

LIVE ONLINE!

MAY 24 & 25, 2021

The 2021 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 – *More Important than Ever in 2021!*

- 1 All the Updates! **New** Federal Directives, **New** Cases, **New** State and Local Laws
- 2 Featuring **Senior Leaders** from EEOC, OSHA & USDOL Wage and Hour Division
- 3 70+ Sessions Packed with Practical Analysis, Tips, and Strategies
- 4 Access Afterward to Watch All Sessions for a Full Year
- 5 Written Resources Filled with Helpful Guidance

And Much More!

SO MUCH IS NEW IN 2021

This Is Your One Stop for Expert Analy Practice Tips & Strategies

► Big Changes in Regulatory Direction? We Provide You the Latest News and Insight

The new Biden administration promises dramatic new directions – and in some cases reversal of policies and actions undertaken during the Trump administration. Attorneys and HR professionals must be aware of and implement these changes. The Institute will provide opportunities to hear up-to-the-minute information and recommendations from experts in the field – what they are advising clients, and why.

► Outstanding Guest Speakers

- **Joseph Hughes, Jr. – OSHA**
Deputy Assistant Secretary for Pandemic and Emergency Response
- **Jessica Looman – USDOL**
Principal Deputy Administrator, Wage and Hour Division
- **Carol Miaskoff – EEOC**
Acting Legal Counsel
- **Chai Feldblum – Former EEOC Commissioner (2010 to 2019)**
DEI Consultant
- **Joseph Fuller – Harvard Business School**
Professor of Management Practice; Co-Lead, Project on Managing the Future of Work
- **Mike Jackson – Microsoft**
Assistant General Counsel/Senior Director, Global Workplace Investigations Team; Diversity and Inclusion Lead, Corporate, External and Legal Affairs

Plus, a panel of federal judges! All are part of the team of 120+ faculty who'll distill important new developments into the actionable guidance you need!

► Unmatched Coverage of the Critical Issues You're Dealing with Every Day

- **The Biden Administration, a New Congress, and a New Supreme Court** – Anticipating, Responding to, and Advising Clients on Changes
- **The Future of Work**
- **Diversity, Equity, and Inclusion** – Multiple Sessions and a New Book
- **Disability Accommodations** in the Current and Post-COVID Workplace
- **Return to Work – Vaccine Mandates or Not** and Other Big Issues
- **Remote Workforce** – Effective Management, Keeping Data Safe, and Other Challenges
- **Discipline, Discharge, and Documentation**
- **Working Parents and Caregivers** – Rights and Responsibilities
- **EEOC, Wage-Hour, COVID Litigation, ADA, OFCCP, 8th Circuit, Harassment, Retaliation & Whistleblower, and Other Legal Updates**
- **The Virtual Hire** – How to Hire, Onboard, and Train Remotely
- Employee **Mental Health** Conditions
- **Race Discrimination Litigation**
- Lessons Learned from **Handling Jury Trials During COVID**
- **Real-World Leave Scenarios** and Solutions
- Protections for **LGBTQ+ Employees**
- **Workforce Reductions** – Advisory and Litigator Sessions
- **Retaliation** and **Whistleblower** Claims
- **Winning Discovery Battles, Skillful Depos** and Other Litigation Must-Do's
- Handling **OSHA claims**
- **And Many More!**

sis,

ALL THE NEW DEVELOPMENTS!

- Employers and employees face **immense, ever-changing challenges arising from the COVID pandemic.**
- New and important **non-COVID-related laws and court decisions continue**, and they too must be analyzed and applied.
- Litigation processes** have been adapted to a **remote environment.**
- A spotlight on **diversity, equity, and inclusion in the workplace is at center stage** and requires focused attention.
- And a **new Administration, a new Congress, and a new Supreme Court** are in Washington D.C.

This year, especially, let the Employment Law Institute be your incomparable “one-stop shop” for updates, strategies, and written resources that will keep you current in the law and in your employment law practices. Get insights, tips, and new know-how from experts in the field – what they are advising clients, and why.

