

EMPLOYMENT LAW MONTH

Full Conference Investment: \$199 PHRA Members | \$219 Non Members
Individual Sessions: \$79 PHRA Members | \$99 Non Members

This year's Annual Labor and Employment Law Conference will take place the month of December Sessions will be held weekly.

During the month, you will have the opportunity to confer with top practitioners representing employees, employers, unions and government agencies.

This is a multi-level conference that will be of value regardless of your degree of experience!

Let **PHRA** be your guide to understanding the legal landscape that affects your organization. **You'll gain an insider's look at the current public policy issues that impact the workplace.** When you ensure that you are operating in compliance with legislative regulations, **you're creating a better workplace by protecting not only your employer, but also your entire staff.**

Sessions Covered During Employment Law Month

- The **COVID Vaccine**: Identifying and Handling the Legal and Practical Implications
- **COVID-19 Accommodation** Issues: the **ADA, FMLA, FFCRA**, and Beyond
- Developments in **Wage and Hour Law**
- **Employment Law Update**
- Out of Sight Not Out of Mind: **Remote Work Employment Law Issues**
- **Medical Marijuana Update**: Finally, Some Case Law To Guide Us
- Planning for **Immigration Success** in an Ever-Changing Landscape
- **Sexual Harassment**: What Human Resources Managers Can Learn from the New Title IX Regulations (from the Department of Education)?
- **Panel Discussion**: PHRA has invited prominent employment law attorneys from around the region to share their "**favorite**" **COVID-19-related legal question** and to offer a suggestion or two on how to address it.

SCHEDULE OF PROGRAMS

December 1
8:30 AM – 9:30 AM

The COVID Vaccine: Identifying and Handling the Legal and Practical Implications, Mario Bordogna, Esq., Clark Hill, PLC.

As an HR professional, I bet you thought you have confronted by now all the safety issues COVID could possibly throw at you. Well, not so fast. We all know a Vaccine for COVID-19 is coming, and probably sooner rather than later. While the benefits of an available COVID vaccine might seem straightforward, getting to that point isn't nearly that simple when we start merging it into the workforce. In fact, the existence of a vaccine probably raises more questions for employers and HR professionals than it does answers. Of course, the biggest question is obvious: can employers legally mandate that their employees get vaccinated, and if so, under what circumstances? However, what about the very important practical question of whether an employer should mandate a vaccination, even if it legally can? That's hardly the end of the uncertainty in this area though. How should an employer handle employee who object? Are there other alternatives? This engaging session will lead a discussion of the legal and practical implications which a COVID-19 Vaccine brings to the workforce and will attempt to answer these and other hot button questions which relate to the Vaccine along the way.

Mario Bordogna is a Member in Clark Hill's Labor and Employment Practice Group partnering with employers in Pennsylvania, West Virginia and elsewhere on the front end to keep them in legal compliance with labor and employment laws, and on the back end if they need a strong, experienced litigation advocate. For almost 25 years, Mario has represented employers in sectors like health care, energy, hospitality, manufacturing, education and others helping them with HR/employment counseling, labor-management relations, employment litigation, wage and hour, sexual harassment, policy development and more. Mario's wealth of skill and experience in the labor and employment arena has been regularly recognized by his clients and the legal community. He has been named a Super Lawyer three times, and recognized as a Best Lawyer in America continuously since 2016. He is a Board Member of the Pittsburgh Human Resources Association.

The conference has been pre-approved for
9.5 hours of SHRM and HRCI recertification credits.

December 1
9:45 AM – 10:45 AM

COVID-19 Accommodation Issues: the ADA, FMLA, FFCRA, and Beyond, Mariah Passarelli, Esq. *Cozen O'Connor*

The COVID-19 pandemic has presented unique challenges to employers of all sizes and industries. As employees return to work, accommodations issues related to COVID-19 have been particularly tricky to navigate. In this presentation, we will discuss these issues as they relate to the Americans with Disabilities Act, the Family Medical Leave Act, and the Families First Coronavirus Response Act. We will also discuss best practices for employers grappling with employee accommodation in the age of COVID-19.

Mariah Passarelli is a Member at Cozen O'Connor. Mariah focuses her practice on a variety of labor and employment law matters, from employment contracts to complex litigation. She has represented employers in claims under Title IX, Title VII, 42 U.S.C. § 1981, PHRA, ADA, ADEA, FMLA, FLSA, NLRA, FCRA and OSHA, and she has defended universities, hospitals and oil and gas companies in state-wide class and collective actions. Mariah also counsels' companies on litigation avoidance, anti-discrimination, and anti-bullying and she reviews and drafts employee handbooks and personnel policies. Mariah also provides companies with employee training on an extensive list of topics.

