



ALFA International
THE GLOBAL LEGAL NETWORK

LABOR & EMPLOYMENT PRACTICE GROUP REGIONAL SEMINAR



Atlanta, GA | September 19, 2023

SEMINAR PROGRAM SCHEDULE

Tuesday, September 19, 2023

Program at Omni Hotel & Spa, The Battery Atlanta

2625 Circle 75 Parkway | Atlanta, GA | Glavine Room

1:30 P.M. - 2:00 P.M.

REGISTRATION

2:00 P.M. – 2:05 P.M.

WELCOME AND OPENING REMARKS

Speakers:

Tim Peeples, DANIEL COKER, Oxford, MS

Brian L. Quisenberry, CLEMENT RIVERS, LLP, Charleston, SC

2:05 P.M. – 2:35 P.M.

NLRB RULINGS IMPACTING NON-UNION EMPLOYERS

Speakers:

Paul G. Klockenbrink, *Moderator*, GENTRY LOCKE, Roanoke, VA

Tim Peeples, DANIEL COKER, Oxford, MS

Recent NLRB rulings have hit a broad range of issues that are impacting non-union employers. Most recently, the Stericycle ruling has potentially broad implications for handbooks and the revision of handbooks. Likewise, the NLRB has issued rulings regarding the use of social media, profanity and ultimately concerted activity. These rulings impact non-union employers both with regard to addressing concerted activity, drafting severance agreements as well as non-disparagement provisions. This session will address some of these recent rulings and focus on the implications for employers.

2:35 P.M. – 3:05 P.M.

THE FUTURE OF AFFIRMATIVE ACTION IN THE WORKPLACE POST SCOTUS

Speaker:

Sarah H. Lamar, HUNTERMACLEAN, Savannah, GA

This session will focus on the US Supreme Court's recent decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, in which the Court determined that Harvard's and the University of North Carolina's admissions programs violated the Equal Protection Clause of the 14th Amendment. More specifically, the session will address how this case will impact affirmative action programs in the employment context and, additionally, how it may affect diversity, equity and inclusion initiatives that many employers have adopted, especially in the last several years.

SEMINAR PROGRAM SCHEDULE

3:05 P.M. – 3:15 P.M.

BREAK

3:15 P.M. – 3:45 P.M.

PAY TRANSPARENCY

Speaker:

David Russo, ROBINSON & MCELWEE PLLC, Charleston, WV

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3:45 P.M. – 4:15 P.M.

THE FUTURE OF RELIGIOUS ACCOMMODATIONS IN THE WORKPLACE POST-SCOTUS

Speakers:

Amy Yarbrow, MORRISON MAHONEY LLP, Boston, MA

In the recent decision, *Groff v. DeJoy*, the US Supreme Court overturned years of precedent and implemented a heightened standard for religious accommodation in the workplace. Title VII requires an employer to grant a request for religious accommodation unless it would amount to an undue hardship on the employer. Since 1977, courts have interpreted an “undue hardship” as one that imposes more than a “de minimus cost” on the employer. Under the new standard, an employer may not deny a request for religious accommodation unless it shows that the accommodation would result in “substantial increased costs in relation to the conduct of its particular business.” This session will review the *Groff* decision and the impact that the Supreme Court’s ruling will have on employers, including best practices to mitigate the risk of a discrimination claim.

4:15 P.M. – 4:25 P.M.

BREAK

4:25 P.M. – 4:55 P.M.

LESSONS LEARNED FROM AN ALMOST TRADE SECRETS TRIAL

Speakers:

Joel Andersen, Moderator, NILAN JOHNSON LEWIS PA, Minneapolis, MN

Chris Ruska, NILAN JOHNSON LEWIS PA, Minneapolis, MN

Cases almost always settle and often settle early, depriving counsel of the opportunity to apply late-litigation lessons learned to the next case. In this session, we present those lessons learned from a recent complex, multi-party trade secrets case that settled two days before trial. Learn what issues become critically important when considering how to present your trade secrets case to the jury, so you can apply that to your pleading, discovery, deposition and motion strategies.

SEMINAR PROGRAM SCHEDULE

4:55 P.M. – 5:00 P.M.

CLOSING REMARKS

Speakers:

Tim Peebles, DANIEL COKER, Oxford, MS

Brian L. Quisenberry, CLEMENT RIVERS, LLP, Charleston, SC

6:00 P.M.

NETWORKING RECEPTION AND BASEBALL GAME AT TRUIST PARK - HANK AARON TERRACE

S O C I A L E V E N T



**ATLANTA BRAVES V. PHILADELPHIA PHILLIES
B A S E B A L L G A M E**

**TRUIST PARK - HANK AARON TERRACE
755 Battery Ave SE, Atlanta**

**6:00 P.M. Networking Reception
7:20 P.M. Game**



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SPEAKERS



JOEL ANDERSEN is a shareholder of Nilan Johnson Lewis PA, the ALFA International member firm in Minneapolis, Minnesota, where he defends his clients nationwide in all types of employment and wage-and-hour litigation and helps clients enforce restrictive covenants against former employees. He handles both individual and class litigation throughout the country, with extensive experience litigating in California. He also counsels clients in complying with discipline and discharge, wage-and-hour, workplace leave and employment and severance agreement issues. Joel received his law degree from the University of Michigan.