▶ Post-Conference Tools Give You Extra Guidance All Year Long

In addition to helpful presentations by a terrific faculty, you'll benefit from a host of post-Institute benefits including – your choice of 3 post-Institute bonus webcasts at no extra charge; valuable session materials from the 70+ sessions with helpful analysis, checklists, and more – all online and easily searchable; 5 Legal QuickSheets™ providing quick answers and guidance on selected employment law and practice issues; and a new workplace diversity, equity, and inclusion guide prepared especially for this Institute. Attendees also receive \$100 in Minnesota CLE bonus bucks to purchase Minnesota CLE products!

▶ Enjoy a Fun Online Conference – People! Prizes! Activities!

We're creating ways to give you an energizing, fun event:

- **Catch Up with Old Friends and Meet New People!**
Enjoy online opportunities for casual interactions with faculty and other attendees – old friends and new acquaintances.
- **Enter to Win Prizes!**
- **Enjoy an Online Reception with an Entertaining Mixologist Demo!**
- **Jump on Board the Popular Sponsor Bingo Circuit!**
- **Check Out the Activity Breaks –**
The return of the popular #MNELI “post a pic of your pet” break. (We had some awesome dogs and cats crash the online Institute in 2020.) Surprise guest appearances. (Last year it was Whisper the barn owl Zoom-ing in from The Raptor Center at the University of Minnesota. Who will it be in 2021?) Short, fun podcast-style interviews to give your brain a break. Yoga to give your neck a break. And more!

Plan now to take part in the
2021 Employment Law Institute!
Register today at www.minncle.org

MORE BENEFITS OF ATTENDING THE

Here Are 12 of the Many Reasons to Attend This Year's Institute

- 1 Annual Updates on New Laws, New Rules, New Cases, and New Trends**

The Institute is, hands down, the most effective way to keep up on all the important new developments. And right now there are an exceptional number of new developments impacting employment law practitioners.
- 2 70+ New and Updated Sessions with Practical Analysis, Tips, and Strategies**
- 3 Access to View All Breakouts for 1 Year Following the Institute (not for CLE credit)**

Dozens upon dozens of valuable topics for lawyer and HR advisors, in-house counsel, and litigators to choose from. And in this virtual conference delivery, all attendees will have the ability to watch all 70+ sessions for 1 year following the Institute.
- 4 120+ Faculty with Diverse Practice Perspectives and Expert Insights**
- 5 Helpful Session Materials – In Electronic Form for Easy Access and Easy Searching**
- 6 NEW! 8-Chapter Workplace DEI Handbook Free to All Attendees**
- 7 5 Helpful Legal QuickSheets™ Free to All Attendees**
- 8 Ethics, Elimination-of-Bias, and ADR Sessions**

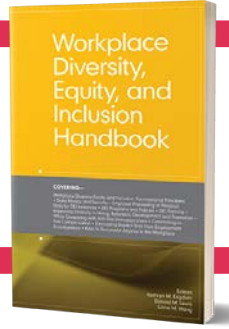
Opportunities to help you fulfill your special credit requirements.
- 9 Engaging Virtual Conference Experience**
- 10 3 Free, Bonus Post-Institute Webcasts – Choose from 8 Options**
- 11 15.0 Live Credit Hours**

12.0 at the Institute, 3.0 in free post-Institute webcasts.
- 12 \$100 in Minnesota CLE Bonus Bucks**

A \$100 coupon to purchase Minnesota CLE products.

And So Much More!