December 1
11:00 AM – 12:00 PM

Developments in Wage and Hour Law
Nicholas Bell, Associate, *Buchanan Ingersoll & Rooney PC*
Katelyn Matscherz, Associate, *Buchanan Ingersoll & Rooney PC*

As 2020 draws to a close there are several wage and hour developments for employers to keep on their radar. Gig economy worker classification; Labor Department changes to independent contractor classification and tipped work, among others; as well as changes to the availability and utility of arbitration in wage cases are all poised to change the legal landscape. These coupled with the challenges that accompany working remotely, including commuting, recording and compensating for time worked, as well as the performance of unusual duties all promise to make the coming months very dynamic.

Nicholas Bell is a seasoned litigator who is regularly called upon to represent business clients in a variety of complex matters. His practice intersects high-stakes business litigation and complex labor and employment cases, including claims related to breach of contract and business torts, trade secrets and restrictive covenants, intellectual property protection and a variety of class and collective actions under federal and state law.

Recognized by his peers for sophisticated work on behalf of his clients, Nick was named a Lawyer on the Fast Track by *The Legal Intelligencer* in 2017 and has been selected as a Pennsylvania *Super Lawyers – Rising Star* every year since 2015.

The conference has been pre-approved for
9.5 hours of SHRM and HRCI recertification credits.

Katelyn Matscherz's practice concentrates on complex litigation in state and federal court, specifically class and collective actions. She has significant litigation experience in a variety of industries with a focus on business disputes in the financial, energy, and construction sectors. Katie has represented clients in a number of different venues, including jury trials in state and federal court as well as arbitration. She also has managed complex litigation and has taken and defended numerous individual, corporate representative, and expert depositions.

Katie maintains an active pro bono practice. In connection with a collaboration with the Innocence Project, she and a team of other lawyers successfully exonerated a woman who had spent more than a decade in prison wrongly incarcerated.

December 4
12:00 PM – 1:00 PM

Employment Law Update, Christian Antkowiak, Esq. & Erin McLaughlin, Esq. , Buchanan Ingersoll & Rooney PC

It's hard to keep up with all the recent changes to labor and employment law. Just when employers feel that they are on top of it, there is a change that affects the way in which they do business. We keep abreast of these changes so PHRA employers don't have to. In the Employment Law Update, we will present the recent updates and changes affecting PHRA employers in an interactive way so that the audience participates and learns at the same time.

Christian Antkowiak is a shareholder in the Labor and Employment group of Buchanan Ingersoll & Rooney PC. He is a nationally sought-after labor and employment attorney for his expertise in such areas as class action defense, single plaintiff litigation and employment counseling.

Erin McLaughlin defends clients against employment discrimination, retaliation, whistleblower, and breach of contract claims. With significant litigation and trial experience, Erin has represented clients before United States federal and state courts throughout the country.

December 7
8:30AM – 9:30 AM

Out of Sight Not Out of Mind: Remote Work Employment Law Issues, Leah Sell, Associate, Leech Tishman

The challenges, and opportunities, have grown for employers as they operate with an expanded remote workforce. In this session we will explore some of the most frequent issues, concerns, and questions employers are confronted with while managing those employees who may be out of sight, but certainly not out of mind.

In this session we will address the following challenges and opportunities:

The conference has been pre-approved for
9.5 hours of SHRM and HRCI recertification credits.

Types of Teleworking: Have you properly distinguished COVID-19 telework from a remote position, an accommodation, or other types of remote working? How do you make these classifications and what happens if you fail to do so?

Wage and Hour: Off the clock work - how do you prevent it and how do you pay for it? What happens if a salaried employee no longer works a full week?

Property and Privacy: Do you have a plan for protecting and recovering company provided equipment? Can you monitor employees who are working remotely?

Communication: Employers are required to provide a variety of postings and notices, often in a prominent place of visibility, what does this mean for remote workers? Social discourse or discrimination, where is the line?

Management Issues: What happens if an employee now works in different jurisdiction because of their remote location? How do you enforce progressive discipline and other policies remotely? Why is that important?

Leah K. Sell is an employment law attorney, providing legal counseling and advice to human resources professionals, managers, and business owners. As a part of Leech Tishman Fuscaldo & Lampl's Pittsburgh office, Leah regularly analyzes complex regulations to provide risk analysis and liability limiting solutions. She helps employers navigate complex employment law issues from hiring through separation, including hour and wage, leave, accommodation, harassment, discrimination, safety, discipline, and termination matters. Leah also manages employment aspects of corporate transactions, including negotiating and drafting relevant agreements, and advising on successor responsibilities. By providing practical legal guidance on employment law matters, Leah helps clients to improve and protect their workplace.

December 9
8:30AM – 9:30 AM

Medical Marijuana Update: Finally, Some Case Law To Guide Us
Mariah Passarelli, Esq. Cozen O'Connor

Pennsylvania legalized medical marijuana in 2016. The guidance for employers contained in the law left a lot of companies guessing with regard to compliance. Finally, now, some four (4) years later, litigation regarding employment-related aspects of the Pennsylvania Medical Marijuana Act ("PaMMA") has arrived. In this presentation, we will provide a brief overview of the PaMMA and its impacts on employers. We will also discuss recent case law emerging in both Pennsylvania and beyond, providing some clarity to the vague areas of the statute.

