

ANNUAL LABOR & EMPLOYMENT LAW WORKSHOP

Oceans OF OPPORTUNITY

RIDING THE NEW WAVE
OF EMPLOYMENT LAW



CONSTANGY
BROOKS, SMITH &
PROPHETE LLP

WEDNESDAY | FEBRUARY 16, 2022
TAMPA CONVENTION CENTER
TAMPA, FLORIDA



General Info

Just like the perfect vacation, planning a successful workplace requires significant forethought and consideration. After the past year, however, your trusty packing list and travel guide may have left you ill-equipped to navigate the significant changes in the landscape of human resources and employment law. Now, more than ever, it is therefore critical for legal counsel, human resource professionals and business owners to stay abreast of the latest rules and regulations to lead their companies to their desired destinations. Please join us at the Constangy, Brooks, Smith & Prophete 2022 employment law seminar, where you will hear all of the latest information and much needed practical advice. This in-person, day-long event offers 11 informative sessions that will cover all of the latest information and practical advice needed to plan ahead, arrive safely at your desired destination, and ride the new wave of employment law with confidence.

The Constangy, Brooks, Smith & Prophete, LLP Labor & Employment Law Workshop is an interactive program designed for human resource professionals, corporate counsel, supervisors and managers, and business owners. The program includes a seminar manual, as well as a continental breakfast, lunch, and cocktail reception at the end of the day. The seminar is a cost-effective opportunity to get answers to your specific questions and targeted practical advice from our employment lawyers. Participants in previous years' programs have told us that this is the most valuable seminar they attend all year.

Registration

Please register at <https://www.constangy.com/eventsrsvp-450> or by emailing Kristina Meleshko at kmeleshko@constangy.com. The cost is \$225 per person for the first registrant from a company and \$200 for each additional person from that company.

Accommodations

For a listing of nearby hotels, please contact Kristina Meleshko at 813.222.1359 or kmeleshko@constangy.com.

Continuing Education Credit

This program has been submitted for CLE hours and is pending approval for 5.25 hours for HRCI and 6 hours of SHRM credits.

Agenda

8:00–8:30 | **The Welcome Party (Registration and Continental Breakfast)**

8:30–8:45 | **Introduction**

8:45–10:00 | **Bon Voyage: Recent Developments in Employment Law**

As we venture into the unknown waters of a post-pandemic employment world, it will not always be smooth sailing. Therefore, employers must be able to adapt to changing seas. To assist us on this voyage, the presentation will focus on recent court cases, regulatory changes and the direction of government agencies under the new administration.



Smuggler's Cove: Managing Marijuana, Alcohol, and Mental Health Issues

Employers may feel like they are flying into the Bermuda Triangle when trying to deal with employee mental health and substance abuse issues. No doubt, the tide is rising for employers who are caught in a rip tide caused by the increase in employees' use of prescription pills, medical marijuana, and alcohol. It is imperative that employers have appropriate policies in place to deal with the growing mental health and substance abuse issues. In this session, we will visit the challenging issues employers face relating to legal marijuana use, the development of drug-free workplace policies, and how to implement effective drug testing policies. We will also help employers navigate the rough waters relating to the discipline or accommodations necessary to address employees with mental health issues, so everyone can arrive safely back on land.

Shark Tales: Secrets from a Workers' Compensation Attorney

There are a lot of sharks, aka work comp claimant lawyers, in the ocean. Sometimes the work injury is just a goldfish, but an aggressive claimant lawyer can use that to create a treasure chest of gold. There are ways that you can protect your fish from the sharks. This session will focus on how a common sense, injury focused strategy can keep your claims from becoming whales.

Smooth Sailing: Navigating Your Benefits During Turbulent Times

The changing tides of a new administration coupled with a deluge of pandemic-related benefits issues have left many employers in uncharted waters. Are you drowning in uncertainty with a tidal wave of benefit plan changes, hoping for rescue in the form of additional guidance, or swept away in waves of increasing benefits costs? Join us for this

informative session where we will discuss the current status of the various benefit plan issues arising from the pandemic, anticipated benefits changes on the horizon, and the required steps and best practices to enjoy compliance paradise.

11:15–11:30 | **Recharge Your Batteries (Coffee Break)**



From Tourist to Local: Addressing Advanced FMLA Issues Head On

The COVID-19 pandemic and the country's recovery have created waves of change in the way we work, not the least of which is the need for time off from work resulting from employee and family illnesses or child care issues. The Family & Medical Leave Act has evolved during the pandemic, including new provisions for paid leave. With the changes come new challenges for employers in administering the FMLA. Is an employee working from home eligible for FMLA leave? What do we do with employees who continue to have child care issues even though schools and day cares have reopened? How do we deal with FMLA abuse in a post-pandemic environment? This interactive session will deal with and help you tackle these and other difficult FMLA problems.

The All-Inclusive Package: Fostering Diversity, Equity and Inclusion in the New Era

Travel is rooted in shared experiences and understandings, exposing us to different cultures, history, perspectives and, most importantly, people. In recent years, companies have recognized the value that these shared experiences and connections bring to the workplace and have embraced diversity, equity and inclusion (DEI) as an important and necessary part of their business culture. As we've witnessed, however, even highly motivated companies with the best intentions often struggle to create effective and legally compliant initiatives, reminding us all that DEI is a journey, not a destination. Intended as a travel guide for companies at all stages of this journey, this session will explore the current landscape of DEI in the workplace, provide clear steps for implementing strategies that are effective, sustainable, and legally compliant, and prepare you to handle the inherent roadblocks and barriers along the way.

How the Tides Have Turned: Collective Bargaining and Unions under the Biden Administration

Grab your scuba gear for a deep dive into the Biden era labor law. From the coastline to the deep sea, we will explore changes that have already occurred, probe into initiatives just around the corner, and map out what to expect next from the NLRB and unions under

the current administration. Unionized or not, all employers are encouraged to join this engaging and informative session, which will provide practical guidance for navigating deep sea encounters with NLRB issues back on shore.

12:30–1:40 | **Beach Bum Café (Lunch)**

1:45–3:00 | **Beach Party Bingo**

Join us for this interactive session where we will cover important topics such as workplace harassment, whistleblower laws, the Fair Labor Standards Act and more. This session will identify problems and offer practical solutions that will benefit every organization.

3:00–3:15 | **The Snack Shack (Break)**



Tourist Traps: Top 10 Pitfalls to Avoid Being Sued

The cost of employment litigation continues to escalate at the same time as plaintiffs' lawyers are finding novel new claims to assert against employers; agencies are imposing new employer obligations; and courts are finding violations on issues where previously they did not. This session will focus on identifying the common sand traps awaiting employers who make a single misstep, and creating strategies to avoid disaster.

Message in a Bottle: Perfecting Your Documentation to Avoid Risk Back Home

As every sailor knows, the crew must be prepared for whatever the seven seas may hold. Employers are no different. They must be equipped with the right tools to minimize the risks posed by an employee's lawsuit or charge of discrimination. This presentation will focus on best practices for effectively maintaining a personnel file in the digital age, documenting performance issues and detailing termination decisions to ensure your ship can sail smoothly.

Alone on a Deserted Island: Managing Remote Work

Just because your employees may be working from a deserted island does not mean they are no longer part of the crew. As many employers have transitioned to remote work, on either a full time or part time basis, the legal and practical issues surrounding remote work need to be explored. This session will examine some of the concerns associated with remote work, including wage and hour issues, necessary policies and accommodations. In addition, we will explore best practices as it relates to supervising workers from afar, including discharge, discipline and team building.

4:30–5:30 | It's Tiki Time (Cocktail Party)

