Master Class Series

Labor and Employment Law Under the Trump Administration

Los Angeles, February 22, 2017

Houston, March 29, 2017

3 CITIES
6 TRACKS
12 SESSIONS

BakerHostetler

www.rsvpbakerlaw.com/masterclass
This Master Class Series is specially designed to offer high-level courses, hitting specific and practical headline issues affecting:

- General Counsel
- In-House Lawyers
- C-Suite Executives
- Directors of Labor Relations
- Directors of Human Resources
- Business Owners

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

### Reasons to Attend

#### Valuable
- Provides real-world strategies on 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, health care reform and union interference.

#### Experience
- Our Master Class faculty of BakerHostetler attorneys 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.

#### Environment
- 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 the speakers and other attendees.

#### Specialized
- Classes have been designed to focus on current issues and common challenges.
- Each presenter has a depth of experience in these areas, bringing pragmatic and on-target insights to each session.

---

**Who Should Attend**

---

**Program Chairs**

**Jay Krupin** serves as BakerHostetler’s National Co-Chair of the Labor Relations Practice and National Labor and as Employment Practice team leader for Industry Sectors.

Mr. Krupin 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.

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 and National Law Journal, as well as USA Today, Legal Times and more than 50 other publications.

Mr. Krupin’s advice has also been relied on by government agencies dealing with labor and employment issues, and he has testified before the U.S. Congress on labor legislation, as well as before the National Labor Relations Board (NLRB) on rule-making proposals.

Jay P. Krupin | jkrupin@bakerlaw.com | 202.861.1700

---

**Patrick Muldowney** serves as BakerHostetler’s National Co-Chair of the Labor Relations Practice.

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 (relating to both unfair labor practice charges and representation 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.

Patrick M. Muldowney | pmuldowney@bakerlaw.com | 407.649.4002
Joint Employers – A New Normal With Unknown Consequences

The use of nonemployee workers is more prevalent than ever, and challenges to these relationships are growing just as rapidly. Entire business models are at stake. The Trump administration will surely address these issues, but it may take a while to right the ship. Your company may be responsible for wage and hour violations by your vendors, even where you exert minimal control. The NLRB’s view of joint employment means new and unexpected bargaining units, unanticipated Unfair Labor Practice (ULP) claims and other risks. Affordable Care Act (ACA) coverage issues and pension plans can create enormous unexpected liabilities. Is your company prepared for the new normal?

Supreme Court: Sitting on the Precipice

With the death last term of Justice Scalia and the election of Donald Trump, the Roberts Court is in transition. The current term already features several important cases for business, with more likely to come, including one involving the lawfulness of employment class arbitration waivers under the National Labor Relations Act. This session will look at the cases the Court has already agreed to hear and those in the pipeline and at how the shift in the Court’s makeup is likely to affect business cases in the coming terms – particularly in areas like arbitration, preemption, collective bargaining and agency authority.

Fixing Health Care: Foreseeable Changes and Employer Compliance

This session examines the deficiencies and problems that plague the ACA, and some insights drawn from examining the health care reform proposals that the Trump administration is likely to put forth. While on the campaign trail, Trump made it a major issue to repeal and replace Obamacare. During the transition, the president-elect changed his view, saying he now wants to amend the health care law. What is the impact if pre-existing conditions remain covered? How do we deal with the 20 million now enrolled with health insurance? Why did the largest number of individuals enroll on the days after the election? And how does this all affect employer costs and obligations? These issues will be the focus of this session.

Income Inequality Initiatives: The Elephant in the Room

While labor laws in the U.S. are generally pre-empted as a federal matter, various grass-roots efforts to attack labor and employment issues are embedded in social and economic initiatives that conflict with this federal mandate. Despite the federal policies that may emanate from the Trump administration, state and local governments are passing legislation to raise the hourly minimum wage to $15. Mandatory paid sick leave, worker retention rights upon the sale of a business, health and safety rules and green programs interfere with traditional labor relations. Questions arise on how to handle these contradictory legal issues. With multiple forums to contest employer actions, we need to be better equipped to deal with these conflicts. That is what this session will explore.

NLRB Issues for Nonunion Employers: Protected Activity for All

It used to be that employers worried about the NLRB only if they had unionized operations. That is not the case anymore. When employees, even without a union, engage in “protected concerted activity,” the National Labor Relations Act comes into play. And the NLRB is not shy about making that known. Whether non-unionized employees are raising issues of pay, communicating on social media or contesting arbitration clauses, the NLRB has been looking over your shoulder. How will this federal labor law of 80 years be affected by the Trump administration? This session will review how to deal with these issues you did not think you had to be concerned about.


