



# 2018 HR Seminar

Legal Updates & Best Practices

**You have questions. We have answers.**

**May 3, 2018**

Amway Grand Plaza Hotel, Grand Rapids



Warner Norcross + Judd

# 2018 HR Seminar

## Legal Updates & Best Practices

New laws, policies and litigation are changing the regulatory landscape that governs how human resource professionals manage employee benefits and labor and employment issues. Join Warner attorneys for a one-day seminar that will provide updates on regulatory changes and many tools needed to manage a wide array of issues, including: sexual harassment; FMLA, whistleblower and immigration issues; wellness plans; retirement and benefit plans; and hot topics in litigation.

The day will feature a program-free lunch: No videos, presentations or interruptions — just a chance to network with colleagues and discuss best practices.

### Topics/Sessions:

- Employee Benefits Update . . . . . pg 4
- What's New With Wellness Programs . . . . . pg 4
- The Who, What, When and How of ERISA's Reporting and Disclosure Requirements for Retirement Plans. . . . . pg 4
- Planning for Change with Benefit Plans . . . . . pg 5
- Benefit Plan Nondiscrimination Testing . . . . . pg 5
- Labor & Employment Update . . . . . pg 5
- FMLA, ADA and Mental Health Issues . . . . . pg 6
- Protecting Your Business Through Non-Compete, Non-Solicitation and Confidentiality Agreements. . . . . pg 6
- Sexual Harassment and Bystander Training . . . . . pg 6
- Immigration/I-9/ICE . . . . . pg 7
- Legal Issues of Performance Management . . . . . pg 7
- Whistleblower and Retaliation Claims . . . . . pg 7



May 3 at the Amway Grand Plaza Hotel

Register online at [WNJ.com/2018\\_HR\\_Seminar](http://WNJ.com/2018_HR_Seminar)

Continuing Education Credits

This program has been approved for 6.75 HR (General) recertification credit hours toward aPHR™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through HR Certification Institute® (HRCI®).

This program qualifies for SHRM Professional Development Credits (PDCs) which relate to the SRHM Body of Competency and Knowledge™ (SHRM BoCK).



The use of this seal confirms that this activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval.

Pricing

	WNJ Client	Non- Client
Full-Day Program	\$ 145	\$ 195
Half-Day Program	\$ 90	\$ 140

Multi-Attendee Discount: If three or more people from the same organization attend, they will receive a 15 percent registration discount. Be sure to enter “wnj-hr-2018” as the promotional code to receive the discount.

Parking, lunch and materials are included with every registration. Program materials are provided online in advance of the seminar.

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## Morning General Session / 8:00-9:00 AM

### Employee Benefits Update

To keep you updated, in this session we'll review the most important changes in the law affecting your employee benefit plans, including: recent IRS, DOL and litigation activity involving retirement plans, ACA regulations and guidance, and recent court decisions.



Tony Kolenic



Norbert Kugele

9:15-10:30 AM (two concurrent sessions to choose from)

### EB-1A: What's New With Wellness Programs

2017 was yet another year that brought a number of developments relating to wellness programs. This presentation will cover these developments and put them into context with other existing guidance to make sure that you understand every requirement your wellness program must meet to stay compliant.



Norbert Kugele



Stephanie Grant

### EB-1B: The Who, What, When, and How of ERISA's Reporting and Disclosure Requirements for Retirement Plans

If you've ever felt overwhelmed by the many reporting and disclosure requirements involved with retirement plans, you're not alone. This session is designed to provide you with an overview of those requirements. We'll touch on government reporting requirements, but spend most of our time on participant disclosures, such as SPDs, SMMs, fee disclosures and safe harbor notices. An increasingly important issue we'll address is when and how you can distribute disclosures electronically. Complying with these reporting and disclosure obligations is critical, but just as important is knowing how long to keep copies of things—so we'll address that issue as well. You'll walk away confident that you know how to comply with key retirement plan reporting and disclosure requirements.



Jennifer Watkins



Kent Sparks



10:45-12 noon (two concurrent sessions to choose from)

### **EB-2A: Planning for Change with Benefit Plans**

Change is inevitable for every employer. Whether it's the retirement of a key employee, possible sale of the business, an aging workforce, ending a pension or retiree health plan, selecting new vendors, or outsourcing workers, change can come in many forms. This session will explore important considerations and steps employers can take to prepare for changes that may impact their employee benefit plans. Advance planning for change is critical to maximizing the value of benefits, avoiding potential compliance problems and capitalizing on future opportunities.



