



23rd Annual Labor & Employment Seminar

Wednesday, October 17, 2018

Agenda

8:00 – 9:00 a.m.: Breakfast (*Pine & Willow Foyer*) and Registration (*Garden Terrace*)

9:00 – 9:15 a.m.: Welcome Remarks (*Hickory & Willow*)

- [Aimee Delaney](#), Labor & Employment Practice Group Leader, Hinshaw & Culbertson LLP

9:15 – 10:15 a.m.: General Plenary Session – The Labor & Employment Year in Review (*Hickory & Willow*)

- [Jim Pirages](#), Partner, Hinshaw & Culbertson LLP
- [Evan Bonnett](#), Associate, Hinshaw & Culbertson LLP

10:15 - 10:45 a.m.: Break (*Pine & Willow Foyer*)

10:45 a.m. – 11:45 a.m.: General Plenary Session – “Houston, We’ve Got a Problem”: Managing and Responding to Crises and HR Disasters (*Hickory & Willow*)

- Moderator: [Aimee Delaney](#), Labor & Employment Practice Group Leader, Hinshaw & Culbertson LLP
- [Ken Yeadon](#), Partner, Hinshaw & Culbertson LLP
- Sue-Ann Rosen, General Counsel, Metra
- David Saltz, Senior Vice President and Partner, Fleishman-Hillard

Employee relations and internal company matters increasingly are becoming front page news. This panel will explore the issues which arise when an employer finds itself at the wrong end of a public relations nightmare. Hear experts discuss best practices for protecting the organization and reaching the best outcome for employees while successfully navigating internal and external issues created by layoffs, strikes, #metoo, whistleblowing claims, pay equity disputes, social media campaigns and more.

Noon – 1:30 p.m.: Lunch & Keynote Speaker Attorney General Lisa Madigan (*Birch & Oak*)

Attorney General Lisa Madigan will be joining us on October 17 as our keynote speaker during lunch. She will be giving brief remarks followed by Q&A. In November 2002, Attorney General Madigan became the first woman elected to serve as the Illinois Attorney General, and one of only a handful of female Attorneys General in the country. In 2014, she was elected to her fourth term as Attorney General and now is the senior-most female Attorney General in the country. She has brought a high level of activism to the Office of Illinois Attorney General and is the first Illinois Attorney General in over 25 years to personally argue a case before the U.S. Supreme Court. Her tenure and proactive approach to her duties as Attorney General continue to attract national attention.



1:40 – 2:30 p.m.: Breakout Sessions

- **Freedom of Speech: Does It Really Exist at Work? (*Hickory & Willow*)**
 - [Ambrose McCall](#), Partner, Hinshaw & Culbertson LLP
 - [Leigh Bonsall](#), Associate, Hinshaw & Culbertson LLP

Free speech generally means that we may speak freely without governmental interference. Free speech is a fundamental right that the First Amendment of the U.S. Constitution protects. In addition, certain federal and state statutes and common law doctrines supply protections for designated categories of employee speech at the workplace. With the growth of blogs, social media, podcasts, and other methods of electronic communications and broadcasting that are commonly available, employers will find it helpful to brush up on the guideposts and principles used by courts that rule on issues related to employee speech in the workplace. Join Ambrose McCall and Leigh Bonsall for a timely discussion of what types of employee speech may or may not receive legal protections and learn some processes for navigating the ever evolving issue of employee speech at the workplace.

- **Remaining Union Free: Practical Tips for the Human Resources Professional on Organization and Other Union Initiatives (*Pine*)**
 - [Tom Luetkemeyer](#), Partner, Hinshaw & Culbertson LLP
 - [Sunghee \(“Sunny”\) Sohn](#), Associate, Hinshaw & Culbertson LLP

Unions remain an important part of the American workplace fabric and continue efforts to organize in industries across the employment spectrum. Join Tom Luetkemeyer and Sunny Sohn for an informative session on recent “hot issues” such as the evolving “gig” economy and the unionization of contract workers. We will identify and discuss common warning signs that your employees may be considering joining an union, offer suggestions on best practices for responding to a union campaign and discuss proactive steps to remain “union free.”

2:40 – 3:30 p.m.: Breakout Sessions

- **Employee Separation: Parting Is Such Sweet Sorrow (*Hickory & Willow*)**
 - [Eileen Caver](#), Associate, Hinshaw & Culbertson LLP
 - [Andy Reisman](#), CEO, ELIJAH

Employee separation can raise a myriad of issues for employers, including the need to protect employer electronic and confidential information, the possibility of future competition by an employee, potential future wage or discrimination claims by an employee, as well as issues involving severance or unemployment payments. This session will feature a specialist in digital forensics, cybersecurity and technology services, who will address the actions that employers can take to protect employer data and discuss how to recover electronic data after an employee has been terminated. This session will also address how employers can legally navigate the potential negative effects of an employee’s termination both before and after termination through legal agreements with employees and best practices during the termination process.



2:40 – 3:30 p.m.: Breakout Sessions (Cont.)

- **Storms on the Horizon: Issues of Rising Concern in Employee Benefits Law (Pine)**
 - [Jim Harbert](#), Partner, Hinshaw & Culbertson LLP
 - [Lisa Burman](#), Partner, Hinshaw & Culbertson LLP
 - [Tony Antognoli](#), Partner, Hinshaw & Culbertson LLP

After the tumult involved with implementing the Affordable Care Act, employee benefits law has been relatively stable for the past few years, with minimal legislative changes to employee plans and limited attention in last year's Tax Cuts and Jobs Act. We do, however, see several issues of rising concern that employers need to consider. This session will examine those issues, including potential changes involving the Affordable Care Act under the Trump Administration and areas of concern involving qualified retirement plans. We will also discuss the potential consequences of underfunded union pension plans, including the expected insolvency within a few years of some large local plans and how to best protect employers from withdrawal liability. Finally, we will survey various issues of concern that increasingly have been the subject of recent employee benefits litigation, with a focus on fiduciary liability claims.

3:30 – 4:30 p.m.: Advice on Tap Hosts (Birch & Oak)

- [Elizabeth A. Odian](#), Partner, Hinshaw & Culbertson LLP
- [Nicole E. Jagielski](#), Associate, Hinshaw & Culbertson LLP
- [Evan J. Bonnett](#), Associate, Hinshaw & Culbertson LLP