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# 17TH ANNUAL EMPLOYMENT LAW CONFERENCE

Wednesday, September 13, 2023

**AGENDA**



- 7:30 a.m. REGISTRATION AND BREAKFAST BUFFET OPENS
- 8:00 – 8:15 a.m. **WELCOME AND OPENING REMARKS**  
**Presenter:** Leticia P. Aguilar, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.,  
2023 Government Affairs Director
- 8:15 – 9:15 a.m. **REMOTE WORK IN THE POST-PANDEMIC WORKPLACE:  
EVOLVING ADA OBLIGATIONS AND KEY CONSIDERATIONS FOR  
EMPLOYERS**  
Many employers have historically been opposed to remote work arrangements, emphasizing the importance of in-person attendance. Similarly, courts have been reluctant to require remote work as a reasonable accommodation under the Americans with Disabilities Act (ADA) when employees have made such requests. But after several years of widespread and even mandatory remote work during the pandemic, can employers return to that status quo? This presentation will cover recent developments in ADA case law regarding when remote work may be required as a reasonable accommodation, as well as the potential consequences of an employer allowing widespread remote work.  
**Presenter:** Meredith Grant – Bracewell, LLP
- 9:15 – 9:35 a.m. **BREAK / NETWORKING**
- 9:30 – 10:30 a.m. **NLRB UPDATE: SUBSTANTIAL CHANGES AND RECENT  
UNION ACTIVITY IN SAN ANTONIO**  
Ever since Joe Biden became president, there has been speculation regarding changes that the NLRB would make to the law. Since last December, at least six substantive decisions have announced new changes that affect how H.R. professionals do their business. And for those who think, “certainly not in San Antonio,” we will discuss current union activity faced by San Antonio employers.  
**Presenters:** John Ferguson – Schmoyer Reinhard LLP and Bob Kilgore – Gardner Law Firm
- 10:30 – 11:30 a.m. **MANAGING DIFFICULT ADA AND FMLA QUESTIONS**  
This presentation is aimed at developing and mastering the knowledge and ability to address complex leave situations which may involve issues under both the Family and Medical Leave Act and the Americans with Disabilities Act. Through the use of factual scenarios, participants will develop and enhance their skills to address these complex employment situations and mitigate risk in addressing employee leave issues.  
**Presenter:** Lawrence Smith – Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
- 11:30 – 12:30 p.m. **LUNCH / NETWORKING**
- 12:30 – 1:30 p.m. **KEYNOTE - FROM THE EEOC PERSPECTIVE: A REVIEW OF THE  
EQUAL PAY ACT, TITLE VII CLAIMS AND RECENT CHARGE  
TRENDS**

**Presenter:** Travis Nicholas – EEOC District Director

The keynote speaker presentation will provide insight from the EEOC perspective as to what constitutes an Equal Pay Act and Title VII wage claim, an understanding of how the EEOC analyzes these types of claim, and potential affirmative defenses that can be plead by Employers. It will also provide helpful EEOC data and statistics, including recent Charge trends by the various types of discrimination filed by Complainants.

1:30 – 2:30 p.m.

### **ADR, RESTRICTIVE COVENANTS AND UPDATES ON VARIOUS EMPLOYMENT LAW DEVELOPMENTS**

This presentation will cover ADR to include a discussion of mediation and arbitration with a brief discussion of the Ending Forced Arbitration of Sexual Harassment Act, Restrictive Covenants including NDA's, non-compete and non-solicitation agreements. It will also include a discussion of the FTC regulations and NLRB General Counsel Memo regarding the banning non-competes. This presentation will also provide Employment Law updates regarding the PUMP Act, Pregnancy Workers Fairness Act, the recent USSC religious accommodations decision and the CROWN Act.

**Presenter:** Michael Holland – Holland Law Firm

2:30 – 2:45 p.m.

### **BREAK / NETWORKING**

2:45 – 3:45 p.m.

### **HOW TO SURVIVE THE DEPOSITION HOT SEAT! TIPS FROM PLAINTIFF AND DEFENSE ATTORNEYS ON HOW TO AVOID CRUCIAL DEPOSITION MISTAKES**

In this presentation, we will first provide a behind-the-scenes view of the tactics plaintiffs' attorneys will use to pursue their employment-related claims. Second, we will include real examples of mistakes that corporate representatives have made that have negatively impacted their company's defense, and third, we will include tips on how human resource employees can avoid making similar mistakes. Although nothing will make a deposition enjoyable, this presentation will help cool off the seat the next time you are called to testify.

**Presenters:** Lawrence Morales – The Morales Law Firm and Ray Bissmeyer – Dykema Gossett PLLC

3:45 – 4:45 p.m.

### **TALES FROM THE TRENCHES: IN-HOUSE LESSONS FOR STRONGER EMPLOYMENT PRACTICES AND POLICIES**

This moderated presentation will identify and discuss the value and methods of strengthening the relationship between HR professionals and in-house team vs. outside counsel. Presenters will also discuss the most prevalent mistakes made by managers from the in-house perspective. In addition, presenters will provide best practices for HR professionals for discipline and discharge from the in-house perspective.

**Presenters:** Abel Martinez – H-E-B and Jennifer Ingram – San Antonio Water System

4:50 – 5:00 p.m.

### **CLOSING REMARKS AND DOOR PRIZE**