Steven R. Anderson, Mary M. Krakow & Penelope J. Phillips

The newly revised 2nd edition of the *FMLA Handbook* is fully updated and includes 3 new chapters. Free for all 2016 Upper Midwest Employment Law Institute attendees, this practical guide is one you'll want to keep close at hand when you head back to the office.



Table of Contents

- CH. 1 Overview of the Family and Medical Leave Act
- CH. 2 Employer Coverage and Employee Eligibility
- CH. 3 Posting, Recordkeeping and Other Administrative Requirements for Employers
- CH. 4 Qualifying Reasons for FMLA Leave
- CH. 5 Employee Notification and Employer Response
- CH. 6 Certifications – Gathering Medical and Other Information
- CH. 7 Managing the Leave Process After FMLA Leave Is Granted
- CH. 8 Reinstatement Following FMLA Leave
- CH. 9 Enforcement
- CH. 10 Interplay with Other Laws and with Company Policies
- CH. 11 Common Employer Mistakes: A Plaintiff's Attorney's Perspective
- CH. 12 Joint Employer and Independent Contractor Issues **NEW**
- CH. 13 Intermittent FMLA Leave **NEW**
- CH. 14 Leave as a Reasonable Accommodation Under the ADA **NEW**

STATUTES INDEX | CASE INDEX | SUBJECT INDEX

2 2016 Employment Law Institute Handbook

With the 2016 Employment Law Institute Handbook, attendees enjoy user-friendly electronic access, before and after the conference, to the extensive written materials prepared by our faculty. And, as always at the Institute, you'll be given hard copies of a session's written materials as you enter each session so that you can easily follow along and take notes.

3 5 New Legal QuickSheets™

- Federal Employment Claim Damages
- The Fair Credit Reporting Act
- Important California Employment Laws
- Discipline and Discharge
- Selected Employment Law Ordinances from Around the Country



Choose 2 of 5 Webcasts to View for Free

1 Tuesday, July 12 • 12:00 – 1:00 p.m.

Beyond Salary: Compensation Disputes and Damage Issues Involving Executives

John D. Thompson

1.0 standard CLE credit applied for
1.0 labor & employment specialist credit applied for
1.0 HRCI credit applied for

2 Wednesday, July 13 • 12:00 – 1:00 p.m.

Top 10 Mistakes Managers Make in Managing People – And the Legal Problems They Create

T.J. Conley & Jessica L. Roe

1.0 standard CLE credit applied for
1.0 labor & employment specialist credit applied for
1.0 HRCI credit applied for

3 Tuesday, July 19 • 9:00 – 10:00 a.m.

The Do's and Don'ts of Record Retention

Douglas P. Seaton

1.0 standard CLE credit applied for
1.0 labor & employment specialist credit applied for
1.0 HRCI credit applied for

4 Wednesday, July 20 • 9:00 – 10:00 a.m.

Gender Identity Rights in the Workplace: The Next Civil Rights Frontier?

Megan L. Anderson & Kiesha R. Mayes

1.0 standard CLE credit applied for
1.0 labor & employment specialist credit applied for
1.0 HRCI credit applied for

5 Thursday, July 28 • 12:00 – 1:00 p.m.

Screening to Hire – Mistakes to Avoid in the Process

Howard L. Bolter

1.0 standard CLE credit applied for
1.0 labor & employment specialist credit applied for
1.0 HRCI credit applied for



And 9 More Important Benefits and Bonuses

- 1 High-Quality, Comprehensive Education on All Employment Law Developments**

The Institute is, hands down, the most effective way to keep up on all the important new developments.
- 2 100 Great Sessions – Most of Them Brand New; The Rest “Back by Popular Demand”**

Dozens of valuable new topics are integrated into helpful tracks for advisors, in-house counsel and litigators. Plus, highly rated past sessions on recurring bothersome issues will be back – updated, of course, to include new developments and practice tips.
- 3 Opportunities to Connect with Experts, Friends and Colleagues**

This is your chance to spend two days with faculty, friends and more than 1,300 colleagues in the employment law field.
- 4 Enhanced Understanding of the Recent Regulatory Avalanche**

This year’s plenary sessions tackle the many new, important developments out of the agencies that regulate the workplace. Attendees can also choose breakout session options that dig deeper into those new agency efforts and their impact on your clients.
- 5 Peggy Mastroianni Brings Insights Directly from the EEOC**

