



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

HR Comply 2020—An HR Daily Advisor Event

HR Comply 2020 is traveling to Kissimmee, Florida's Gaylord Palms Resort & Convention Center outside of Disney Springs, one of the East Coast's premier tourist destinations, and the agenda is jam-packed with inspiring keynotes, labor and employment legal and regulatory compliance updates and trends, and the latest on strategies for implementing strong employment policies and HR-management practices to lead a productive and successful workforce.

You'll learn the latest on how topics such as:

- Employee handbook updates to make for 2021
- Competitive, compliant paid leave policies
- Evaluating compliance training effectiveness
- Training supervisors and managers to avoid unconscious bias in the decision-making process
- Form I-9 completion, correction, and storage mistakes
- Minimizing DOL fines and penalties related to FMLA administration errors
- Evaluating ADA accommodation requests related to service animals at work

OVERVIEW TAB:

When you attend this leading event, you will learn how to:

- Avoid the most common completion, correction, and storage errors concerning the newly issued Form I-9
- Help supervisors and managers keep unconscious bias out of the decision-making process
- Draft legally enforceable employment agreement provisions
- Recognize the impact "red flag" and right to carry laws and gun violence restraining orders could have on your workplace violence prevention strategy
- Avoid tripwires under California employment law—which is essential for multistate employers with operations there
- Avoid employment misclassification mistakes now that the DOL has issued its joint-employer interpretation
- Design incentive-based pay systems that don't violate the law
- Train the workforce on how to defuse workplace drama and personality conflicts
- Avoid dress code and grooming policy violations stemming from the new trend in hair-based antidiscrimination legislation
- Evaluate the benefits and drawbacks of '21st Century' policies on combined PTO, forced time off, sabbaticals, floating holidays, and more

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

- Avoid compliance missteps under Social Security and Medicare Secondary Payer rules
- Apply practical strategies for avoiding the biggest OFCCP compliance risks federal contractors now face
- Develop and enforce workplace policies concerning marijuana joints, edibles, oils, and vaping
- Self-audit your FMLA recordkeeping, training and procedures to avoid errors before the DOL spots them
- Evaluate intersecting paid leave legal obligations and avoid costly penalties for noncompliance
- Measure your compliance training program's effectiveness
- Legally address requests for service animals in the workplace
- Avoid payroll system snafus concerning employee taxes, IRS Forms, and "regular rate of pay" calculations
- Put fair-chance hiring into place to avoid lawsuits and give applicants a fair shake at new jobs
- And more!

Who Should Attend?

- HR managers/directors
- VPs of HR
- HR coordinators
- Benefits coordinators

Program Highlights

Labor and employment compliance should be a top priority for employers of all sizes. Failure to comply with applicable laws and regulations at the federal, state, and local level can have dire financial consequences for workplaces by breeding costly lawsuits, settlements, and jury verdicts, as well as hefty Department of Labor (DOL) fines and penalties and enforcement at the state level.

But, it's not enough to know the law. HR professionals are also tasked with ensuring their workplace policies and procedures don't run afoul of those applicable laws and regulations. Analyzing the practical application of such laws and regulations is no easy feat: That's why it's important to rely on guidance from skilled labor and employment attorneys who can "connect the dots" to show how and why organizations should institute or revise employment policies and HR-management practices to comply with applicable laws to reduce legal risks.

It's also critical to look at the practical impact new and emerging legal trends and updates have on business operations generally since they may increase the cost of doing business by putting more onerous requirements on organizations. Examples of such financial challenges include the emergence of paid sick and family leave laws being passed at the state and local levels, predictive scheduling requirements, the recent increase to the overtime salary threshold, rising minimum wages, and independent contractor misclassification crackdowns.

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

At the federal level, the DOL has been making big moves recently, from 2019's long-awaited overtime rule to a quick succession of rules already released in 2020 addressing joint employment and regular rate of pay and tip-sharing, and fluctuating workweek rules. The National Labor Relations Board has been reversing Obama-era efforts, most recently the "quickie" election rule and returning to the Register Guard e-mail standard.

Finally, regardless of who wins the 2020 presidential election, we are likely to see more movement from federal agencies. That's because the Trump administration will be able to continue with its recent momentum and any Democratic administration would likely act quickly to undo many of these recent changes and revert to the ideals closer to those held by the Obama administration.

HR Comply 2020 is designed to help HR professionals manage employment policies and practices in compliance with current legal requirements and to anticipate the practical impact of emerging compliance trends.

Pre-Conference Workshops, 11/9/20

Preconference Registration & Continental Breakfast

7:30 a.m. – 8:30 a.m.