Heidi Lyon



Stephanie Grant

### **EB-2B: Benefit Plan Nondiscrimination Testing**

This program will cover the key nondiscrimination tests that apply to retirement and health plans. For retirement plans, we will focus on the tests applicable to defined contribution plans, such as the coverage test, ADP/ACP test, and top-heavy test, along with



Lisa Zimmer



Norbert Kugele



Justin Stemple

other less familiar, but equally important, required tests. For health plans, we will discuss the rules applicable to self-funded health plans, cafeteria plans, flexible spending accounts and more.

### **Lunch Program - Networking Lunch / 12 noon-12:45 PM**

Back by popular demand: The Mexican buffet, featuring fajitas, tacos and salad. A program-free lunch. No videos, presentations or interruptions, just a chance to network with colleagues and discuss best practices.

### **Afternoon General Session / 12:45-1:45 PM**

#### **Labor & Employment Update**

Join us for a review of the significant recent regulatory developments and case-law dealing with employment discrimination, the National Labor Relations Act, wage and hour issues, leaves of absence, accommodating disabilities in the workplace, and a discussion of what you need to do to stay in compliance with the law. We will also look ahead at pending regulations and legislation and what they could mean for your organization.



Rob Dubault



DeAndre Harris



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**2:00-2:45 PM** (two concurrent sessions to choose from)

## **L-1A: FMLA, ADA and Mental Health Issues**

According to the World Health Organization, "more than 300 million people suffer from depression, the leading cause of disability, with many of these people also suffering from symptoms of anxiety. A recent WHO-led study estimates that depression and anxiety disorders cost the global economy \$1 trillion each year in lost productivity." Statistically speaking, some of those 300 million people work for you. This breakout session will discuss some of the most common mental health issues employees face and help employers properly deal with these situations under the FMLA and the ADA, while helping to reduce the risk factors that can exacerbate mental health issues in the workplace.



Allyson Terpsma



Kelsey Dame



Steve Palazzolo

## **L-1B: Protecting Your Business Through Non-Compete, Non-Solicitation and Confidentiality Agreements**

Businesses make significant investments in developing trade secrets – designs, formulas, methods, processes or other business practices that are valuable precisely because



Dean Pacific



Ryan Grondzik

they are not known to others in your industry. Likewise, businesses make significant investment in developing strong relationships with customers, clients or other business partners. Those investments can be threatened if a valued employee leaves the business and attempts to go to work for one of its competitors. In this session, we will discuss how to use non-compete, non-solicitation and confidentiality agreements to protect your business from these risks, as courts and state legislatures continue to revisit the question of when and how such agreements may be enforced.

**3:00-3:45 PM** (two concurrent sessions to choose from)

## **L-2A: Sexual Harassment and Bystander Training**

Millions have tweeted #metoo to say that they have been victims of sexual harassment. Employers are taking a hard look at their harassment policies and the effectiveness of their training. This session will discuss this social movement and new approaches to preventing workplace harassment.



Pam Enslin



Lou Rabaut



### **L-2B: Immigration/I-9/ICE**

I-9 penalties have increased in 2018 and worksite investigations by Immigration and Customs Enforcement (ICE) have risen dramatically, as promised late last year by U.S. ICE Acting Director Thomas Homan. Violations can result in both civil and criminal penalties. This break out session will discuss some of the most common visas used by employers and aliens for work authorization. We will also identify common I-9 errors and discuss ICE worksite investigations and raids from an in-the-trenches perspective.



Mike Wooley



Brian Lennon



Johnny Pinjuv

4:00-4:45 PM (two concurrent sessions to choose from)

### **L-3A: Legal Issues of Performance Management**

Do you find yourself wondering what the best way is to handle employee misconduct or document a problem employee's issues? Do you struggle getting your supervisors to prepare proper discipline and performance evaluations? In this session,



Jon Kok



Warda Kalim

we'll explore the right and wrong way to handle discipline, the importance of consistent record-keeping, and how to make sure your disciplinary records and evaluations don't come back to haunt you. We will use real-world examples from actual cases to highlight employer's best (and worst) practices.

