

# TBA Corporate Counsel Forum 2023

A Virtual CLE Event

April 14, 2023



**Program Producer:** Katie Atkins

**Total Credits:** 4 General

Join the Corporate Counsel section for its annual forum, full of the essential content for in-house attorneys. This year's program will be held virtually via Zoom. Mark Phillis (Littler Mendelson) will speak about digital accessibility, Eric Stevens (Littler Mendelson) will address workplace violence, and Dr. Hemant Sharma will join us for a session on recent Supreme Court cases impacting administrative law. The forum will also provide a session on pregnancy in the workplace with Charles Thompson (Ogletree Deakins).

8:30 a.m. – 9:30 a.m. CT

## **What Do Companies Need to Know About Digital Accessibility?**

*Title III of the Americans with Disabilities Act requires public accommodation to ensure that individuals with disabilities have access to "full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation." What does that mean when a business is interacting with the public via its website or mobile app? Are the rules different when a company interacts with job applicants and employees using similar technology?*

*In this session, we will discuss:*

- *The obligations places of public accommodation have in the digital world.*
- *The ways in which such technology is treated under the employment provisions (Title I) of the ADA*
- *The EEOC's recent guidance on the ADA and the use of Software, Algorithms, and Artificial Intelligence to Assess Applicants and Employees.*

**Mark Phillis, Shareholder, Littler Mendelson, P.C.**

**Anna Gualano, Principal, Littler Mendelson, P.C.**

9:30 a.m. – 10:30 a.m.  
CT

### **Addressing Workplace Violence in a Polarized Society**

*Individuals facing social media pressures, political polarization, financial worries, family fights, health concerns and a myriad of other uncertainties enter your place of business (physically or virtually) every day, and some combination of those influences increasingly results in adverse outcomes. The threat of workplace violence is insidious and the consequences can be devastating.*

*In this session, we will discuss:*

- *The employer's duty to provide a safe workplace*
- *The risks, myths and realities of workplace violence*
- *Developing a safe workplace culture as part of an overall risk avoidance plan*
- *Responding to instances of workplace violence*

Eric Stevens, Littler Mendelson, P.C.

10:30 a.m. – 11:00 a.m.  
CT

### **Break**

11:00 a.m. – 12:00 p.m.  
CT

### **Pregnancy, Privacy, and Reasonable Accommodation**

*This session addresses employers' federal and state privacy and reasonable accommodation obligations to employees with pregnancy-related conditions, including obligations under the new Pregnant Workers Fairness Act. The program will identify some common pregnancy accommodations, as well as discuss best practices for implementing them. The session also will explain employers' rights and obligations with respect to affected employees' medical information.*

Charles Thompson, Ogletree Deakins

12:00 p.m.– 1:00 p.m.  
CT

### **From Vaccine Mandates, to Student Loans, to EPA Powers: Recent Supreme Court Administrative Law Decisions**

*Although administrative law decisions have historically tended to be scant at our nation's highest Court, the past three years have provided ample opportunity for the justices to review administrative agency actions. For instance, we have seen vaccine mandates struck down and upheld in different contexts. EPA powers have been limited in some areas related to carbon emissions. Immigration cases related to DACA and what the media has called "Title 42" have taken center stage. Even use of the Freedom of Information Act (FOIA) has been curtailed by the justices. Moreover, ATF powers in the realm of "gun control" have been evaluated. Overall, numerous hot-button issues that can impact the lives of everyday Americans fall under the rubric of "administrative law" -- and ultimately, the Supreme Court's interpretation of what constitutes a valid agency action, and what does not, should be a consideration for all practicing attorneys. This presentation will offer an update on relevant high Court case precedent from the past three years in the field of administrative law.*

Dr. Hemant Sharma, University of Tennessee