Choose from Full- and Half-Day Workshops:

(Full day) FMLA Master Class: Advanced Leave Management Training

8:30 a.m. – 4:30 p.m. (*lunch on your own from Noon–1:00 p.m.*)

- This intensive day-long workshop provides substantive instruction on FMLA compliance in light of new and existing regulations, court rulings, and application of this far-reaching law. Through attorney-led instruction, you'll engage with workshop peers to solve day-to-day challenges concerning intermittent leave, return to work, employee performance, and much more. You'll enhance your advanced-practitioner skill set when you attend this satisfaction-guaranteed master class and learn:
- How to determine the existence of a serious health condition the way judges do, and eliminate disputes about what does and doesn't constitute it
- The latest FMLA revisions, so you don't risk noncompliance
- What recent FMLA court decisions really mean, so you can adjust your policies accordingly
- Where FMLA recordkeeping trips up even the savviest human resource managers, and some solutions to avoid similar mistakes
- How to tame the intermittent leave and reduced schedule beasts, and put a stop to abuse and fraud
- How FMLA, ADA, and workers' comp laws overlap, so you can avoid violations
- And more!

For more information visit:
hrcomply.blr.com



AM/PM Preconference Workshop Offerings

(AM Only) Competitive, Fair Compensation Plan Design: How to Spot and Correct Pay Disparities to Minimize Legal Risks

8:30 a.m. – 11:30 a.m. (*Refreshment break from 10:00 a.m. – 10:15 a.m.*)

There are federal, state, and local laws prohibiting pay discrimination. And recently, many states and municipalities have expanded pay equity legislation to ban salary history inquiries and restrict employers from considering salary history when determining employee compensation. Many states and cities have also expanded their equal pay laws to cover additional protected characteristics and to require equal pay for the same or comparable work.

To avoid pay discrimination claims under the federal Equal Pay Act, Title VII of the Civil Rights Act of 1964 (Title VII) and similar state laws, employers need to know what steps they should take to audit their pay practices so they can identify any differences in pay between protected groups, determine the causes, and correct pay practices. And, employers need to know what steps they should take to achieve and maintain pay equity across their organization—but reviewing job grades, thinking about reranking jobs, moving positions, reviewing internal equity, or adding variable pay systems into the total reward compensation mix can make even the most seasoned of HR professionals' heads spin.

While a change in your pay grade structure can result in getting maximum productivity from your employees and help you retain top talent, if not properly executed, the compensation plan could inadvertently spark legal liability for your organization. Whether you want to reward performance, longevity, knowledge, skills, or competencies, determining pay grades is the first step to creating an internally equitable, market-competitive compensation system. Without accurate pay grade determination, it won't matter how good your pay survey information is—internal equity will likely be skewed too high or too low. This intensive workshop will teach you how to:

- Manage sources of litigation risk through:
 - Job analysis and assignment
 - Pay grade development and implementation
 - Market survey utilization
 - Initial pay and promotional pay assignments
 - Performance rating practices
 - Incentive pay structure design
- Analyze pay outcomes through:
 - Exception monitoring
 - Horizontal pay equity and salary compression
 - Steering and “glass ceiling” review
 - Gender and race pay equity analyses



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

(AM Only) 2021 Employee Handbook Updates: New Compliance Obligations with New Laws Taking Effect
8:30 a.m. – 11:30 a.m. (*Refreshment break from 10:00 a.m.– 10:15 a.m.*)

2021 will be here before you know it, and that means you won't have much time to get your employee handbook updated to comply with new legislation taking effect January 1 or shortly thereafter. This intensive workshop will provide critical information on the latest legal changes to incorporate into your company's employee handbook. You'll learn the practical implication of important new federal updates and best practices for designing, building, and customizing your own employee handbook for 2021. We'll cover:

- Important wording to include and what to steer clear of in light of new federal court, legislative, and regulatory developments and national employment trends
- Suggested policy language to include for 2021 concerning hot topics such as:
 - Dress code and grooming policies
 - Drug testing/use/zero-tolerance policies
 - Internal hiring/Nepotism
 - Harassment prevention and antiretaliation, including compliant procedures for reporting
 - Reasonable accommodation requests due to Americans with Disabilities Act (ADA)-protected disabilities
 - Pregnancy-based accommodations
 - Hiring practices
 - Social media usage and confidentiality
 - Varied forms of paid and unpaid leave (e.g., paid sick and family and medical leave)
 - Parental/bonding leave (distinct from maternity/pregnancy leave)
 - Moonlighting
 - Premium pay/use of time off during holiday periods
 - Treatment of accrued leave on termination (payout/forfeit/accrual cap)
 - Fragrances and allergens in the workplace
 - Discipline (to allow you, as the employer, the most flexibility)
 - Absenteeism/job abandonment/no-call, no-show
 - Harassment
 - Employee travel/compensation for travel time
 - Inclement weather/business disruptions
 - Telecommuting, remote work, and flexible work arrangements
 - BYOD/mobile device privacy
 - Cybersecurity/data breach response
 - Workplace violence

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

PM Preconference Registration

12:00 p.m. – 1:00 p.m.