The Brand-New DEI Handbook



Workplace Diversity, Equity, and Inclusion Handbook

Edited by

Kathryn M. Engdahl, Donald M. Lewis & Liane M. Wong

CHAPTER 1

Foundational Principles of Workplace Diversity, Equity, and Inclusion

Shirley O. Lerner

CHAPTER 2

Data Privacy and Security – Employer Processing of Personal Data for DEI Initiatives

Nadeem W. Schwen

CHAPTER 3

Creating and Implementing Diversity, Equity, and Inclusion Programs and Policies

Rebecca J. Bernhard

CHAPTER 4

Diversity, Equity, and Inclusion Training

Andriel M. Dees & Jenny Gassman-Pines

CHAPTER 5

Improving Diversity in Hiring, Retention, and Promotion While Minimizing Legal Risk

Sarah Riskin

CHAPTER 6

Committing to Fair Compensation

E. Meaghan Clayton & Sonia Miller-Van Oort

CHAPTER 7

Eliminating Bias from Employment Investigations

Lucas J. Kaster, Toni D. Newborn & Dr. Abdul M. Omari

CHAPTER 8

Keys to Successful Allyship in the Workplace

Jeff S. Brockmann

2021 INSTITUTE

Choose 3 of 8 Webcasts to View for Free

Dates and Times TBD

- 1 Preventing Harassment in a Remote Workforce**
Cynthia A. Bremer & Dennis A. Davis, Ph.D.
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 2 Got Workers in California? Here's What New Developments Require You to Do**
Mandana Massoumi
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 3 The Fundamentals of Diversity, Equity, and Inclusion – Getting It Right from the Start**
Shirley O. Lerner
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 4 Making Diversity Work – Building a Sustainable DEI Training Program**
Andriel M. Dees & Jenny Gassman-Pines
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 5 Independent Contractor/Joint Employer – An Expensive Error**
Gina K. Janeiro & Michael J. Moberg
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 6 Ethics for Employment Lawyers – 6 Ethics Hot Spots and How to Approach Them**
Amy B. Conway, Susan M. Humiston & Timothy Y. Wong
1.0 ethics CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 7 Mass Individual Employment Arbitrations Post-Epic**
Reena Desai & Joseph G. Schmitt
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 civil trial specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for
- 8 When Work Isn't Working – Using Leave and Reassignment Effectively to Accommodate Disability**
Heather Fokken & Kristin Berger Parker
1.0 standard CLE credit applied for; 1.0 labor & employment specialist credit applied for; 1.0 HRCI credit applied for; 1.0 SHRM credit applied for

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GPM**

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ATTORNEYS AT LAW

**Ogletree
Deakins**

DAY 1 – MONDAY, MAY 24, 2021

All times listed are CDT.

MORNING PLENARY SESSIONS

8:05 – 8:50 a.m.

JOIN

8:50 – 9:00 a.m.

WELCOME & INTRODUCTION

9:00 – 9:30 a.m.

The Future of Work

“Tackling the changing nature of work will require companies to move beyond outdated workforce development models and human resource practices. Instead, they will need to embrace new ideas, create new institutions, and forge new alliances with external stakeholders – in ways that build competitive advantage for the firm and strengthen the communities in which they operate.” This statement from the Harvard Business School’s Project on Managing the Future of Work centers the research it does. The co-leader of this initiative – Professor Joseph Fuller – kicks off our conference with insights about the next developments post-COVID and further beyond, including the evolving on-demand workforce, on-premises vs. remote work, technology and artificial intelligence, workforce demographics, and more.

Joseph B. Fuller

9:30 – 10:00 a.m.

Insights from Microsoft’s Diversity and Inclusion Lead for Corporate, External and Legal Affairs: The Power in – and Potential Pushback from – Stating Concrete D&I Goals and Being Transparent with Diversity Data

In June 2020, Microsoft announced that – as one part of its diversity, equity, and inclusion efforts – it “will double the number of Black and African American people managers, senior individual contributors, and senior leaders in the United States by 2025.” Several months after that announcement, OFCCP contacted Microsoft asking whether that commitment to a specific number implied that Microsoft may be planning employment actions illegally based on race. Mike Jackson, a senior in-house counsel and Microsoft’s Diversity and Inclusion Lead for Corporate, External and Legal Affairs, joins us to share his insights on pivotal decision-making for diversity, equity, and inclusion efforts when weighing the rewards and risks of stating clear numeric goals and being public with an entity’s diversity data.