PAUL G. KLOCKENBRINK is a partner with Gentry Locke, the ALFA International member firm in Roanoke, Virginia. Paul represents business clients in all aspects of the employment relationship, including wage and hour laws, discrimination claims, return to work and non-compete/trade secret issues. He has successfully defended companies in jury trials covering a variety of employment issues. Paul regularly speaks and conducts training on various employment law issues. Paul chairs his firm's Hospitality and Restaurant Practice Group. He received his bachelor's degree from the University of Vermont and his J.D. degree from the University of San Diego.



SARAH H. LAMAR is a partner with HunterMaclean, ALFA International's member firm in Savannah, Georgia, and is a former chair of ALFA International. Sarah has experience representing employers in state and federal courts with respect to claims under Title VII, the Age Discrimination in Employment Act, Americans with Disabilities Act, Family and Medical Leave Act and the Fair Labor Standards Act. She also represents employers with respect to breach of contract and tort claims, and conducts in-house training for employers and advises clients on a variety of human resource issues, including immigration and Affirmative Action matters. Sarah is admitted to the bars of Georgia and the District of Columbia and all federal courts in Georgia. She was also the long-time chair of the Georgia Chapter of the Society for Human Resource Management Government Affairs Committee. Sarah received her B.A. in History from Yale University in 1988, and her J.D. from Emory University in 1991. She has been selected for Best Lawyers in America in Employment Law – Management Side for the last 12 years and in Chambers USA for Employment Law. She was named by Best Lawyers as 2022 "lawyer of the year" for employment law in her area.

SPEAKERS



TIM PEEPLES is a director at Daniel Coker, the ALFA International member firm in Oxford, Mississippi. Tim serves as the chair of the firm's Employment Practice Group and litigates on behalf of public and private employers in all areas of employment law, including discrimination and civil rights issues, wage and hour matters, employment contracts, covenants not to compete and wrongful discharge. He also regularly advises employers on employment matters ranging from employee handbook provisions, hiring and firing decisions, and other employment-related policies and procedures. Tim is a frequent presenter on Title VII, ADEA, FMLA and FLSA issues.



BRIAN L. QUISENBERRY is a partner with Clement Rivers, LLP, the ALFA International member firm in Charleston, South Carolina. Brian's practice focuses on employment and labor law. Brian represents both public and private employers in state and federal courts, as well as before administrative agencies such as the EEOC and the S.C. Human Affairs Commission. Brian advises his clients on compliance with state and federal laws and helps his clients develop strong policies and procedures. Brian also helps his clients enforce restrictive covenants and protect confidential information. Brian is AVPreeminent Peer Review Rated in the area of Labor and Employment.



CHRIS RUSKA is an attorney at Nilan Johnson Lewis PA, the ALFA International member firm in Minneapolis, Minnesota. Chris divides his legal practice between the labor and employment and the business litigation teams. In the employment law realm, he has developed expertise in advising and resolving restrictive covenant and trade secret matters. He also defends employers against individual and class-based employment lawsuits, charges and demands. Additionally, Chris practices labor law, helping businesses effectively manage their workforces, remain compliant, and avoid litigation amid various union-organizing dynamics. For the business litigation team, he focuses on appellate advocacy work, writing briefs, devising winning trial strategies and crafting arguments for businesses with cases in numerous federal and state courts of appeal. Chris is accustomed to juggling multiple cases and has a knack for writing hard-hitting legal analyses for complex matters, thanks to a couple of years managing his own docket as a law clerk to three judges at the Wisconsin Court of Appeals. His experience in the court system allows him to look at cases from the unique perspective of the judge.

SPEAKERS



DAVID RUSSO is an attorney with Robinson & McElwee PLLC, ALFA International's member firm in Charleston, West Virginia. He has nearly 35 years of legal practice encompassing employment litigation and labor law, with an emphasis in complex litigation. His administrative practice includes employment-related arbitration and litigation before the NLRB, EEOC, WWHRC and OSHA. Among a variety of labor and employment-related issues, David counsels clients on strategic labor planning, labor agreement negotiations and administration. He received his law degree from Oxford University in England, and his undergraduate from Bowdoin College.



AMY YARBRO is a partner with Morrison Mahoney LLP, the ALFA International member firm in Boston, Massachusetts. Her practice includes a wide range of employment matters involving allegations of discrimination, harassment, retaliation, wage and hour issues, ADA compliance, and the Family and Medical Leave Act (FMLA) / Massachusetts Paid Family and Medical Leave Act (PFML) matters. She represents clients before Massachusetts state and federal courts, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, and other state and federal agencies. She received her B.A. from the University of Texas at Arlington and J.D., *magna cum laude*, from New England Law | Boston.