(PM Only) Drafting ADA-compliant Job Descriptions and Evaluating Which Accommodation Requests to Grant or Deny

1:00 p.m. – 4:00 p.m. (*Refreshment break from 2:30 p.m. – 2:45 p.m.*)

The Americans with Disabilities Act (ADA) can be a challenge to master. It's not surprising why, either. When the ADA is invoked, there are potentially many issues to deal with—from determining whether an employee is "qualified" under the ADA to determining whether he or she is entitled to an accommodation and whether such an accommodation is "reasonable" or poses an undue hardship on the organization. And, since the ADA is only invoked when the employee can perform his or her essential job functions with or without a reasonable accommodation, it's so important to ensure that your job descriptions (JDs) accurately reflect what those essential functions are. Once you have accurate JDs in place, you'll be in a far better position to recognize whether an employee is in fact qualified under the ADA.

This intensive workshop is divided into two parts: 1) how to draft ADA-compliant JDs; and 2) how to evaluate whether to grant or deny an accommodation request. You'll learn how to:

- Identify what information to keep in and what to leave out of your JDs and why
- Define the "essential functions" of each position
- Create JDs that will support the interactive process when evaluating requests for reasonable accommodations under the ADA
- Apply the same analysis to each and every ADA accommodation request—whether it's due to a physical or mental impairment, a fragrance or allergy sensitivity, an employee's weight, a pregnancy, or other reason
- Recognize when a leave of absence may be in order as an accommodation
- And more!

(PM Only) Electronic, Paper, and Cloud-based HR Recordkeeping Retention and Destruction Policies and Practices to Keep You Out of Court

1:00 p.m. – 4:00 p.m. (*Refreshment break from 2:30 p.m. – 2:45 p.m.*)

When it comes to HR records, knowing what to keep and what to shred or delete can be a conundrum. The importance of retaining certain records can't be overstated, especially in cases where an employee might be bringing a legal action against the employer. But, in many cases, it's also just as important to shred or delete records. Storing HR records electronically is eco-friendly, saves on space, and provides easy access generally. However, there are many challenges that come with electronic storage and/or moving your HR records to the cloud.

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

Employers must follow the Department of Labor guidelines for electronic storage of documents governed by the Employee Retirement Income Security Act (ERISA). And, the security issues involved in storing important documents in the cloud may cause anxiety, especially when every day there are news stories involving breaches and hacking of electronic data.

This intensive workshop will teach you the ins and outs of legal issues surrounding electronic recordkeeping and cloud storage of personnel records. It will also cover what types of HR records you're dealing with, what you should and shouldn't keep, your legal obligations, and what to do if federal or state agencies come knocking. You'll learn how to:

- Identify which documents and records you must keep on file, and for how long under federal law
- Understand how to European Union's General Data Protection Regulation (GDPR), now in effect may apply to personal data your organization collects and stores
- Recognize when state law mandates stricter recordkeeping requirements that supersede federal requirements
- Achieve balance so that you're keeping the right amount of records, since keeping everything is almost as dangerous as keeping nothing
- Discern what's an e-record, including examples of digital data such as computer log-on/off times, Outlook calendars, notes and to-do lists, emails, and more
- Comply with applicable federal electronic recordkeeping laws to ensure proper collection, storage, and deletion of records
- Conquer logistical challenges of going paperless by following a series of best practice steps
- Determine if your existing document creation, storage, retention, and destruction policies are up to date
- Shred hard copies or destroy electronic documents, particularly those stored on your server or on the cloud—such as for terminated employees
- Meet the legal duty of preserving records (including when and how that duty is triggered) and what technology you may need to sift through when that duty arises

Day 1 Main Conference, 11/10/20

Registration, Continental Breakfast, & Exhibits Open

7:00 a.m. – 7:55 a.m.

Opening Remarks

7:55 a.m. – 8:00 a.m.

Opening Keynote | *to be announced soon!*

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

8:00 a.m. – 9:00 a.m.

Hot Topic Power Talks

9:10 a.m. – 10:25 a.m.

1. The Newest Form I-9—and the Mistakes You Never Want to Make!

9:10 a.m. – 9:25 a.m.

