



Annual Labor and Employment Law Conference - 2024



Message from your Chair, Mark Schickman
Our Annual BASF Labor and Employment Law Conference is back in Yosemite Valley for the first time since February 2020! Our vaunted conference will take place on February 9 and 10th 2024, at the Yosemite lodge and the Ahwahnee hotel. From 1:30 PM on Friday through 12:30 PM on Saturday we will offer 6 hours of expert CLE programming (including specialty credits).

Friday & Saturday,
February 9 & 10
Yosemite Lodge
Ahwahnee Hotel
Yosemite, CA

We will hold networking receptions Friday evening at the Lodge and Saturday evening at the Ahwahnee. There is much to see and do in Yosemite in the hours between our classes and our receptions.

We are excited about our expert, advanced programming, as our panels discuss, among other things: The practical and ethical considerations in performing workplace investigations, which must be fair and neutral, and are often independent; The legal and human relations issues involved in the return to office or hybrid work, and how it affects the welfare of employees; The limits of political and religious expression in the office, and how that affects DEI efforts. The workplace challenges caused by artificial intelligence. A review of the most significant legal developments in 2023. All of these topics will be discussed in the context of new cases and statutes which threaten to change the contours of employment law. In addition to the expert programming, attendees find the most valuable part of the weekend to be networking with colleagues at the evening receptions, or on Yosemite Valley trails. All in all, many attendees find this conference to be one of the most meaningful weekends of the year. Despite a great increase in cost at Yosemite, due to the generosity of our wonderful sponsors, listed below, we have kept our registration fees close to the pre-Covid level. Please thank our sponsors when you see them. We have also negotiated reduced hotel room rates at both the Ahwahnee and the Lodge; but our room block expires on December 15, 2023, so please register and book your room soon. Space is limited. We hope you join us at our 47th annual Yosemite Employment Law conference!

MCLE

6 Hours of MCLE will be provided.

Note: You must sign-in every day for each panel you attend to receive MCLE credit.

CONFERENCE DETAILS

FRIDAY

TIME: 1:30 - 3:00 p.m. | **MCLE:** 1.5 Hours in Legal Ethics Credits

PANEL I: Is Your Workplace Investigation Truly Independent? The ethics and practicalities of attorneys acting in an independent role

Employers are tasked with investigating employee complaints in a fair and neutral manner. These investigations are often done by attorneys acting in an independent role and who are doing so under the attorney/client privilege. This panel will explore the legal ethics that apply to attorneys acting in these roles and discuss whether and when they can truly be independent.

Panelists

Chaya Mandelbaum, Rudy Exelrod Zieff & Lowe

Fred W. Alvarez, Coblentz Patch Duffy & Bass

Amy Oppenheimer, Oppenheimer Investigations Group

Moderator

Ilona Turner, Oppenheimer Investigations Group

TIME: 3:15 - 4:45 p.m. | **MCLE:** 1.5 Hours of which 0.5 is in competence credit

PANEL II: Mental health in the new workplace: disability accommodations, return to work, and the unbearable lightness of well-being

Workplaces are returning to a new state of normal, including hybrid and remote work. Following the disruption of the pandemic and with new work from home policies, employers and employees are increasingly dealing with leave requests for mental and emotional conditions. The panel will cover the practical implications of leave and accommodation laws in this environment, along with practical tips for both employer and employee-side attorneys. We will also address how to create an inclusive workplace culture in the "new" workplace and how to maintain your own equilibrium.

Speakers

Hannah L. Jones, Coblentz Patch Duffy & Bass

Hilary Benham-Baker, Principal, Benham-Baker Legal

Alison Cubre, Senior Director, Employment Law, Alteryx

Moderator

Michelle Lee, Rudy Exelrod Zieff & Lowe LLP

SATURDAY

TIME: 8:30 - 10:00 a.m. | **MCLE:** 1.5 Hours

PANEL III: A.I.'s Emerging Impact on the Workplace

Artificial Intelligence is increasingly pervasive in working environments of every description. To an extent that until recently seemed impossible, much of our intellectual labor can now be simply delegated to one A.I. tool or another. The rapid emergence of this technology promises unprecedented efficiencies, but also brings novel ethical and compliance challenges. Many traditional HR functions such as recruitment, hiring, training, management and evaluation can now be automated: Should they be? This panel will address the impact of these new technological tools on workplaces still populated by human workers. We'll identify emerging efforts to regulate in this realm, and consider the broader social impacts of our new reliance on the algorithms.

Speakers

Matt Flairty, Head of Legal, Gem Software, Inc.

Rachel Capler, Senior Associate, Orrick

Jonah J. L alas, Partner, Rothner, Segall & Greenstone

Moderator

N. William Metke, Partner, The Mitzel Group

TIME: 10:10 - 11:10 a.m. | **MCLE:** 1 Hour

PANEL IV: How the Culture Wars Are Playing Out in the Workplace: Employees and Employers' Rights and the Role of Unions

Hot topics—ranging from LGBTQ+ rights, to affirmative action and DEI initiatives, to international relations, and more—are all natural topics for discussion in the workplace. But how those topics are discussed can present difficult legal and practical issues—particularly in the context of schools and universities, as well as in the private sector. What rights do employees, unions, and employers have to engage in political and religious expression in the workplace, and what rights do they have to stay clear of such expression? Panelists will share their experiences tackling these difficult questions.

Speakers

Jennifer M. Martinez, Chief Diversity, Equity and Inclusion Officer, Partner, Hanson Bridgett

Diana S. Reddy, Assistant Professor of Law, UC Berkeley School of Law

Terri Witherspoon, Counsel, California Teachers Association

Moderator

B.J. Chisholm, Partner, Altshuler Berzon

TIME: 11:15 a.m. - 12:15 p.m. | **MCLE:** 1 Hour

PANEL V: 2023 Employment Law Update

2023 was a year of great change in employment and labor statutory, regulatory and case law. We will provide a year and update on those key issues.

Speaker

Erwin Chemerinsky, Dean, Berkeley Law & Jesse H. Choper Distinguished Professor

12:20 – 12:30 p.m. BASF's Labor and Employment Business Meeting