35th Annual
PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE

Comprehensive Training on Major Developments and Their Impact on Public Sector Employment Practices

San Francisco, CA
August 20-21, 2015
Westin St. Francis

Washington, DC
August 27-28, 2015
Ritz-Carlton Pentagon City

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2015-2016 Program Schedule

EMPLOYMENT DISCRIMINATION LAW UPDATE
Chicago, IL, July 9-10 • San Francisco, CA, July 16-17
Washington, DC, July 23-24

ADA WORKSHOP SERIES
August - San Francisco, Los Angeles, Washington, DC
September - Austin, Chicago, New York, Seattle

AFFIRMATIVE ACTION WORKSHOP & BRIEFING
San Francisco, CA, October 7-9 • Austin, TX, October 14-16
Washington, DC, October 21-23 • Chicago, IL, October 28-30

ETHICS IN LABOR & EMPLOYMENT LAW - Teleconference
November/December • Dates TBD

EMPLOYMENT LAW CONFERENCE
Chicago, IL, November 12-13 • Washington, DC, November 19-20
San Francisco, CA, December 3-4 • New Orleans, LA, December 10-11

2016 EMPLOYMENT LAW BRIEFING
Vail, CO, February 28-March 2 • Fort Lauderdale, FL, March 13-16
Phoenix, AZ, March 27-30

2016 ADA & FMLA COMPLIANCE UPDATE
San Francisco, CA, April 7-8 • Washington, DC, April 14-15
Chicago, IL, April 21-22

Visit www.neli.org for complete program information!

Provides 12 - 14.5 CLE / HRCI / CEU credits in all states.
Please accept my registration for the:

2015 PUBLIC SECTOR EEO & EMPLOYMENT LAW CONFERENCE

☐ San Francisco, CA, August 20-21 • Westin St. Francis
☐ Washington, DC, August 27-28 • Ritz-Carlton Pentagon City

Registration Fees
☐ Government Employees.................................$845.00
☐ Non-Government Employees..........................$945.00

Early Registration Fees
(Paid Registration received by July 29 - San Francisco; August 5 - Washington, DC)
☐ Government Employees.................................$795.00
☐ Non-Government Employees..........................$895.00

☐ I am unable to attend. Please send me the:

2015 Public Sector EEO & Employment Law Manual
Print ___ copies @ $169.00................................................
Searchable CD ___ copies @ $149.00..........................
Print & Searchable CD ___ copies @ $219.00...

Shipping and Handling ($9.00 for print copy, no charge for CD)
Colorado residents add 7.3% sales tax (publications only)

TOTAL = ___________

Method of Payment (Prepayment is required):
☐ Check Enclosed  ☐ Visa  ☐ MasterCard  ☐ AMEX  ☐ Discover

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REGISTRATION INFORMATION

Early registration is advised. Registrations will be confirmed by e-mail or another method if requested. On-site registrations are subject to space availability.

Registration Fee: $945.00 ($845.00 - Government employee discount rate) • Early Registration Fee: $895.00 ($795.00 - Government employee discount rate) if payment is received prior to July 29 (San Francisco) and August 5 (Washington, DC). Payment in full or a fully-executed purchase order is required prior to the Conference.

Group Rates, Discounts and Substitutions are available and permissible. Email neli@neli.org for more information.

Cancellation Policy: Cancellations must be confirmed in writing and addressed to the Registrar. Registrations cancelled more than ten business days prior to the program may elect to receive a full fee credit, or a refund, less a $150.00 administrative fee. Those cancelled ten or fewer business days prior to the program will receive a fee credit, less a $250.00 administrative fee. Transfers between cities must be pre-approved. Fee credits may be applied during the next 12 month period to any of the Institute’s programs or publications. Paid no-shows will receive the program Manual upon request in full consideration of fees paid. Unpaid cancellations and unpaid no-shows are liable for the registration fee. Any refunds will be processed after the program series concludes.

CONTINUING EDUCATION

This program will provide between 12-14.5 CLE / HRCI / CEU hours, depending upon the jurisdiction. NELI applies for credit from all MCLE states. Contact us for approval status. To apply for CLE credit, please complete box on registration form. NELI will provide the necessary forms and proof of attendance. NELI is a State Bar of California MCLE approved provider, is recognized by most professional associations as an approved CEU/CPE provider, SHRM preferred provider, and is an approved provider of HRCI for recertification credit.

As always, NELI will file in as many jurisdictions/states as you are licensed for no additional fee, although registrants need to file for credit on their own behalf in jurisdictions that require it.

Please print or type the following information:

NOTE: Name & street address required for UPS delivery of publications.

Mr./Ms. ____________________________
Title ______________________________
Organization ________________________
Street Address _________________________
City, State, Zip _______________________
Business Telephone ( ) ________________ Date ____________
E-Mail ______________________________

(Note: Confirmations and program announcements sent via e-mail.)

Do you require any accommodation, due to a disability, to attend this program?  ☐ No  ☐ Yes
(Describe) _______________________________

FOR CLE CREDIT, provide states and bar numbers.

REGISTRATION PROCEDURE

MAILING ADDRESS:
NELI, P. O. Box 1189, Golden, Colorado 80402
PHONE: (303) 861-5600, 8:00 a.m. - 4:30 p.m. Mountain Time
FAX: (303) 861-5665
INTERNET: www.neli.org
EMAIL: registrar@neli.org

HOTEL ACCOMMODATIONS

For NELI’s group rate, reservations must be made directly with the hotel (not through a travel agent). Room blocks are limited and group rates cannot be guaranteed after the listed cut-off dates, and may be fully booked even before then. Reserve early and state that you are attending NELI’s Public Sector EEO and Employment Law Conference to qualify. If you experience difficulty, please call NELI for assistance. After the cut-off date, the hotels will only accept reservations at the discounted rate on a space available basis.

