

# 2020 DMEC

REGISTER BY JAN. 23  
AND SAVE \$200!

## FMLA/ADA EMPLOYER COMPLIANCE CONFERENCE

LIMIT YOUR COMPANY'S  
FMLA & ADA RISK



MARCH  
**23-26**  
2020

BOSTON, MA  
SHERATON BOSTON HOTEL

- + GROUP DISCOUNTS AVAILABLE
- + EARN UP TO 19.25 CEUS



## WHY ATTEND

Implementing and managing Family and Medical Leave Act (FMLA) and Americans with Disabilities (ADA) programs can be frustratingly complex. Ever-changing state and local leave laws add a level of difficulty that is challenging to even the most seasoned professional. And compliance, as we see from court cases each year, has far-ranging consequences for your organization, whether it is large or small.

**The 2020 DMEC Compliance Conference is the place to find answers and solutions that help you minimize risk in your organization and ensure you're on the path towards continued compliance.** You'll gain perspectives from DOL and EEOC regulators, gather expert feedback from top employment lawyers in the industry, and discover how your fellow employers are dealing with FMLA/ADA complexity head-on in their programs.

## WHO SHOULD ATTEND

If you have responsibility for any of the following areas in your organization, mark your calendar and plan to attend the 2020 DMEC Compliance Conference.

- Absence and disability management
- FMLA/ADA workplace compliance
- Human resources/benefits
- Return-to-work/Stay-at-work programs
- Risk management and litigation
- Workers' compensation
- Workplace accommodations



## ABOUT DMEC

The Disability Management Employer Coalition (DMEC) is the only association dedicated to providing focused education, knowledge, and networking for absence and disability professionals. Through our education programs, we deliver trusted strategies, tools, and resources to minimize lost work time, improve workforce productivity, and maintain legally compliant absence and disability programs.

**LEARN MORE.**  
[WWW.DMEC.ORG](http://WWW.DMEC.ORG)

## CERTIFICATIONS & DESIGNATIONS

DMEC has applied for continuing education for the following certifications and professional designations. Please check the final 2020 DMEC Compliance Conference program and mobile app for approval status and credit hours available.

PHR/SPHR	<i>Professional/Senior Professional in Human Resources</i>
SHRM-CP	<i>SHRM Certified Professional</i>
SHRM-SCP	<i>SHRM Senior Certified Professional</i>
ADMS	<i>Associate Disability Management Specialist</i>
CA-BRN	<i>California Board of Registered Nursing (and reciprocal states)</i>
CCAA	<i>Certified Career Assessment Associate</i>
CCMP	<i>Certified Case Management Professional</i>
CCM	<i>Certified Case Manager</i>
CDMS	<i>Certified Disability Management Specialist</i>
CLE	<i>Continuing Legal Education</i>
CLMS	<i>Certified Leave Management Specialist</i>
CPDM	<i>Certified Professional in Disability Management</i>
CRC	<i>Certified Rehabilitation Counselor</i>
CWA	<i>Certified Work Adjustment Specialists</i>
CVE	<i>Certified Vocational Evaluation Specialists</i>



**"THIS WAS A FANTASTIC CONFERENCE! EVERYTHING FROM THE SPEAKERS TO THE SESSION TOPICS WAS TOP NOTCH. I'LL HIGHLY RECOMMEND THIS CONFERENCE TO MY PEERS!"**

- 2019 CONFERENCE ATTENDEE

## THANK YOU TO OUR CONFERENCE SPONSORS

### PARTNER SPONSORS



### SUPPORTING SPONSORS



The 2020 DMEC Compliance Conference will offer 19 hours of Certified Leave Management Specialist (CLMS) continuing education. For more information about the CLMS program, visit [www.dmec.org/clms-certification](http://www.dmec.org/clms-certification).



DMEC is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP<sup>SM</sup> or SHRM-SCP<sup>SM</sup>.



The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.

### PHOTO CONSENT

During the 2020 DMEC Compliance Conference, DMEC representatives may take photographs or video recordings of attendees. By registering and attending the conference, attendees consent to DMEC's use of their image, likeness, or voice for editorial or marketing purposes.

# REGISTRATION INFORMATION & PRICING

**ONLINE REGISTRATION FOR THE CONFERENCE IS OPEN THROUGH MAR. 16, 2020 AT [WWW.DMEC.ORG](http://WWW.DMEC.ORG).**

Register before Jan. 23 and save \$200. Your full conference registration includes registration materials, Monday preconference workshops, Tuesday-Thursday sessions, three breakfasts, two lunches, two evening events, and access to the Solutions Marketplace.

## SAVE WHEN YOU BRING YOUR TEAM

Send two or more staff members from your company and save \$50 on each registration. The group discount cannot be used in conjunction with a promotional code.

## CANCELLATION POLICY

A \$50 processing fee will be charged for all cancellations received on or before Feb. 20. No refunds will be provided after Feb. 20. Substitutions are accepted.

## REGISTRATION FEES

	EARLY BIRD RATE <i>Received by Jan. 23</i>	ADVANCED RATE <i>Received Jan. 24-Feb. 20</i>	REGULAR RATE <i>Received after Feb. 20</i>
EMPLOYER MEMBER <i>Individual Rate</i>	\$819	\$919	\$1,019
EMPLOYER MEMBER <i>Group Rate</i>	\$769	\$869	\$969
EMPLOYER NONMEMBER <i>Individual Rate</i>	\$1,019	\$1,119	\$1,219
EMPLOYER NONMEMBER <i>Group Rate</i>	\$969	\$1,069	\$1,169
SUPPLIER* MEMBER <i>Individual Rate</i>	\$1,099	\$1,199	\$1,299
SUPPLIER* MEMBER <i>Group Rate</i>	\$1,049	\$1,149	\$1,249
SUPPLIER* NONMEMBER <i>Individual Rate</i>	\$1,299	\$1,399	\$1,499
SUPPLIER* NONMEMBER <i>Group Rate</i>	\$1,249	\$1,349	\$1,449

*\*Supplier members serve employers by providing health, absence, insurance, and productivity-related programs, services, and strategies. If your company is primarily engaged in supplying the above services and products to DMEC employer attendees, your company will be considered a supplier for purposes of registration.*

# CONFERENCE VENUE & ACCOMMODATIONS

## SHERATON BOSTON HOTEL

**39 Dalton Street  
Boston, MA 02199  
617.236.2000**

Nestled in the historic Back Bay neighborhood and directly connected to dining and shopping in the Prudential Center, the Sheraton Boston Hotel provides a modern backdrop for guests with sweeping views of Back Bay and the Charles River. Jump-start each day with a quick bite at Market and end your day gathering with friends over cocktails at SideBar, the hotel's lobby bar.

