Leave issues are and always have been a major issue for employers. This table will highlight and discuss the most relevant and most often encountered leave issues, with a particular focus on the FMLA, ADA and return to work programs. This table will also address the difficulty and issues involved in intermittent leave, particularly when there are trickier health conditions involved, such as mental health issues. The issues of leave as an ADA accommodation issue also will be addressed.

Joel Bagby, JD, Associate, Husch Blackwell LLP, focuses on labor and employment law. In this role, he regularly represents employers before a variety of courts and administrative agencies in wage and hour disputes, discrimination and retaliation claims, Title VII claims, violations of the Age Discrimination in Employment Act (ADEA) and Americans with Disabilities Act (ADA), and other employment-related disputes. Additionally, Joel assists clients in the drafting and enforcement of employment agreements and advises clients on workplace issues, such as hiring, discipline and discharge, employee classification, privacy rights, arbitration policies and employee handbooks.

Joel also has significant experience representing clients regarding Occupational Safety and Health Administration (OSHA) and safety-related matters, including the development of safety programs, OSHA response protocols and defending clients in OSHA proceedings.

Before joining the firm, Joel was an Associate at Norton Rose Fulbright.
FLSA Issues

This table will address a variety of issues under the Fair Labor Standards Act, including FLSA exemptions and worker classification issues. Likewise, the DOL has made it clear that it believes employers are misclassifying employees as independent contractors – and signaled that this is a priority issue for the agency. So, this table topic will provide participants with an overview of ongoing efforts by the Department of Labor to crack down on employers. This table will also address the independent contractors-versus-employees issues and what to expect now that implementation of the new overtime regulations have been halted.

Greg McAllister, JD, Littler Mendelson P.C., litigates employment disputes regarding wages, overtime, noncompetition/nonsolicitation, discrimination, and executive compensation. His clients often request or defend against temporary restraining orders (TROs) and injunctions. He advises employers on human resource issues regarding handbooks, workplace violence, interviews, and termination. Greg’s experience has enabled him to:

- Obtain two unanimous defense jury verdicts in class/collective action lawsuits regarding overtime under Fair Labor Standards Act (FLSA)
- Obtain and defend against TROs and injunctions in lawsuits regarding noncompetition, nonsolicitation, lift-outs and trade secrets
- Obtain orders granting pre-suit depositions of former employees under Rule 202
- Obtain reversal of Texas Workforce Commission (TWC) determination regarding claimant’s eligibility for unemployment
- Obtain dismissal of client from Texas lawsuit based on contract’s forum selection clause
- Negotiate and draft settlement agreements regarding claims under the FLSA (collective actions and single plaintiff), Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII of the Human Rights Act, Texas Commission on Human Rights Act and Texas Payday Act
- Litigate state and federal cases involving discrimination, trade secrets, noncompetition, FLSA, special appearances and executive compensation
- Represent companies facing Department of Labor (DOL) audits regarding overtime and joint employer claims
- Respond to charges by the Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission (TWC)
- Draft handbooks, policies and contracts such as noncompetition, nondisclosure, severance, retention and change-in-control agreements

Greg is the pro bono coordinator for the Dallas office. Playing and coaching football taught him valuable lessons about teamwork, competition, and tenacity. He applies these lessons and his passion to his legal practice every day. He was a researcher and contributing author and editor of Texas Litigators’ Guide to Departing Employee Cases. During law school, Greg was an editor of the International Law Review.
Pay Equity (OFCCP) & Executive Compensation

This table will discuss the OFCCP pay equity requirements and regulations (and related requirements) and how to apply and follow them in your workplace. The table will also discuss issues and things to know for employers surrounding executive compensation.

Jaime Ramón, JD, Member with Dykema Cox Smith, focuses on labor and employment law and litigation. He represents clients in every aspect of the employer/employee relationship, including advice and counsel on all types of employment-related issues and litigation, including Title VII, ADEA, ADA, FLSA, EPA, Service Contract Act, OFCCP, wrongful discharge and employment contracts. He is a former director of the OFCCP and former General Counsel of the U.S. Office of Personnel Management. His practice includes advising clients on government contract compliance issues including drafting affirmative action plans and representation before the OFCCP. His experience also includes affirmative action plans and federal, state and municipal government contract compliance issues. Jaime is a frequent speaker and lecturer on employment law policies, practices and legislation.
Wellness Programs and the 2016 EEOC Regulations

Most employers had gotten used to administering wellness programs in accordance with Affordable Care Act Regulations. However, in 2016 the Equal Employment Opportunity Commission released new regulations making small but significant changes to wellness programs offered to all employees, whether or not they are on the employer’s health plan. This table will discuss those changes, which went into effect on January 1, 2017, and will provide a blueprint for employers wanting to keep their employees healthy as well as avoid EEOC entanglements.