Mike Jackson
Nikki Odom (moderator)

10:00 – 10:15 a.m. BREAK

BREAKS FOR A GOOD CAUSE

Check out the Institute’s online gathering space! There, during all the breaks, you can easily meet up with other attendees – old friends and new acquaintances. First you just need to get set up in the gathering space – and that’s quick and easy. To encourage you to check things out, Minnesota CLE will offer this incentive: **The more attendees who login to that gathering space during these first two breaks, the higher the donation amount that Minnesota CLE will give a local charitable organization. It’s a win-win!** (More details at the Institute.)

10:15 – 10:45 a.m.

New Administration, New Congress, New Supreme Court – Key Developments for the Employment Law Practitioner

This session features the insights of experienced employment attorney and former EEOC commissioner (2010-2019), Chai Feldblum. She will discuss new developments and predicted changes for federal agency policy, rules, and enforcement – as well as potential new legislation and new US Supreme Court decisions – and how these developments affect the workplace and how we advise our clients.

Chai R. Feldblum

10:45 – 11:15 a.m.

State and Local Employment Law Hotspots – National Trends

State and local governments continue to increasingly regulate the workplace. This fast-paced session will focus on recent and anticipated trends in state and local employment laws across the country, including laws addressing paid leave, independent contractor vs. employee classification, minimum wage, wage theft and other wage and hour laws, pay equity, sexual harassment training, the legalization of recreational marijuana, limitations on non-competition restrictions, and, of course, the many executive orders, laws, and ordinances that have been passed to address the COVID pandemic.

Daniel G. Prokott

OR

ALTERNATE PLENARY

10:15 – 11:15 a.m.

Employer Check-Up – Working Effectively with Employees with Mental Health Conditions

Employee mental health conditions can present unique issues and considerations – and that is more true than ever in the midst of a pandemic that has dramatically altered the workplace and increased the number of people experiencing mental health issues. This session will explore common issues including: when does an employer know an employee has a mental health condition; what are potential reasonable accommodations; what if an employee engages in misconduct or experiences performance issues; what if an employer has safety concerns; and when can an employer get more medical information.

Jana O’Leary Sullivan

11:15 – 11:30 a.m. BREAK

11:30 A.M. – 12:30 P.M.

BREAKOUT SESSION A

ADVISORS AND IN-HOUSE COUNSEL

001

The Future of Work – Q&A with Joe Fuller

Joseph B. Fuller
Mary B. Thomas (moderator)

002

4 Rules of Discipline Documentation Includes comparative examples of ineffective and effective disciplinary memos!

Robert C. Boisvert

003

“The Question I Get Most” – More Real-World Leave Scenarios and Real-World Solutions

Penelope J. Phillipps

004

Marijuana and CBD Use by Employees in 2021 – The Critical Questions

Catherine A. Cano

IN-HOUSE COUNSEL

005

Complex Discipline and Discharge Issues Facing In-House Counsel in 2021

Jana E. Bruder, Ann Clowser & Michelle A. Miller
Michael J. Moberg (moderator)

UPDATES

006

Sex Harassment – The Newest Developments and How They Impact Advisors, Litigators, and In-House Counsel

Howard Bolter & Judy Langevin

LITIGATION

007

COVID Employment Litigation – Statistics, Trends, and Case Updates

Jessica D. Causgrove & Anna P. Prakash

008 Repeated at Super Breakout #4 on Tuesday Retaliation and Whistleblower Claims – Navigating 4 Crucial Issues

Justin D. Cummins, Gina K. Janeiro, Meg Luger-Nikolai & Benjamin Mandelman
Timothy Y. Wong (moderator)

PUBLIC SECTOR

009

Judicial Deference to Arbitrators in Government Employee Misconduct Matters – Where We Are Now, Where We May Be Going, and How It Impacts Your Clients

Stephen Befort, Javier Morillo & James R. Rowader
Patricia Y. Beety (moderator)

12:30 – 1:30 p.m. LUNCH BREAK – AND SURPRISE GUEST!

