

20th Annual Labor and Employment Law Conference



ORIGINAL PROGRAM DATE

November 12, 2020

AVAILABLE MEDIA TYPES

Video & Audio MP3

*Presented in partnership with WSBA
Labor and Employment Law Section*

REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live webinar on November 12, 2020, in Seattle, WA. If you attended the live webinar and reported CLE credits, you cannot also report credits from watching or listening to this recording if repeated within your three year reporting period.

DESCRIPTION

Practitioners will not want to miss our lively and informative panels, including the annual Employment Law Year in Review and an ethics presentation geared toward labor and employment practitioners in the Zoom era. We are also excited to host a panel on race, politics, and free speech in the workplace. Attorneys will also not want to miss updates on accommodations and workplace safety issues, as well as a panel that weaves together the various employee benefits that may be accessed or impacted during COVID-19. We round out our program with a discussion on strikes, pickets, walk-outs, work refusals, and lock-outs.

AGENDA

1 **2020 Hindsight: State and Federal Law in Review**

This session will cover the year in review of both federal and state cases that affect labor and employment law practitioners.

Kelby Fletcher - Stokes Lawrence, Seattle, WA

Tiffany Cartwright - MacDonald Hoague & Bayless, Seattle, WA

Moderator: *Leslie Hagin - MacDonald Hoague & Bayless, Seattle, WA*

2 **“Whose Speech? Our Speech!” Addressing Employees’ Statements about Politics and Race**

In 2020, we’ve seen a global pandemic, ongoing racial justice protests, a landmark Title VII ruling recognizing transgender employee protections, an impeachment process, and an election. To help public and private employers navigate these turbulent times and employees’ comments and actions about them in and out of work, this panel will discuss “free speech” and its limits, recent National Labor Relations Board opinions, harassment and retaliation claims, and other considerations.

Erin McCool - Ogden Murphy Wallace, Wenatchee, WA

Jessie Harris - Williams Kastner, Seattle, WA

Moderator: *Kelli Schmidt - Advance Law Office PLLC, Seattle, WA*

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3 Workplace Safety During a Pandemic

Maintaining a safe work environment for employees is more challenging than ever in 2020. This session will cover the risks and liabilities associated with employers' obligations to protect workers from COVID-19 and best practices to prevent an outbreak and appropriately respond to one if it occurs.

Karin Jones – Stoel Rives, Seattle, WA

Jeffrey Killip – Div. of Occupational Safety & Health, LNI, State of Washington, Olympia

Moderator: *Amy Mensik – Witherspoon Kelley, Spokane, WA*

4 Workplace Accommodations in the Era of COVID-19

This panel will discuss key disability accommodation issues that are emerging as employers and employees adapt to work in the COVID Era. The panel will explore common workplace scenarios such as employees requesting exemptions from health screening or mask requirements, requests for additional COVID protections in the workplace, and the future of work-from-home requests.

Alex Higgins – Law Offices of Alex J. Higgins, Seattle, WA

Julie Lucht – Perkins Coie LLP, Seattle, WA

Moderator: *Jillian Cutler – Frank Freed Subit & Thomas LLP, Seattle, WA*

5 Benefits in the Era of COVID-19

This segment will cover the various employee benefits that may be accessed or impacted during COVID-19, including FFCRA emergency paid leave programs, Washington State Paid Family and Medical Leave, Washington State Paid Sick and Safe Leave, state and federal unemployment benefits. We will also discuss how COVID-19 may impact an employee's coverage under a group health plan.

Brady Cass – Asuris Northwest Health, Spokane, WA

Lauren Parris Watts – Hessel Fetterman LLP, Seattle, WA

Jason Barrett – Employment Security Department, Seattle, WA

Anne Paxton – Unemployment Law Project, Seattle, WA

Moderator: *Angela Hayes – Associated Industries, Spokane, WA*

6 Strikes, Pickets, Lock-Outs and Walk-Outs: Legal Framework and Practical Considerations from Both Sides of the Line

This panel will provide an introduction to strikes and other collective action under the National Labor Relations Act as well as practical considerations for Union and Employer Attorney's preparing for potential strikes in the workplace.

Liz Dedrick – SEIU 1199NW, Renton, WA

Matt Lynch – Sebris Busto James, Bellevue, WA

Moderator: *Jacob Metzger – Douglas Drachler McKee & Gilbrough, Seattle, WA*

7 The “Zoomed” Lawyer: Ethical Issues in Remote Lawyering and Advocacy

The pandemic has upended lawyering – no more live meeting. Learn about the pitfalls and ethical duties of remote lawyering, including confidentiality, attorney-client privilege, and your duties to third parties. What discussions do you now need to have with your clients about conferencing with or using Zoom or other teleconferencing platforms? Does the use of teleconferencing change the ethical considerations in taking depositions? How proficient do you need to be in the use of Zoom or other teleconferencing platforms to meet your ethical obligations? What considerations do you need to make working out of your home office while others are at home? These and other questions and issues will be addressed in the context of the Washington Rules of Professional Conduct and ABA advisory opinions.

Judge John Erlick – Judicial Dispute Resolution LLC, Seattle, WA

Moderator: *Bradley Medlin – Robblee Detwiler PLLP, Seattle, WA*