A block of rooms has been secured at the Sheraton Boston Hotel at a discounted group rate of \$259 per night, plus taxes. Guest room internet is included in the rate. Reservations can be made by calling 617.236.2000. Reference "DMEC" to receive the discounted rate. The rate will be available until Mar. 6, 2020 or until sold out.



To make your hotel reservation online, visit the conference hotel page. [WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-HOTEL](http://WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-HOTEL)



**MONDAY MARCH 23**

7:00 am-5:00 pm Registration Open

**MONDAY PRECONFERENCE WORKSHOP PAID FAMILY & MEDICAL LEAVE**

9:00-10:00 am Get Ready: PFML Laws are Coming!

10:00-10:30 am **COFFEE & CONVERSATION BREAK**

10:30-11:30 am Paid Family Leave: Exploring the Impacts to Other Benefit Programs

11:30 am-1:00 pm **LUNCH ON OWN**

1:00-2:00 pm Coordination of Benefits: A Practical Guide for Employers

2:00-2:30 pm **COFFEE & CONVERSATION BREAK**

2:30-3:30 pm Creative Strategies for PFML Compliance and Effective RTW

3:30-4:30 pm Preconference Wrap-Up: Ask the Experts

5:00-6:00 pm **FIRST-TIME ATTENDEE ORIENTATION & MIXER**6:00-7:30 pm **OPENING WELCOME RECEPTION****TUESDAY MARCH 24**

7:00 am-5:00 pm Registration Open

7:30-8:30 am **BREAKFAST & VISIT WITH EXHIBITORS****GENERAL SESSIONS**

8:30-8:45 am Welcome &amp; Overview

8:45-9:30 am Keynote: Disabilities in Today's Workforce – How Trauma Shaped One HR Executive's Business Practices

9:30-10:00 am **COFFEE & CONVERSATION BREAK WITH EXHIBITORS**

10:00-10:30 am DOL FMLA Update

10:30 am-12:00 pm FMLA/ADA Review: The Twists and Turns of Another Year

12:00-1:30 pm **LUNCH & VISIT WITH EXHIBITORS****CONCURRENT SESSIONS**1:30-2:30 pm **1A** Coast to Coast: Leave, Accommodation, and Disability Administration**1B** Leave Solutions, Strategies, and Challenges from All Sides: A Panel on Outsourcing, Insourcing, and Cosourcing**1C** Leverage Technology to Level Up Your Accommodation Program**1D** Eeny, Meeny, Accommodate, or No?**1E** The Intersection of the ADA & Workers' Compensation Laws: Prevent Discrimination and Retaliation2:30-3:00 pm **DESSERT BREAK WITH EXHIBITORS****CONCURRENT SESSIONS**3:00-4:00 pm **2A** Compliance and Beyond: Supporting Workplace Trans Inclusion and Gender Expression**2B** Mental Health and the ADA: A Blueprint for Management**2C** USERRA: Supporting Uniformed Services and Military Families**2D** Massachusetts PFML: The Ins, the Outs, and the Intersections with Other Benefits**2E** Safety-Sensitive Roles and the ADA4:00-4:15 pm **COMFORT BREAK****ROUNDTABLE DISCUSSIONS**

4:15-5:15 pm Regional Roundtable Discussions

**CONCURRENT SESSION THE EMPLOYER STORY**4:15-5:15 pm **3A** Redefining Accommodations: WalMart's Central Intake Call-In Program**SHORT QUICK-DIVE SESSIONS**4:15-4:40 pm **3B** Navigating the Differences Between the FMLA & the ADA4:50-5:15 pm **3C** 20 Common FMLA Mistakes in 25 Minutes**EVENING OPEN****WEDNESDAY MARCH 25**

7:00 am-5:00 pm Registration Open

7:30-8:30 am **BREAKFAST & VISIT WITH EXHIBITORS****GENERAL SESSIONS**

8:30-9:30 am What to Expect When You're Expecting . . . A Visit from the DOL

9:30-10:00 am **COFFEE & CONVERSATION BREAK WITH EXHIBITORS**

10:00-11:00 am How to Prepare for a FMLA/ADA Retaliation Investigation

11:00 am-12:00 pm What Is Good Faith and How Do You Demonstrate It?

12:00-1:30 pm **LUNCH & VISIT WITH EXHIBITORS****CONCURRENT SESSIONS**1:30-2:30 pm **4A** From Daunting to Doable: Conquer Documenting Essential Job Functions**4B** Defensible Documentation: Cross the T's and Dot the I's**4C** Is Your Employee Phoning It In? The Comings and Goings of Remote Workers & Flexible Work Schedules**4D** Ultimate Engagement: Program Integration, the ADA, and Career Mobility Consultation**4E** Tools, Techniques, and Technologies for Developing a Disability Compliant and Inclusive Workplace2:30-3:00 pm **DESSERT BREAK WITH EXHIBITORS****CONCURRENT SESSIONS**3:00-4:00 pm **5A** Weeding Through the Challenges of Marijuana in the Workplace**5B** Post-Implementation Program Initiatives: Maximizing Efficiency Gains of Your Leave and ADA Solutions**5C** Balancing the ADA With Performance Management**5D** Artificial Intelligence: The Opportunities and Risks3:00-4:30 pm **5E** Winning at FMLA Leave Certification4:00-4:15 pm **COMFORT BREAK****ROUNDTABLE DISCUSSIONS**

