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FDR Training is the one place you can count on to hear directly from agency leaders. This year, more than any other, you need guidance from the experts, particularly from those at dispute resolution agencies. Some of these agencies have undergone dramatic changes. Others, not so much. What is happening at the Federal Labor Relations Authority, Merit Systems Protection Board, Office of Special Counsel, and Federal Mediation and Conciliation Service? What guidance and focus can we expect from these agencies this year and beyond? Find the answers to your most challenging questions and many more at the Agency Conversations.

**A Conversation With the FLRA**

James Abbott, Member, Federal Labor Relations Authority
Colleen Duffy Kiko, Chairman, Federal Labor Relations Authority

**A Conversation With the Special Counsel**

Bruce Fong, Associate Special Counsel, U.S. Office of Special Counsel
Moderator: Debra L. Roth, Partner, Shaw Bransford & Roth PC

**A Conversation With the MSPB**

Tristan Leavitt, General Counsel/Acting Chief Executive and Administrative Officer, U.S. Merit Systems Protection Board
Moderator: Debra L. Roth, Partner, Shaw Bransford & Roth PC

**A Conversation With OPM**

Michael Rigas, Acting Director, U.S. Office of Personnel Management

**A Conversation With the EEOC**

Carlton Hadden, Director, Office of Federal Operations, U.S. Equal Employment Opportunity Commission
Moderator: Patricia St. Clair, Assistant Director, Office of Federal Operations, Federal Sector Programs, Training and Outreach Division, U.S. Equal Employment Opportunity Commission

**A Conversation With the FMCS**

Richard Giacolone, Deputy Director/Director Nominee, Federal Mediation and Conciliation Service
Moderator: Denise McKenney, Commissioner, Federal Mediation and Conciliation Service

Have you been faced with a challenge that seemed insurmountable? Have you struggled to “get back to normal” after a significant setback or trauma? College athlete and Army veteran John Register was in that situation when his left leg was amputated after a life-altering sports accident. Yet just six years later, John won a silver medal at the Paralympics, and went on to become a thought leader on resiliency and sports. John will share four techniques you can use to overcome your life’s barriers and create a fulfilling “new normal.”

**Hurdling Adversity and Creating a New Normal**

John Register
Paralympic Silver Medalist, International Keynote and TEDx Speaker

Monday, Aug. 10 | 2 p.m. ET

Have you been faced with a challenge that seemed insurmountable? Have you struggled to “get back to normal” after a significant setback or trauma? College athlete and Army veteran John Register was in that situation when his left leg was amputated after a life-altering sports accident. Yet just six years later, John won a silver medal at the Paralympics, and went on to become a thought leader on resiliency and sports. John will share four techniques you can use to overcome your life’s barriers and create a fulfilling “new normal.”

INTERACT WITH JOHN REGISTER DURING HIS LIVE Q&A!

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Best Practices for Your EEO Office — Going From Good to Great

Saul Schwartz, Retired, EEO Director, Federal Deposit Insurance Corporation

As an experienced practitioner, you know your EEO office is generally compliant with the EEOC’s regulations and directives. But are you looking for opportunities to energize your efforts and make new headway in your road to a model EEO program? Join attorney Saul Schwartz for an eye-opening look at ways you can reach higher. He’ll discuss techniques for using metrics to track your various processes, including your reasonable accommodation activity. He’ll also outline multiple strategies for improving both internal and external relationships to make your office more dynamic from within and more relevant to other parts of your agency.

SESSION TAKEAWAYS
- Achieve greater accountability by tracking EEO workload at the formal and informal stages
- Improve relationships with senior management by promoting ideas for employee engagement aimed at diversity and inclusion, as well as by partnering with your procurement office
- Recognize how to effectively partner with EEO communities in other federal agencies and develop a more productive relationship with the EEOC

COVID-19 and Reasonable Accommodation: Adjusting to a New Reality

Gary Gilbert, President and Principal, Gilbert Employment Law, PC
Deryn Sumner, Managing Partner, Gilbert Employment Law, PC

Wednesday, Aug. 12 | 2:30 p.m. ET

The COVID-19 pandemic has changed the landscape of reasonable accommodation in a rapid and unprecedented manner, leaving those who work in disability law scrambling to catch up. In this live session, popular FDR speakers Gary Gilbert and Deryn Sumner will apply EEOC guidance and case law to current reasonable accommodation challenges to help you ensure that your agency complies with the law, no matter what the circumstances. Mr. Gilbert and Ms. Sumner will discuss how virus-related risks or a COVID-19 diagnosis could impact an employee’s rights and responsibilities. They’ll also explain why virus-related accommodations for individuals with disabilities may need to continue, when alternative accommodations could be appropriate, and how best to approach reasonable accommodation discussions.