The new Form I-9 was released in early 2020 and had to be used by all employers by May 1. What's different about the new Form I-9? And, what are the most common errors immigration attorneys spot when examining their clients' I-9 records? This Hot Topic Power Talk is jammed packed with tips on how to avoid errors in completing, correcting, and storing the new Form I-9.

2. Unconscious Bias: 5 Strategies for Helping Supervisors and Managers Keep Bias Out of the Decision-making Process

9:30 a.m. – 9:45 a.m.

It's human nature to gravitate toward making certain decisions based on preferences and general likes and dislikes. But when bias is present in the workplace, it can have many negative legal and practical consequences. This Hot Topic Power Talk will teach you how to recognize the 3 most common types of unconscious bias and provide 5 strategies helping supervisors and managers break down their unconscious bias walls.

3. Assault on Employment Agreement Enforcement: The Latest on Court Rulings Tossing Arbitration, Non-solicitation, and Non-Competition-related Terms

9:50 a.m. – 10:05 a.m.

Courts in many jurisdictions are limiting employers' rights to enforce arbitration, non-competition, and non-solicitation agreements. This Hot Topic Power Talk will provide the latest updates on what you may require of employees through these types of agreements and what you should steer clear of including to increase the likelihood of courts to enforce them.

4. Guns at Work: 'Red Flag' Laws, Right to Carry, and Gun Violence Restraining Orders — Practical Impact of New Trends Focused on Workplace Violence Prevention

10:10 am. – 10:25 a.m.

Many states have laws permitting employees to have guns in locked cars. In addition, some states are considering the enactment of "reg flag" laws, which would permit employers to seek gun violence restraining orders. This talk will provide the latest insights into which states have the most restrictive and

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

specific posting laws for employers who want to prohibit open and/or concealed carry in the workplace and the practical impact red flag laws could have on workplace violence prevention policies.

Networking, Refreshments, & Exhibit Break

10:25 a.m. – 10:45 a.m.

Breakouts

10:45 a.m. – 12:00 p.m.

Foundations in HR Compliance

The Latest California Employment Law Tripwires to Avoid

California places some of the most stringent labor and employment requirements on employers operating there. As a result, multistate employers may be at high risk for the myriad compliance tripwires that are present under California Division of Labor Standards Enforcement (DLSE) wage order rules as well as Department of Fair Employment and Housing (DFEH) enforcement concerning the California Family Rights Act (CFRA), the California Fair Employment and Housing Act (FEHA), and other state-specific employment laws and regulations. And, at any given time, there are a host of new California-based legislation and court rulings that employers need to watch out for. This fast-paced session is designed to provide HR professionals with an overview

- New changes expected to go into effect soon under California employment law—and what to do now to gear up!
- Best practices for managing paid sick leave and paid time off in compliance with California law
- The impact of recent state and federal court rulings on California-based employment policies and practices
- The rundown of top employment risks HR professionals in California face right now—and practical strategies multistate employers can use to attack those hurdles head on
- The #1 CFRA issue that continually trips up employers operating in California
- How to stay on DFEH's good side with hiring, harassment, retaliation, and equal pay policies and practices in California
- The latest DLSE wage and hour enforcement priorities—and how they relate to current federal Department of Labor enforcement initiatives
- How to integrate essential California-centric policy changes into your overall workplace practices

Legislative/Regulatory Update and Trends

Joint Employment in the 'Side Hustle' Gig Economy

The Department of Labor (DOL) has issued a joint-employer interpretation based on the traditional and narrow strictures of direct control of the day-to-day terms and conditions of employment. Such a position will give substantial liability protection to franchisors and employers of contracted workers on a variety of work-based

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

claims. And, the National Labor Board (NLRB) just issued its final rule on joint employment. Consider, too, that the traditional lines between contractors and employees are fading fast as outsourcing continues to gain popularity. The gig economy leads people to pursue freelance careers, working several jobs or maintaining a “side hustle.” And, technological advancements allow more flexibility in where, when, and how jobs are completed, further blurring traditional distinctions between contractors and employees. Yet the risk associated with misclassifying an employee as an independent contractor can be catastrophic for an organization. This session will show you how to:

- Recognize the practical impact the DOL’s joint-employer interpretation has on your workplace
- Understand how the NLRB’s final rule on joint employment impacts your compliance obligations
- Legally hire gig workers without violating the Fair Labor Standards Act, DOL regulations, or other applicable laws
- And more!

