



# Public Sector EEO and Employment Law Update

## 2024 WEBINAR

\*AGENDA/SPEAKERS SUBJECT TO CHANGE

### Tuesday, August 13

**11:30am – 1:15pm (Eastern)**      **Free Speech**

[Dennis Duffy](#) - [Kane Russell Coleman Logan](#)

Update and analysis of the developing law and recent Supreme Court and court of appeals pronouncements involving the balance between a government employer's interest in maintaining a workplace free from disruption and discrimination and the public employee's First Amendment right to speak out as a citizen on matters of public concerns including: use of “speech codes” to prevent and address sexual, racial, or other forms of harassment by word or conduct; regulation of “off-duty” speech or conduct by public employees on hot-button political issues; and regulation of public employees' use (and misuse) of employer-supplied electronic mail and computer resources; and practical guidance to develop permissible methods for regulating the speech of public employees.

**1:15pm – 1:30pm**                      **Break**

**1:30pm – 3:15pm**                      **Workplace Investigations**

[Loleena May](#) and [Kim Edmunds](#) - [Wilson Turner Kozmo](#)

Discussion of the practical considerations as well as legal requirements in conducting investigations, with a focus on the newly released EEOC Enforcement Guidance on Harassment in the Workplace. Topics include common concerns and questions that Attorneys and Human Resources Professionals encounter while tackling increasingly more complex workplace investigations, particularly in remote environments.

### Wednesday, August 14

**11:30am – 1:15pm (Eastern)**      **Wage & Hour and Misclassification Issues**

[Christopher Wilkinson](#) and [Jill Ripke](#) – [Perkins Coie](#)

Changing priorities and rulemaking at the DOL under the Biden administration, the latest from the Supreme Court on wage and hour law, new developments involving contractors and other non-covered workers, exemption and misclassification decisions, remote working, and compensable time in our increasingly technology-centered workplace. Joint employment theories and developments in litigation defenses will also be covered.

**1:15pm – 1:30pm**                      **Break**

**1:30pm – 3:15pm**                      **Retaliation and Whistleblowing Claims**

[Jill Rosenberg](#) – [Orrick](#)

Coverage of the continued surge in these claims and the drivers which are fueling the surge. A focus on a variety of evolving hot topics which are dividing the courts, including “protected activity,” expanded concept of “adverse action,” negating the inference of “causation,” third party retaliation, retaliatory harassment, and “unreasonable opposition.” We will also discuss whistleblower claims, including expanded rights and remedies of the would-be whistleblower, stepped up agency enforcement and best practices to help avoid and/or minimize liability, especially now.

### Thursday, August 15

**11:30am – 1:15pm (Eastern)**      **“Reasonable Accommodation” Under the ADA & Rehabilitation Act**

[David K. Fram](#) - [NELI](#)

Latest developments from the EEOC and federal courts on practical reasonable accommodation issues, including the importance of training first-line supervisors on what to listen for as possible triggers to the interactive process, what supervisors and HR personnel should be trained to say and document in response to employee requests, particular accommodation questions, such as work-at-home in the post-COVID era, whether/how much “leave” (including a repeated leave extension) is required and how this interplays with the FMLA, job restructuring and how this interplays with the new PWFA, whether reduced workloads, non-competitive reassignment, an “irritant-free” environment, shift changes, or supervisor changes are required, whether discipline must be rescinded as an accommodation, and where the funds for accommodations should come from.

**1:15pm – 1:30pm**                      **Break**

**1:30pm – 3:15pm**                      **FMLA Compliance and Best Practices**

[Tracy Billows](#) – [Seyfarth Shaw](#)

Updates from the DOL in 2023, the continuing difficulties in dealing with medical certifications and best practices, practical issues regarding the effect of leave on the measurement of performance goals, training supervisors on what not to say and how to recognize notice of need for FMLA leave, how to use notice requirements and re-certifications to combat intermittent leave abuse, how to handle an employee who states their “return to work” date is unknown, combatting suspected intermittent leave abuse, and what to do when you suspect fraudulent use of leave.