### **L-3B: Whistleblower and Retaliation Claims**

In recent years, whistleblower and retaliation claims have consistently topped the list of new claims filed with the Equal Employment Opportunity Commission and the Michigan Department of Civil Rights. Additionally, nearly every regulatory statute, state and federal, contains an anti-retaliation provision that provides a cause of action to employees who report compliance violations under the statute. This section will help identify statutes that employers may not be focused on as a source of retaliation claims, and discuss best practices to avoid whistleblower claims in the workplace.



Andrea Bernard



Zainab Hazimi

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## Seminar Materials

To support our firm's sustainability initiatives, we offer our seminar materials electronically. Materials will be emailed to you two days prior to the seminar. You may opt to print the materials to bring with you or you may access them from your computer. **You will not receive additional hard copies at the seminar.** Complimentary WiFi access will be available during the seminar to all attendees.

## Directions

The program will take place in the Ambassador Ballroom of the Amway Grand Plaza Hotel.

The hotel is located in downtown Grand Rapids on the corner of Monroe Avenue and Pearl Street at 187 Monroe Avenue, NW.

For a detailed map, go to **[www.amwaygrand.com/maps](http://www.amwaygrand.com/maps)**

Once in the hotel, go to the second level (Concourse Level) and follow the signs to the Ambassador Ballroom.

## Questions

If you have any questions about the program, please contact Sharon Sprague at (616) 752.2326 or [ssprague@wnj.com](mailto:ssprague@wnj.com).

## Parking

Parking is available in the DeVos Place parking ramp, with entrances on Michigan Street and Lyon Street. You will receive a parking voucher at the seminar registration table. **This voucher is only valid for the DeVos Place parking ramp and does not apply to the hotel ramp or valet parking.**

## Accommodations

A limited number of rooms are available at the following locations.

**There are other large groups in town so please reserve your room as quickly as possible to ensure availability.**

JW Marriott Hotel

235 Louis St NW, Grand Rapids, MI 49503

Room rate: \$319

Please reserve your room online: <https://book.passkey.com/e/49636930>

Homewood Suites

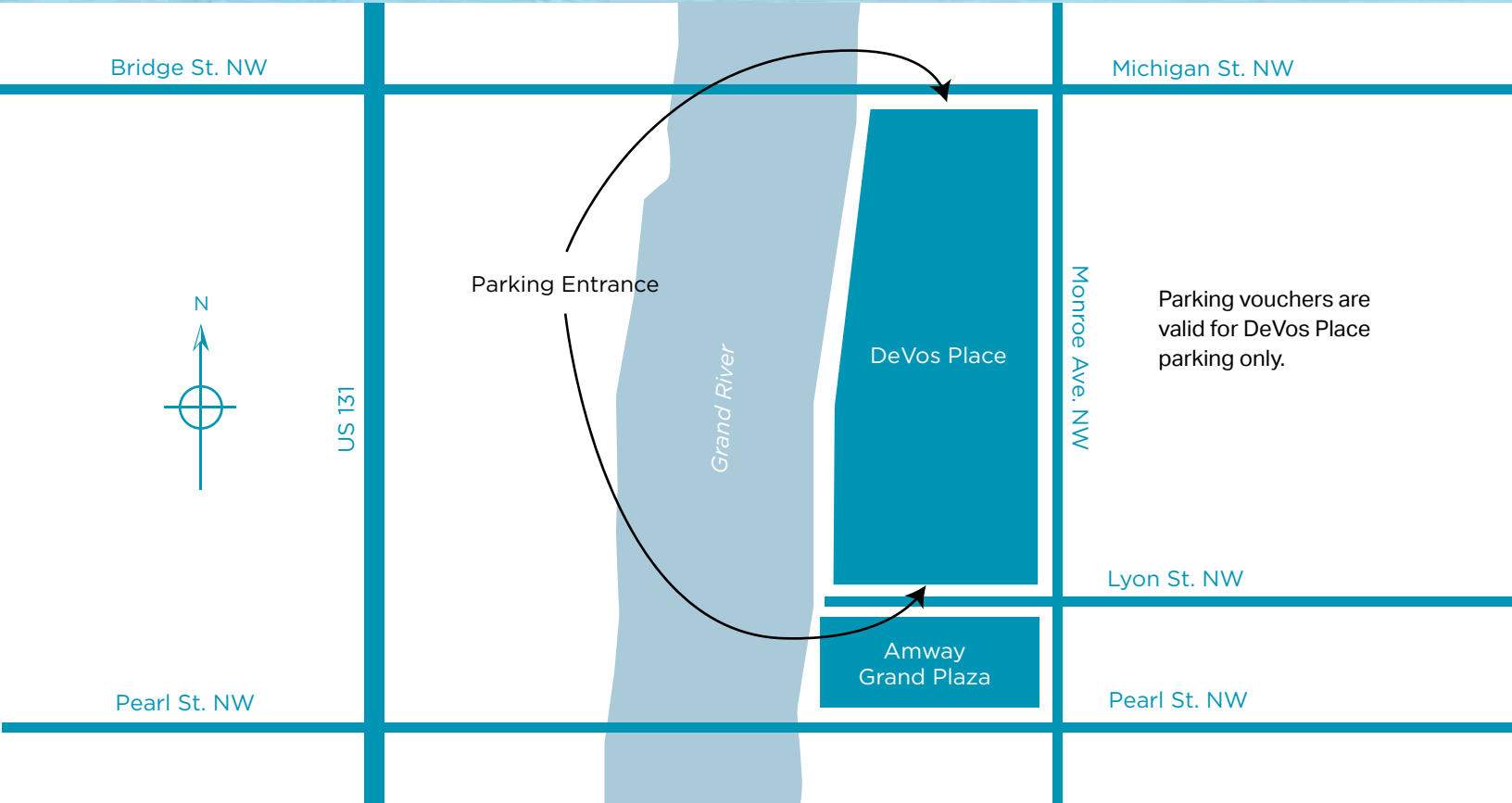
161 Ottawa Ave NW, Grand Rapids MI 49503