Peggy Mastroianni serves as Legal Counsel for the U.S. Equal Employment Opportunity Commission in Washington, D.C. The Institute is honored to welcome back this popular, insightful presenter. In the plenary, Ms. Mastroianni will update attendees on EEOC activities and, in a subsequent breakout session, provide an in-depth follow-up focused on these same issues.
- 6 Kevin Leahy – Cutting-Edge Brain Trainer and Highly Rated Presenter**

Kevin Leahy is an experienced trial lawyer and adjunct professor at the University of Texas-Austin School of Law. Kevin will present 3 sessions at this year’s Institute – an alternate plenary option, as well as two breakout sessions. He will discuss the latest discoveries about how the brain works, the important implications for your work and the workplace, and how to more effectively achieve desired outcomes in light of this understanding.
- 7 Terry Morrow – On the Art of Legal Argument**

Lawyer, professor and popular presenter – Terry Morrow shares the secrets of creating, writing and presenting winning legal arguments.
- 8 Ethics and Elimination-of-Bias Sessions**

An opportunity to fulfill your special credit requirements at the Institute.
- 9 Reception, Lunches, Prize Drawings and Other Amenities**

Two days of great education in a fun conference atmosphere.

AND MUCH MORE!

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ATTORNEYS AT LAW

DAY 1 – MONDAY, MAY 23

PLENARY SESSIONS

7:00 – 8:00 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

8:00 – 8:10 a.m.
WELCOME & INTRODUCTION

8:10 – 9:45 a.m. MAIN PLENARY

The Regulatory Avalanche

- OSHA:**
- New guide to restroom access for transgender workers
 - New joint plan with the Department of Justice regarding criminal prosecution for hazardous workplaces
Toni L. Halleen
- NLRB:**
- New rules on union organizing
 - New decisions regarding employee rights on social media and email, confidentiality in internal investigations, and more
Paul J. Zech
- DOL:**
- The coming new white-collar exemption regulations
Michele R. Fisher
 - New independent contractor interpretation
 - Focus on joint employer liability
David S. Fortney
- EEOC:**
- New requirement for reporting pay data
David S. Fortney
- SEC:**
- New pay-ratio reporting requirement
David S. Fortney
- OFCCP:**
- New data collection and withholding of government contracts
David S. Fortney

State Law Trends Around the Country

- Marijuana Legislation and Its Impact on Employers**
- Paid Sick Leave and Other Local Ordinances**
Shalanda D. Ballard

8:10 – 9:45 a.m. ALTERNATE PLENARY

Why Employees Do What They Do: What Every Workplace Advisor Needs to Know About How Emotional Intelligence – or Lack Thereof – Plays Out in the Workplace

Practicing attorney, popular presenter and cutting-edge brain trainer Kevin Leahy provides an overview on the latest neuro-science discoveries about how the brain works and, more specifically, how the brain's automatic programming and patterns impact people's abilities to communicate and respond in high-stress situations. This session will give you new tools: (1) to better understand the neuro-science factors that may be influencing employees' behavior in situations about which you've been called upon to advise; (2) in light of that understanding, to shape your responses to more effectively achieve desired outcomes; and (3) to maximize your own brain potential when it comes to soft skills and interpersonal interactions with employees, colleagues and clients.
Kevin Leahy