Claire Pancerz, JD, MS, Compliance Consultant, Holmes Murphy & Associates - Texas, joined Holmes Murphy & Associates in 2011. She is a regulatory compliance professional with a background in law, compliance, sales, and marketing.

Prior to joining Holmes Murphy, Claire spent over 20 years with Aetna Inc., where she served in multiple positions, including Regional Marketing Director and Regional Compliance Director. Claire spent over seven years leading Aetna's Legislative and Regulatory Analysis Unit.

Education and Experience:

Washington & Lee University School of Law – J.D.
Trinity University – B.A., English & History
Creighton University – M.S., Negotiation & Conflict Resolution (August 2016)

Professional Certifications & Boards:

Member, Texas State Bar
Member, Executive Healthcare Network
Member, American Bar Association
Member, American Health Lawyers Association
ADA Accommodations

The participants at this table will hear about issues surrounding ADA accommodations. Specifically, the discussion will include what constitutes a reasonable accommodation, the interactive reasonable accommodation process, consequences for failure to accommodate and a variety of other issues.

Art Lambert, JD, Partner, Fisher & Phillips LLP, regularly counsels and litigates employment law matters including sexual harassment, discrimination charges, wrongful termination, and Fair Labor Standards Act (FLSA) disputes. He appears frequently before federal and state courts, administrative tribunals, and arbitrators. Art has extensive experience in all facets of litigation, including pre-trial motion practice, bench and jury trials, as well as specialized hearings and appeals. He defends collective (class) actions, multi-plaintiff lawsuits, and handles injunction proceedings. Art also litigates disputes that arise under employment agreements, including non-competition and customer non-solicitation disputes.

Art is a frequent speaker at business and professional conferences on various employment-related topics, and is widely published.

Art is board-certified in Labor and Employment Law by the Texas Board of Legal Specialization, "AV" rated by Martindale Hubbell, identified among the top employment lawyers in the United States by Chambers USA: America’s Leading Lawyers for Business in 2010-2011 and 2013-2016, and has been listed in Texas Super Lawyers from 2006-2015.
2017 Legal Exchange Conference  
Round Table Speakers

Workplace Violence

This table will address overall workplace violence issues, including OSHA requirements and considerations, negligence actions regarding failure to provide a safe workplace, safe workplace policies and procedures, and weapons policies and laws applicable to weapons in the workplace.

Sean Urich, JD, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., has been Board Certified by the Texas Board of Legal Specialization in Labor and Employment Law since 2006 and has been recognized by Texas Monthly magazine annually since 2007 as a "Rising Star." He regularly counsels and trains business owners, managers, and HR professionals regarding compliance with state and federal employment laws and numerous workplace issues, including harassment prevention and internal investigations, family and medical leave, military leave and reinstatement rights, and overtime pay. Mr. Urich frequently assists clients in preparing employment policies and handbooks, and he has considerable experience in drafting non-competition agreements and evaluating their enforceability.

Mr. Urich also defends employers against single and multi-plaintiff lawsuits involving claims of harassment and discrimination on the basis of sex, age, race, national origin, disability, and religion, workers’ compensation retaliation, and common law claims for wrongful discharge, defamation, intentional infliction of emotional distress, assault, battery, and negligent hiring, retention, and supervision. Mr. Urich has broad experience litigating disputes arising from covenants not to compete, non-solicitation agreements, and covenants prohibiting the disclosure of trade secrets and confidential information. In addition to his first-chair litigation experience, Mr. Urich assists employers in responding to employee complaints filed with state and federal agencies, including the Texas Workforce Commission, the Equal Employment Opportunity Commission, and the Department of Labor.

Mr. Urich received his bachelor’s degree, magna cum laude, in Political Science and Business from Baylor University. At the conclusion of his undergraduate career, he was chosen as a member of Phi Beta Kappa. Mr. Urich received his law degree from Baylor Law School, where he was inducted into the Order of Barristers and the Harvey M. Richey Moot Court Society.

After earning his law degree, Mr. Urich practiced commercial litigation and employment law for three years in Victoria, Texas, where he gained extensive experience in the courtroom and in the arbitration process, including several trials and evidentiary hearings. In 2004, Mr. Urich moved his practice to Dallas to specialize in employment law.
In the HR world, documentation may be the single most important task for HR professionals. They must document for discipline, for investigations, for performance management, for complaints and for a variety of other factors. This table will address that documentation, including addressing any legal requirements and a discussion of best practices.

