



75th Annual NYU Conference on Labor & Employment Law: Reform for the Long Haul
With support of: Resolution Economics, HR Policy Association, APTMetrics
Day 1 - TUESDAY, May 23 2023

8:45 Breakfast & Registration

9:05 Welcoming Remarks by Faculty Director Samuel Estreicher (Dwight D. Opperman Professor of Law, NYU Law)

9:10 Morning Keynote Address: Chair Lauren McFerran (NLRB)
Introduction: Ronald Shechtman '72 (Pryor Cashman)

Morning Session Moderator: Raymond Nardo '90 (Raymond Nardo, PC)

10:00 Labor Law Reform for the Long Haul

Reforms to basic labor laws that may attract a significant consensus across party lines.

Speaker: Prof. Samuel Estreicher

Commentators: Richard Griffin (Bredhoff & Kaiser, Fmr. GC NLRB) and Roger King (HR Policy Association)

11:00 OFCCP Pay Equity Initiatives

OFCCP Policy Objectives: Diana S. Sen (Regional Dir., OFCCP, NE Region)

Introduction by Michael J. Gray (Jones Day)

Compliance Guidance & Skills Training to Address Pay Equity

Skills-based session covering self-monitoring requirements, scheduling letter changes, pay analysis methodologies, and audit walk throughs.

Speakers: Erin Connell (Orrick), and Rick Holt (Resolution Economics)

Commentator: Zoe Salzman '07 (Emery Celli)

12:20 Lunchtime Keynote Address: Elizabeth Wilkins (Dir. Office of Policy & Planning, FTC)

Introduction: Amy Traub (Baker Hostetler)

Afternoon Session Moderator: James M. Murphy '89 (Spivak Lipton)

1:30 Compliance Guidance & Skills Training II- Class Action Pay Equity Litigation & Risks

Skills session focusing on key issues that arise in typical class pay discrimination cases, including class certification and statistical evidence, discovery, job structure and risk management.

Speakers: Gurkan Ay (Resolution Economics), Nicole Eichberger (Proskauer), Christine Webber (Cohen Milstein), and Kathleen Lundquist (APTMetrics)

2:35 AI: Benefits and Risks of Automated Employment Decision Tools

An update on the use of AI in employment decisions: the benefits and challenges, and how to address potential discriminatory impact. How to address ChatGPT and other AI progress.

Speakers: EEOC Commissioner Keith Sonderling, Teri Wood (Jackson Lewis)

Commentators: Victoria Lipnic (Resolution Economics, fmr. EEOC Chair) and Shlomit Yanisky-Ravid (Fordham Law, Ono Law, Yale Law Professor Research Fellow, ISP)

3:40 FTC Proposed Rules on Non-Compete Clauses in Employment Contracts

An exploration of the new Federal Trade Commission proposal that would outlaw most non-compete clauses in employment contracts.

Speakers: Erika Ozer '97 (SVP, Deputy GC, Global Head of Labor & Employment Law, CBRE), Taylor M. Owings (Baker Botts, fmr. Counsel and US DOJ Antitrust Div.), and Mark Risk '84 (Mark Risk, P.C.)

Co-Commentators: Amy Shulman (Outten & Golden) and Amy Traub (Baker Hostetler)

4:45-6:30pm Reception hosted with support from:



Day 2 - WEDNESDAY MAY 24, 2023

8:30 Breakfast & Registration

8:55 Welcoming Remarks by Prof. Samuel Estreicher (NYU Law)

9:00 Keynote Address: US Solicitor of Labor Seema Nanda (US DOL)

Introduction: Patrick W. Shea (Paul Hastings)

Morning Session Moderator: Robert Whitman (Seyfarth Shaw)

9:45 Employment Law Reform for the Long Haul

Exploring basic employment discrimination and law reforms for the long haul that may attract consensus on both sides of the aisle.

(i) Employee Privacy as a Distinct Area of Privacy Law

Speaker: Prof. Matthew Bodie (University of Minn. Law), Commentator: Daniel P. Murphy (Deputy GC & SVP Labor Relations, Verizon)

(ii) Pregnancy and Abortion Work Protections Post-Dobbs

Speaker: Kate Mueiting (Sanford Heisler), Commentator: Holly Weiss (HWH Mediation)

(iii) Employment Law Reform

Speakers: Prof. Samuel Estreicher (NYU Law) and Prof. Rachel Arnow-Richman (UF Law),

Commentator: [Douglas T. Schwarz](#) (Morgan Lewis)

11:15 Addressing Hiring Discrimination Against Older and Disabled Workers, Former Incarcerated Individuals

Speakers: [Craig E. Leen](#) (K&L Gates, fmr. Dir. OFCCP); [Marjorie Mesidor](#) (Philipps & Assoc.)
Co-Commentators: [Troy Kessler](#) (Kessler Matura), [James Philbin](#) '92 (Philbin Law Firm, fmr. GC Maersk, Inc.)

12:10 Lunchtime Keynote Address: [Hon. Jennifer Abruzzo](#) (GC, NLRB)

Introduction: [Gerald T. Hathaway](#) (Faegre Drinker)

Afternoon Session Moderator: [Davida Perry](#) (Schwartz Perry & Heller)

1:10 Diversity, Equity & Inclusion Initiatives: Legal and Policy Issues

Speakers: [Michele Coyne](#) '95 (Kauff, McGuire & Margolis), [Martin Schmelkin](#) '94 (Schulte Roth & Zabel), and [Pearl Zuchlewski](#) (Kraus & Zuchlewski)
Moderator: [Prof. Dave Sherwyn](#) (Cornell Center for Innovative Hospitality Labor & Employment Relations)

2:10 Sectoral Solutions

On New Forms of Industry-Level Regulation With Lessons From the CA Fast Food Recovery Act

Speaker: [Prof. Cynthia Estlund](#) (NYU Law)

Commentators: [Jae Chun](#) (Friedman & Anspach) and [Zachary Fasman](#) (Fasman ADR, Michigan Law)

3:10 Implications of the Harvard and UNC Affirmative Action Cases at the Supreme Court

Exploring potential outcomes of these Supreme Court Cases and commensurate implications for employer workplace diversity initiatives.

Speakers: [Britney Noelle Torres](#) (Littler Mendelson) and [Alan M. Klinger](#) '81 (Stroock & Stroock & Lavan)
Co-Commentator: [Thomas H. Lee](#) (Fordham School of Law), [Terrance Nolan](#) LLM '82 (ADR professional, fmr. GC of NYU)

4:00 Concluding Remarks

Cooperating Organizations:



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