Basic Sessions

Intermediate to Advanced Sessions

	10:15 – 11:15 a.m. BREAKOUT SESSION A	11:25 a.m. – 12:25 p.m. BREAKOUT SESSION B
BASICS	001 <i>Back by Popular Demand</i> The FMLA – Basic Law and Practice <i>Leonard B. Segal</i>	101 The Basics of Employment Law Issues Facing Government Contractors <i>David J. Goldstein</i>
ADVISORS AND IN-HOUSE COUNSEL	002 Difficult Discharge Situations – 4 Real-Life Case Studies <i>M. William O'Brien & Melissa Raphan</i>	102 Drafting Separation Agreements and Releases (Including an Annotated Document) <i>Howard B. Tarkow</i>
	003 10 Tips for Assessing Applicants Through Aptitude, Skill and Personality Testing <i>Daniel G. Prokott</i>	103 Pregnancy Accommodation and Discrimination – 5 Tough Cases <i>Jenny Gassman-Pines & Steven Andrew Smith</i>
	004 Independent Contractor or Employee? 15 Mini Hypotheticals to Test Your Knowledge <i>Mary B. Thomas</i>	104 Meals, Breaks, Technology and More – The New World of Off-the-Clock Wage and Hour Issues <i>Brian T. Benkstein & Christopher D. Jozwiak</i>
	005 <i>Repeated at #405</i> Conducting Defensible Investigations – An Advanced Session <i>Fran A. Sepler</i>	105 An Expanded Discussion of Federal Government Initiatives – Including Important DOL, EEOC, OSHA and SEC Decisions <i>David S. Fortney</i>
IN-HOUSE COUNSEL	006 Risk Management – What You and Your CEO Should Be Worried About <i>Susan S. Byers, Holly S.A. Eng & Kristen A. Holovnia Barbara J. D'Aquila (moderator)</i>	106 Managing the Most Difficult Employee Leaves <i>Jennifer A. Dellmuth, Katherine A. Lawler & Antone Melton-Meaux David J. Lauth (moderator)</i>
UPDATES	007 <i>Repeated at #708</i> 2016 Retaliation Update – The Effect of Key Federal and State Cases <i>Cynthia A. Bremer & Steven Andrew Smith</i>	107 The Employment Litigator's Update <i>Martin B. Ho & Gabrielle Wirth</i>
LITIGATION	008 Cutting-Edge Age Discrimination Litigation Issues <i>Beth E. Bertelson, Douglas R. Christensen & Stephen J. Snyder Joseph G. Schmitt (moderator)</i>	108 <i>Repeated at #509</i> Litigating Defamation Arising in High Profile Cases: Proof, Privileges, and the Newspersons Shield <i>Clifford M. Greene & Janine Kimble</i>
	009 The Art of Legal Argument: How to Create Winning Arguments Using Logic and Theory <i>Dr. Terence Morrow</i>	109 The Art of Legal Argument: How to Deliver Winning Arguments in the Courtroom or the Board Room <i>Dr. Terence Morrow</i>
PUBLIC SECTOR		110 The 2016 Public Sector Case Law Update <i>Stephen F. Befort</i>



Full session descriptions are available online at www.minncle.org

1:30 – 2:30 p.m.
BREAKOUT SESSION C

201
Business Immigration Basics
Beth E. Carlson & Loan T. Huynh

202
WESA – 2 Years Later: Insights and Compliance
Ingrid N. Culp & Jessica K. Looman

203
The EEOC's Answers to Your Questions About Its New Digital Charge System and Portal
Julianne Bowman & Julie Schmid
Mark J. Girouard (moderator)

204
Prayer Breaks and Other Religious Accommodation Questions
Sheila A. Engelmeier & Thomas E. Marshall

205
Effective Workplace Communication – The Well Talk® Model
Kevin Leahy

206
20 Wage and Hour Compliance Gems You Do Not Want to Miss
Mary M. Krakow

207
Applying NLRB Decisions to the Workplace
Ilyse S. Goldsmith, Timothy B. Kohls & James R. Rowader, Jr.
Paul J. Zech (moderator)

208 *Repeated at #905*
FMLA Update – New Cases and Other Important Developments
Kathryn A. Mrkonich-Wilson & Kaarin S. Nelson

209
Prevailing on Motions Seeking Temporary Restraining Orders in Non-Compete Cases
Daniel R. Kelly

210
The Federal Judges Speak – Summary Judgment, Injunctions, Case Management, Settlement Conferences, Trial Practice and More!
Honorable Mark W. Bennett, Honorable Patrick J. Schiltz & Honorable Becky Thorson
Patrick R. Martin (moderator)

211
Just a Number: Age Discrimination Claims in the Public Sector
Margaret A. Skelton

2:45 – 3:45 p.m.
BREAKOUT SESSION D

301 *Back by Popular Demand*
Workplace Investigation Basics From Start to Finish
Leonard B. Segal

302
7 Best Practices to Better Your Pre-Employment Screening and Hiring Process
Tracey H. Donesky