SESSION TAKEAWAYS
- Articulate how COVID-19 considerations impact disability law
- Recognize that agencies must provide effective accommodations for employees with disabilities, not necessarily the accommodations requested
- Understand how pandemic telework may impact work-from-home as a reasonable accommodation option

Pregnancy Discrimination and Accommodation, Family Leave, and Lactation Rights

Debra D’Agostino, Founding Partner, The Federal Practice Group

Although pregnancy isn’t exactly an unusual condition, it does raise some complex issues in the workplace — especially when laws overlap. The Pregnancy Discrimination Act provides protection against disparate treatment based on pregnancy, childbirth, or related medical conditions. And, although pregnancy isn’t considered a disability under the Rehabilitation Act, some conditions related to pregnancy can be disabilities and therefore qualify for reasonable accommodation. Further, pregnancy and childbirth create FMLA rights, which can be tricky to administer. Attorney Debra D’Agostino will sort it all out for you. She’ll walk you through the applicable laws, point out where agencies can go astray, and leave you confident in your ability to respond properly to employee requests and rights related to pregnancy.

SESSION TAKEAWAYS
- Understand the FMLA and lactation rights of new mothers returning to work
- Recognize the employee rights provided by the Pregnancy Discrimination Act
- Explain why an agency might be required to reasonably accommodate a pregnant woman under the Rehabilitation Act

When Mixed and Unmixed Cases Collide: Best Practices for Processing Success

Joel Kravetz, Assistant Director of Complaints Management, Department of Justice

Mixed cases are challenging for practitioners. But that challenge is multiplied when a nonmixed case, such as a claim of discriminatory harassment involving performance issues, is amended to include an action appealable to the MSPB, such as a removal. Attorney Joel Kravetz will guide you through the complicated task of processing related mixed and unmixed cases separately. You’ll learn what information the EEO office should include in its written correspondence to the complainant, practical advice for providing ongoing EEO counseling, how to consolidate the investigations of the harassment and disparate treatment claims, and the review rights that attach to each claim.

SESSION TAKEAWAYS
- Recognize a combination mixed and unmixed claim can occur
- Identify best practices for EEO counselors and investigators to properly handle combination cases
- Learn nuts and bolts language practitioners can use to provide guidance to complainants who have standing to file claims with both the EEOC and the MSPB
Welcome to the 21st Century: Workplace Issues
Oliver Allen, CEO, Training & Development Strategies, LLC
Roslyn Brown, President/CEO, EEO Workplace Strategies

What happens when a female employee tweets about unhappiness with her male boss and agency officials learn of the tweet? Does the agency have an obligation to ask about possible harassment? Does the tweet meet notice requirements if a complaint is filed? From Twitter to Facebook, Instagram to LinkedIn, YouTube to Glassdoor, social media and the modern workplace is changing your EEO practice. In this informative session, Ms. Brown and Mr. Allen will take a close look at how potential EEO problems can arise in the modern workplace and offer solid guidance for addressing current issues. They will discuss strategies to consider when talking about race and implicit bias in the workplace, innovative approaches to conducting business “as usual” in a virtual environment, updating agency policies to include bystander responsibilities, and creative ways to begin the difficult task of changing organizational culture.

SESSION TAKEAWAYS
- Understand the way new technologies and social media impact the federal workplace
- Offer fresh input for your agency’s annual harassment prevention training and policies
- Help your leaders respond proactively to potential issues created by technology and recent events

Combating Harassment Through Personal Narratives
Dwayne Boyd, Senior Attorney, Office of Equal Employment Opportunity, U.S. Securities and Exchange Commission
Ilene Citrin, Senior Attorney, Office of Equal Employment Opportunity, U.S. Securities and Exchange Commission

The SEC’s innovative scenario-based harassment prevention training raises awareness of nuanced behaviors that could draw EEO complaints if allowed to continue. The program’s underlying premise, anyone and everyone is capable of offending, promotes a willingness to address and resolve offensive behavior promptly, without judgment, before it escalates. Join Mr. Boyd and Ms. Citrin as they skillfully guide you through real-life examples that highlight different perspectives.

