



ALFA International Labor & Employment Pittsburgh Regional Seminar

Wednesday, September 25, 2019
SpringHill Suites by Marriott
Pittsburgh North Shore
223 Federal Street
Pittsburgh, Pennsylvania 15212



 **ALFA International**
The Global Legal Network
Local Relationships Worldwide

SEMINAR PROGRAM SCHEDULE

Tuesday, September 24, 2019

Pittsburgh Pirates vs. Chicago Cubs

PNC Park

7:05 p.m.

Wednesday, September 25, 2019

Breakfast

SpringHill Suites 8:30 - 9:30 a.m.

Welcome & Introduction

9:20 - 9:30 a.m.

Animals in the Workplace: 9:30 – 10:15 a.m.

Speakers: Kelly Hoffman (Norman, Hanson & DeTroy, LLC)

Jessica Holliday (Brown & James, P.C.)

Service animals are a recognized reasonable accommodation. The panel will discuss the differences between service and emotional support, comfort, and therapy animals, the laws that apply to these animals, the EEOC's position on these animals, and how employers can deal with certain challenges that may occur when employees request or are permitted to bring these animals to their workplaces.

Access Denied!: ADA Accessibility Claims: 10:15 - 11:00 a.m.

Speakers: Denise Baker-Seal (Brown & James, P.C.)

Candace Bankovich (Lewis Wagner, LLP)

Stephen Sobotta (McNees Wallace & Nurick LLC)

Title III ADA web site accessibility cases are on the rise. If you have not received a web site claim or settlement demand, it is coming! This session will explore recent Title III cases, trends in such cases, the web site accessibility guidelines and legislative efforts to address Title III accessibility lawsuits.

Handling Sick Leaves 11:00 a.m. – 11:30 a.m.

Speakers: Courtney Nichols (Plunkett Cooney), Alex Tilling (Leake & Andersson)

More than 30 cities, counties, and states across the country require private employers to provide paid sick and safe leave to their employees, and there's more on the way. This panel will cover emerging trends, new laws on the horizon, judicial and legislative challenges, and the business considerations for national employers who are forced to keep up with this rapidly developing area of law.

Lunch: 11:30 a.m. - 12:00 p.m.**The NLRA for Non-Union Employers: 12:00 – 12:30 p.m.****Speakers: Randy Ayers (Keating Muething & Klekamp PLL), Celia Pauli (Lewis Wagner)**

Some employers are surprised to learn the National Labor Relations Act (“NLRA”) applies to non-unionized employers. Employers of non-unionized employees should be wary of traps under the NLRA. Issues can arise with non-union employers’ handbooks and policies, including but not limited to social media, privacy, confidentiality of wages, and solicitation policies. This session will also provide information on recent National Labor Relations Board decisions and guidance on complying with the NLRA.

Non-Competition Issues and Strategies: 12:30 – 1:00 p.m.**Speakers: Tim Peeples (Daniel Coker Horton & Bell, P.A.),****Paul Klockenbrink (Gentry Locke)****Scott Novak (Lorance Thompson PC)**

An estimated 18% of American workers have signed non competition agreements with their employers. These agreements, however, have been under attack by a number of Courts and Legislatures in recent times. This panel will discuss current judicial and legislative trends with non competes and will offer insights and strategies into ensuring the enforceability of these provisions in light of those trends.

Independent Contractor and Joint Employer Issues: 1:00 – 1:30 p.m.**Speakers: Brian Quisenberry (YCR LAW),****Chris Campbell (Merrick, Hofstedt & Lindsey, P.S.)**

Employers have experienced uncertainty in the standard governing joint employer liability due to continuous developments in this area. Employers have also struggled to properly classify workers as employees or independent contractors. This panel will discuss the current developments in the joint employer and independent contractor contexts, and will offer insights and strategies for employers to manage these issues at their workplace.