Includes 15 minutes with a surprise guest!

Last year it was Whisper the barn owl from the University of Minnesota Raptor Center. Who will it be in 2021?

1:30 – 2:30 P.M.

BREAKOUT SESSION B

2:45 – 3:45 P.M.

BREAKOUT SESSION C

4:00 – 5:00 P.M.

BREAKOUT SESSION D

101
Hiring 101 – What Can Companies Do and Say?

Susan E. Ellingstad

201
The Termination Meeting, When It's In-Person and When It Must Be Virtual – A Step-by-Step Guide

Sheila Engelmeier

301
FMLA Basics – What You Need to Know About FMLA Eligibility, Coverage, and Leave Requirements

Leonard B. Segal

102
How to Structure and Conduct Investigations Regarding Retaliation Claims

Fran A. Sepler

202
LGBTQ+ Employee Rights – 17 Common Questions and Their Answers

Megan L. Anderson & Joni M. Thome

302
Real Solutions to Religious Accommodation in 2021 – Including Updated EEOC Guidance

Shirley O. Lerner

103
Working Parents and Other Caregivers – Practical Advice for Real-World Scenarios Regarding Their Workplace Rights and Responsibilities

Jenny Gassman-Pines & Steven Andrew Smith

203
COVID and Post-COVID Disability Accommodations – How to Successfully Manage Accommodations Through Change

Penelope J. Phillips

303
Practical Tips for Successful Data Retention and Disposal Policies and Practices

Teresa M. Thompson

104
OSHA Investigations and COVID Enforcement Trends – Be Aware and Be Prepared!

Karen M. Charlson

204 *1.0 elimination of bias credit applied for*
Practical Tips for Creating a Diversity, Equity, and Inclusion Policy and Implementing Effective Programs

Rebecca J. Bernhard

304
How to Respond to a Charge Filed with the EEOC or State Agency – A Checklist Approach

R. Ann Huntruds & Samuel N. Louwagie

305
The Hybrid Workplace Revolution – How Employers Can Successfully Navigate Complex Decisions and Implementation

Daniel G. Prokott & Nicole A. Truso

105
Where Did Everybody Go? Best Practices for Managing a Remote Workforce

*Zeb Curtin, Jen Dellmuth & Laurie Olson
David J. Lauth (moderator)*

205
Navigating Privacy and Employment Risk in Managing COVID Testing, Vaccinations, and Exposure Mitigation

Mandana Massoumi & Brandon P. Reilly

306
Pay Equity Best Practices

E. Meaghan Clayton, Sonia Miller-Van Oort & Kristin Jones Pierre

106
2021 ADA Case Law Update – Key New Cases and Their Practical Implications

Danielle W. Fitzsimmons & Matthew S. Nolan

206
New OFCCP Developments – What Federal Contractors Need to Do Differently

Chris Gokturk & David J. Goldstein

307
8th Circuit & Federal District Court Update

Cynthia A. Bremer & Justin D. Cummins

107
U.S. District Court Judges Panel – Summary Judgment, Injunctions, and More!

*Hon. Michael J. Davis, Hon. Donovan W. Frank & Hon. Eric C. Tostrud
Patrick R. Martin (moderator)*

207
New Wage and Hour Cases and Trends in 2021

Michele R. Fisher & Joseph K. Mulherin

308
True or False? Test Your Anecdotal Assumptions Against an Empirical Study of Minnesota State and Federal Employment Law Cases

Terran C. Chambers, Charles F. Knapp & Samantha M. Rollins

108
Litigating Reduction-in-Force Cases – Strategic Discovery and Motion Practice

Chris D. Jozwiak & Sara Gullickson McGrane

208
What Really Matters When Injunctive Relief Is at Issue in an Employment Dispute – and How the Circumstances of the Pandemic May Dramatically Impact Your Arguments