Strategic HR Management Solutions

Variable Pay: The Latest—and Greatest—Strategies for Designing an Incentive-based Pay System that’s Right for Your Organization

SHRM recently identified variable pay as a trend to watch, and it’s clear why: Variable compensation provides a way to reward employees from the shop floor to the C-suite via bonuses that can engage them for better performance while avoiding the addition of annual fixed salary increase costs. A recent WorldatWork survey revealed that short-term incentives (STIs) are “nearly universal” among private employers. Moreover, the majority of STIs take the form of annual incentive plans, SHRM reported. This session will teach you how to:

- Build out a variable pay system that works well based on your organization’s strategic goals and the financial capital you’ve got to invest in your workforce
- Evaluate whether “spot awards” are the way to go
- Legally manage incentive-based pay initiatives
- And much more!

Networking Lunch (Provided) & Exhibits

12:00 p.m. – 1:00 p.m.

Breakouts

1:00 p.m. – 2:15 p.m.

Foundations in HR Compliance

For more information visit:
hrcomply.blr.com



Dealing with Difficult Employees: How to Train the Workforce on How to Defuse the Drama with Workplace Personality Conflicts

It's no secret that "difficult" people are all around us—and it's highly likely that you know of at least one such person at your organization. Perhaps there's an employee who seems to go out of his or her way to spar with coworkers over their political views, or spreads gossip about his or her coworkers. Maybe there's a "squeaky wheel" employee whose constant demands you are trying to accommodate. Dealing with challenging personalities can seem like an uphill—and losing—battle. But there are many practical strategies you can use to handle the difficulties such workers present. This session will provide practical, proven tips to handle difficult employees and defuse workplace drama. You'll learn how to:

- Take a look inward to become better equipped with the tools to solve the problems difficult employees create
- Talk to difficult employees about their behavior and how to improve it
- Coach difficult employees into behavior change
- Influence employees to get them to be productive at work—and leave the drama at home
- Reduce conflict in the workplace
- And much more!

Legislative/Regulatory Updates and Trends

This Is My Natural Hair! The Practical Impact of Hair Antidiscrimination Legislation on Dress Codes and Grooming Policy Development and Enforcement

In 2019, California, New York, and New Jersey passed legislation banning discrimination on the basis of one's natural hair texture or hairstyle. Now Georgia is considering a bill that would ban hair-based discrimination, which lawmakers say is inherently based on race. With more states considering this type of legislation, now is a good time to revisit your dress code, grooming, and appearance standards to ensure that your requirements aren't so stringent that they may raise red flags with the Equal Employment Opportunity Commission (EEOC), a judge, or a jury on claims that they have a disparate impact on employees due to race, religion, or another protected trait under Title VII of the Civil Rights Act of 1964. During this session, you'll learn how to:

- Identify the states where hair-based discrimination is likely to be barred given newly introduced legislation
- Design your dress code, grooming, and appearance standards in a way that minimizes the risk of disparate impact claims based on one's race, religion, or other protected trait
- Enforce legitimate dress code, grooming, and appearance policies without sparking legal risks
- And more!

Strategic HR Management Solutions



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

Talent & Time Off: Evaluating the Benefits and Drawbacks of ‘21st Century’ Policies on Combined PTO, Forced Time Off, Sabbaticals, Floating Holidays, and More

There’s a growing fabric of paid sick, safe, and family leave laws spreading across the United States. However, compliance with these laws is not the only consideration for HR. For organizations to remain competitive, HR leaders must take a focused—and potentially creative—approach to paid time off plan design to ensure that it’s compliant and attractive to the workforce. This session will teach you how to:

- Design a 21st Century time-off program that meets regulatory requirements and factors in your organization’s strategic and cultural goals
- Allow floating holidays and holiday “trades” to promote cultural and religious diversity
- Recognize why limiting time off based on tenure could be a total turn off to potential employees
- Evaluate whether unlimited time off packages are right for your organization, and how they impact payouts of vacation time upon an employee’s departure
- Identify the potential benefits and drawbacks of combined time off plans—including examples of when this model doesn’t work well
- Evaluate the pros and cons of providing sabbaticals and implementing forced time off policies, including how to measure the impact on employee engagement and retention

Networking, Refreshments & Exhibit Break

2:15 p.m. – 2:30 p.m.

Breakouts

2:30 p.m. – 3:45 p.m.

Foundations in HR Compliance

Social Security and Medicare Secondary Payer Rules: Communication and Compliance Challenges as Employees Approach Retirement Age

Baby boomers are retiring in big numbers, a trend that will continue for many years. As these employees prepare for retirement, they have questions about Social Security eligibility, and how and when to apply for Medicare benefits. Employees who want to continue working past age 66 also have questions about staying in the workforce will impact their benefits. When an employee is about to retire or becomes permanently and totally disabled and is no longer able to work, HR and benefits managers can expect a flood of questions about what Medicare Parts A, B, C, and D cover, the amount of the Social Security benefits to which they are entitled based on their age, what they need to do to apply for Social Security or Social Security Disability benefits, and more.