SPEAKERS



G. Randall Ayers is a Partner with Keating Muething & Klekamp (KMK Law) in Cincinnati, Ohio. Randy Ayers helps employers manage all issues related to labor relations, including collective bargaining, arbitration and litigation of disputes involving collective bargaining agreements and proceedings before the National Labor Relations Board and State Labor Agencies. He has broad experience providing in-depth counsel to employers in the areas of equal employment opportunity, discrimination, wrongful discharge, noncompetition and trade secrets, wage and hour, and unemployment compensation. The depth of Randy's knowledge and experience allows him to provide bigpicture advice to employers in all areas related to labor and employment, helping clients control costs, avoid expensive disputes whenever possible, and efficiently resolve issues when they arise.



Denise Baker-Seal is a partner in the Belleville, Illinois ALFA International law firm of Brown & James, P.C., where she serves as Co-Chair of the Firm's Employment Law Group. Ms. Baker-Seal has experience representing employers in state and federal courts, the EEOC, and state and local administrative agencies. Ms. Baker-Seal's practice includes representing clients with respect to claims under Title VII, the Age Discrimination in Employment Act, Americans with Disabilities Act, and the Family and Medical Leave Act, as well as breach of contract and tort claims. Ms. Baker-Seal serves as an arbitrator in the mandatory arbitration programs in St. Clair and Madison Counties. A graduate of Millikin University and Northeastern University School of Law, Ms. Baker-Seal is admitted to the bars of Illinois and Missouri and all federal courts in Illinois.

Christopher A. Campbell is an associate attorney with Merrick, Hofstedt & Lindsey, P.S. with a practice focused on litigation, insurance defense, construction, commercial law, business, and real estate. Before joining the firm, Christopher was a litigator for several years on the East Coast with both a national firm and an established regional practice. He has obtained favorable judgments and negotiated desirable settlements in a number of high stakes cases. Christopher also has significant experience in transactional matters and general corporate representation. Previously, he served as a federal law clerk in the Eastern District of New York, and as a legal extern with the United States Attorney in Philadelphia.



Candace Bankovich chairs Lewis Wagner's Labor and Employment Law Practice Group. She utilizes her experience as former General Counsel for privately held and publicly traded corporations to provide the client service and practical advice that businesses seek. Candace has extensive experience providing proactive prevention counseling on significant employment issues such as employee discipline and termination, employment policies and practices, reductions in workforce, and union avoidance. She works with clients to provide training on employment and management topics and ensures businesses are protected through tailored employment, non-compete, confidentiality and independent contractor agreements when necessary. Candace defends businesses against employment-related claims, including employment discrimination, wage disputes, wrongful termination, and unfair labor practices.



Kelly M. Hoffman is a partner in the Portland, Maine ALFA law firm of Norman, Hanson & DeTroy, LLC. Her practice focuses on litigation, including insurance defense and subrogation, employment and discrimination matters, and professional liability defense. Since 2013, she has been listed in New England Super Lawyers as a Rising Star. In 2018 and 2019, she was recognized by "Best Lawyers in America" for her work in Labor and Employment Litigation as well as Professional Malpractice Defense Law. She frequently acts as a continuing legal education presenter on both a national and state level, lecturing on employment law concerns of individuals, businesses, and counsel; evidentiary issues and challenges facing businesses and counsel during workplace investigations; and ethical dilemmas presented in litigation.



Jessica Holliday is a principal at Brown & James, P.C. in the firm's Belleville, Illinois office. Ms. Holliday focuses her practice on employment matters. She defends employers in an array of matters, including harassment and discrimination claims under Title VII, the American with Disabilities Act, the Age Discrimination in Employment Act, and the Illinois Human Rights Act, as well as other federal and state issues. In addition to her employment practice, Ms. Holliday handles Title IX matters and defends companies and individuals in premises liability and transportation cases. Ms. Holliday received her B.A. from the University of Tennessee in 2005 and her Juris Doctor from the St. Louis University School of Law in 2010. She is the Employment Law Chair for the Illinois Association of Defense Trial Counsel, and is a member of ALFA's Labor and Employment Law Steering Committee and Women's Initiative Steering Committee.

SPEAKERS



Paul Klockenbrink is a Partner in the Roanoke, Virginia, ALFA International law firm of Gentry Locke Rakes & Moore, LLP. Mr. Klockenbrink represents business clients in all aspects of the employment relationship including wage and hour laws, discrimination claims, return to work and noncompete/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. Mr. Klockenbrink chairs the 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.