SESSION TAKEAWAYS
- Experience a novel training methodology that raises awareness of potential offenses and values different perspectives
- Learn effective ways to engage your workforce in robust discussion of a topic that, for many, can be very difficult to initiate
- Help others embrace the notion that raising awareness is a lifelong journey, enabling us all to grow professionally and personally

To Dismiss or Not to Dismiss; That Is the Question
Joel Kravetz, Assistant Director of Complaints Management, Department of Justice

The EEOC’s regulations at 29 CFR 1614.107(a) outline the reasons to dismiss EEO allegations. But the significant number of dismissal decisions reversed by the EEOC indicates that the regulations can be difficult for agencies to apply. Attorney Joel Kravetz, a dismissal scholar and FDR favorite, will walk you through thorny dismissal scenarios. Citing EEOC regulations and case law, he’ll discuss why allegations should be accepted or dismissed. This session will focus on the more common dismissal grounds and highlight where practitioners can go wrong, as well as how to craft decisions that minimize the likelihood of being reversed.

SESSION TAKEAWAYS
- Apply the EEOC’s dismissal regulations with confidence to harassment allegations
- Recognize why retaliation claims must sometimes be treated differently
- Learn useful boilerplate that EEO offices can use to justify, strengthen, and solidify dismissals

Stop Standing Around! Bystander Intervention
Oliver Allen, CEO, Training & Development Strategies, LLC
Roslyn Brown, President/CEO, EEO Workplace Strategies

Discriminatory workplace harassment has been unlawful for more than 50 years, but it just doesn’t seem to go away. The EEOC’s Select Task Force Report on the Study of Harassment in the Workplace concludes that unless something different happens, this issue will never get better. The report recommends that employers explore new types of training to prevent harassment, including workplace civility and bystander intervention training. Join Ms. Brown and Mr. Allen as they explain how bystander intervention strategies and training, buttressed by agency policy, can counteract the bystander effect to do nothing — an approach that could be a game changer in your workplace.

SESSION TAKEAWAYS
- Learn bystander tips for interventions and strategies for dealing with micro-aggression, harassment, and bullying
- Understand how being a proactive bystander can protect targets of discrimination and discourage harassing behavior
- Explore effective intervention strategies that will help prevent future incidents
MSPB and Federal Circuit Case Law Update

Michael Bogdanow, Acting Director of Regional Operations, U.S. Merit Systems Protection Board
Ronald Weiss, Administrative Judge, Office of Regional Operations, U.S. Merit Systems Protection Board

During the past year, the MSPB lacked a quorum and was unable to issue final decisions on petitions for review, while regional offices continued to issue initial decisions. However, the Federal Circuit issued decisions that federal HR professionals and agency counsel should know, and the Supreme Court also issued a couple. Mr. Bogdanow and Mr. Weiss will discuss the significant rulings of the past year. The update will cover decisions affecting discipline, whistleblower protections, and due process rights. The discussion of the cases will provide you with a broad picture of the MSPB’s analytical processes regarding adverse actions, penalties, jurisdiction, settlements, and much more.

SESSION TAKEAWAYS
- Understand recent rulings that affect your practice
- Learn about MSPB analytical processes regarding common legal issues
- Identify trends in federal workplace litigation

EEO Case Law Update

Donald J. Names, Deputy Assistant General Counsel, Manpower & Reserve Affairs, Department of the Navy

Staying current with EEO case law is a tough challenge, especially when the EEOC and its Office of Federal Operations issue thousands of decisions each year. Mr. Names will guide you through the EEOC’s most critical decisions over the past year. You’ll come away with a thorough understanding of the most significant decisions, and Mr. Names always finds some cases that keep us entertained along the way!

SESSION TAKEAWAYS
- Identify trends in federal EEO litigation
- Explain the reasoning behind recent EEOC decisions
- Apply the lessons learned from recent cases that affect your practice

Arbitration of a Disciplinary Case

Peter Broida, Attorney, Publisher

Compared to MSPB and EEOC hearings, arbitration is a free-for-all. There’s often no discovery or established pre-hearing processes. There are potential jurisdictional issues involving elections of remedies. It can be a complex process. With proper planning, many arbitrations can be better structured and produce reasonable results with less wasted time. Join Mr. Broida as he reveals the keys to success in disciplinary case arbitrations.