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

It's important for HR to be able to adequately answer their questions and handle the types of challenges that can come from Medicare and Social Security administration. It's also critical to navigate the Medicare Secondary Payer (MSP) rules, especially as they apply to employees who keep working after turning 65. You could face stiff penalties if you improperly try to shift a current plan participant onto Medicare to reduce costs. This session focuses on how to answer employees' questions about benefit options and available resources they can turn to for additional help and how to comply with Medicare reporting requirements. You'll learn how to:

- Recognize when an employee may sign up for Social Security or Social Security disability benefits
- Communicate to the workforce about Medicare A, B, C, and D
- Distinguish between Medicare eligibility and Medicare entitlement—and why it matters
- Proceed if an employee signs up for Medicare and keeps coverage under the company plan
- Recognize the impact Medicare has on group health plan payments, consumer-driven health insurance, and COBRA—and know when you must continue employee health benefits after Medicare starts due to intersecting obligations
- Explain the risk of Medicare late enrollment penalties to retirees who take COBRA
- Master Medicare reporting essentials
- Apply the MSP rules to your particular plan
- And more!

Legislative/Regulatory Updates and Trends

Federal Contractors: Today's Biggest OFCCP Compliance Risks Exposed

The big headline for the DOL's Office of Federal Contract Compliance Programs (OFCCP) in 2019 was a proposed rule on religious exemptions released in August. If finalized, it would affect federal contractors by broadening religious protections for organizations doing business with the federal government. While they haven't made as many headlines, the agency's other announced priorities include equality issues around parental leave and promotions. Additionally, the OFCCP's Director Craig Leen has the agency will be taking a hard look at the impact of assessments on individuals with disabilities (particularly those using artificial intelligence (AI)) and the basis for denying requested accommodations. The agency has also announced it will be focusing on discrimination against military spouses as well as focused reviews for Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) are continuing and the agency has plans to launch additional focused reviews addressing disability accommodations and religious accommodations. This session will cover how to:

- Recognize if an organization qualifies as a "religious" organization
- Understand the impact of a case before the U.S. Supreme Court that could substantially expand religious organizations' protections from workplace bias lawsuits
- Discern the practical impact OFCCP's focus on parental leave and promotions could have on your workplace policies

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

- How AI-based assessments could present compliance dangers concerning those with disabilities
- And more!

Strategic HR Management Solutions

'In the Weeds': Policy Development and Enforcement Amid Nationwide Push to Legalize Recreational and Medical Marijuana Usage

There is perhaps no area for HR professionals causing more confusion and challenge than the proliferation of laws nationwide around the recreational and medical use of marijuana. Medical marijuana is legal in 33 states and recreational use is legal in 11 (Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, and Washington), the District of Columbia, the Northern Mariana Islands, and Guam. And, there are still many good reasons to drug test—post-accident, reasonable suspicion or post-offer preemployment screening—and to prohibit the use of marijuana during work hours. But confusion often reigns when, depending on state law, medical marijuana users may be protected under disability laws or when state laws prohibit employers from controlling behavior outside of work hours. Some laws have been enacted (Nevada and NYC) that make it illegal to conduct pre-employment drug testing for marijuana starting in 2020.

The variability and complexity of state and local rules involving marijuana are only expected to increase, causing continuing uncertainty for HR professionals. This session will provide up-to-date guidance on how to develop and enforce workplace policies concerning marijuana joints, edibles, oils, and vaping. You'll learn how to:

- Recognize how the legalization of marijuana for medical and/or recreational use impacts your workplace(s), including the practical implications of marijuana still being considered illegal—and a Schedule I drug—under federal law
- Identify the impact OTC and medical-grade CBDs have on your game plan for enforcing a drug-free workplace policy
- Legally respond when you have concerns over the usage of marijuana and CBDs in their varied forms—from joints to edibles and oils and vapor mists—when employees are on or off duty
- Update employment policies to cover marijuana and CBDs without overstepping legal boundaries
- Understand the overlap with disability protections for employees.

Closing Keynote | *to be announced soon!*

3:55 p.m. – 4:55 p.m.

Networking & Exhibits Reception

5:00 p.m. – 6:00 p.m.

Day 2 Main Conference, 11/11/20

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

Continental Breakfast & Exhibits

7:00 a.m. – 8:00 a.m.

Breakfast & Learn

7:30 a.m. – 7:45 a.m.

Opening Keynote | *to be announced soon!*

8:00 a.m. – 9:00 a.m.