Barbara DAquila & Lawrence P. Schaefer

309 *1.0 ethics credit applied for*
Legal Ethics and the Sysdyne Defense in Restrictive Covenant Litigation – How the Employer's "Get-Out-of-Jail-Free Card" Can Land Lawyers in Hot Water

Katie M. Connolly & Joel O'Malley

109
The 4th Amendment and Electronically Stored Information – Legal Issues in Public Sector Employment Investigations

Debra M. Corhouse & Jennifer K. Earley

209
2021 Public Sector Case Law Update – Highlighting 11 Key Federal and Minnesota Cases

Shelley Carthen Watson

5:00 – 6:00 P.M.
RECEPTION

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The 2021 Institute Reception – Mixologist Included!

Networking and meeting up with friends in face-to-face casual conversations in the Institute's virtual gathering space. Plus a mixologist showing you how to shake up delectable cocktails and mocktails!

2:30 – 2:45 p.m. **ACTIVITY BREAK**

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3:45 – 4:00 p.m. **BREAK – YOGA!**

Reset Your Posture – a short guided yoga session.

DAY 2 – TUESDAY, MAY 25, 2021

All times listed are CDT.

MORNING PLENARY SESSIONS

8:05 – 8:50 a.m. JOIN

8:50 – 9:00 a.m. WELCOME & INTRODUCTION

9:00 – 9:30 a.m.

2021 Minnesota Update

New legislation, regulations, and case law, plus the latest on local ordinances.

Shalanda D. Ballard

9:30 – 10:00 a.m.

2021 NLRB Update – New Decisions and Directions Implicating Both Union and Non-Union Workplaces

Paul J. Zech

10:00 – 10:15 a.m. BREAK

10:15 – 11:15 a.m.

2021 EEOC, USDOL Wage and Hour, and OSHA Updates – From Senior Agency Leaders

In a panel moderated by the General Counsel of the Minnesota Department of Human Rights, you'll hear the latest updates on federal agency guidance and rules, policy directions, and enforcement from:

- Joseph Hughes, Jr.
Deputy Assistant Secretary for Pandemic and Emergency Response, OSHA, Washington D.C.
- Jessica Looman
Principal Deputy Administrator, Wage and Hour Division, USDOL, Washington D.C.
- Carol R. Miaskoff
Acting Legal Counsel, EEOC, Washington D.C.

Moderator: Nick Pladson

OR

ALTERNATE PLENARY

9:00 – 10:00 a.m.

Avoiding 10 Discipline and Discharge Mistakes Employers Make

A plaintiffs'-side employment lawyer and an employer legal counsel – both with many years' experience – share a rich set of insights to better meet the challenges in discipline and discharge situations. Learn 10 important lessons for employers: what mistakes to avoid and what to do instead.

Kaarin Nelson Schaffer & Liane M. Wong

10:00 – 10:15 a.m. BREAK

10:15 – 11:15 a.m.

Everyday Conflict Management in the Workplace

Conflict is part of being human, and conflict within a workplace is inevitable. You may witness workplace conflict or experience it yourself over resources, styles, work pressure, roles, values, or policies. You may also see conflict situations playing out as the driving forces that have created the very workplace matters you've been entrusted to handle. In this session, Carolien Moors provides insights that will help you expand your conflict resolution approaches – insights gained from her Master degrees in psychology and education and her 29 years of experience in conducting executive coaching, running team sessions, and consulting on change management. Adding these new strategies to your toolbox can help you more effectively manage conflict between two or more parties and, as a result, help mitigate the tolls that workplace conflicts have on trust, collegiality, wellbeing, and efficiency – tolls that might also ultimately be the motivating factors for an employee to file a legal claim.