4:15-5:15 pm Compliance Roundtable Discussions

**CONCURRENT SESSION THE EMPLOYER STORY**4:15-5:15 pm **6A** Employee Engagement with Paid Family Leave**SHORT QUICK-DIVE SESSIONS**4:15-4:40 pm **6B** 10 Easy Steps to Earn Honors in ADA Accommodation Compliance4:50-5:15 pm **6C** Best Practices in Coordinating the FMLA & the ADA6:00-7:30 pm **HAPPY HOUR****THURSDAY MARCH 26**

7:00 am-12:00 pm Registration Open

7:30-8:30 am **BREAKFAST****GENERAL SESSIONS**

8:30-9:30 am Return to Work: Exploring Effective &amp; Compliant Solutions

9:30-9:45 am **COFFEE & CONVERSATION BREAK**

9:45-10:45 am The ADA: Where Employers Are Getting It Right (and Wrong)

10:45 am-12:00 pm Ask the Experts!

12:00 pm Closing Remarks &amp; Grand Prize Giveaway

12:00-12:30 pm CEU Information &amp; Questions

# MONDAY PRECONFERENCE WORKSHOP

## PAID FAMILY & MEDICAL LEAVE

*The preconference workshop is included in your registration fee. Pre-registration is required.*

**9:00-10:00 AM**

### GET READY: PFML LAWS ARE COMING!

In the last several years, four states (WA, MA, CT, OR) and the District of Columbia have adopted statutory paid family and medical leave (PFML) laws. They join four other states (CT, NJ, NY, and RI) that have had PFML laws in effect for some time. We expect this trend to continue and anticipate that additional states may adopt these laws in 2020. In this session, we will examine what these laws mean for employers and explore the similarities and differences of the various state PFML laws. We will provide guidance to employers about how to understand and prepare for the disruptive forces of these new, expanding laws.

#### WORKSHOP SPEAKERS

**Abigail O'Connell, JD**  
Senior Counsel, Sun Life U.S.

**Marjory Robertson, JD**  
AVP & Senior Counsel, Sun Life U.S.

**10:00-10:30 AM**

### COFFEE & CONVERSATION BREAK

**10:30-11:30 AM**

### PAID FAMILY LEAVE: EXPLORING THE IMPACTS TO OTHER BENEFIT PROGRAMS

Since paid family leave (PFL) was first established in California in 2004, it has caused chaos for both employers and benefit providers. With more states passing legislation and the government considering a federal program, the topic of paid leave is not going away anytime soon. Spring Consulting Group and ClaimVantage conducted a research study to examine the potential impact PFL might have on employers, insurance carriers, and brokers, beyond regulatory requirements. Using a 360 degree view, this session will share findings from the research and industry at large and share concerns and trends we may see over the next few years.

#### WORKSHOP SPEAKERS

**Karen English, CPCU, ARM, MBA**  
Partner, Spring Consulting Group

**Marcy Updike, PRC**  
User Experience Researcher, ClaimVantage

**11:30 AM-1:00 PM**

### LUNCH ON YOUR OWN

**1:00-2:00 PM**

### COORDINATION OF BENEFITS: A PRACTICAL GUIDE FOR EMPLOYERS

With the paid family and medical leave (PFML) landscape constantly changing, it's becoming increasingly difficult for employers to manage the complexity associated with multiple benefit options for their employees. This complexity may lead some employers to question the value of offering optional or non-mandated state benefits to their employees. In this session, we will provide practical information that will help explain what you can and can't do when coordinating benefits; demonstrate the value of short-term disability and other company paid leaves in light of new and emerging state PFML offerings; and reinforce the importance of a robust benefits program for your organization.

#### WORKSHOP SPEAKERS

**Marissa Mayfield, MBA**  
Sr. Product Manager, Statutory Disability & PFL, Lincoln Financial Group

**Sarah Montgomery, JD**  
Assistant Vice President & Senior Counsel, Lincoln Financial Group

*\*Sponsored session*

**2:00-2:30 PM**

### COFFEE & CONVERSATION BREAK

**2:30-3:30 PM**

### CREATIVE STRATEGIES FOR PFML COMPLIANCE AND EFFECTIVE RTW

As more states are legislating paid family and medical leave (PFML), employers will be faced with more employees taking time away from work. During this session, we will address the concerns employers have about employees utilizing PFML. We'll share tips and strategies to prepare return-to-work (RTW) policies and processes in compliance with these new laws and the ADA, and explore how to foster a supportive RTW environment that returns employees to productivity as swiftly and safely as possible. We will also address parity for employees who are employed in various states which may not have PFML laws passed, and the ongoing need for short-term disability insurance regardless of state plan availability.

#### WORKSHOP SPEAKERS

**Kimberly Mashburn**  
National Accounts Practice Lead, The Hartford

**Rachel Wesley, MEd, CRC, LPC, CEAS**  
Clinical and Vocational Rehabilitation Director, The Hartford

*\*Sponsored session*

3:30-4:30 PM

### PRECONFERENCE WRAP-UP: ASK THE EXPERTS!

Wrap up the first day of sessions with a chance to ask questions of our experts on the topics covered during the day's preconference workshops.

#### WORKSHOP SPEAKERS

**Karen English, CPCU, ARM, MBA**

Partner, Spring Consulting Group

**Marissa Mayfield, MBA**

Sr. Product Manager, Statutory Disability & PFL, Lincoln Financial Group

**Marjory Robertson, JD**

AVP & Senior Counsel, Sun Life U.S.

**Rachel Wesley, MEd, CRC, LPC, CEAS**

Clinical and Vocational Rehabilitation Director, The Hartford

5:00-6:00 PM

### FIRST-TIME ATTENDEE ORIENTATION & MIXER

First-time attendees can join us for a chance to network with other attendees and get an overview of what to expect at this year's conference.

6:00-7:30 PM

## OPENING WELCOME RECEPTION

Mix and mingle with colleagues and peers from across the country at the opening networking reception.