303
The ADA and FMLA Intersection – A Beyond the Basics Session
Penelope J. Phillips

304
Expanding Sexual Orientation Protections in the Workplace – Legal Risks and Practical Solutions
James R. Rowader, Jr., Lawrence P. Schaefer & David M. Wilk

305
Union Organizing – Significant Changes Impacting Unions and Management
Michael J. Moberg & M. William O'Brien

306 *1.0 ethics credit applied for*
This Is Your Brain on Ethics: Attorney Ethics Frontiers on the Neuroscience Range
Kevin Leahy

307
Using “Big Data” to Hire, Manage and Discipline – The Benefits and Potential Risks
Dr. Zev J. Eigen & Marko J. Mrkonich

308 *Repeated at #507*
Title VII Update – The Cases and Their Impact
Howard L. Bolter & John D. Thompson

309
One of the Traits of a Great Employment Lawyer – The Ability to Tell a Story
Honorable Mark W. Bennett

310
10 Important Issues and Cases Currently Impacting Restrictive Covenant Law Here and Elsewhere
Roy A. Ginsburg, Joseph W. Hammell & Jeffrey B. Oberman

311
7 Important Considerations When Handling a Public Sector Employment Matter That Involves a Subcontractor
Timothy J. Louris & Emily Marshall

4:00 – 5:00 p.m.
BREAKOUT SESSION E

401 *Repeated at #501*
Fundamentals of an Effective Discipline and Discharge Process
Alice O'Brien Berquist & Liane M. Wong

402
Clearing the Haze of Marijuana in the Workplace
Shalanda D. Ballard

403
Corporate Wellness Update – What Can You Do? What Can't You Do?
Charles F. Knapp & Maureen M. Maly

404
Getting Medical Information From Doctors – To Better Handle FMLA and ADA Cases
R. Ann Huntruds

405 *Repeat of #005*
Conducting Defensible Investigations – An Advanced Session
Fran A. Sepler

406
Penalties, Liabilities and Risks – Misclassification of Employees and Joint Employment Consequences
Rebecca J. Bernhard & Timothy D.S. Goodman

407
8th Circuit and Federal District Court Update
Justin D. Cummins & Susan E. Ellingstad

408
Mock Trials – Watch and Learn From New Mock Trials and the Jury Reactions
James H. Kaster & Matthew H. Morgan

409 *1.0 ethics credit applied for*
The Art of Legal Argument: Ethical Constraints on Argument
Dr. Terence Morrow

Join us at 5:00 p.m. for the Annual Reception!

DAY 2 – TUESDAY, MAY 24

PLENARY SESSIONS

7:00 – 8:00 a.m.
CONTINENTAL BREAKFAST

8:00 – 8:10 a.m.
WELCOME & INTRODUCTION

8:10 – 9:50 a.m. MAIN PLENARY

The 2016 Minnesota Update

New legislation, regulations and case law.
Ellen G. Sampson

The U.S. Supreme Court Update

The new decisions and their impact on the employment law landscape – including issues regarding retaliation, the Fair Credit Reporting Act, statute of limitations, class certifications and more.

Mandana Massoumi

The 2016 EEOC Update – Important Policy Developments and Enforcement Efforts

EEOC Legal Counsel Peggy Mastroianni brings her unique insights to this review of important new policy and enforcement actions at the agency. In addition to identifying those developments and discussing their current status, Ms. Mastroianni will discuss their practical implications and significance to both employers and employees.

Peggy R. Mastroianni
Legal Counsel
Equal Employment Opportunity Commission
Washington DC

8:10 – 9:50 a.m. ALTERNATE PLENARY

Attracting and Keeping Top Talent – Keys to Recruitment, Engagement and Retention in a Tight Market

What are you doing to attract the best talent? Are you using social media and other online tools effectively without running afoul of the law? Does your organization have what it takes to keep top talent happy and engaged – like providing non-traditional benefits to employees? Whether you are a Fortune 500 company or a small organization, if you have been struggling with recruiting and retention, this session will provide practical advice and legal insight into attracting and retaining top talent and how to be an employer of choice without putting your organization at risk.

Paul DeBettignies & Teresa M. Thompson

Schedule track designations are advisory only. Please review all seminar options.

