



# Legislative Conference 2023

**Tuesday, January 17, 2023**

**8:30am—3:45pm**

**River Club of Mequon**

12400 N Ville Du Parc Dr | Mequon, WI 53092



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# Legislative Conference Agenda

8:30am—9:00am | Registration and Networking

9:00am—10:00am

## Federal and State Legislative and Legal Update: What Employers Need to Know

### Description:

It can be challenging for employers to stay on top of constantly evolving workplace regulations. Learn the latest developments on federal and state laws and regulations affecting human resource professionals. This presentation will provide practical guidance to respond to and prepare for the changes that have occurred and the ones to anticipate in the year ahead.

### Learning Objectives:

- Provide an update on various federal and state employment law topics and regulations impacting the workplace.
- Provide participants an overview of potential legislation currently pending at the federal and state level and its effect on human resources.
- Provide analysis and guidance based on recent federal and state case law and its effect on the workplace and the human resource profession.
- Identify legislative priorities for 2023.

### Rebeca M. López (Godfrey & Kahn)

Rebeca is a Senior Associate who has dedicated her career to advising Human Resources professionals, their employers, businesses and organizations regarding employment laws. Rebeca assists clients with a wide variety of labor and employment matters, including the management of day-to-day employment issues, wage and hour and discrimination complaints, litigating federal and state discrimination claims, and conducting unlawful harassment investigations. Rebeca works with clients to draft and enforce employment, severance, arbitration, restrictive covenant and independent contractor agreements.

Rebeca graduated *magna cum laude* from Marquette University Law School. She understands first-hand the unique challenges faced by supervisors and human resources professionals and uses that experience to offer practical business-driven solutions that respond appropriately to employee issues while mitigating legal risk.

10:15am—11:15am

## Walking the Tightrope in a Tight Labor Market: Practical and Legal Considerations in Recruitment and Retention

### Description:

The tight labor market demands creative programs and policies to increase recruitment and retention. This presentation will discuss, compensation practices, discipline considerations, management issues and Diversity, Equity & Inclusion policies that can increase employee satisfaction and avoid legal liabilities

### Learning Objectives:

- Fair Labor Standard Act treatment of bonuses.
- Managing discipline issues to avoid terminations.
- Tips for liability avoidance in employment policies.

### Miriam R. Horwitz (Goldstein Law Group)

Miriam R. Horwitz joined Goldstein Law Group in December 2021. She is highly experienced in employment law and workplace issues. Miriam is a graduate of Northwestern University (BA) and Northeastern University School of Law (JD). Before joining GLG, Miriam was a Deputy City Attorney for the City of Milwaukee from 2014 to 2020 supervising the section on litigation, employment, employee benefits, contracts, and municipal law. Miriam also served as an Assistant City Attorney from 2000 to 2014.

Before her municipal career, Miriam was a partner in the firm of Zubrensky, Padden, Horwitz & Weir practicing labor, employment, and workers compensation law. In addition, Miriam served as President of the Government Lawyer's Division of the State Bar, and on the Board of Governance from 2015 to 2016. Currently, Miriam is on the Board of Tikkun Ha'Ir, a social action organization with a mission to "heal the city." Deeply committed to the City of Milwaukee, Miriam enjoys hikes along the river, camping in Wisconsin State Parks, and learning to scuba dive.

11:30am—12:30pm

## While You Were Out Doing Open Enrollment: Recent Developments in Employee Benefits Law

### Description:

From new health plan transparency requirements to increased DOL audits, compliance obligations are at a peak level not seen since the early days of health care reform. During this time, we will discuss how to proactively assess vulnerabilities and look to where enforcement efforts will focus.

### Learning Objectives:

- Develop an awareness of new health plan compliance obligations and agency enforcement methods.
- Understand how to assess risks facing your health plan and the liabilities of noncompliance.
- Enhance your ability to prioritize compliance-related tasks.