SPONSORED BY OUR 2020 PARTNER SPONSORS



**"THIS IS ONE OF THE BEST CONFERENCES I'VE ATTENDED. EVERY SESSION HAD GREAT SPEAKERS AND GOOD, PRACTICAL INFORMATION."**

- 2019 CONFERENCE ATTENDEE



**INCREASE YOUR PROFESSIONAL VALUE  
BECOME A CERTIFIED LEAVE MANAGEMENT SPECIALIST**

As state and federal leave laws continue to expand, more and more companies are finding the need for professional leave management specialists. Distinguishing yourself as a leave expert can be a challenging task — DMEC's Certified Leave Management Specialist (CLMS) designation is the answer!

Exclusively offered by DMEC, the CLMS program is the only professional designation of its kind that provides interactive, hands-on training to ensure your programs effectively comply with state and federal leave laws. Set yourself apart from the competition with our user-friendly, online self-study course.

### LEARN MORE.

[WWW.DMEC.ORG/CLMS-CERTIFICATION](http://WWW.DMEC.ORG/CLMS-CERTIFICATION)

*Already a CLMS designee? You can earn 19 CLMS continuing education hours (including 4 hours of ethics and 1 hour of privacy) by attending the 2020 DMEC Compliance Conference!*

# TUESDAY

7:30-8:30 AM

## BREAKFAST & VISIT WITH EXHIBITORS

8:30-8:45 AM

### WELCOME & OVERVIEW



SPEAKER

**Terri L. Rhodes, CCMP, CLMS, CPDM, MBA**  
Chief Executive Officer, DMEC

8:45-9:30 AM

### KEYNOTE SESSION



KEYNOTE SPEAKER

**Heather Abbott**  
Boston Marathon  
Bombing Survivor

### DISABILITIES IN TODAY'S WORKFORCE: HOW TRAUMA SHAPED ONE HR EXECUTIVE'S BUSINESS PRACTICES

At the time of the Boston Marathon bombing, Heather Abbott enjoyed a high-powered career as a human resources executive with a Fortune 50 company. Key to her job responsibilities was a focus on equal employment opportunity, affirmative action, and hiring and retention of women, minorities, veterans, and individuals with disabilities. Little did Heather know that one day she would become the very kind of employee she was entrusted to protect. Hear how Heather's professional views changed as a result of her traumatic injury, and how businesses today can benefit from her experience.

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9:30-10:00 AM

## COFFEE & CONVERSATION BREAK WITH EXHIBITORS

10:00-10:30 AM

### DOL FMLA UPDATES



U.S. Department of Labor FMLA Branch Chief Helen M. Applewhaite will provide expert insight on recent Family and Medical Leave Act (FMLA) opinion letters, regulatory updates, including proposed revisions to the FMLA forms, and information on the processes in place for receiving and responding to questions and comments about the FMLA. Come and hear the latest dispatches from headquarters on all things FMLA.

INVITED SPEAKER

**Helen M. Applewhaite**

Branch Chief, Branch of FMLA and Other Labor Standards, Wage and Hour Division, US DOL

10:30 AM-12:00 PM

### FMLA/ADA REVIEW: THE TWISTS AND TURNS OF ANOTHER YEAR

The interaction and application of the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA) remain persistent and complex for employers. In this perennial must-attend session, we will review significant FMLA & ADA case law developments from the past year, identify emerging case law trends, and discuss recurring issues that continue to get the courts' attention. On a practical level, we will assess the impact of the cases on day-to-day practice in the management of employees with medical conditions.

SPEAKERS

**Alexis Knapp, JD**  
Shareholder, Littler Mendelson PC

**Jeff Nowak, JD**  
Shareholder, Littler Mendelson PC

*\*Sponsored session*

12:00 -1:30 PM

## LUNCH & VISIT WITH EXHIBITORS

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**"I REALLY LEARNED SOME USEFUL TECHNIQUES ON HOW TO BETTER MANAGE LEAVE SITUATIONS. THERE IS NO BETTER WAY TO LEARN THAN HAVING EXPERTS AVAILABLE TO ANSWER YOUR QUESTIONS."**

- 2019 CONFERENCE ATTENDEE



1:30-2:30 PM

## CONCURRENT SESSIONS choose one

### 1A COAST TO COAST: LEAVE, ACCOMMODATION, AND DISABILITY ADMINISTRATION

A “one size fits all” approach to leave, accommodation, paid leave, and disability policies is often not attainable for national employers or local employers trying to attract and retain local talent. In this session, we will provide employers with a coast-to-coast understanding of absence, accommodation, and disability management and explore how to compliantly develop programs that meet your organization’s geographic needs.

**SPEAKERS**

- Megan Holstein, Esq**  
SVP Absence and Claims Product, FINEOS
- Rob Say**  
Global Product Manager, FINEOS

### 1B LEAVE SOLUTIONS, STRATEGIES, AND CHALLENGES FROM ALL SIDES: A PANEL ON OUTSOURCING, INSOURCING, AND COSOURCING

Is there one solution for your organization when it comes to determining leave compliance and process strategy? During this facilitated panel discussion, we’ll offer opportunities, challenges, and best practices for all leave process options, including outsourcing, insourcing, and cosourcing.

**PANEL SPEAKERS**

- David Mohl, JD**  
Principal, Jackson Lewis, PC
- Connie Moore**  
Assistant Vice President Absence Management Practice, Pacific Resources
- Kim Rudeen, FLMI, ACS**  
AVP, Absence & Statutory Products, Lincoln Financial Group

**MODERATOR**

- Sheri Giger, JD, MS**  
Principal, Jackson Lewis, PC

*\*Sponsored session*

### 1C LEVERAGE TECHNOLOGY TO LEVEL UP YOUR ACCOMMODATION PROGRAM

Effectively accommodating employees is no easy feat, whether for an Americans with Disabilities accommodation request or as part of a broader stay-at-work/return-to-work program. In this session, we’ll explore technology and solutions such as Physical Demands Analysis and Functional Capacity Evaluations that employers can leverage to bring their accommodation program to the next level.

