

7th
Annual

2020 Master Class Series



New York
January 22, 2020



Los Angeles
February 25, 2020

Labor Relations and Employment:
The Only Constant Is Change



San Francisco
February 27, 2020

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CITIES

6
TRACKS

12
CLASSES

BakerHostetler
www.bakerlaw.com/masterclass2020

Who Should Attend

This Master Class is specially designed to offer high-level courses discussing specific and practical headline issues affecting general counsel and in-house lawyers, C-suite executives, directors of labor relations and human resources, and business owners.

We have a lineup of leading workplace lawyers who will present a valuable and tailored program focusing on real employment issues, challenges and opportunities in today's ever-changing economy.



Why Should You Attend?

It's Valuable.

This one-day conference will provide real-world strategies for the most current issues affecting your business and employees. Insights into new policy regulations and legislation will prepare you to confront employee matters related to pensions, contracts, social media, healthcare reform and union interference.

It's Insightful.

Our Master Class faculty comprises BakerHostetler attorneys who are at the top of their game and prepared to bring insights based on their experience to each discussion, thus taking these topics to the next level.

It's Interactive.

With limited space, our unique and intimate format is designed to facilitate issue-specific dialogue beyond the normal classroom setting. You are encouraged to ask questions and interact with both the speakers and other attendees.

It's Specialized.

Classes have been designed to focus on current issues and common challenges. Each presenter has deep experience in these areas and will bring pragmatic and on-target insights to each session.

Program Co-Chairs



Jay Krupin serves as co-leader of BakerHostetler's National Labor Relations practice team. He represents businesses across the United States, advising on federal and state labor, employment and personnel law issues and defending them before administrative agencies and in court proceedings. Mr. Krupin is well versed in management-union issues, employment discrimination matters and wage-hour practices. He has successfully negotiated more than 350 collective bargaining agreements and has represented companies in more than 100 union elections and campaigns.

In 2019, Mr. Krupin was inducted into the Corporate Employment Lawyers Hall of Fame. A frequent speaker and writer on a variety of topics related to his fields of practice, Mr. Krupin has been quoted in or has authored articles in the *Wall Street Journal*, *New York Times*, *Chicago Tribune*, *Los Angeles Times*, *National Law Journal* and *Legal Times*, as well as *USA Today* and more than 50 other publications. He has appeared on television and radio programs throughout the nation, addressing issues related to labor and employment law.

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Patrick Muldowney serves as co-leader, with Mr. Krupin, of BakerHostetler's National Labor Relations practice team. Mr. Muldowney advises and represents private- and public-sector management clients in connection with both traditional labor law and employment law issues. He has litigated issues related to discrimination, sexual harassment,

labor-management relations, family and medical leave, public employee rights, minimum wage/overtime compensation, and covenants not to compete.

Mr. Muldowney has represented employers in matters involving the National Labor Relations Board (NLRB) in matters relating to elections, the U.S. Equal Employment Opportunity Commission, the Florida Commission of Human Relations, the Florida Division of Administrative Hearings, the Orlando Human Relations Department, the New York State Division of Human Rights and the New York City Commission on Human Rights. Additionally, he is an adjunct professor at Rollins College, where he teaches a course on labor and employment law in the Master of Human Resources program.

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Choose a total of six courses.



Union Organizing in the Current Age: Social Media, Subterfuge and Surveillance

Union organizers have taken notes from the world of politics in utilizing social media and digital mobile marketing in their most recent organizing strategies. Private YouTube channels, invitation-only Facebook groups and even union-designed, encrypted proprietary apps give labor organizers access to your workforce anytime they turn to their phone during the workday. Cutting-edge geofencing technologies spread messages to employees in a specific geographic location with nothing more than a few cellphone numbers. As a result, some organizing campaigns are conducted without a single flyer, card or picket being seen. In this session, we will discuss actions your company can take to prepare for these internal and external labor initiatives, and management's best practices as we come into a new generation of digital union organizing.