Christie Newkirk, JD, Quilling, Selander, Lownds, Winslett & Moser, P.C., practice focus includes employment law litigation as well as employment law counseling and transactional work. She regularly represents clients in lawsuits and administrative proceedings involving federal and state employment law statutes (such as Title VII, the ADEA, the ADA, Texas Labor Code, etc.) as well as litigation involving allegations of theft of trade secrets and violation of non-competition and non-solicitation agreements. Ms. Newkirk also works with clients on complex employment law counseling issues such as managing discipline and terminations in high risk scenarios (which may involve employees who fall within multiple protected categories or are high-ranking executives), managing leaves of absences and navigating the issues raised by the FMLA, ADA and workers’ compensation statutes, and conducting sensitive or high level internal investigations. She has significant experience in planning and executing reductions in force, which includes evaluating the risks raised by the proposed reductions and drafting employee communications and severance agreements. Ms. Newkirk assists clients with drafting executive employment agreements as well as non-competition, non-solicitation and confidentiality agreements. She regularly advises clients on appropriate classification of employees as exempt or non-exempt under FLSA and of workers as employees or independent contractors under state and federal statutes; she handles administrative proceedings and litigation on these subjects as well. Ms. Newkirk also teams with transactional lawyers to perform due diligence and review and provide advice on the employment law aspects of merger and asset purchase agreements.
This table topic will address the most prevalent issues regarding discipline and termination. The discussion will include inaccuracy of reviews that can lead to discrimination complaints and/or lawsuits, progressive discipline policies and how they relate to unemployment claims, and misconceptions regarding discipline and an employer’s authority.

Eva Turner, JD, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart P.C., is Board Certified in Labor and Employment law, focuses her practice on assisting clients with avoiding litigation by providing sound counseling advice and assisting with complicated workplace investigations. Ms. Turner also regularly handles EEOC investigations and negotiates with the agency during conciliation. When current or former employees file lawsuits, Ms. Turner also represents employers in all aspects of labor and employment law and litigation in all forums, including federal and state court and arbitration. Ms. Turner focuses her practice on the litigation of discrimination, harassment, retaliation claims, employment-related torts, and civil rights claims under state and federal law and in arbitration. Ms. Turner also has experience handling FLSA counseling and litigation.

Ms. Turner received her B.A., cum laude, at Penn State University in English. She then attended Georgetown University Law Center in Washington, D.C. During law school Ms. Turner was a legal writing fellow and an advocate in the Georgetown Criminal Justice Clinic. Along with Ms. Turner’s employment law practice, she also represents refugees pro bono in federal court and sits on a subcommittee of Human Rights Initiative of North Dallas.
This table will provide an overview of 2016 legislation and cases affecting employment law. The table will also include a discussion of pending legislation and expectations for the coming year with a new presidential administration.

Christopher Antone, JD, Principal, Jackson Lewis LLP, has been with the firm for more than 32 years and is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization.

Mr. Antone has the distinction of being named one of the nation’s top 100 labor lawyers by the Labor Relations Institute for five consecutive years. Recently, Legal 500 noted Mr. Antone as an “individual with distinction” in workplace and employment counseling, stating “Clients single out Christopher Antone, as ‘especially helpful with our issues. He is responsive and brings immediate resources to bear on our issues.’” Mr. Antone received a perfect 100% approval rating from all in-house counsel attending The University of Texas 30th Annual Corporate Counsel Conference in Houston.

In addition to a full labor agency litigation and labor arbitration caseload, Mr. Antone counsels human resources professionals in the development of state-of-the-art proactive policies, procedures and protocols designed to retain the best talent, exit poor performers, and create an environment that produces highly effective work teams.

Since completing law school, Mr. Antone has been exclusively engaged in the practice of labor and employment law on behalf of management. Mr. Antone has focused his practice on assisting clients in managing both a union and union-free environment. Mr. Antone is one of the select Jackson Lewis faculty members who has presented the most well-known public seminar on managing a unionized workforce, entitled “Corrective Bargaining: Winning Back and Preserving Management’s Rights Under a Collective Bargaining Agreement.” Mr. Antone has represented management before the National Labor Relations Board, state and federal agencies and courts, and in arbitration proceedings.
2017 Legal Exchange Conference
Round Table Speakers

Gender Neutral Policies & LGBT Issues

This table will discuss developments in LGBT workplace issues including the EEOC’s acceptance of LGBT discrimination and harassment actions as gender discrimination claims and related case law. There will also be a discussion of gender-neutral policies in the workplace.

Rachel Ziolkowski Ullrich, JD, Counsel, Ford & Harrison LLP, represents employers in all areas of labor and employment law, including jury trials, arbitrations and a variety of administrative hearings (EEOC, Texas Workforce Commission, Department of Labor and other state and federal agencies). She also provides training and counseling services to clients in all areas employment law including employee discipline and terminations, medical leave and workplace accommodation issues, policy creation and implementation and creation and enforcement of restrictive covenants such as non-disclosure, non-solicitation and non-competition agreements.

Rachel has represented companies in a wide range of industries including retail, hospitality, oil & gas, automobile dealerships, assisted living, printing, insurance, manufacturing, aviation, technology and non-profit.