It is increasingly difficult to negotiate wages, benefits and terms of employment for the next year, let alone for three or four years ahead. Under a Trump presidency, how will employers’ interests be affected? Will we have to grapple with a new recession? Will changes in regulations modify our operations? Will our market share grow or decrease? This session will discuss the new protectionist proposals every employer must bring to the bargaining table to secure its business investment when negotiating its next collective bargaining agreement.
Whistleblowers and Workplace Investigations in the Age of No Secrets

The government’s focus on attracting and protecting whistleblowers only continues to intensify. These cases can lead to costly investigations, criminal penalties for both the company and individuals and irreparable damage to a company’s reputation. Even without any substantive underlying misconduct, companies face increased regulatory and financial consequences for mishandling whistleblower complaints or appearing, in the government’s eyes, to discourage good-faith whistleblowing. This session will discuss best practices for establishing and monitoring effective compliance programs, ensuring that employment agreements are compliant with recent regulatory guidance and conducting sensitive internal investigations.

Union Organizing: New Rules to Sway the Vote

The NLRB rulemaking initiative has favored union organizing efforts more in the past year than in all of the prior 80 years. Now the Trump administration is sure to change the landscape. How will phrases such as “ambush elections,” “micro units” and “electronic organizing” be redefined? With the current NLRB chairman still steering the Board until 2018 and federal judges appointed by a Democratic president over the past eight years reviewing Board decisions, the opportunity for unions to keep on course remains. Expected developments will be the focus of this important session.

Retirement Plans Under ERISA: Complex and Very Expensive

Nowadays, everyone has a plan, program or initiative to “help people save for retirement” and is relentlessly promoting it. Some state and local governments even want to force employers to implement savings programs for their employees. This session identifies upcoming or recently implemented regulatory and litigation changes that employers need to know about when deciding to set up new plans or change existing ones. It will also discuss what may be on the Trump administration agenda to deal with retirement issues.

ADA and Disability Issues in the Workplace: How to Comply With Changing Rules

The Americans with Disabilities Act (ADA) continues to be one of the most difficult laws to navigate. As a result of amendments to the ADA (ADA Amendments Act, ADAAA) and new guidance on a variety of topics issued by the Equal Employment Opportunity Commission, understanding and applying this law to your workforce, unionized or not, are as difficult as ever. This session will explore the intricacies and requirements surrounding employee accommodations, including the use of leave or job reassignment as a reasonable accommodation, how to engage in the interactive process, what employers can require when an employee is returning to work after an injury or illness, and other issues employers can expect to encounter in the new administration.

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

Wage and Hour Essentials – What Companies Need to Know to Avoid FLSA Violations

Having recently changed the overtime regulations and added hundreds of new investigators, the Department of Labor is on a renewed mission to ferret out FLSA noncompliance. At the same time, plaintiffs’ law firms continue to target companies in all industries on a classwide basis for violations, whether those violations are intentional or inadvertent. Indeed, even the most seasoned human resources, legal and payroll professionals can miss a nuance here and there in the FLSA regulations. This seminar will help employers navigate a wide variety of FLSA rules and regulations and avoid fines, penalties and litigation.

U.S. Immigration: Behind-the-Scenes Compliance With Developing Regulations and Shadow Rules

Beyond the alphabet soup of work visas, green cards and I-9 compliance, U.S. immigration regulations and “shadow rules” impose compliance obligations on U.S. companies in indirect and unforeseen ways. Noncompliance can carry heavy consequences, including prosecution for visa fraud for the acts or omissions of third parties. This session will cover how third parties may be dragging you into regulatory compliance problems, how the U.S. government is signaling an expansion of enforcement against unwitting U.S. companies and what you can do to prevent and correct any compliance problems.
Event Registration

Registration Site
You will find additional details about the series at www.rsvpbakerlaw.com/masterclass

Questions
For questions or to register by phone, please contact Lynmarie Lane at 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.
Lunch will be provided for all attendees; the program will be followed by a cocktail reception.

Space is limited for the Master Class Series.

We encourage you to make reservations as early as possible.

To register, visit www.rsvpbakerlaw.com/masterclass
We look forward to having you join us for this premier event.
“This was the second series I have attended, and without question I always come away with more knowledge of issues and current law affecting our industry than when I walked in. The moderators were excellent and open to any questions that came up during the class or even during downtime between classes. Once again, thank you.”

“It was apparent that the speakers/attorneys were experts in their field and came to address current and relevant issues and concerns.”

“Thank you for putting on this seminar, and please thank your eminently qualified and well-spoken colleagues. It was a very helpful day.”

“Each workshop provided insider information and practical tips to remember from experts in the field. An added plus was seeing each of you at the front of the class, sharing your stories and experiences! I certainly look forward to other Master Class sessions and appreciate all that you do for us!”

“… the seminar was nothing short of top-tier.”

“I would like to thank you and the outstanding staff at BakerHostetler for the classes. I know that what I learned from the various seminars was very helpful, not only to me but also to my company.”