Carolien Moors

11:15 – 11:30 a.m. **BREAK – POST YOUR PET'S PIC!**

Post a Pic of Your Pet #MNELI – Post a photo of your pet watching the Institute...or just taking a nap in the nearest sunbeam! Plus, enter to win a fun prize – anyone can enter, pet pic or no pet pic!

11:30 A.M. – 12:30 P.M.

BREAKOUT SESSION E

401

You Can Take That to the Bank – The Answers to 19 Key Employee Pay Matters

Mary M. Krakow

402

Strategic Use of Employee Performance Improvement Plans – How to Develop, Implement, and Hold Employees Accountable – Including an Annotated PIP

Brian T. Benkstein

403

Hottest Issues in Employment Law for Healthcare Institutions – COVID Safety Protocols, Frontline Worker Mental Health, and More

*Krista Hatcher, Chelsey Jonason & Alissa Raddatz
Sara Gullickson McGrane (moderator)*

404

The Virtual Hire – Successfully Hiring, On-Boarding, and Training the Employee You've Never Met in Person

Penelope J. Phillips

ADVISORS AND IN-HOUSE COUNSEL

IN-HOUSE COUNSEL

405

Across Jurisdictions – 5 of the Toughest Compliance Issues with Employees Working in Different Cities and States

*Uzodima (Frank) Aba-Onu, Heather Fokken & Sandy Schlafge
Ryan E. Mick (moderator)*

UPDATES

406

2021 EEOC Case Update – Including Insights from EEOC Acting Legal Counsel

Tina Burnside & Carol R. Miaskoff

LITIGATION

407 **1.0 ADR credit applied for**

How the Practice of ADR in Employment Cases Evolved During the COVID Crisis: A Review of the Useful Lessons, Tools, and Insights We Gained

*Julie C. Bretz, Thomas A. Jacobson & Robert Reinhart
Elise M. Chambers (moderator)*

408

New Minnesota Cases Strengthen Employee Rights – Top Takeaways from Diverse Perspectives

Melissa Raphan & David E. Schlesinger

PUBLIC SECTOR

409

Ripped from the Headlines! Exploring First Amendment Rights of Public Employees

Jana O'Leary Sullivan

12:30 – 1:30 p.m. **LUNCH BREAK – "THE BEST MEAL I EVER ATE!"**

Grab your lunch and meet in the Institute's virtual gathering space! Make plans to hang out with friends who are also attending the Institute. Or join any table to meet new people. We even have an ice-breaker topic to get things rolling if you want it: What's the best meal you ever ate?

1:30 – 2:30 P.M.

BREAKOUT SESSION F

501
Updating Your Handbook for These Rapidly Changing Times — Keeping Current with COVID and Beyond

Jessica L. Roe

502
Managing Intermittent Leave in a Post-COVID Workplace and 7 More Thorny Attendance and Scheduling Issues

Grant T. Collins

503 *1.0 elimination of bias credit applied for*
Elimination of Bias – Ways to Address Bias in Investigations and Disciplinary Decision-Making

Lucas Kaster, Toni Newborn & Dr. Abdul M. Omari

504
New NLRB Decisions and Guidance Impacting Both Union and Non-Union Workplaces – In-Depth 2021 Update

Tim Louris, Aaron Thorpe & Paul J. Zech

505
Reductions in Force – Planning and Executing a RIF While Avoiding Legal/HR Mistakes

Joseph G. Schmitt

506
The Top 15 Retaliation and Whistleblower Cases of 2020-21

Neil Goldsmith & Nicholas G.B. May

507
Race Discrimination Litigation – The Impact of the Black Lives Matter Movement

Donald M. Lewis, Antone Melton-Meaux & Lawrence P. Schaefer

508
Successful Deposition Practice – How to Effectively Depose (or Defend) the Plaintiff and the Key Employer Witness

Clayton D. Halunen & Gregory Stenmoe

509
Applying the Minnesota Data Practices Act to Public Sector MDHR Charges

Paul Ziezulewicz

2:45 – 3:45 P.M.