Equal Pay for Equal Work

That is a statement that has been around since the '60s, but over the years, the cry has gotten louder, the penalties stiffer, and the laws at the local and state levels stricter than even the federal requirements. Is your company following the rules? Are you sure that you will not be ensnared in a legal battle for equal pay? From avoiding asking the wrong questions at an interview to setting the right pay, avoiding a pay gap for long-term employees, and addressing disparities in pay between and among the sexes, learn what is required to stay above the fray.



The Trump NLRB and the 'Summer of Love'

At the end of 2017, a newly constituted NLRB issued a number of decisions that attempted to reverse the union-friendly tack taken by the previous administration. 2018 was a relatively quiet period; however, the summer of 2019 saw a proliferation of pro-employer decisions on issues ranging from unilateral contract changes and employers' property rights to disputes over the scope of bargaining units. In this session, we will look at recent developments at the NLRB and what we can expect as we head into the 2020 election.



Employee vs. Independent Contractor: "Who Are You?"; Explaining the Jumbled State of the Law Using Songs by The Who

The use of nonemployee workers in *My Generation* is widespread and growing, but legal compliance is becoming more challenging all the time, and the past 12 months have brought massive changes again. Who is *The Real Me*? The NLRB is going one way, trying to make it easier to support independent contractor status, while states seem headed in the opposite direction, adopting tests that make it harder to classify workers as nonemployees. Is the ABC test in California's new Assembly Bill 5 the wave of the future? Learn what businesses coast to coast need to know about legal compliance when using nonemployee workers. *It's Another Tricky Day*.



Workplace Safety in the Age of Terrorism

September 11, 2001, marked the dawn of a new world for all of us. For employers, the events of that horrendous day and incidents of workplace violence occurring over the ensuing 18 years have served as reminders of the need to protect workers from coordinated and lone-wolf attacks. With the dramatic recent increase in workplace attacks, harassment and fear imposed by external forces as well as co-employee actions, every employer needs to have an action plan and defense to meet its duty of care to its employees and others in the employment environment. In this session, we will discuss steps your company can take to better address external and internal threats.



Wage and Hour: Is New Leadership Making a Difference?

Wage and hour law remains a compliance conundrum for most employers. The Trump administration has signaled a more aggressive approach to regulatory reform and deregulation. Will new overtime regulations governing executive, administrative and professional employees survive judicial scrutiny? What's new with "regular rate" calculations, the tip credit and the "fluctuating workweek"? Has the Labor Department changed its approach to enforcement of the Fair Labor Standards Act and other federal prevailing wage laws affecting government contractors? These issues and more, including state and local law developments and legislative initiatives, will be explored with up-to-the-minute discussion and analysis.

Tailor your six-course itinerary to address what's most important to you.
Having a hard time choosing among the important topics? Consider bringing multiple attendees from your organization.



Collective Bargaining Negotiations: The Time to Strengthen Management Rights Is Now!

Over the past two years, the NLRB has gradually steered its case law in a less anti-employer direction, particularly in regard to contract language and bargaining. This session will examine recent NLRB decisions and offer helpful insights and examples of how an employer can use this opportunity to strengthen its right to act unilaterally in furtherance of its business objectives, even in situations where the union objects to and/or attempts to delay modifications.



Into the Weeds: What Employers Should Know About Marijuana In 2020

The legalization of marijuana, whether for recreational or medical use, has become commonplace in many states across the country. Although marijuana use is still unlawful at the federal level, state and local laws legalizing the use of marijuana and related products have created uncertainty for employers regarding their drug-testing policies and practices, background check procedures, reasonable accommodation protocols, and generally how to treat employees partaking of marijuana in the workplace. This session takes stock of the marijuana in the workplace landscape, looks at what the future may hold, and addresses challenges and strategies employers can use to address related sticky employee situations and policies that address them.