San Francisco - Westin St. Francis
335 Powell Street, San Francisco, CA 94102
(415) 397-7000
Prevailing Government Per Diem: Traditional - $219.00
Non-Government Rate: Traditional - $219.00 or Deluxe - $259.00
Reservation cut-off date: July 29, 2015

Washington, DC - Ritz-Carlton Pentagon City
1250 South Hayes Street, Arlington, VA 22202
(703) 415-5000 • (800) 422-2410 - Call-In Code EEOEOEA
Prevailing Government Per Diem: $162.00
Non-Government Rate: $209.00
Reservation cut-off date: August 5, 2015

• Lower rates may be available on hotel websites.
• All rates subject to taxes.

• Government ID will be required at hotel check-in to qualify for government rate (subject to change).
2015 AGENDA

DAY ONE

7:45 Program Check-In & Continental Breakfast

8:30 Developments in Equal Employment Opportunity
Annual update of Supreme Court cases and the most significant appellate and trial court cases and their application and implications for employment practices and litigation in key substantive and procedural areas, including race, sex, color, religion, national origin, gender and pregnancy discrimination, the ADEA, class actions and arbitration, damages, and injunctive relief, highlighting those relevant to the public sector.
San Francisco - Rishi Sharma
Washington, DC - Ken Willner

10:45 Refreshment Break

11:00 Complex Retaliation and Whistleblowing Claims
Analyzing whistleblower and EEO retaliation claims that present huge challenges for public sector employers, including recent decisions defining “protected activity,” including whether illegal disclosures are protected, what knowledge is necessary to establish a claim, what employer conduct negates an inference of causation, burden of proof lessons from Nassar and its progeny and other whistleblowing statutes, third-party retaliation, retaliatory harassment, including investigations and counter-claims, in-house counsel or compliance officer as whistleblowers, “unreasonable opposition,” and whether there is a “duty to prevent” retaliation, also covering the explosion of state and federal whistleblower legislation as it relates to public sector employers, concluding with tips to avoid and minimize liability.
San Francisco - Richard Paul
Washington, DC - Jill Rosenberg

12:30 Luncheon (Hosted by NELI)

1:30 Unraveling Complicated Wage and Hour Law
Covering the continually evolving developments under the FLSA, including the ramifications of Sandifer, the “salary basis test,” new exemption/misclassification decisions including the “highly compensated employee” exemption, the growing wave of cases involving interns and independent contractors, compensable time in an increasingly technology-centered workplace, the emerging case law regarding the actual or constructive knowledge of overtime worked required to prove a FLSA claim, new DOL regulations and initiatives as well as predictions of the types of wage/hour issues public employers may face in the future.
San Francisco - Cathy Nassar
Washington, DC - Ellen Boshkoff

3:00 Refreshment Break

3:15 eWorkplace Policies Restricting Employees’ Acceptable Use of Technology, Social Media & The Cloud
Analysis of key legal, IT and Human Resources issues relating to workers’ privacy and organizations’ information-security as employers decide how intensely to restrict, monitor and scrutinize employees, applicants and litigants both inside and outside the workplace’s physical and virtual walls, covering recent developments as to the ever-growing “Cloud,” employers’ rights to limit and act on employees’ personal social-networking site (SNS) postings, implications and rewards of bring-your-own-device (BYOD), statutory prohibitions on forced disclosure of personal logins/passwords, the First and Fourth Amendments and litigation discoverability of SNS posts, photos and messages.
San Francisco - Bob Brownstone
Washington, DC - Doug Towns

5:00 Adjourn

DAY TWO

7:30 Continental Breakfast

8:00 Public Employee Free Speech Issues
Update and analysis of the developing law and recent Supreme Court pronouncements involving the interplay between employment law rights and obligations and free speech rights when the regulation of speech conflicts with the First Amendment protections possessed by public sector employees including: use of “speech codes” to prevent and address sexual or other forms of harassment by word or conduct; regulation of “off-duty” speech or conduct by public employees; and regulation of employee use (and misuse) of government-supplied electronic mail and computer resources; and practical guidelines to develop permissible methods of regulating the speech of public employees.
Both Locations - Dennis Duffy

9:30 Important Developments on “Qualified” and “Reasonable Accommodation” Under the ADA/Rehabilitation Act
Discussion of the latest new cases on both “qualified” and “reasonable accommodation,” including the importance of accurate job descriptions, whether attendance, punctuality, shift work, and “getting along” with others are essential functions, the danger of inflated performance reviews, dramatic new EEOC positions on the definition of “qualified,” new reasonable accommodation developments, including what “triggers” the interactive process and documenting the process, whether leave, non-competitive reassignment, an irritant-free environment, shift changes, work-at-home, or parking spaces are required, and whether misconduct must be forgiven as an accommodation.
• There will be a 15 minute break at 10:30 a.m.
Both Locations - David Fram

11:30 Hot Issues Affecting FMLA Compliance
Examination of recent case law and FMLA regulations, including what is the definition of a “spouse” under the FMLA, understanding when an employer can and should designate FMLA leave, enforcing call-in procedures, enforcement of deadlines in the certification process, what constitutes reason to doubt in the second opinion process, and developments in the law relating to fraudulent use of leave and the honest belief defense.
San Francisco - Maria Audero
Washington, DC - Corrie Conway

1:15 Adjourn

REGISTRATION FEE INCLUDES:
- 12 to 14.5 CLE / HRCI / CEU hours depending upon your jurisdiction.
- Luncheon hosted by NELI, an opportunity to network with other registrants and participating faculty.
- NELI will file in as many jurisdictions/states as you attend the Conference.
- Expanded Continental Breakfast both mornings.
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