Breakouts

9:10 a.m. – 10:25 a.m.

Foundations in HR Compliance

FMLA Recordkeeping, Training, and Procedural Errors to Avoid: How to Self-audit to Fix Mistakes Before the DOL Does

If the Department of Labor (DOL) takes an interest in investigating your organization's Family and Medical Leave Act (FMLA) practices, watch out! Should DOL investigators uncover systemic FMLA problems, your company could be on the hook for high-priced penalties. The best defense lies in conducting your own FMLA self-audit and correcting any problems before a DOL investigation or employee lawsuit arises. But what should you be looking at? How do you get started? And, most importantly, what should you do if your FMLA audit leads to more questions than answers?

For instance, should you be keeping paper FMLA files, or are electronic records sufficient? How much oversight should you really be giving to a third-party leave-management administrator? What's required on the FMLA report used to track leave? And, how should you respond if we uncover problems? This session will walk you through how to conduct a comprehensive self-audit to ensure that your workplace's FMLA administration policies and practices don't spark legal risks for your organization. You'll learn how to:

- Conduct a comprehensive FMLA self-audit that addresses FMLA recordkeeping, training, leave procedures, and more
- Spot the types of issues the DOL will look for during a FMLA investigation
- Train managers on the proper steps to take to respond to requests, returns to work, etc.
- Effectively communicate your FMLA leave policy
- Ensure that your FMLA forms are up-to-date and compliant
- Recognize proper FMLA-related correspondence
- Follow recertification guidelines within the proper timeframe
- And more!

For more information visit:
hrcomply.blr.com



Legislative/Regulatory Updates and Trends

Paid Sick and Family Leave Mandates: How to Evaluate Intersecting Legal Obligations and Avoid Costly Penalties for Noncompliance

Some states have enacted legislation to create state paid family leave programs, which provide cash benefits to eligible workers who engage in certain caregiving activities. As of January 1, 2020, six states—California, Massachusetts, New Jersey, New York, Rhode Island, and Washington—had active programs. The District of Columbia’s new law is effective July 1, 2020, and two others go into effect in January 2021 and January 2023 in Connecticut and Oregon, respectively.

Meanwhile, many states have paid sick leave laws on the books or soon to take effect. For instance Arizona, California, Connecticut, the District of Columbia, Maryland, Massachusetts, Michigan, New Jersey, New Oregon, Rhode Island, Vermont, and Washington. Meanwhile, Maine recently passed a law that goes into effect January 2021 allowing employees to take paid leave for any reason, including sick leave. And on January 8, 2020, New York Governor Andrew Cuomo proposed legislation that would require private employers to provide sick leave to their workers and the Governor’s comments suggest the State law will be more expansive than the New York City and Westchester County laws currently in place.

This session will show you how to ensure that your paid sick and family leave policies are up to date and compliant with applicable state—and potentially local—laws. You’ll learn how to:

- Recognize what’s required under paid sick, safe, and family leave laws generally so you know the trouble spots to watch out for—and you’ll get an update on which states and cities have recently enacted or are considering such laws Determine how these emerging laws intersect with legal obligations under FMLA and the ADA
- Avoid high-risk compliance pitfalls for when responding to requests for paid sick or safe leave
- Evaluate what qualifies as paid sick time or other protected time off
- Provide employees with up-to-date information on their rights under the law and how to update your company’s existing sick time and safe time policies
- Manage PTO policies if your organization operates on a multistate or national level
- And much more!

Strategic HR Management Solutions

Measuring Compliance Training Effectiveness: How to Establish and Interpret Relevant Metrics

More states are starting to require mandatory sexual harassment training for not just supervisors and managers but for the entire workforce. And, depending on your industry or a given group of employees’ respective roles, federal or state laws may require compliance training on varied issues like workplace safety, data security and privacy, and other matters. But, how can you tell how effective your compliance trainings are? It’s important for HR professionals



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

to ensure their organizations have a way to measure the effectiveness of required training, as an added layer in avoiding compliance missteps that could be imputed back to the company. This session will teach you how to:

- Outline the underlying purpose(s) of a given compliance training program
- Evaluate the efficacy of policies born out of compliance training—For example, does your employee hotline work well? How responsive is the organization to complaints? Do employees feel comfortable enough to report the things they're trained to speak out about?
- Discern whether what employees knew before the training differs from what they know post-training and why that matters
- Determine whether training is perpetuating the types of behavior you want from the workforce—and if not, identify how redundant or ineffective trainings can be revamped for better results
- And more!

Networking, Refreshments, & Exhibits Break

10:25 a.m. – 10:45 a.m.

Breakouts

10:45 a.m. – 11:55 a.m.