Mariah Passarelli is a Member at Cozen O'Connor. Mariah focuses her practice on a variety of labor and employment law matters, from employment contracts to complex litigation. She has represented employers in claims under Title IX, Title VII, 42 U.S.C. § 1981, PHRA, ADA, ADEA,

The conference has been pre-approved for
9.5 hours of SHRM and HRCI recertification credits.

FMLA, FLSA, NLRA, FCRA and OSHA, and she has defended universities, hospitals and oil and gas companies in state-wide class and collective actions. Mariah also counsels' companies on litigation avoidance, anti-discrimination, and anti-bullying and she reviews and drafts employee handbooks and personnel policies. Mariah also provides companies with employee training on an extensive list of topics.

December 10

**Planning for Immigration Success in an Ever-Changing
12:00 PM – 1:00 PM Landscape, Christopher Thorn, Chair,
Immigration Practice, *Buchanan Ingersoll & Rooney PC.***

The immigration landscape is changing dramatically. In October, the U.S. Department of Labor and U.S. Department of Homeland Security announced two new rule changes that will bring major changes to employment-based immigration programs and processes. For employers looking to attract and retain top talent, brushing up on these new rules, other immigration trends, and potential pitfalls can be the difference that creates a real competitive advantage for your business. What's more, the ongoing impact of the pandemic means employers must continue to adjust their onboarding processes (I-9 and E-Verify) and employee work arrangements. The likely possibility that working from home, furloughs, and even layoffs will continue to be necessary in 2021 has complicated HR operations and brought immigration considerations to the forefront. Now, more than ever, recognizing the impact of job changes for visa holders, anticipating potential gaps in work authorization, and understanding new visa criteria are central to ensuring your company will have the talent it needs in the coming year. This timely session will frame the immigration changes that are going to most significantly impact employers and highlight some best practices that employers can implement immediately to plan for a successful 2021.

Chris Thorn focuses his practice on employment-based immigration matters. He serves corporate clients of all sizes in a wide variety of industries, including telecommunications, healthcare, biotechnology, pharmaceutical, engineering and higher education. He helps clients gain a competitive advantage by guiding them through our complex immigration laws so they can attract and retain top global talent. He regularly helps companies acquire employment-based visas for key employees so they will be authorized for employment in the United States. Chris also provides strategic advice on I-9, E-Verify, and other immigration-related compliance matters. He represents clients before federal agencies, including U.S. Citizenship and Immigration Services, the Department of Labor and the Department of State through its consular posts abroad.

The conference has been pre-approved for
9.5 hours of SHRM and HRCI recertification credits.

December 14
8:30 AM – 9:30 AM

Sexual Harassment: What Human Resources Managers Can Learn from the New Title IX Regulations (from the Department of Education)?, Karen Baillie, Esq. *Schnader Harrison Segal & Lewis LLP*

The U.S. Department of Education rolled out controversial and confusing new regulations concerning sexual harassment under Title IX effective August 14, 2020. What do they mean for Human Resources officials? What perceived problems are these regulations trying to resolve?

After this session you will:

1. Understand the reach of Title IX and when it applies to employees. Understand that the U.S. Department of Education seeks to treat students and employees equally even though existing and varying processes and policies may make that difficult.
2. Understand how to avoid "deliberate indifference" by (1) proactively offering support services to complainants and (2) disciplining using a process that complies with due process and fundamental fairness.
3. Understand the regulations' concept of due process and fundamental fairness, and brainstorm as to what human resources can do to ensure that employees are likewise offered due process and fundamental fairness when facing discipline.

Karen Baillie is an attorney at Schnader Harrison Segal & Lewis LLP. She is a member of the firm's Labor and Employment Practice Group and the Litigation Practice Group and she is the Co-Chair of the firm's Higher Education Practice Group. Ms. Baillie regularly advises both employers and institutions of higher education in matters related to employees as well as students. She represents employers and institutions of higher education in litigation and in administrative matters.

December 18

Panel Discussion

10:00 AM – 11:30 AM

When it comes to HR legal issues these days, it's all coronavirus all the time. For the HR professional, navigating this seemingly endless and ever-changing legal maze can be quite daunting. Which issues are most important? What questions must I get answered? Where should my primary attention be?

PHRA has invited prominent employment law attorneys from around the region to share their "favorite" COVID-19-related legal question and to offer a suggestion or two on how to address it. Join us to hear what the experts have to say on **December 18th at 10:00 AM.**

Mariah Passarelli, Esq. *Cozen O'Connor*

Leah Sell, Associate, *Leech Tishman*

Nicole Stockey, *K&L Gates LLP*

Christopher Thorn, *Chair, Immigration Practice, Buchanan Ingersoll & Rooney PC*