**SPEAKERS**

- Patty Borst**  
National Practice Leader – Disability and Absence Management, The Partners Group
- Geoffrey Simpson**  
Vice President, Sales & Marketing, Presagia

For full concurrent session descriptions and the latest updates, check out the online conference agenda.

[WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-AGENDA](http://WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-AGENDA)

### 1D EENY, MEENY, ACCOMMODATE, OR NO?

Does your accommodation process feel like a guessing game? In this session, we’ll provide practical solutions to help you find simple solutions to the most complex accommodation situations and provide tips for a smooth path forward.

**SPEAKERS**

- Linda Batiste, JD**  
Principal Consultant, Job Accommodation Network (JAN)
- Allyson Kambach, CLMS, FMLI**  
Director, Disability and Absence Product Management, Prudential

### 1E THE INTERSECTION OF THE ADA & WORKERS' COMPENSATION LAWS: PREVENT DISCRIMINATION AND RETALIATION

How does the federal statute prohibiting discrimination under the Americans with Disabilities Act (ADA) coincide and interact with the various state workers’ compensation laws? During this session, we’ll address disability in the context of state workers’ compensation laws and how it is different/similar to the ADA with the ultimate goal of successful return to work.

**SPEAKERS**

- Sharlene D. Lee, Esq**  
Employment Law Attorney, Nevers, Palazzo, Packard, Wildermuth & Wynner, PC
- Samuel H. You, Esq**  
Principal, RO & YOU, LLP

2:30-3:00 PM

## DESSERT BREAK WITH EXHIBITORS

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## PRO TIP!

BRING YOUR TEAM TO THE CONFERENCE AND DIVIDE AND CONQUER THE CONCURRENT SESSIONS.



# TUESDAY

3:00-4:00 PM

## CONCURRENT SESSIONS *choose one*

### 2A COMPLIANCE AND BEYOND: SUPPORTING WORKPLACE TRANS INCLUSION AND GENDER EXPRESSION



State and local laws demonstrate a trend of support for gender inclusiveness. In this session, we will assist you in identifying legal issues related to gender expression and identity, as well as explore best practices for establishing gender transition guidelines, supporting correct pronoun usage, updating employee documentation and systems, and more.

#### SPEAKERS

**Maureen K. Bogue, JD**  
Founder, Pacific Employment Law

**Erin L. Winters, JD**  
Of Counsel, Pacific Employment Law

### 2B MENTAL HEALTH AND THE ADA: A BLUEPRINT FOR MANAGEMENT

Employees with mental health conditions can pose challenges for leave professionals as they look to identify the employees' needs, provide accommodations, and assist with return to work. In this session, we'll discuss the legal contours and ramifications of the ADA Amendments Act (ADAAA), as well as pragmatic solutions and resources for providing accommodations and return-to-work support.

#### SPEAKERS

**Kate Harri**  
Founder and President, MA, Licensed Psychologist, Working Solutions, LLC

**Dawn C. Van Tassel, JD**  
Founder, Van Tassel Law Firm

### 2C USERRA: SUPPORTING UNIFORMED SERVICES AND MILITARY FAMILIES

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is the most contrary of all leave laws — general principles that apply to other state and federal leaves of absence have no place under USERRA. In this session, we'll discuss how to comply with the law and manage its variety of complexities.

#### SPEAKERS

**Marti Cardi, JD**  
Vice President, Product Compliance, Matrix Absence Management, Inc

**Gail Cohen, JD**  
Director, Employment Law & Compliance, Matrix Absence Management, Inc

**"THIS CONFERENCE WAS VERY WELL ORGANIZED AND HAD GREAT SPEAKERS AND UP-TO-DATE INFORMATION. I LEFT WITH ACTIONABLE ITEMS THAT COULD BE IMMEDIATELY APPLIED TO MY ORGANIZATION."**

- 2019 CONFERENCE ATTENDEE

### 2D MASSACHUSETTS PFML: THE INS, OUTS, AND INTERSECTIONS WITH OTHER BENEFITS

As part of a sweeping trend, Massachusetts will become the sixth state to mandate paid family and medical leave benefits starting in 2021. In this session, we'll help you understand how the MA PFML will interact with leave under the FMLA, short-term disability benefits, and other paid time off and benefit programs and dive into how MA PFML compares to the other state paid family and medical leave laws.

#### SPEAKERS

**Bill Alpine**  
Director of the Department of Family and Medical Leave, Commonwealth of Massachusetts

**Michael Doheny, JD**  
General Counsel and Undersecretary of Labor, Executive Office of Labor and Workforce Development

**Jaclyn L. Kugell, JD**  
Partner, Morgan, Brown and Joy, LLP

**Abigail O'Connell, JD**  
Senior Counsel, Sun Life U.S.

### 2E SAFETY-SENSITIVE ROLES AND THE ADA

Is it ever appropriate to deny an accommodation for safety reasons? Can a bus driver who suffers from diabetic seizures or a surgeon with a bi-polar condition be entitled to ADA accommodation? In this session, we'll discuss court cases on these topics with results that might surprise you!

#### SPEAKER

**Ashlee Brennan, Esq**  
Senior Compliance Counsel, ReedGroup

**James Venable, JD, SPHR**  
Vice President of Employment Law, Absence & Accommodation Compliance, ReedGroup

*\*Sponsored session*

4:00-4:15 PM

## COMFORT BREAK



Choose from three different session formats during our final hour of the day.

4:15-5:15 PM

## REGIONAL ROUNDTABLE DISCUSSIONS

Join your regional peers for small-group discussions on hot topics in your geographic location. Share challenges, opportunities, and best practices from your organization's experience.

4:15-5:15 PM

## CONCURRENT SESSION: THE EMPLOYER STORY

### 3A REDEFINING ACCOMMODATIONS: WALMART'S CENTRAL INTAKE CALL-IN PROGRAM

In July 2018, WalMart implemented a Central Intake (CI) call-in process to replace its paper request form process. The change has resulted in a 30% increase in formal accommodation requests and provided heightened visibility to associates' accommodation needs. During this session, we will share how WalMart redirected its accommodation program and discuss how other organizations can look to enhance their programs.