SESSION TAKEAWAYS
- Learn how to research and select an arbitrator
- Understand how to structure key pre-hearing steps: discovery, motions, and evidentiary submissions
- Know what to expect during the first few minutes of the arbitration

Settlements After Executive Order 13839

Peter Broida, Attorney, Publisher
Jeff Rosenblum, Assistant General Counsel, Labor, Employment and Administration Section, Federal Deposit Insurance Corporation

This session will provide practical guidance on settlement negotiations, particularly in light of the requirements of Executive Order 13839. Mr. Broida and Mr. Rosenblum will focus on the purpose behind the EO, the effects of the EO, as well as what the EO covers and what it does not. In addition, you will learn settlement techniques and strategies, and explore ethical issues related to negotiating settlements.

SESSION TAKEAWAYS
- Understand the coverage and limitations of Executive Order 13839 on settlement agreements
- Gain a clear understanding of settlement agreements related to settlement negotiations
- Receive practical tips and creative solutions for settling matters
Advanced EEO Case Law Update

Donald J. Names, Deputy Assistant General Counsel, Manpower & Reserve Affairs, Department of the Navy
Deryn Sumner, Managing Partner, Gilbert Employment Law, PC

For those cases that caught your attention during the EEO Case Law Update (ATY3) and you want to hear more about, this in-depth session provides an opportunity to drill down on a selection of the most significant EEO cases of the past 12 months. Mr. Names and Ms. Sumner will identify the handful of cases you really need to know and explain how they impact your practice and agency.

SESSION TAKEAWAYS
- Understand the reasoning behind the EEOC’s most important recent decisions
- Learn how these cases impact your practice
- Hear the expert perspective provided by both agency counsel and complainant’s counsel

FLRA Case Law Update

J. Douglas Whitaker, Senior Attorney, Office of the Chief Counsel, Immigration and Customs Enforcement

Join federal labor relations expert Douglas Whitaker as he takes an in-depth look at the most important cases of the past 12 months issued by the Federal Labor Relations Authority and the courts. This session will focus on the impact of these recent rulings on your LR practice.

SESSION TAKEAWAYS
- Use recent FLRA decisions to evaluate your workplace policies for compliance
- Understand the impact of recent decisions on your agency and your practice
- Identify trends in federal labor relations litigation

Sex Discrimination Under Title VII: Sexual Orientation and Gender Identity

Shelley Kahn, Supervisory Attorney, U.S. Equal Employment Opportunity Commission

In June, the U.S. Supreme Court issued a historic decision finding that an adverse employment action based on the gender identity or sexual orientation of an employee is unlawful sex discrimination under Title VII. The decision, which addressed three termination cases and a split in the circuits, was consistent with the EEOC’s earlier decisions in this area, but the majority opinion discussed some potential future issues that federal practitioners will need to understand and anticipate. Join Shelley Kahn as she explains the facts of the cases, the Court’s reasoning, and how this crucial decision will impact your processing of LGBT claims.

SESSION TAKEAWAYS
- Understand why the Supreme Court ruled in favor of the employees in Bostock v. Clayton County, Georgia; Altitude Express, Inc., et al., v. Zarda; and Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission, et al.
- Learn how agencies should handle claims related to the rights of LGBT employees
- Identify facts that may give rise to LGBT claims of discrimination and resources for agencies to ensure proper treatment of LGBT employees

Legal Ethics Training

Peter Broida, Attorney, Publisher
Maxanne R. Witkin, Director, Office of Employment Discrimination Complaint Adjudication, Department of Veterans Affairs

Thursday, Aug. 13 | 2:30 p.m. ET

Join attorneys Maxanne Witkin and Peter Broida for a lively and timely discussion of attorney legal ethics geared specifically for federal government attorneys. A significant part of the session will focus on the challenges of legal practice in the age of COVID-19, including competency, communication, confidentiality, and maintaining lawyer well-being in a virtual work environment. Other topics include the ethical impact of discrimination by attorneys and dealing with an unrepresented complainant. Ms. Witkin and Mr. Broida will answer your questions in the live session.

SESSION TAKEAWAYS
- Understand the ethical obligation of technical competence
- Guard against confidentiality breaches presented when working virtually
- Discuss how best to approach litigation issues with a complainant who is not represented

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Be an HR Superhero: Rescue Managers From Common Hiring-Related Prohibited Personnel Practices

Anne Gullick, Chief, Dallas Field Office, Investigation/Prosecution, U.S. Office of Special Counsel

One of the many responsibilities of HR professionals is to provide managers with the guidance they need to avoid engaging in illegal hiring practices. This session will provide HR staff with the tools to guide managers through — and rescue them from, if necessary — the minefield of hiring-related prohibited personnel practices. Ms. Gullick will cover the statutory elements of the most common hiring PPPs. She will also identify ways to have difficult but constructive conversations with hiring officials by using everyday language to explain legal precedent, practicing communication techniques like active listening, and speaking truth to managers. Ms. Gullick will also focus on communicating with and influencing the gamut of managers, from first-line supervisors to top agency officials. Common hiring scenarios will be used to practice steering the hiring process out of the PPP danger zone.