Courtney Nichols is a Shareholder and Labor and Employment Practice Group Leader of the Michigan ALFA International law firm, Plunkett Cooney. Ms. Nichols represents employers in workforce-related litigation under state and federal law, including disputes involving allegations of wrongful termination, discrimination, retaliation, and wage and hour violations. Ms. Nichols also advises employers on complicated contractual issues and conducts in-house training for employers of various sizes. In addition, she represents employers in administrative matters before the NLRB, DOL, and EEOC. Ms. Nichols was selected as an Up & Coming Lawyer by Michigan Lawyer's Weekly and named a Rising Star by Michigan Super Lawyers.



Scott B. Novak is with the ALFA International Houston firm Lorance Thompson PC. He has pursued a career of aggressive client service with a focus on representing matters in state and federal court, as well as in administrative proceedings. Scott divides his time between defending catastrophic personal injury matters in the commercial transportation arena, cargo claims, premises claims, healthcare medical matters, and commercial matters. While maintaining a strong trial advocacy practice, Scott is equally involved in handling complex matters at the appellate level, whether they be post-judgment appeals, appealing interlocutory orders, and managing contentious discovery matters via mandamus. Scott represents clients in all phases of pre-litigation, litigation, trial and appeal, often counseling clients in the wake of incidents or accidents to aid in the preservation of evidence and to prepare for imminent claims.



Celia Pauli is a member of ALFA International Indianapolis, IN firm Lewis Wagner's Labor and Employment Practice Group/ Celia counsels employers on employment issues and provides tailored employment training. She has participated in various employer presentations such as Navigating the "Me Too" Movement, An Effective Social Media Policy and Employment Issues and Considerations in the Hiring Process. She has experience drafting workplace documents, including handbooks, policies, restrictive covenants and employment agreements. She also concentrates her practice in product liability defense, premises liability defense and insurance defense. Celia aggressively defends her clients, while also recognizing the importance of efficient and cost-effective resolutions. Her goal is to be a seamless extension and integration to her clients' business or legal team.



Timothy M. Peebles is a Director in the Oxford, MS office of Daniel Coker Horton & Bell, P.A. Mr. Peebles serves as the chair of the Firm's Information Technology 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, 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. Mr. Peebles is a frequent presenter on Title VII, ADEA, FMLA and FLSA issues.



Brian L. Quisenberry is a partner at the ALFA International member firm Young Clement Rivers 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 is AVPreeminent Peer Review Rated in the area of Labor and Employment. Brian also defends his clients against premises liability claims, contract disputes and advises clients on cyber security issues.

SPEAKERS



Steve Sobotta joined McNeas in 2017 as the Director of Information Technology. Steve provides leadership for the continued development of an innovative, agile, and secure information technology environment throughout the firm. In 2019, the firm recognized the need to include Technology and Information Systems into their strategic plans and elevated Steve to Chief Information Officer with expanded roles and responsibilities. Steve brings executive-level management experience and strong skills in strategic leadership and project management in information technology to the position, gained from 30 years of service in the U.S. Army, culminating in the rank of Colonel. His final assignment was as the Chief Information Officer for the U.S. Army War College in Carlisle, PA. He also served in Senior IT positions at the Pentagon and in South Korea. He is a graduate of the U.S. Army War College and served for three years as a Professor. Steve is a combat veteran of Operations Desert Shield/Desert Storm.



Alex Tilling is a partner at New Orleans ALFA International firm Leake & Andersson. He has brought a wealth of litigation and alternative dispute resolution experience to the firm. In the aftermath of Hurricane Katrina in 2005, Alex handled commercial and residential property claims and helped to resolve complex legal issues that have changed the insurance landscape of the state and region. He works in employment, intellectual property, health care, data privacy, government contracting, construction, professional liability and securities. Alex also has significant appellate experience, having handled appeals in all Louisiana state circuit courts as well as the U.S. Court of Appeals for the 5th and Federal Circuits. Alex earned his Bachelor of Arts in Criminology from The Ohio State University and his Bachelor of Science in Biology from the University of New Orleans. He graduated from Temple University's School of Law in 2002.

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