#### SPEAKERS

##### Kirk Hancock

Accommodation Service Manager, WalMart Stores, Inc

##### Maggie Steuck

Sr Operations Manager, Sedgwick

#### MODERATOR

##### Herminio Vargas, Jr., MBA, MPA, JD

Program Manager - Integrated Absence Management, WalMart Stores, Inc

## ROUNDTABLE DISCUSSIONS

Choose to attend one or both of our scheduled roundtable discussions. On Tuesday, meet with your regional peers to discuss local and state concerns, and on Wednesday, select one of several challenging compliance topics to discuss in-depth.

## 2020 DMEC SOLUTIONS MARKETPLACE

The 2020 DMEC Compliance Conference Solutions Marketplace features sponsors and exhibitors with a wide range of solutions for your organization. This is your opportunity to see how their products and services work, take ideas back to your company, build new contacts, and discuss your specific needs. Representatives will be available to meet during breakfasts, lunches, and scheduled breaks. Be sure to seek them out!

## COMPLIANCE QUEST & GIVEAWAY

During the conference, you will be able to participate in DMEC's online scavenger hunt through the conference mobile app! Attendees will be given the opportunity to earn points by attending sessions & events, visiting exhibitors & sponsors, and much more. Stay at the top of the Compliance Quest leaderboard for a chance to win \$500 at the closing session (must be present to win).



## SHORT QUICK-DIVE SESSIONS

Interested in trying something new? Join us for our 25-minute, quick-dive sessions.

4:15-4:40 PM

### 3B NAVIGATING THE DIFFERENCES BETWEEN THE FMLA & THE ADA

In this session, we'll discuss the similarities and differences between the FMLA and the ADA. We'll walk through a side-by-side comparison of FMLA and ADA requirements to help you understand how and when these laws impact your employees, when the laws overlap, and best practices on managing those interactions.

#### SPEAKERS

##### Peter Fabiankovic, JD

Corporate Council, MetLife Group Benefits

##### Dan Iskra

Director, Group Disability Product Development & Management, MetLife Group Benefits

4:50-5:15 PM

### 3C 20 COMMON FMLA MISTAKES IN 25 MINUTES

As they say, the devil is in the details. During this practical session, we will highlight 20 FMLA mistakes you might not even know you are making, and we'll pinpoint some positive preventative strategies employers can implement to avoid making these mistakes.

#### SPEAKERS

##### Sheri Giger, JD, MS

Principal, Jackson Lewis, PC

##### David Mohl, JD

Principal, Jackson Lewis, PC

# WEDNESDAY

7:30-8:30 AM

## BREAKFAST & VISIT WITH EXHIBITORS

8:30-9:30 AM

### WHAT TO EXPECT WHEN YOU'RE EXPECTING . . . A VISIT FROM THE DOL

You've just received an email from a former employee with a laundry list of complaints around your organization's management of the Family and Medical Leave Act (FMLA). Your CEO and the Department of Labor (DOL) were included on the email. How do you navigate communications with the employee and how does the Wage and Hour Division (WHD), the enforcement authority for the FMLA, handle these claims? In this session, enjoy an open dialogue between a WHD FMLA expert and an experienced employer-consultant attorney as we discuss the best ways to be prepared well before you get that email.

#### SPEAKERS

**Helen M. Applewhite**

Branch Chief, Branch of FMLA and Other Labor Standards, Wage and Hour Division, US DOL

**Marti Cardi, JD**

Vice President, Product Compliance, Matrix Absence Management, Inc

9:30-10:00 AM

## COFFEE & CONVERSATION BREAK WITH EXHIBITORS

10:00-11:00 AM

### HOW TO PREPARE FOR A FMLA/ADA RETALIATION INVESTIGATION

How should employers approach a retaliation investigation? Responsiveness and documentation are key factors to arrive at the best outcome. In this session, we'll help you prepare for a potential investigation, learn the right questions to ask, and understand the steps involved during the investigative process.

#### SPEAKER

**James Venable, JD, SPHR**

Vice President of Employment Law, Absence & Accommodation Compliance, ReedGroup

**Sue Woods, Esq**

Senior Compliance Counsel, ReedGroup

"THE CONFERENCE WAS INCREDIBLY VALUABLE TO CHECK AND SEE IF OUR PROCESSES WERE IN ALIGNMENT WITH REGULATIONS, AND ALSO GET UPDATES AND BEST PRACTICES. THIS CONFERENCE WAS COMPLETELY WORTH THE COST, AND I DEFINITELY PLAN TO ATTEND MORE IN THE FUTURE."

- 2019 CONFERENCE ATTENDEE

11:00 AM-12:00 PM

### WHAT IS GOOD FAITH AND HOW DO YOU DEMONSTRATE IT?



Compliance requires getting the basics right, but how do you design and implement a culture that goes beyond compliance and promotes acceptance and civility? It requires thinking through all the communication "touch points" and shifting from a mindset of compliance to a truly interactive process (as the law intended). During this session, we'll explore how to view your disability compliance program through this lens to see where changes can be made for the better — for both the employer and employee.

#### SPEAKER

**Rachel A. Shaw, MBA**

President, Shaw HR Consulting, Inc

*\*Sponsored session*

12:00 -1:30 PM

## LUNCH & VISIT WITH EXHIBITORS

#### SPONSORED BY



1:30-2:30 PM

## CONCURRENT SESSIONS

*choose one*

### 4A FROM DAUNTING TO DOABLE: CONQUER DOCUMENTING ESSENTIAL JOB FUNCTIONS

Developing essential job functions is critical for proper administration of the FMLA and the ADA, but you may be unsure what exactly that means or how to approach developing them. In this session, we will address what essential job functions are, the legal reasons why they're so critical, and examples of how to best approach developing accurate job descriptions.

#### SPEAKERS

**Barb Aloni, MA, CDMS**

Disability and Productivity Consultant, The Standard

**David Mohl, JD**

Principal, Jackson Lewis, PC

*\*Sponsored session*

### 4B DEFENSIBLE DOCUMENTATION: CROSS THE T'S AND DOT THE I'S

You've likely heard the advice to document, document, document. But what does that really mean? In this session, we'll discuss how to more effectively document the interactive process from the beginning through the end of an accommodation request.