SESSION TAKEAWAYS
- Identify the elements necessary to establish violations of 5 USC 2302(b)(4), (5), and (6)
- Spot common management practices that lead to hiring PPPs
- Learn tools and techniques to rescue managers from committing PPPs

HR’s New Virtual Reality: COVID-19 and Beyond

Jeri Buchholz, Former Chief Human Capital Officer, National Aeronautics and Space Administration

The COVID-19 pandemic has shown that federal agencies must have workforces that can accomplish the agency’s mission whether they are working in an office or from a remote location. Ms. Buchholz will provide HR staff with best practices and lessons learned on this new virtual reality. Find out how to promote a culture change that will enable you to take your HR programs to the next level, whether it’s hiring, performance management, or employee engagement.

SESSION TAKEAWAYS
- Create effective virtual HR programs
- Use peer-to-peer learning to promote virtual work
- Find creative ways to keep employees engaged when working remotely

The 2020 Election Season Is Here: What Every Federal Employee Needs to Know About the Hatch Act

Ana Galindo-Marrone, Chief, Hatch Act Unit, Office of Special Counsel

Do you know whether it is a Hatch Act violation to forward an email you received from a political party? Are you permitted to tweet your views about a candidate during your lunch break? How about inviting friends to a fundraiser? This fast-paced session will provide a detailed look at the prohibited and permitted activities under the Hatch Act, which governs the political activity of federal employees. Special attention will be placed on novel issues and emerging trends the Office of Special Counsel observed during and since the last election cycle, as well as recent disciplinary actions. Guidance will be provided on how agencies can promote a non-partisan work environment this year and beyond.

SESSION TAKEAWAYS
- Understand prohibited and permitted political activities to ensure compliance
- Identify Hatch Act issues arising from agency and employee participation on Facebook, Twitter, and other social media
- Analyze different situations involving political activity and apply the corresponding regulations

COVID-19: Leave and Attendance Issues

Barbara Haga, ER/LR Consultant; President, Federal HR Services, Inc.

Wednesday, Aug. 12 | 12 p.m. ET

The COVID-19 pandemic has disrupted the federal workplace in many ways, including employee attendance and use of leave. Leave expert Barbara Haga will guide you through the tough spots as agencies continue to confront pandemic-related issues. Emergency paid sick leave, medical exams, and return to work certifications will be covered. Ms. Haga also will discuss FMLA matters, including serious health conditions and medical certifications. The use of sick leave for communicable disease concerns will be explained. The session also will address the proper use of enforced leave.

SESSION TAKEAWAYS
- Understand and apply OPM and OMB pandemic guidance and DOL regulations on emergency paid sick leave
- Anticipate potential problems with sick employees and childcare issues
- Learn about the options available to resolve difficult leave and attendance issues

Breaking Through Barriers in the Federal Workplace

Tinisha Agramonte, Director, Office of Civil Rights, U.S. Department of Commerce

Thursday, Aug. 13 | 12 p.m. ET

Are you the first person in your family to graduate from college? Do you hire, mentor, work with, or report to colleagues who are the first in their families to work in a professional job? Building on her work for the First Generation Professionals Initiative, Ms. Agramonte will discuss the challenges faced by First Generation Professionals (FGPs) — those family trailblazers, from low-income and/or working class backgrounds, who are pursuing professional careers without the model of a parent or guardian who already successfully navigated that space.

SESSION TAKEAWAYS
- Identify common challenges to success faced by First Generation Professionals — recruitment bias, impostor syndrome, success guilt, networking skepticism, and more
- Recognize the valuable skills and traits FGPs bring to the workforce
- Create a welcoming and inclusive environment where FGPs thrive and successfully contribute to mission accomplishment

Legislative Update

Jessica Klement, Staff Vice President, Advocacy, National Active & Retired Federal Employees Association

A 2021 pay raise, civil service reform, federal retirement changes, and contentious labor relations. How has all this been affected by the coronavirus pandemic? What is really on the table regarding legislative changes to the federal workplace — and what is rhetoric? Hear about the latest developments in all things civil service — what’s been proposed, what is expected to be proposed, and what’s likely to pass.
Avoiding Litigation While Ensuring Integrity of Personnel Files

