



Fall **Forum**

Thursday, November 8, 2018

**Sheraton Brookfield
375 S Moorland Road
Brookfield, WI 53005**



Metro Milwaukee SHRM is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP or SHRM-SCP. Credits have been applied for.

Day at a Glance

8:00am—8:30am
Registration/ Continental Breakfast / Networking

8:30am—8:35am
Opening Remarks
Metro Milwaukee SHRM

8:35am—9:05am
General Session—Election Recap & Implications
Chris Reader (WMC)

9:05am—9:50am
General Session—Wisconsin's Labor Economy - What's Happening & Why
Dennis Winters (State of Wisconsin - DWD)
Updates on Programs at DWD
BJ Dernbach (DWD)

9:50am—10:10am
Networking Break

10:10am—11:40am
General Session - What's New: A Federal & Wisconsin Review/Update
(Legal, Legislative and Regulatory)
Dan Finerty (Lindner & Marsack)

11:40am—12:40pm
Lunch w/Table Topics + Sponsor Presentations

12:40pm—1:55pm

Breakout 1

Smart Hiring in a Competitive (and Litigious) Job Market
Mark Johnson (Ogletree Deakins)

Breakout 2

Recordings in the Workplace: Knowing When to Press Play or Stop
Ann Barry Hanneman (von Briesen & Roper)

2:05pm—3:20pm

Breakout 1

Opioids in the Workplace
Geoff Trotier (von Briesen & Roper) and Janet Metzger (Wisconsin Safety Council)

Breakout 2

You Be the Equal Rights Division Administrative Law Judge
Jim Chiolino (DWD) and Amanda Tollefsen (DWD)

3:30pm—4:30pm
General Session - Workplace Civility Is Back In Style: Employee Handbooks, Work Rules, And Codes Of Conduct
Tim Kamin (Ogletree Deakins)

4:30pm
Recap/Door Prizes/Adjourn

General Sessions

8:35am—9:05am

General Session—Election Recap & Implications

Description:

WMC's Chris Reader will provide analysis of the November 6th general election results in Wisconsin and what the results mean for employers going forward.

Chris Reader, WMC

Chris Reader is the Director of Health and Human Resources Policy for Wisconsin Manufacturers & Commerce (WMC), the statewide chamber of commerce and manufacturers association. Chris has been involved in Wisconsin politics and policy making for 18 years, and now advocates on behalf of the 3,800 members of WMC for pro-growth policy reforms.

9:05am—9:50am

Wisconsin's Labor Economy - What's Happening & Why Updates on Programs at DWD

Description:

The conception is that Wisconsin has a skills gap problem. The fundamental labor challenge is much deeper than that. Dennis Winters will illustrate the broader landscape that faces Wisconsin companies as they seek to remain competitive.

Dennis Winters, State of Wisconsin - DWD

Mr. Winters is a nationally recognized expert on human resource challenges in the competitive global economic environment. Mr. Winters has presented on the increasing value of talent to numerous audiences, including the Milken Global Conference, the Society of Business Editors and Writers, the National Association of State Legislators, and the Council of Chief State School Officers. He has served as an advisor to private industry, government agencies, and elected federal, state, and local officials. Mr. Winters has authored many studies on economic development in Wisconsin including [Wisconsin's Economy in the Year 2010](#), [Wisconsin High-Tech Opportunities](#), [Economic Development Strategies for Neighboring States](#), the [Northeast Wisconsin Economic Opportunities Study](#), and [The Impact of Population Aging on Wisconsin's Labor Force](#). He also wrote four papers for the Wisconsin Economic Summits and presented [Help Wanted: Talent Challenges for Wisconsin's Economy](#) back in 2000.

Description:

Provide an overview of the new programs and initiatives happening at the Department of Workforce Development.

BJ Dernbach, State of Wisconsin - DWD

BJ Dernbach is the Assistant Deputy Secretary at the Department of Workforce Development (DWD) where he oversees policy and communications for the department. Prior to his current role at DWD he worked in the Wisconsin Legislature for nearly eight years as a policy advisor and Committee Clerk of the Assembly Labor Committee. BJ then stated at DWD 5 years ago and was the Department's Legislative Liaison and later was the Division Administrator for Worker's Compensation and Operations before his current position.

10:10am—11:40am

What's New: A Federal & Wisconsin Review/Update (Legal, Legislative and Regulatory)

Description:

This session will review the latest labor and employment law developments that will continue to impact the practice of human resources from a legal, legislative and regulatory perspective.