#### SPEAKER

**Tamika Newson, JD**

Assistant Vice President and Legal Counsel, Unum

**Danette Washum**

Manager, ADA Support Services, Unum





## 4C IS YOUR EMPLOYEE PHONING IT IN? THE COMINGS AND GOINGS OF REMOTE WORKERS & FLEXIBLE WORK SCHEDULES

In today's work culture, flexibility can be the hallmark of a positive environment. But there are limits to an employer's obligations, and not every role in an organization lends itself to this flexibility. During this session, we will discuss the not-so-obvious cases where employers, employees, the EEOC, and the courts have dealt with tricky situations around telecommuting, attendance, accommodations, intermittent leave, and more.

### SPEAKERS

#### Christy Traupe

Product Market Manager, Integrated Disability and Absence Management, FINEOS

#### Lori Welty, Esq

Absence Management Senior Compliance Attorney, FINEOS

*\*Sponsored session*

## 4D ULTIMATE ENGAGEMENT: PROGRAM INTEGRATION, THE ADA, AND CAREER MOBILITY CONSULTATION

In this session, we'll explore what drove Baystate Health System to implement a unique strategy around program integration, the Americans with Disabilities Act (ADA), and career mobility within the organization. We'll discuss their approach of providing an internal advocate to assist employees who need modified job responsibilities, share employee success stories, and explore the overall value of the integrated systems.

### PANEL SPEAKERS

#### Joe Barone, MSW, BCD

Employee ADA Case Manager, Baystate Health

#### Karen English, CPCU, ARM, MBA

Partner, Spring Consulting Group

#### Laura McCormick

Manager, Disability & Leave Management, Baystate Health

### MODERATOR

#### Teri Weber, ACI, PMP

Partner, Spring Consulting Group

## 4E TOOLS, TECHNIQUES, AND TECHNOLOGIES FOR DEVELOPING A DISABILITY COMPLIANT AND INCLUSIVE WORKPLACE



Increasingly, chronic health conditions and disabilities are becoming more common in the workplace, which means creating disability compliant and inclusive workplaces is a business imperative. In this session, we will share the most effective practices from employers known for being inclusive and share JAN's Workplace Accommodation Toolkit to give you applicable tools for workplace accommodations.

### SPEAKER

#### Linda Batiste, JD

Principal Consultant, Job Accommodation Network (JAN)

2:30-3:00 PM

## DESSERT BREAK WITH EXHIBITORS

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For full concurrent session descriptions and the latest updates, check out the online conference agenda.

[WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-AGENDA](http://WWW.DMEC.ORG/COMPLIANCE-CONFERENCE-AGENDA)

3:00-4:00 PM

## CONCURRENT SESSIONS

*choose one*

### 5A WEEDING THROUGH THE CHALLENGES OF MARIJUANA IN THE WORKPLACE

More states are legalizing marijuana, both for medical and recreational use, but it remains an illegal substance at the federal level. This poses significant challenges for employers. In this session, we'll take a deep dive into marijuana, its role as an alternative pain treatment for workers' compensation and disability claims, and the impact on workplace drug testing and zero-tolerance drug policies.

### SPEAKERS

#### Heather Luiz

Senior Vice President, Workforce Absence, Sedgwick

#### Meredith Simoneaux

Assistant General Counsel, Sedgwick

### 5B POST-IMPLEMENTATION PROGRAM INITIATIVES: MAXIMIZING EFFICIENCY GAINS OF YOUR LEAVE AND ADA SOLUTIONS

Whether you outsourced administration of your absence management program years ago or just recently went live with a technology tool for your leave and ADA administration, there is no time like the present to start capitalizing on the gains of your significant investment. In this session, we will provide a roadmap to determine and prioritize what comes next in building efficient, compliant practices that provide best in class service to their employees, managers, and HR teams.

### SPEAKERS

#### Patty Borst

National Practice Leader – Disability and Absence Management, The Partners Group

#### Brycie Repphun, CPDM

Account Executive – Total Absence Management, The Partners Group

### 5C BALANCING THE ADA WITH PERFORMANCE MANAGEMENT

Managing employee performance and conduct is crucial to an employer's business; however, when performance issues intertwine with a claimed disability, employers may be unsure as to how they can address the situation. This presentation will discuss approaches an employer can take to handle performance issues appropriately while ensuring compliance with the ADA.

### SPEAKER

#### Lisa Carlisle

Disability Management Coordinator, Henry Ford Health System

#### Janet Lee, JD

Counsel, Cigna

# WEDNESDAY

## 5D ARTIFICIAL INTELLIGENCE: THE OPPORTUNITIES AND RISKS



As technology evolves, artificial intelligence (AI) presents tremendous capabilities from creating a knowledge base of frequently asked employee questions to predictive analytics that can assist employers in managing absence. But AI also raises concerns about privacy, security, and profiling. In this panel discussion, we'll explore how to use AI effectively without crossing privacy and security lines.

### PANEL SPEAKERS

#### Dustin Goodwin

VP of Business Development, AI Blockchain Advisor

#### Chad Sharf

SVP, Development, AbsenceSoft

#### Michael Sonne, PhD

VP of Innovation and Research - MyAbilities

### MODERATOR

#### Seth Turner, MBA

VP, Business Development, AbsenceSoft

## 3:00-4:30 PM [90 MINUTE SESSION]

### 5E WINNING AT FMLA LEAVE CERTIFICATION

Family and Medical Leave Act (FMLA) regulations provide employers with an important tool to verify that an employee's leave request qualifies as FMLA leave: the FMLA leave certification process. But, along with the certification process provided for in the FMLA regulations, comes deadlines and "do's" and "don'ts" that can challenge even the most seasoned leave management professional. Join us for a closer look at FMLA leave certification, as we focus on how to get the information you need when you need it. Bring your questions, and we'll talk strategy!