Robert Erbe, Attorney, Law Office of Robert P. Erbe, PLLC
Stephen Mish, Chief Administrative Judge, Denver Field Office, U.S. Merit Systems Protection Board

Section 5 of Executive Order 13839 and proposed OPM regulations prohibit agencies from erasing, removing, or altering any information from an official personnel file to settle an informal or formal challenge or an administrative action. Additionally, 5 USC 3322 requires agencies to make a permanent notation in an employee’s personnel file of adverse findings if an employee resigns from federal service in lieu of removal. These two provisions are causing headaches for agencies in avoiding litigation through low-cost settlements. Come learn the pros and cons of clean record settlement provisions as well as the various ways agencies are complying with these legal restrictions while at the same time reaching a settlement agreement.

**SESSION TAKEAWAYS**

- Understand the interplay between Section 5 of EO 13839 and 5 USC 3322 and how they impact clean record provisions
- Learn how MSPB administrative judges handle settlement agreements that contain clean record settlement provisions
- Identify ways to resolve personnel complaints while complying with the legal restrictions on clean record provisions

COVID-19 and Discipline Issues

Barbara Haga, E/R/LR Consultant; President, Federal HR Services, Inc.

The disruption to the federal workplace caused by COVID-19 has resulted in difficult employee situations that may require discipline. This session will help you anticipate problems and be ready to handle them appropriately. Ms. Haga will consider various scenarios that may arise and provide HR practitioners with the tools to deal with them successfully. Potential problems include employees refusing to use personal protective equipment, to have their temperatures taken, to return to the workplace when they have symptoms of the virus, and to avoid the workplace when they have symptoms of the virus.

**SESSION TAKEAWAYS**

- Recognize pandemic-related issues that trigger negative employee reactions and proactively formulate plans to head off these difficult situations
- Understand the elements of discipline and particular charges that will need to be proven if disciplinary action is taken
- Prepare to take appropriate disciplinary action when warranted

Documenting the Douglas Factors: When, Why, and How

Robert Erbe, Attorney, Law Office of Robert P. Erbe, PLLC
Ronald Weiss, Administrative Judge, Office of Regional Operations, U.S. Merit Systems Protection Board

The Douglas factors have been around for almost 40 years yet agencies have various ways to document that the deciding official consciously considered them. Some agencies have both the proposing and deciding official consider the factors, while other agencies limit the review to the deciding official. Some agencies complete a separate Douglas factor worksheet, while others either issue a bare-boned decision letter or incorporate all the factors into the decision letters. Agencies also simply have a deciding official “adopt” a proposing official’s Douglas factors. Mr. Erbe and Mr. Weiss will discuss the pros and cons of the various approaches. In addition, you will hear which approach is more effective and which can result in a due process violation.

**SESSION TAKEAWAYS**

- Learn the best way to document the Douglas factors to obtain maximum deference
- Understand the cost/benefit analysis in having the proposing official consider the Douglas factors
- Know how to consciously consider the Douglas factors while at the same time avoiding a fatal due process violation

Emergency and Post-Emergency Issues in LR: Pandemics and More

Joseph Schimansky, Mediator/Arbitrator, Former Executive Director, Federal Service Impasses Panel

We are in the midst of a global pandemic, and other emergencies — natural or man-made — will doubtless arise in the future. When emergencies do arise, agencies can take whatever actions may be necessary to carry out their missions, including unilateral action. Once the emergency is over, however, federal employee unions will likely want to conduct post-implementation bargaining over a host of issues and grieve other matters. In this informative session, Mr. Schimansky will cover the issues most likely to be grieved and to be the subject of post-implementation bargaining. You also will learn effective strategies to help improve the parties’ relationship and reduce the tensions that inevitably flare in an emergency situation.

**SESSION TAKEAWAYS**

- Understand the extent of agencies’ bargaining obligations in an emergency and post-emergency environment
- Identify which issues are likely to be of most importance to unions in properly safeguarding and compensating employees
- Recognize the importance of a positive labor-management relationship before bargaining proposals and grievances are submitted

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Promoting the Efficiency of the Service Consistent With EO 13839, OPM Guidance, and Proposed OPM Rules

Robert Erbe, Attorney, Law Office of Robert P. Erbe, PLLC
Sara Snyder, Regional Director, Western Regional Office, U.S. Merit Systems Protection Board

Mr. Erbe and Ms. Snyder will walk you through the adverse action process while focusing on changes ushered in by Executive Order 13839, OPM guidance on comparator employees and agency tables of penalties, and OPM proposed rules that would amend the procedures for processing disciplinary and adverse actions. This informative session will cover charging, nexus, administrative leave/duty, due process issues, and applying the Douglas factors under the new OPM Guidance.