Foundations in HR Compliance

Service Animals: Legal Obligations for Providing ADA Accommodations for Employees, Clients, and Third Parties

Most of us have experienced this or a similar situation: You're in a place of business or at work and notice someone has a dog with them. But this isn't just a pet--it's a "therapy dog" or an "emotional support" animal. Among other reasons, these dogs and other therapy animals can help to lessen an owner's anxiety and depression. And business owners are hard put to know what the legal limits are on allowing or banning service animals—which can include miniature horses, ferrets, parrots, potbelly pigs, capuchin monkeys and even boa constrictors! Is the animal that your employee brought into work really a service animal? If not, what's the difference between an emotional support and a service animal?

Does an organization have obligations under the Americans with Disabilities Act (ADA) with respect to one but not the other as they pertain to employees, clients, customers, or other third parties? Questions like these abound, and it's time to take a close look at the issue so your organization is prepared to deal with requests for animals inside your workplace, even in cases when it's not immediately apparent that an individual has a disability. This session will explore the extent to which ADA protections apply when an employee, client, customer, or another third-party requests to have an animal by his or her side in your workplace. You'll learn how to:

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An HR Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

- Recognize the difference between a service and an emotional support animal—and why knowing the distinction is important
- Identify when an animal-related accommodation is required under the ADA
- Respond in a legal manner when the organization cannot accommodate having a service animal in the workplace
- Find creative alternatives to accommodating a person's disability when you have a no-animal policy in place
- Address issues concerning employees' allergies when service animals are in your workplace
- And much more!

Legislative/Regulatory Updates and Trends

Payroll System Updates: Employee Taxes, IRS Forms, and 'Regular Rate of Pay' Calculations

For 2020, organizations faced the perfect storm of tax reform and a leap year, which resulted in some unique challenges for payroll departments everywhere: What payroll system updates do you need to keep up with for the coming year? And, are you sure you're correctly calculating the regular rate of pay now that the Department of Labor (DOL) has issued guidance clarifying what perks and benefits may be excluded from that rate? This session will answer these questions and more, so you'll know how to:

- Properly account for or exclude certain perks and benefits when calculating the regular rate of pay in compliance with newly issued DOL guidance
- Make any necessary changes to your payroll system to comply with tax regulations and withholding tables for 2021
- Anticipate questions may ask in light of payroll-related developments
- Use effective resources on how to compute withholding
- Navigate the IRS' online withholding tax estimator tool
- Evaluate the impact that 2021 cost-of-living adjustments could have on 401ks, retirement plans, etc.
- Recognize unique challenges multistate employers face concerning payroll system compliance

Strategic HR Management Solutions

Fair Chance Hiring: Are You Doing All You Can to Give Applicants a Fair Shake at a New Job?

Ban the box laws are in effect in 35 states, the District of Columbia, and more than 150 municipalities nationwide. And, 13 states—California, Colorado, Connecticut, Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington—have also mandated the removal of conviction history questions from job applications for private employers. However, although the law may dictate that you can't discriminate against those with conviction histories, there's another strategic component to consider. Applicants with criminal records can run into barriers when seeking work—and, yes, there are certain positions, that depending on the industry and the crime, may preclude them from being hired—but if no such reason for disqualification is

For more information visit:
hrcomply.blr.com



2020 HR COMPLY

An **HR** Daily Advisor Event

November 9-11, 2020
Kissimmee, FL

present, organizations could be well served to hire workers in need of a second chance. For instance, research shows that reformed criminals are more likely to be loyal and productive at work. And, they tend to keep their jobs longer, giving your turnover rate a positive boost. This session will examine how to:

- Evaluate whether your organization’s hiring practices are designed to promote fair chance hiring or whether unconscious bias could be limiting your applicant pool based on criminal history
- Improve your background screening systems and processes to reduce the risk of receiving information that’s inaccurate or provides mismatched identities
- Follow best practices for using criminal records in hiring that align with the EEOC’s “Enforcement Guidance on the Use of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964”
- Instill a culture of acceptance among recruiters and hiring managers so they’re not overlooking an otherwise solid candidate based solely on conviction history
- Devise a system of checks and balances where you’re evaluating—in an even-handed manner—issues like how long ago the crime took place, the severity of the offense and what relevance the crime could have to an open position

Closing Q&A Panel

12:00 p.m. – 12:15 p.m.

Get last-minute questions answered by our esteemed panel of labor and employment attorneys before heading out!

Wrap-up Announcements & Conference adjourns 12:15 p.m.

--

Agenda subject to change.

Sessions less than 1 hour in length are not eligible for HRCI/SHRM credit.

For more information visit:
hrcomply.blr.com