BREAKOUT SESSION G

601
Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2021

Marko J. Mrkonich

602
When Can the Employer Seek a Medical Exam or an Exam for Fitness for Duty?

Grant T. Collins

603
Diversity in Hiring and Retention – Practical Tips to Minimize Legal Risk

Sarah Riskin

604
Hiring an Employee with a Non-Compete Agreement

Jeffrey B. Oberman

605
Employee Benefits Trends in 2021 – What All Employment Counsel Need to Know

Darcy L. Hitesman & Bob Seng

606
Dreamers, TPS Recipients, and Employer-Sponsored Visa Applicants – What to Expect from the Biden Administration and What It Means for Employers and Employees

Veena Iyer & John T. Medeiros

607
Lessons Learned from Handling Jury Trials in Employment Cases During COVID

Ellen A. Brinkman, Erin S. Conlin & David A. Schooler

608
Winning Key Discovery Battles in Employment Litigation

Amy E. Boyle, Celeste Culberth & Martin Ho

609
Public Sector Layoffs, Furloughs, and Limitations on Work Hours – Answers and Practical Advice Regarding Frequently Asked Questions

Scott M. Lepak & Emily Marshall

4:00 – 5:00 P.M.

SUPER BREAKOUTS

SUPER BREAKOUT 1

10 Red Flags of Employment Law Risk That an Employer Ignores at Its Peril

M. William O'Brien & Melissa Raphan

SUPER BREAKOUT 2

Sexual Harassment – How to Implement the Most Effective Policies, Training, and Complaint-Handling Systems

Fran A. Sepler

SUPER BREAKOUT 3

1.0 ethics credit applied for

Ethics: How to Handle Sticky Professional Conduct Issues – Advice for the Well-Intentioned Attorney

Susan M. Humiston

SUPER BREAKOUT 4

Repeat of #008

Retaliation and Whistleblower Claims – Navigating 4 Crucial Issues

*Justin D. Cummins, Gina K. Janeiro, Meg Luger-Nikolai & Benjamin Mandelman
 Timothy Y. Wong (moderator)*

2:30 – 2:45 p.m. **BREAK – CELEBRATE ICE CREAM!**

Missing the annual ice cream break? Yep, we are, too. Join a virtual celebration of one of our favorite treats, including a prize drawing!

3:45 – 4:00 p.m. BREAK

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Special thanks to the Institute planners.
Their efforts have helped shape an outstanding
conference.

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Minnesota CLE has applied to the Minnesota State Board of CLE for **12.0 hours standard CLE credit** for this year's Institute. Minnesota CLE has general credit approval with the states of Wisconsin and North Dakota. We anticipate this course also will qualify for **12.0 civil trial specialist credits, 12.0 labor and employment law specialist credits, and 12.0 CJE credits for judges.**

We also anticipate that Breakout #309 and Super Breakout #3 each will qualify for **1.0 ethics credit** and that Breakouts #204 and #503 each will qualify for **1.0 elimination of bias credit**. If you attend any of these sessions and claim ethics or elimination of bias credit, you must deduct those special credits from the 12.0 hours of "standard" credit. For example, if you attend sessions #309 and #503, you would claim 1.0 ethics credit, 1.0 elimination of bias credit and 10.0 standard credits for a total of 12.0 credits.

In no case may you claim more than 12.0 total CLE credits for the 2021 Upper Midwest Employment Law Institute.

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Minnesota CLE is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CPSM or SHRM-SCPSM. This program is valid for **12 PDCs for the SHRM-CPSM or SHRM-SCPSM.** For more information about certification or recertification, please visit www.shrmcertification.org.

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CREDITS – POST-INSTITUTE WEBCASTS

Please see page 5 for a detailed credit listing for each webcast.

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FREE!

Attendees of the 2021 Employment Law Institute may view 3 of the 8 webcasts listed here for free! Instructions on how to register for free will be distributed at the Institute.

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