SESSION TAKEAWAYS
• Understand how changes in the past two years affect processing disciplinary/adverse actions
• Identify solutions to the major problems that arise in processing a disciplinary/adverse action
• Implement efficiencies that won’t jeopardize the quality of the adverse action

Understanding Veterans’ Appeals Under USERRA and VEOA

Michael Bogdanow, Acting Director of Regional Operations, U.S. Merit Systems Protection Board
Richard Vitaris, Retired, Administrative Judge, Atlanta Office, U.S. Merit Systems Protection Board

This session is a nuts and bolts introduction to veterans’ appeals under USERRA and VEOA. Mr. Vitaris and Mr. Bogdanow will explain the types of claims that service members and veterans may bring under these statutes, including discrimination based on military status, violation of reemployment rights, and non-selection for job vacancies. They also will break down the elements for proving USERRA and VEOA claims, enabling LR/ER professionals to better advise supervisors and managers on handling matters involving service members and veterans. The unique exhaustion requirements and time limits for USERRA and VEOA appeals will be covered as well.

SESSION TAKEAWAYS
• Recognize the types of claims which an employee or applicant can bring to the MSPB under USERRA and VEOA
• Learn the elements of proof required for USERRA discrimination claims, restoration to duty claims, and VEOA non-selection claims
• Understand the impact of Butterbaugh on the calculation of military leave and how miscalculation can give rise to USERRA claims

Involuntary Separations: What Practitioners Need to Know

Barbara Haga, ER/LR Consultant; President, Federal HR Services, Inc.

Designed for HR, ER and LR practitioners who advise managers on disciplinary and performance-based actions, this session will prepare you to deal with resignations and retirements and how such actions may be entangled with adverse actions and other related situations. Ms. Haga will also cover attempts to withdraw retirements and resignations after they’ve been submitted and what the agency may do in these situations. You will learn about what makes a resignation or retirement voluntary and how to avoid the costly error of having an action found involuntary by the MSPB. Requirements for annotating findings on separations will also be addressed.

SESSION TAKEAWAYS
• Learn how OPM regulations apply to processing resignations and retirements, including recording reasons for separations and annotating findings
• Identify the regulatory requirements related to withdrawal of resignations and retirements and how the MSPB has ruled on such issues
• Understand issues such as coercion and unbearable working conditions as they apply to involuntary separation cases

MSPB Web-based Hearings: Best Practices for the ‘New Normal’

Samantha Black, Administrative Judge, Denver Field Office, U.S. Merit Systems Protection Board
Stephen Mish, Chief Administrative Judge, Denver Field Office, U.S. Merit Systems Protection Board
Sara Snyder, Regional Director, Western Regional Office, U.S. Merit Systems Protection Board

Web-based hearings conducted through various video conferencing programs will be a part of the “new normal” for the near future, and likely beyond, for many types of legal proceedings. The MSPB was quick to embrace this new technology for hearings, and it has learned some universal lessons which apply regardless of the specific program being used or the specific forum in which a case will be tried. This presentation will help you become more comfortable and adept as you prepare to conduct hearings in a new, virtual environment.

SESSION TAKEAWAYS
• Learn how to prepare for web-based hearings
• Explore ways to plan for unique web-based contingencies
• Recognize how to transfer standard advocacy skills to hearings with changed technology
Curbing Conflict Avoidance

**ADR1**

**Tuesday, Aug. 11 | 12 p.m. ET**

Ninety-five percent of an organization’s workforce struggles to speak up to their colleagues about their concerns. As a result, they engage in resource-sapping avoidance tactics including ruminating excessively about crucial issues, complaining, getting angry, doing unnecessary work, and avoiding the other person altogether. In extreme cases, the agency’s bottom line is hit especially hard. A shocking 8 percent of employees estimate their avoidance has cost their organization more than $10,000. And 1 in 20 estimate that over the course of a drawn-out silent conflict, they waste time ruminating about the problem for more than six months. This session will show you how to address conflict avoidance and nip it in the bud.