### SPEAKERS

#### Helen M. Applewhaite

Branch Chief, Branch of FMLA and Other Labor Standards, Wage and Hour Division, US DOL

#### Gail Cohen, JD

Director, Employment Law & Compliance, Matrix Absence Management, Inc

### MODERATOR

#### Cheryl Jez

Regional Practice Leader, Reliance Standard

## 4:00-4:15 PM

## COMFORT BREAK

*Choose from three different session formats during our final hour of the day.*

## 4:15-5:15 PM

## COMPLIANCE ROUNDTABLE DISCUSSIONS

Join your peers for small-group discussions on complex compliance topics. Share challenges, opportunities, and best practices from your organization's experience.

## 4:15-5:15 PM

## CONCURRENT SESSION: THE EMPLOYER STORY

### 6A EMPLOYEE ENGAGEMENT WITH PAID FAMILY LEAVE

In this session, hear about Paychex's journey to create national supplemental paid family leave for all its employees. With a program that supports parents of over 400 babies born each year and employee caregivers, Paychex will share how they designed a program that aligns with the Family and Medical Leave Act, offsets state benefits, and is paid through the corporate payroll department.

### SPEAKERS

#### Marti Cardi, JD

Vice President, Product Compliance, Matrix Absence Management, Inc

#### Teresa Wesley, CPDM

Manager, Absence Mgmt & Safety, Paychex, Inc.

## SHORT QUICK-DIVE SESSIONS

Interested in trying something new? Join us for our 25-minute, quick-dive sessions.

## 4:15-4:40 PM

### 6B 10 EASY STEPS TO EARN HONORS IN ADA ACCOMMODATION COMPLIANCE

Most employers find trying to comply with the Americans with Disabilities Act (ADA) to be both scary and confusing. That is understandable because the rules regarding required ADA accommodations are unclear, ever-changing, and often conflicting. In this session, we'll discuss practical, easy-to-follow guidance and common-sense approaches that you can implement immediately and ensure compliance in your workforce.

### SPEAKERS

#### Abigail O'Connell, JD

Senior Counsel, Sun Life U.S.

#### Marjory Robertson, JD

AVP & Senior Counsel, Sun Life U.S.

## 4:50-5:15 PM

### 6C BEST PRACTICES IN COORDINATING THE FMLA & THE ADA

When building a compliant leave and disability program, it's important to understand when and how the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA) interact. In this session, we'll share insights on how the two laws overlap and best practices for coordination of the two laws.

### SPEAKERS

#### Peter Fabiankovic, JD

Corporate Council, MetLife Group Benefits

#### Dan Iskra

Director, Group Disability Product Development & Management, MetLife Group Benefits

## 6:00-7:30 PM HAPPY HOUR

Come mingle and relax with attendees and exhibitors after a full day of sessions. Enjoy complimentary drinks and nibbles during happy hour.

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# THURSDAY

7:30-8:30 AM

## BREAKFAST

8:30-9:30 AM

### RETURN TO WORK: EXPLORING EFFECTIVE & COMPLIANT SOLUTIONS

A return-to-work (RTW) program can be difficult to manage along with all of the other important tasks leave professionals and supervisors are responsible for handling each day. In this entertaining session, we will explore RTW options for occupational or nonoccupational injuries and illnesses and discuss how these options can assist employers in maintaining compliance and getting employees back to work. "Sheldon Cooper" and "The HR Director" will make a return appearance to discuss modified duty, the Americans with Disabilities Act, and the countless other questions that can surface during the course of these conversations.

#### SPEAKERS

**Bryon Bass, CLMS**

SVP, Disability and Absence Management Practice & Compliance, Sedgwick

**Kimberly T. Webb, JD**

Principal Consultant, Kimberly T. Webb Consulting

9:30-9:45 AM

## COFFEE & CONVERSATION BREAK

9:45-10:45 AM

### THE ADA: WHERE EMPLOYERS ARE GETTING IT RIGHT (AND WRONG)

Landmark cases such as Severson have given employers more tools for effectively managing Americans with Disabilities Act (ADA) leave; yet some employers are still missing the mark when it comes to avoiding ADA pitfalls. In this informative session, we'll talk about how employers have improved their ADA game and cover recent cases against employers, and what you can learn from their mistakes.

#### SPEAKERS

**Matt Morris, JD**

VP of FMLASource, ComPsych

**Rich Mrizek, JD**

Trial Attorney, EEOC

10:45 AM-12:00 PM

### ASK THE EXPERTS!

Our closing "Ask the Experts" session allows conference attendees to submit their most challenging questions to our panel of distinguished FMLA/ADA legal experts. You provide the uncensored questions, and they provide the unfiltered answers. This interactive discussion between attendees and panelists allows audience members to have their "real-world" questions answered by the specialists. Come prepared with your toughest questions and the most perplexing challenges faced by your company. And best of all, there will be no billable hours or consulting fees incurred!

#### PANEL SPEAKERS



**Francis P. Alvarez, JD**  
Principal, Jackson Lewis PC



**Alexis Knapp, JD**  
Shareholder, Littler Mendelson PC



**Jaclyn L. Kugell, JD**  
Partner, Morgan, Brown and Joy, LLP

12:00 PM

### CLOSING REMARKS & GRAND PRIZE GIVEAWAY

#### SPONSORED BY



12:00-12:30 PM

### CEU INFORMATION & QUESTIONS

**"THIS IS ONE OF THE BEST CONFERENCES I'VE ATTENDED. EVERY SESSION HAD GREAT SPEAKERS AND GOOD, PRACTICAL INFORMATION."**

- 2019 CONFERENCE ATTENDEE

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## 2020 DMEC

# FMLA/ADA EMPLOYER COMPLIANCE CONFERENCE

**MARCH** | **BOSTON, MA**  
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### LIMIT YOUR COMPANY'S FMLA & ADA RISK

- Get Ready: PFML Laws are Coming!
- FMLA/ADA Review: The Twists and Turns of Another Year
- How to Prepare for a FMLA/ADA Retaliation Investigation
- Mental Health and the ADA: A Blueprint for Management
- What Is Good Faith and How Do You Demonstrate It?

**SEE INSIDE FOR MORE ...**