### Bret McKittrick, JD (Cottingham & Butler)

For over twenty years, Bret McKittrick has practiced exclusively in the areas of employee benefits and employment law. Currently, Bret directs all compliance initiatives for Cottingham & Butler's Benefits Services. Through training and one-to-one counseling, Bret works with business leaders and HR professionals to provide clear understanding of the laws and regulations governing all aspects of the employer-employer relationship. Bret leads decisionmakers and plan sponsors through strategic planning to respond to the obligations and opportunities created under regulatory law, while encouraging anticipatory compliance.

Bret is a frequent speaker and commentator in all areas of employee benefits and employment law, including: ADA, Affordable Care Act, COBRA, ERISA, FLSA, FMLA, HIPAA, Harassment Prevention and Leadership Development. For three gratifying years, Bret served as the Labor Industry Thought Leader for WGN's *Opening Bell* radio show and podcast.

# Legislative Conference Agenda

12:30pm—1:15pm | Lunch

1:15pm—2:15pm

## Employment Issues Arising From the Supreme Court's Reversal of *Roe v. Wade*

### Description:

This interactive online MMSHRM presentation will address the following topics, along with participants' questions on these emotional and politically charged issues:

- \* Status of Wisconsin's abortion statute and enforcement of that statute
- \* Employee entitlement to FMLA leave to obtain abortion services and travel to obtain those services
- \* Pregnancy Discrimination Act ("PDA") considerations for employers of women seeking abortions services
- \* ADA considerations for employers of women seeking abortions services
- \* Privacy considerations for employers of women seeking abortions services
- \* Tax implications of benefits provided to employees seeking abortion services

### Learning Objectives:

- Participants will learn about the rights that female employees seeking abortions have under the FMLA, PDA, ADA and privacy laws
- the potential tax implications for employer provided benefits for women seeking abortion services.

### David A. McClurg ( Petrie + Pettit, S.C.)

Dave McClurg is a member of Petrie + Pettit's Labor & Employment practice group with a long track record of successfully defending employers accused of wrongful termination, discrimination and harassment. He has a special interest in disability discrimination claims, and recently won an accommodation case for one of his clients that went all the way to the U.S. Supreme Court. Dave represents employers facing workers compensation claims alleging safety violations or an "unreasonable refusal to rehire" following a work-related injury as well as those appealing adverse unemployment decisions. He also has a wealth of experience involving the litigation of wage & hour, theft of trade secret and breach of duty of loyalty claims, and the drafting and enforcement of non-compete and confidentiality agreements.

2:30pm—3:30pm

## Be Smart About Artificial Intelligence In The Workplace

### Description:

Artificial intelligence is no longer reserved for the manufacturing environment. Employers and employees are enjoying increased access to an expanding universe of software programs and other tools that can create efficiencies while also presenting new labor and employment law challenges for the workplace. This wide-ranging presentation will discuss emerging technologies and legal issues that address equal employment opportunities, disability accommodations, protected concerted activity, and more.

### Learning Objectives:

- Participants will learn what Artificial Intelligence is and its applications in human resources and business operations
- Participants will explore concerns of using AI in business, including perceptions and effects on employees and the public
- Participants will learn legal responses to concerns, including EEOC Guidance and best practices to ensure HR and legal compliance before deploying new technology

### Jesse R. Dill (Ogletree Deakins)

Jesse has a wide range of employment law litigation, labor negotiation and arbitration, and compliance counseling experience. He has obtained successful judgments and decisions for his clients in a variety of forums, including state and federal courts, arbitration proceedings, and administrative hearings. Jesse also represents indigent parties in federal jury trials through the Eastern District of Wisconsin Pro Bono Program.

Jesse also conducts compliance counseling on all aspects of the employment relationship. He regularly assists clients to assess legal liability related to personnel decisions, evaluate and respond to requests for disability accommodations, prepare employment law policies that comply with federal and state law, protect confidential and trade secret information, draft enforceable non-competition and non-solicitation agreements, and respond to charges filed with administrative agencies. Jesse conducts investigations related to a broad range of employment law issues, and has substantial experience presenting in-house and to organizations on workplace topics with audiences enjoying his upbeat, interactive, and entertaining style. Jesse has been quoted as a legal expert for issues related to social media and the workplace by *CNN* and *Fortune*.

3:30pm—3:45pm | Closing Remarks