### **SESSION TAKEAWAYS**

- Understand how conflict avoidance costs your agency money and time
- Identify crucial moments, the kind people tend to avoid discussing and handling
- Address workplace conflict in a way that produces results and improves relationships

**How to Build ADR Programs for Non-EEO Matters**

**ADR2**

**Victor Voloshin, Chief Mediation Officer, Equal Employment Opportunity Commission**

Federal agencies are required to establish ADR approaches within the EEO process. But why limit the potential for settling workplace conflicts in a constructive manner? Come learn how to expand your ADR programs beyond the EEO arena. Using his experience helping other agencies design and improve their workplace ADR programs, Mr. Voloshin will explain the elements that are crucial to support a broader ADR program. You’ll also learn about the key decisions agencies must make about which issues should be covered by such a program and which should not.

### **SESSION TAKEAWAYS**

- Identify the principles that should guide the design of an expanded ADR program
- Understand how best to avoid conflicts of interest in designing such programs
- Recognize how to communicate to employees about the broadened ADR program and its coverage

**Maybe It IS Me!**

**ADR3**

**Denise McKenney, Commissioner, Federal Mediation and Conciliation Service**

Have you ever been a party to a workplace dispute or issue that seemed intractable? As easy as it is to blame others, perhaps we contribute to problems in ways we cannot see. This session will help you distinguish between systemic and personal dynamics, and explore how we unknowingly exacerbate and escalate situations. Ms. McKenney and Mr. Swanson will focus on identifying these situations and on providing insight, skills and guidance in effectively navigating both.

### **SESSION TAKEAWAYS**

- Identify differences between systemic and personality driven conflicts
- Understand the costs to organizations and staff brought on by difficult behaviors
- Recognize how you may be contributing to the conflict and learn skills for self-management

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**Navigate the COVID-19 Pandemic With cyberFEDS®**

**CF1**

**Kelly Whiting, Customer Relationship Manager, LRP Publications**

The COVID-19 pandemic has triggered a flood of legislation, regulations, and guidance affecting federal agencies. In this session, we’ll take a close look at the pandemic-related resources available on cyberFEDS®. Using the Coronavirus (COVID-19) Roundup as our base, we will explore policy and guidance issued by OPM, OMB, EEOC, CDC, OSHA, and other agencies; the Families First Coronavirus Response Act and other related bills; and DOL’s temporary regulations governing emergency paid sick leave and expanded FMLA for Title I employees. We’ll also take a look at articles, charts, Checklists Plus, and other resources created by cyberFEDS® editors and contributors to help practitioners navigate the waters as federal employees return to the workplace and adjust to the “new normal.”

**Making Disciplinary Actions Stick With cyberFEDS® and Retired MSPB**

**CF2**

**AJ Richard Vitaris**

Seth Supran, cyberFEDS® Editorial Director, LRP Publications

Richard Vitaris, Retired, Administrative Judge, Atlanta Office, U.S. Merit Systems Protection Board

From documentation, to properly labeling charges, to selecting the appropriate penalty, there are many steps an agency needs to consider in building a winning case of discipline. A single misstep along the way can undermine the agency’s ability to succeed. With the help of retired MSPB administrative judge Richard Vitaris, we will show you how cyberFEDS® provides you with the tools you need to take proper action and build a disciplinary case from the ground up.

**Become a cyberFEDS® Search Guru**

**CF3**

**Kelly Whiting, Customer Relationship Manager, LRP Publications**

In this session you’ll discover how to develop searches that locate just what you need in less time so you can work more efficiently. Become a cyberFEDS® search expert by learning shortcuts to find specific documents and on-point case law, plus how to use simple searches, operators, and wildcards as well as advanced searches and complex phrases.

www.FDRtraining.com
Individual Registration Rate

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The Full Training Pass includes attendance at live sessions, and access to recorded sessions and program materials.

Cancellation Policy: Registrant substitutions may be made at any time with no penalty. Cancellations received in writing on or before July 10, 2020, will receive a refund minus an administrative fee of $250. Please email any requests for refunds or substitutions to conferences@lrp.com. Cancellations received after July 10 will not be refunded. Unpaid cancellations for the training will be billed for the appropriate fee. No-show registrants will not be refunded. LRP reserves the right to cancel the event due to lack of registrations. In case of event cancellation, LRP’s liability is limited to the refund of the registration fee only. LRP reserves the right to alter this program without prior notice.

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Deep discounts are available on registrations for teams of 3 or more, making it affordable for your whole staff to attend.

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Team rates cannot be combined with any other discount offer. To receive team rates, you must submit a minimum of 3 registrations together. No refunds will be given for discounts not taken at time of registration. Email conferences@lrp.com with questions on the team registration process.

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