Dan Finerty (Lindner & Marsack)

Daniel J. Finerty is a partner who concentrates his legal practice on representing and counseling private and public sector clients and Native American tribes in labor and employment law and compliance matters in front of administrative agencies, federal, state and tribal courts and in labor arbitration. Mr. Finerty has represented Wisconsin counties and cities as well as private sector employers in long-term care, healthcare, hospitality, transportation, construction, manufacturing, the service sector and other industries. As an Employment Attorney, he has handled litigation matters involving Title VII, the Fair Labor Standards Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Occupational Safety and Health Act, the Wisconsin Fair Employment Act, the City of Milwaukee Employee Rights Ordinance as well as other federal, state, local law and tribal ordinances.

Mr. Finerty prides himself on achieving his clients' most important goals through his strong written and verbal advocacy as well as his skilled negotiation to cost-effectively resolve claims. He recognizes that clients see value in both a complete "win" against a litigious employee as well as a successful, cost-effective resolution of a contentious matter.

3:30pm—4:30pm

Workplace Civility Is Back In Style: Employee Handbooks, Work Rules, And Codes Of Conduct

Description:

Federal regulation of employer rules and policies took a challenging turn under the Obama administration, with declarations that commonplace work rules, by their mere existence, somehow infringed upon employee rights. Basic, common sense rules became unlawful, such as rules requiring that employees treat others with respect, refrain from insulting or disparaging one another, and keep confidential information confidential. We will have a forward-looking discussion of how the new administration is treating such "workplace civility" provisions, as well as policies prohibiting taking pictures and recording conversations at work.

Tim Kamin (Ogletree Deakins)

Timothy C. Kamin focuses his practice on advising and representing employers of all sizes in labor and employment matters including union organizing campaigns, collective bargaining, litigation of NLRB unfair labor practice and representation matters, labor and grievance arbitrations, non-compete agreements, discrimination claims, wage and hour matters, and harassment including sexual harassment.

He is admitted to practice in all Wisconsin state courts and in the U.S. District Court for the Eastern and Western Districts of Wisconsin, as well as the U.S. Court of Appeals for the Seventh Circuit.

Breakout Sessions | 12:40pm—1:55pm

Smart Hiring In A Competitive (And Litigious) Job Market

Description:

Wisconsin's unemployment rates have hit historical lows. The baby boomers are retiring. In addition, a poor hiring decision can lead to litigation and other costs. Perhaps now, more than ever, smart hiring practices are crucial to attracting and retaining top talent, while avoiding legal claims. This session will provide tips and guidance regarding all phases of the hiring process, from recruiting through onboarding. We will discuss case studies and provide you with information to help you make smart hiring decisions in this competitive and litigious labor market.

Mark Johnson (Ogletree Deakins, Nash, Smoak, Stewart, P.C.)

Mark Johnson helps employers deal with the practical and legal issues arising out of hiring as a regular part of his practice. Mark draws from a wide range of experience representing businesses in matters involving labor and employment law. Mark has represented employers in hundreds of cases in federal and state courts and before federal and state administrative agencies in Wisconsin and throughout the country. His practice also includes advising employers on how to avoid litigation. Mark is a frequent speaker on topics related to hiring and other topics involving litigation and labor and employment law.

Recordings in the Workplace: Knowing When to Press Play or Stop

Description:

Use of technology at work is commonplace, but can present challenging issues under a variety of circumstances. When an employer or employee uses audio or videotape to record people or events at work, human resource professionals need to be aware of the legal issues that may arise from the use of these recordings.

Knowing the rights of employees and limitations governing the use of recording devices will prepare employers to answer the question: Can I record that?

Ann Barry Hanneman (von Briesen & Roper)

Ann Barry Hanneman is a Shareholder in the Labor and Employment Section. Ann serves as legal counsel to management in labor and employment law matters, including representing employers in federal and state employment litigation and in labor arbitration. Ann has successfully tried federal court jury trials, and regularly represents employers in administrative matters as well as federal and state court proceedings. In addition to litigation, Ann's practice includes advising on employment discrimination, negotiating separation agreements, handling sexual harassment complaints, drafting employee handbooks, developing policies, drafting non-compete agreements and managing wage and hour matters.