Arbitration Strategies in CBAs and Employment Litigation

Labor arbitration is undergoing a dramatic transformation as employers look for alternatives to litigation. In this session, we focus on strategies to maximize the value of arbitration. We'll start by looking at the management rights and grievance/arbitration clauses in your collective bargaining agreement. How can creative drafting help you control which issues are arbitrable? What are the keys to establishing "just cause" in discipline cases? How will the NLRB's recent abandonment of the "clear and unmistakable waiver" standard help you defend contract interpretation cases? Should you extend arbitration to issues such as discrimination claims, #MeToo issues or trade secret/noncompetition cases? What is the status of the decision holding that class action waivers in mandatory arbitration agreements are unlawful? And, importantly, you'll learn what to look for in selecting an arbitrator – the single most important part of any arbitration case.



Gender Is Not Binary

What is gender? Gender has historically meant the difference between men and women, but in recent years, it has become all the more clear that gender is no longer limited to the two biological sexes. Gender is how people express their identity, which may be totally different from or the same as their biological sex or even somewhere in between. And what is sexuality? Sexuality is defined as the identity to which one is attracted. The most recent city, state and federal laws protect the identity and expression of gender and the ability of employees to express their sexuality without fear of reprisal. Learn what gender means in today's world and how you can ensure your workplace knows how to accommodate all expressions of it.



Executive Employment Issues: From Contracts to #MeToo and Everything in Between

Turnover in the C-suite – not only effectively on-boarding senior executives, but also strategically compensating them and efficiently and effectively separating them – is always a high-profile process for any organization. Careful planning and good execution are needed throughout the process, because all the organization's stakeholders are looking on. High-profile separations in the #MeToo era, and the public outrage over separation compensation, simply reminded everyone how true that is. We will explore the key issues involved in negotiating, and enforcing, executive employment agreements – from cash, incentive and equity compensation terms to post-employment covenants to arbitration and indemnification provisions. We will also address topics such as #MeToo training, retirement/successorship planning, handling bad conduct from star performers and governance issues involving the organization's board.



Immigration: Navigating the New Norms

As a result of the course promulgated by the Trump Administration, what are the policies and trends that have had the most significant impact on business immigration? We will consider alternative strategies for visas, evaluate different ways to challenge the agency decisions and review some of the most recent immigration legislative proposals.

Register Today

To Register

Visit bakerlaw.com/masterclass2020.

Questions

Should you have any questions or prefer to register by phone, please contact Lynmarie Lane at +1.312.416.6297 or MasterClass@bakerlaw.com.

Master Class Details

8:00 a.m.

Continental breakfast and registration

8:30 a.m. – 4:00 p.m.

Program

Lunch will be provided for all attendees; the program will be followed by a cocktail reception from 4:00 to 5:00 p.m.

Cost to attend is \$125 per person, and \$75 for each additional registrant from the same company.

CLE credit is available in New York and California and is pending in other states. HRCI and SHRM credits are also available. Space is limited for the Master Class Series.

We encourage you to make reservations as early as possible. To register, please visit bakerlaw.com/masterclass2020. On the registration site, you will find additional details about the series.

To register, visit

www.bakerlaw.com/masterclass2020

We look forward to having you join us
for this premier event.



New York
January 22, 2020

Convvene
75 Rockefeller Plaza
New York, NY 10019



Los Angeles
February 25, 2020

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San Francisco
February 27, 2020

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Cleveland, OH 44114-1214

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“Absolutely thought the event was extremely well-organized and executed, and the speakers were all extremely knowledgeable and easy to listen to, and even enjoyable!”

“Particularly helpful, as we will enter CBA negotiations within the next 18 months.”

“Appreciated all the advice. This was the best CLE I’ve attended!”

“The Master Class was excellent. ... In addition to the classes that I attended, having the chance to discuss topics with the attorneys was great and gave me the opportunity to expand my knowledge – and, to your point, gain valuable insight.”

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