Room rate: \$169

Please reserve your room online: <http://homewoodsuites.hilton.com/en/hw/groups/personalized/G/GRRDOHW-WHS-20180502/index.jhtml>

***Must book no later than April 6 to receive the special rate.***





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## Legal Update & Best Practices / May 3 / Amway Grand Plaza Hotel

### EB Breakout Sessions

8:00 - 9:00am

General Session: Employee Benefits Update

9:15 - 10:30 am  
(please select one)

☐ What's New With Wellness Programs?  
(EB-1A)

☐ The Who, What, When, and How of ERISA's Reporting  
and Disclosure Requirements for Retirement Plans  
(EB-1B)

10:45 - 12:00 noon  
(please select one)

☐ Planning for Change with Benefit Plans  
(EB-2A)

☐ Benefit Plan Nondiscrimination Testing (EB-2B)

12 noon - 12:45pm

Lunch Program & Networking

☐ Yes ☐ No

### Labor Breakout Sessions

12:45 - 1:45pm

General Session: Labor & Employment Update

2:00 - 2:45pm  
(please select one)

☐ FMLA, ADA and Mental Health Issues (L-1A)

☐ Protecting Your Business Through Non-Compete,  
Non-Solicitation and Confidentiality Agreements  
(L-1B)

3:00 - 3:45pm  
(please select one)

☐ Sexual Harassment and Bystander  
Training (L-2A)

☐ Immigration/I-9/ICE (L-2B)

4:00 - 4:45pm  
(please select one)

☐ Legal Issues of Performance  
Management (L-3A)

☐ Whistleblower and Retaliation Claims (L-3B)



## Pricing

	WNJ Client	Non- Client
Full-Day Program	<input type="checkbox"/> \$ 145	<input type="checkbox"/> \$ 195
Employee Benefits Program (morning only)	<input type="checkbox"/> \$ 90	<input type="checkbox"/> \$ 140
Labor & Employment Program (afternoon only)	<input type="checkbox"/> \$ 90	<input type="checkbox"/> \$ 140

Multi-Attendee Discount: If three or more people from the same organization attend, they will receive a 15 percent registration discount. Be sure to enter "wnj-hr-2018" as the promotional code to receive the discount.

## Registration and Payment Options

First, Register Online at:

**WNJ.com/2018\_HR\_Seminar**

Next, Choose Your Payment Method:

- Paypal/credit card via the online registration form
- Check — send checks payable to:

Warner Norcross + Judd LLP  
Attn: Sharon Sprague  
900 Fifth Third Center  
111 Lyon Street NW  
Grand Rapids, MI 49503

## Cancellation Policy:

A full refund will be issued if cancellation is received by Thursday, April 26, 2018.



**Warner Norcross + Judd**

## **A BETTER PARTNERSHIP®**

By providing discerning and proactive legal counsel, we build a better partnership with clients.

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