

112 East Victoria Street
Santa Barbara, CA 93101
www.mullenlaw.com

23rd Annual
**Employment Law
Conference**



March 6, 2019

Four Seasons Biltmore
Santa Barbara, California

COST:
\$250.00 for SBHRA Members
\$285.00 for non-SBHRA Members
This includes lunch and all Conference materials.

ONLINE REGISTRATION:
www.mullenlaw.com click on the link to
Employment Law Conference Registration

Registration will close: **March 4, 2019**

CANCELLATIONS:
Last day to cancel for a refund will be
March 4, 2019. Cancellations after this date
will receive materials upon request.

CONTACT INFORMATION:
Lorraine Ramirez or Adriana Avila at
805.966.1501

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TOPICS

- 2019 Legislative Update
- New Sexual Harassment Prevention Requirements
- 2019 Wage & Hour Update
- Benefits Trends for 2019
- Independent Contractors and the New "ABC Test"
- Class Action Update
- 2019 Wrongful Termination Update

Presented by
Mullen & Henzell L.L.P.
ATTORNEYS AT LAW



Employment Law Group
standing: Rafael Gonzalez, Osaama Saifi, Allegra Geller-Kudrow
seated: Christine P. Roberts, Paul K. Wilcox, Brian T. Daly

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Partnered with



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Mullen & Henzell is a full service law firm. We offer the Central Coast's premier employment law group, as well as expertise in business transactions, estate planning, and civil litigation.



The Santa Barbara Human Resource Association is a professional association formed to provide leadership and support for the growth and development of our community's human resource professionals and the organizations they serve.

ABOUT THE SPEAKERS

Paul K. Wilcox, Partner, Mullen & Henzell L.L.P.

Paul has been practicing employment law with Mullen & Henzell since 1992. He graduated from University of California Santa Barbara (BA, with honors, 1989) and University of California, Hastings College of the Law (JD, Magna Cum Laude, Order of the Coif, 1992).

Christine P. Roberts, Partner, Mullen & Henzell L.L.P.

Christine has been practicing law since 1988. Christine has focused her practice in the area of employment benefits since 1991. She has written several articles and speaks frequently on employment and benefits related topics. Christine is a graduate of Wellesley College (BA, Summa Cum Laude, Phi Beta Kappa, 1985) and University of California at Los Angeles (JD, 1988). Christine publishes a blog about benefits issues at www.eforerisa.com.

Rafael Gonzalez, Partner, Mullen & Henzell L.L.P.

Rafael has been practicing labor and employment law since 2000. He is an instructor of the employment law and traditional labor relations course for the UCSB Extension; has guest lectured for the Human Resource Certification Program, and has conducted management seminars in traditional labor matters. Rafael is a graduate of the University of California, Santa Barbara (BA, 1996) and the University of Arizona (JD, 2000).

Brian T. Daly, Associate, Mullen & Henzell L.L.P.

Brian has been practicing law with Mullen & Henzell since 2015. Brian is a graduate of University of California, Davis (BA 2007) and UCLA School of Law (JD 2014). Brian's practice is dedicated to advising employers on all aspects of the employment relationship, including hiring, personnel policies, wage and hour matters, performance management, and termination.

Allegra Geller-Kudrow, Associate, Mullen & Henzell L.L.P.

Allegra joined Mullen & Henzell in 2016 as an associate in the litigation department with much of her practice focusing on employment matters. Prior to joining Mullen & Henzell, Allegra was an associate at a Vancouver, British Columbia trial firm practicing primarily in complex civil litigation. Allegra is a graduate of the University of Sydney (JD, 2012) and she continues to maintain membership in both British Columbia and New South Wales.

Osaama Saifi, Associate, Mullen & Henzell L.L.P.

Osaama Saifi is an associate in the Labor and Employment Group. He has been practicing law with Mullen & Henzell since 2017. Osaama received his undergraduate degree in economics and rhetoric from UC Berkeley, and received his law degree from Loyola Law School.

Schedule of Events

8:15 – 8:45	Registration and Continental Breakfast	1:15 – 2:10	2019 Wage & Hour Update <i>Rafael Gonzalez</i>
8:45 – 9:00	Welcome and Introduction <i>Paul K. Wilcox</i>		<ul style="list-style-type: none"> • State and local minimum wage increases • Developments regarding bonuses, on-call, paystub, and de minimis compensable time • Review of all the ways that owners and managers can be personal liable for wage and hour claims • Class action and PAGA update – cause for hope?
9:00 – 9:50	2019 California Legislative Update <i>Paul K. Wilcox</i>	2:20 – 3:20	Breakout Session
	<ul style="list-style-type: none"> • Sexual harassment prevention training required for all employees • No more confidentiality clauses in sexual harassment settlement agreements? • Further restriction on use of criminal history to exclude applicants • Review of the proposed new employment laws vetoed by Governor Brown in 2018 		
9:50 – 10:45	Dynamex: The Evolving Tests for Independent Contractors <i>Rafael Gonzalez and Osaama Saifi</i>	Group A	Conducting an Internal Wage & Hour Audit <i>Brian T. Daly and Rafael Gonzalez</i>
	<ul style="list-style-type: none"> • The California Supreme Court's New "ABC Test" • Ongoing confusion over applicability of Borello and other independent contractor tests • Essential elements of an independent contractor agreement • Anticipating joint-employer liability: indemnity and insurance obligations with vendors and contractors 		<ul style="list-style-type: none"> • How to anticipate the most common types of claims • What to do when you find something is wrong • Documenting the process in a way that protects the Company and does not end up as Exhibit A in a lawsuit • Attorney-client and other applicable privileges
10:45 – 11:00	Morning Break	Group B	Simple Steps to Reduce the Risk of ERISA Liability <i>Christine P. Roberts</i>
11:00 – 11:50	Conducting Harassment & Workplace Investigations <i>Paul K. Wilcox and Allegra Geller-Kudrow</i>		<ul style="list-style-type: none"> • Avoiding 401(k) Errors that Plaintiffs Can Exploit • Keeping Severance and Separation Agreements out of ERISA Territory • Beneficiary Designations – How to Avoid Costly Disputes
	<ul style="list-style-type: none"> • New DFEH rules on how to conduct investigations • What your policy should say about investigations, and what it should not say • Confidentiality and attorney-client privilege issues • Selecting an effective and credible investigator • What to document and what documents to retain after the investigation concludes • "He said/she said" issues and resolutions of factual disputes 	3:20 – 3:30	Afternoon Break
11:50 – 12:00	Questions and Answers	3:30 – 4:25	2019 California Wrongful Termination Update <i>Paul K. Wilcox</i>
			<ul style="list-style-type: none"> • Promise not to solicit employees of former employer deemed illegal as a form of non-compete • Employer not liable for car accident while employee was on cell phone • Employee may be "regarded as disabled" even if not actually disabled • Hugging by male supervisors, standing alone, may create a sexually hostile work environment for women
12:00 – 1:15	Lunch	4:25 – 4:40	Questions and Answers