Basic Sessions

Intermediate to Advanced Sessions

BASICS

10:15 – 11:15 a.m.
BREAKOUT SESSION F

501 *Repeat of #401*
Fundamentals of an Effective Discipline and Discharge Process

Alice O'Brien Berquist & Liane M. Wong

11:25 a.m. – 12:25 p.m.
BREAKOUT SESSION G

601
The Basics of the Interactive Process and ADA Accommodation

Mary M. Krakow

ADVISORS AND IN-HOUSE COUNSEL

502
EEOC Developments In-Depth – A Detailed Look by EEOC Legal Counsel Peggy Mastroianni

Peggy R. Mastroianni

602 *Back by Popular Demand*
The 10 Rules of Termination Decision-Making

Robert C. Boisvert, Jr.

503
How New Technology Creates New Employment Law Risks – And How You Need to Manage Both

Kate C. Bischoff & Judith B. Langevin

603
Workplace Bullying: Dealing With the “Equal Opportunity Harasser”

Fran A. Sepler

504 *Repeated at #902*
10 Important Wage and Hour Matters Every Employer Must Understand and Handle Correctly

Penelope J. Phillips

604 *Repeated at #904*
Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2016

Marko J. Mrkonich

505 *1.0 ethics credit applied for*
Ethical Use of Evolving Technologies: Where Ethical Decision Points and Metadata Meet

Honorable Daniel J. Crothers & Mark T. Lanterman

605
Changing Leave Laws Across the Country – Both State and Local

V. John Ella & Beverly W. Garofalo

IN-HOUSE COUNSEL

506
Investigation Challenges and Landmines for In-House Counsel

Kathleen M. Mahoney, Michelle A. Miller & Laurie A. Olson
Timothy Y. Wong (moderator)

606 *Back by Popular Demand*
Best Practices for Protecting Your Company Data – An Interview With an FBI Agent and a Director of Security

Shena B. Crowe, Teresa M. Thompson & Mary Welsh

UPDATES

507 *Repeat of #308*
Title VII Update – The Cases and Their Impact

Howard L. Bolter & John D. Thompson

607
The Most Important Wage and Hour Developments This Year – And What They Mean to Both Plaintiffs and Defendants

Paul J. Lukas & Christopher A. Parlo

LITIGATION

508
Compensatory Damages in Employment Law Cases – The Legal Backdrop and Practice Strategies

Katherine L. Butler, Alicia K. Haynes & Gregory B. Stenmoe
James H. Kaster (moderator)

608
Top 10 Employment Claims Plaintiffs’ Lawyers Overlook

Christopher D. Jozwiak & Joni M. Thome

509 *Repeat of #108*
Litigating Defamation Arising in High Profile Cases: Proof, Privileges, and the Newsmen’s Shield

Clifford M. Greene & Janine Kimble

609
Litigating the Reprisal Claim – Focus on the Big Issues

Cynthia A. Bremer, Barbara J. D’Aquila & Clayton D. Halunen
Lawrence P. Schaefer (moderator)

PUBLIC SECTOR

610
Veterans and Public Employment

Joseph A. Kelly, Mathew M. Meyer & Rachel Tierney
Patricia Y. Beety (moderator)



Full session descriptions are available online at www.minncle.org

1:30 – 2:30 p.m. BREAKOUT SESSION H

701
Employment Privacy Basics – From GPS Tracking to Locker Searches
Norah E. Olson Bluvshstein

702
FCRA Liability – Background Screening Is More Dangerous Than You Think
Joseph G. Schmitt

703
The Nitty Gritty of the FMLA – Only for Those Who Already Understand the Basics
Penelope J. Phillips

704
The Changing Nature of Accommodation – Pregnancy, Disability and Religion
Sheila A. Engelmeier, Kathleen A. Hughes & Laurie A. Vasichek
Michael J. Moberg (moderator)

705
Executives Gone Wild: New Stories, New Solutions
Christine Eskilsen, Edward B. Magarian, Robert McNaney & Joanne J. Mullen
Roy A. Ginsburg (moderator)

706
Reacting to the Newest OFCCP Requirements: Government Contractor Compliance – Are You Keeping Up?
Matthew J. Camardella

707
Preparing for the New Overtime Regulations – They're Almost Here!
Katherine A. Lawler, Sara G. McGrane & Mary B. Thomas

708 *Repeat of #007*
2016 Retaliation Update – The Effect of Key Federal and State Cases
Cynthia A. Bremer & Steven Andrew Smith

