

Agenda

The American Employment Law Council

Seventeenth Annual Conference – Ritz-Carlton Laguna Niguel, Dana Point, California
October 21-24, 2009

Employment Challenges in a New Administration and Global Economic Crisis

The Obama Administration has set the stage for a heightened level of activity on the labor and employment front – with significant legislation signed and pending, and with new appointments invigorating the regulatory agencies. At the same time, the global economic crisis has created additional challenges for employers seeking to manage their workforce. This year's Conference, more than any in the recent past, will focus on the most pressing, important and challenging issues facing employers today – including companies doing business in the US and abroad. The presentations, panels, workshops and discussion groups have been designed to bring together experienced inside and outside counsel who can offer their most helpful insights on dealing with these challenges.

Wednesday, October 21, 2009

5:00 p.m. **Early Registration Open**

6:00 p.m. **Reception**

Thursday, October 22, 2009

7:15 a.m.-8:00 a.m. **Continental Breakfast**

7:30 a.m.-2:00 p.m. **Registration Open**

8:00 a.m.-8:15 a.m. **Welcome and Greetings**

8:15 a.m.-9:15 a.m. **Panel: The Most Pressing/Challenging Issues Facing Companies Today**

This panel of inside counsel from a diverse group of companies will discuss the most important, difficult and pressing employment issues that they face in these challenging times. The issues that they identify, and ideas for handling them, will be a major focus of the presentations, workshops and small group discussions throughout the rest of the Conference.

- 9:15 a.m.-10:15 a.m. **The View from D.C.; What the Regulatory Agencies, Congress and the Administration Are Up To**
- What employers need to know, what they can expect, and what they can do about the new legislation and regulations coming out of the new lineups at the EEOC, OFCCP, NLRB, Congress and the Obama Administration.
- 10:15 a.m.-10:30 a.m. **Break**
- 11:00 a.m.-11:45 a.m. **Lessons on EFCA; Learning from Wal-Mart's Canadian Experience**
- While some aspects of EFCA appear to have been derailed for the time being, organized labor will continue to push the Administration for whatever it can get. This panel will provide an up-to-the-minute analysis of the legislation and its implication for employers and will offer lessons learned from the riveting story behind Wal-Mart's battle with the forces of unionization in Canada – from the initial campaign through first contract arbitration.
- 11:45 a.m.-12:45 p.m. **The View from Abroad**
- This panel will discuss the most significant developments in Europe and Asia affecting multinational employers – including new European Works Council Directives; privacy issues; new discrimination legislation and ECJ decisions involving labor and employment issues; and similar issues and developments coming out of Asia.
- 1:00 p.m.-3:00 p.m. **Corporate Counsel; Outside Counsel and Managing Partner/Practice Group Chair Lunches/Discussion Groups**
- Back by popular request, these three small-group sessions are designed to provide private, informal settings for corporate counsel, outside counsel, and attendees who are managing partners or practice group leaders to meet with their counterparts and discuss in greater detail some of the issues raised in the morning sessions and also the special issues that their respective roles involve.
- 6:15 p.m.-7:00 p.m. **Welcome and Introduction for New Attendees**
- This is an opportunity for new, first- or second-year attendees to meet with the AELC's Board of Directors and Advisory Board Members and to learn more about the AELC.
- 7:00 p.m. **Wine-Tasting/Dinner (heavy hors d'oeuvres)**

Friday, October 23, 2009

7:15 a.m.-2:00 p.m. **Registration Open**

7:15 a.m.-8:00 a.m. **Continental Breakfast**

8:00 a.m.-8:15 a.m. **Welcome and Announcements**

8:15 a.m.-10:00 a.m. **Implications of the Ledbetter Fair Pay Act; and the Challenge of Assessing Employee Performance**

The Ledbetter Fair Pay Act has generated uncertainty and spawned litigation. This experienced panel will analyze the most significant legal and practical issues and the implications for employers regarding record keeping and “other practices,” and the problems, pitfalls, lessons learned and best practices in selecting people for pay or promotion, layoff or reassignment.

10:00 a.m.-10:15 a.m. **Break**

10:15 a.m.-11:15 a.m. **Legal and Practical Issues of Compensation and Pay Equity**

This high-level presentation will examine the emerging legal issues involving compensation decisions, including the problems of broad banding and challenges involving pay equity and statistical analyses.

11:15 a.m.-12:45 p.m. **Managing Downsizing Pressures; Restructuring the Workforce; and Alternatives to Layoffs**

As companies struggle with economic pressures, many have explored alternatives to layoffs. This panel will discuss the legal and practical issues, pitfalls, lessons learned and best practices regarding furloughs, reduced work hours, pay freezes, salary caps, reductions in pay, and the like. A segment will address the special transnational considerations of American companies that also do business abroad.

12:45 p.m.-1:30 p.m. **Lunch**

1:30 p.m.-4:00 p.m. **Afternoon Workshops –**

These four small-group workshops will give participants to discuss in greater depth several of our most significant issues:

1:30 p.m.-2:45 p.m. **Managing Accommodation Requests –**Best practices for managing requests for accommodation based on religion and disability.

Fighting Class Actions – A discussion of techniques for dealing with motions for certification of collective and class actions.

2:45 p.m.-4:00 p.m. **Dealing with Labor in the New Environment** – Training supervisors and managing messaging to employees in the context of EFCA and increased labor activity.

Complex Labor and Employment Issues in the Sale or Acquisition of a Business Unit – A hands-on, detailed session on how best to deal with the variety of labor and employment issues that arise in the sale or acquisition of a business unit.

6:00 p.m.-8:00 p.m. **Reception**

Saturday, October 24, 2009

7:15 a.m.-8:00 a.m. **Continental Breakfast**

8:00 a.m.-8:15 a.m. **Welcome and Announcements**

8:15 a.m.-9:30 a.m. **EEO Update**

Paul Grossman’s annual update of significant EEO decisions has become a regular and indispensable feature of the AELC Conference.

9:30 a.m.-10:30 a.m. **The Latest on Leaves**

What corporate counsel and outside counsel need to know about the most significant new legislation, regulations and cases involving leaves under the FMLA and ADA – and practical advice for managing the issues that arise.

10:30 a.m.-10:45 a.m. **Break**

10:45 a.m.-11:45 a.m. **Ethical Issues and Challenges for Counsel Advising Executives and Business Units: How Far Do You Go in Pressing Your Advice, and Where Do You Draw the Line?**

Both inside corporate counsel and outside counsel in law firms often struggle with situations in which business unit leaders ignore or reject our most thoughtful advice and appear to be ratifying discriminatory or otherwise unlawful decisions. How far do we go in pressing our advice, and where might or must we draw the line against conduct that may be illegal? A leading ethicist will moderate a panel of inside and outside counsel in exploring this important topic.

11:45 a.m.-Noon **Closing Remarks**

Noon **Adjourn**

6:30 p.m. **Program Chair’s Reception**