Breakout Sessions | 2:05pm—3:20pm

Opioids in the Workplace

Description:

Substance abuse affects not only the individual abuser, but also their family members, which is having a significant impact on employers throughout Wisconsin, making it difficult to find and retain quality workers, accommodate disabilities and time off, and keep workplaces safe. The opioid epidemic places a spotlight on how we handle accommodation and administer workplace drug policies. Though the use of prescription drugs alone is usually not a disability, addiction can be considered a disability requiring some accommodation. Prescription drugs also are often used to treat medical conditions that are disabilities. In this session attendees will gain an understanding of the legal issues the opioid epidemic presents, the effects these growing issues can have on your workplace, and how to be prepared.

Presented on behalf of the National Safety Council this program will share important statistics that HR Professionals should know. We will cover methods to help prevent addiction and provide resources for businesses that are available at no cost to employers. Knowledge is power!

Geoff Trotier (von Briesen & Roper)

Geoff Trotier is a Shareholder in the Labor and Employment Law Section. Geoff proactively assists businesses of all sizes and complexities as well as municipalities and school districts in many diverse labor and employment issues, including:

- Drafting, enforcing and litigating non-compete agreements;
- Avoiding and defending discrimination claims;
- Advising on reasonable accommodation and return-to-work issues;
- Advising clients on Family and Medical Leave Act (FMLA) issues;
- Resolving Fair Labor Standards Act (FLSA) and other wage/hour disputes; and
- Providing training in human resource matters.

Janet Metzger (Wisconsin Safety Council)

As the Executive Director of the Wisconsin Safety Council, I lead a team that is dedicated to Safety and supporting our members and safety professionals throughout Wisconsin. Having lead large and small organizations throughout my career I have a diverse background that supports the continued growth of the Safety Council. As a life long Wisconsin resident, I am passionate about serving the businesses, communities and residents of our great state.

You Be the Equal Rights Division Administrative Law Judge

Description:

Equal Rights Division (ERD) staff will cover changes at ERD and give some thoughts about case trends. Jim Chiolino, Director of ERD's Hearings & Mediation Bureau (and staff, if available) will cover some ERD cases, allowing you to be the judge!

Jim Chiolino (DWD)

Jim has worked for the Department of Workforce Development since 1991 and in the Equal Rights Division since 1993. Mid-career, Jim took a three-year hiatus from state service and practiced in the area of employment law representing employers. He currently serves as Deputy Equal Rights Division Administrator and Director of the Bureau of Hearings and Mediations. Jim has a Master of Public Administration degree from the University of Wisconsin—Milwaukee and a J.D. from the University of Wisconsin Law School. Jim is the author of the State Bar of Wisconsin/Pinnacle publication, *Wisconsin Wages and Hours Handbook*.

Amanda Tollefsen (DWD)

Amanda has been an administrative law judge with the Equal Rights Division since November of 2011. Prior to that, she served as an administrative law judge for the Division of Hearings and Appeals, hearing licensing cases brought by the Department of Safety and Professional Services (January 2010 – November 2011) - and as an Assistant Attorney General for the State of Wisconsin in the Civil Litigation and Employment unit (December 2005 – December 2009). Prior to attending law school, she spent one year working for the Milwaukee Brewers. She received both her BS and JD degrees from the University of Wisconsin, Madison. Go Badgers!



Fall Forum—Registration Form

Online: <http://www.mmshrm.org>

By fax: (888) 287-4116

By mail: MM SHRM | P.O. Box 833 | Germantown, WI 53022

Cost:

MM SHRM Member:	\$89.00
Non-Member:	\$129.00

Select the breakout sessions you plan to attend:

- _____ 12:40pm—1:55pm: Smart Hiring in a Competitive (and Litigious) Job Market
- _____ 12:40pm—1:55pm: Recordings in the Workplace: Knowing When to Press Play or Stop
- _____ 2:05pm—3:20pm: Opioids in the Workplace
- _____ 2:05pm—3:20pm: You Be the Equal Rights Division Administrative Law Judge

REGISTRATION DEADLINE:

November 1, 2018

CANCELLATION POLICY:

A \$25 administration fee will be applied for all cancellations received prior to November 1, 2018. Refunds will not be issued for cancellations received after November 1, 2018.

Name _____ Title _____

Company _____

Address _____

City, State, Zip _____

Phone Number _____

E-mail Address _____

Payment Method (check box below):

Amount: _____

- Check (payable to MM SHRM) Mastercard Visa Amex Discover

Name (as it appears on card) _____

Card No. _____

Expiration _____ Three Digit Security Code _____

Billing Address _____

City, State, Zip _____