709 *Repeated at #906*
The New Federal Rules, Preserving Privilege and Handling Disruptive Trends: 3 Hot E-Discovery Topics for the Employment Litigator
Christine J. Chalstrom

710
Enhanced Damages (Punitive and Liquidated) in Employment Law Litigation – Law and Practice
Katherine L. Butler, Alicia K. Haynes & Gregory J. Stenmoe
James H. Kaster (moderator)

711
Minnesota Government Data Practices and the Public Sector Workplace
Stacie Christensen

2:45 – 3:45 p.m. BREAKOUT SESSION I

801
Wage and Hour Basics – The Fundamentals You Must Know
Andrew E. Tanick

802
Open Forum on the FMLA – Ask Your Toughest Questions
T.J. Conley, Pamela M. Harris & Leonard B. Segal

803 *Back by Popular Demand*
The 4 Rules of Disciplinary Documentation
Robert C. Boisvert, Jr.

804
A Guide to the Top 10 Immigration Law Developments in 2016
Loan T. Huynh & John Medeiros

805 *1.0 ethics credit applied for*
More Ethics Issues, More Evolving Technology: Cybersecurity, Smartphones, Tablets and Wi-Fi
Honorable Daniel J. Crothers & Mark T. Lanterman

806 *Back by Popular Demand*
Hiring an Employee with a Non-Compete Agreement – Including the Latest Cases, Trends, Traps and Strategies
Jeffrey B. Oberman

807
California Update – All the Latest Developments From New Pay Equity to Wage and Hour and More
Gabrielle Wirth

808
Open Forum on the FLSA – Ask Your Toughest Questions
Paul J. Lukas & Christopher A. Parlo

809
ADA Litigation in 2016 – The Biggest Issues
Sara G. McGrane, Frances E. Baillon & Gina K. Janeiro
Douglas L. Micko (moderator)

810 *2-hour session / 2.0 elimination of bias credits applied for*
Lawyer, Heal Thyself: Practical Responses to Troubling New Report on Attorney Addiction and Mental Health Issues
Link Christin

4:00 – 5:00 p.m. BREAKOUT SESSION J

901
Open Forum on Discipline and Discharge – Ask Your Toughest Questions
T.J. Conley, Pamela M. Harris & Leonard B. Segal

902 *Repeat of #504*
10 Important Wage and Hour Matters Every Employer Must Understand and Handle Correctly
Penelope J. Phillips

903 *Back by Popular Demand*
How to Effectively Structure and Execute Your Investigative Interview – An In-Depth Analysis
Fran A. Sepler

904 *Repeat of #604*
Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2016
Marko J. Mrkonich

905 *Repeat of #208*
FMLA Update – New Cases and Other Important Developments
Kathryn A. Mrkonich-Wilson & Kaarin S. Nelson

906 *Repeat of #709*
The New Federal Rules, Preserving Privilege and Handling Disruptive Trends: 3 Hot E-Discovery Topics for the Employment Litigator
Christine J. Chalstrom

907
The New Federal “Defense of Trade Secrets Act” – Important Implications for Employment Advisors and Litigators
Randall E. Kahnke

CREDITS

Minnesota CLE has applied to the Minnesota State Board of CLE for **13.0 hours standard CLE credit** for this year's Institute. Minnesota CLE is an accredited sponsor for Wisconsin and North Dakota. We anticipate this course also will qualify for **13.0 civil trial specialist credits, 13.0 labor and employment law specialist credits** and **13.0 CJE credits for judges**.

In addition, we have applied to the Human Resource Certification Institute for **13.0 recertification credits**.

This course may also qualify for CEU credits. Check with the appropriate accreditation organization to ensure CEU accreditation.

We also anticipate that sessions #306, 409, 505 and #805 each will qualify for **1.0 ethics credit** and that session #810 will qualify for **2.0 elimination of bias credits**. If you attend any of these sessions and claim ethics or elimination of bias credit, you must deduct those special credits from the 13.0 hours of "standard" credit. For example, if you attend sessions #306 and #810, you would claim 1.0 ethics credit, 2.0 elimination of bias credits and 10.0 standard credits for a total of 13.0 credits.

In no case may you claim more than 13.0 total credits for the Upper Midwest Employment Law Institute.

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