

# CONSTANGY'S WorldCup

GLOBAL SOLUTIONS FOR EVERYDAY EMPLOYMENT ISSUES



**40** YEAR  
ANNIVERSARY

**Jacksonville Annual Labor &  
Employment Law Workshop**



**CONSTANGY  
BROOKS, SMITH &  
PROPHETE LLP**

**Ponte Vedra Inn & Club  
Ponte Vedra Beach, FL  
Thursday, June 9, 2022**



## General Info

Employers continue to grapple with changes and challenges in the labor and employment law arena. The past year has presented employers with even more daunting challenges, as they have been faced with administrative orders, and state and federal legislation that at times were inconsistent and, at other times, directly contradictory. Employers are emerging from the COVID-19 pandemic with a new understanding of how work is accomplished and are now turning their attention towards returning employees to the office and worksites in this "new normal." Almost every manner of how employers conduct business has been affected by COVID-19. Thus, it is crucial for employers to keep abreast of legislation, executive orders, judicial decisions, and other developments impacting their businesses. For 40 years, the Jacksonville office of Constangy has provided clients and guests with an annual event which focuses on new developments and trends in an atmosphere that encourages open dialogue and the exchange of ideas. As always, we will provide a host of expert presenters who will speak on a wide range of labor and employment law topics. Register now to join us for Constangy's upcoming 2022 Labor & Employment Law Workshop!

## Location

Ponte Vedra Inn & Club, 200 Ponte Vedra Blvd. Ponte Vedra Beach, FL 32082

## Registration

Please register at [www.constangy.com](http://www.constangy.com). The fee for this full day program is \$225 for each attendee. The fee includes all reference materials, continental breakfast, lunch, cocktail reception, and parking.

## Accommodations

Space may be available at the Ponte Vedra Inn & Club, located at 200 Ponte Vedra Blvd., Point Vedra Beach, FL 32082 (866) 748-8083; or Hampton Inn & Suites, located at 1220 Marsh Landing Pkwy., Jacksonville Beach, FL 32250 (904) 280-9101.

## Continuing Education Credit

This program has been submitted for CLE hours and is pending approval for 5 hours for HRCI and 6 hours of SHRM credits.



## Agenda

### 8:40–9:40 | **Let the Games Begin: Recent Developments** | Damon Kitchen

There have been many new legal developments in the world of labor and employment law since our Workshop last fall. In order to not only stay in the game, but emerge a winner, business owners and human resources professionals need to familiarize themselves with these new legal developments, otherwise they can face serious consequences. In this portion of the program, we discuss a host of legal developments and challenges involving COVID-19, at both the state and federal levels, as well a variety of other laws, rules, regulations, and important court decisions that are affecting employers and their businesses in 2022.

### 9:45-10:45 | First Breakout Session

#### **Selecting the Right Players for Your Team: Lawful Use of Race and Gender in the Selection Process** | Cara Crotty

Employers are creative and strategic when it comes to increasing workforce diversity. Sometimes, however, that creativity — and the motivation to “move the needle” on diversity metrics — can create unintended consequences. There are two competing notions at play here: the legal requirement to make employment decisions that are not based on protected characteristics and the desire to ensure underrepresented groups are fully considered in the employment process. How can employers do the latter without violating the former? This session will review the legal landscape that employers promoting DEI must navigate to ensure compliance with non-discrimination laws. We will also outline how employers can lawfully implement race and gender-conscious measures that do not violate these EEO principles.

#### **Following the Rules When the Rules are Changing: Offering Competitive and Compliant Benefit Plans** | Dana Thrasher

Developing and maintaining competitive benefit plans to recruit and retain the best team members has never been more complicated! As you attempt to build and maintain the most skilled and satisfied team of employees, you also must navigate the course of challenging and changing benefits compliance rules. We will discuss changes made and proposed by the new administration and well as special detours and roadblocks for benefits that continue to interrupt the normal course due to the pandemic. We will focus on motivating the team while “going for the gold” to get the best value for the time and money spent on benefits.

#### **Paying the Players: Wage and Hour Update** | Ellen Kearns

Defenders, midfielders and forwards all contribute to the success of a World Cup winner. So too does following updated wage and hour issues keep a company out of court. This year's updates include—compensability of COVID-19 policies including testing, minimum wage increases around the country, the use of financial bonuses to entice employee hiring, crypto currency paychecks and the FLSA, arbitrating wage and hour claims, the ABC test and franchise businesses and more.



### **Holding a Proper Tryout: Best Practices for the Pre-Hire Process | Jadie Mims**

Building a winning team is a delicate process in any field, and the importance of recruitment and proper handling of the pre-hire process cannot be emphasized enough. In this session, we will take a comprehensive look at legal issues affecting different stages of employee hiring, from applications to background checks to drug testing, and explore ways employers can streamline their recruitment and pre-hire processes to field the best team possible.

### **11:00-12:00 | Second Breakout Session**

#### **Scouting for International Talent: Immigration Update | Penni Bradshaw**

Employers are increasingly finding that some of the most talented/highly-skilled candidates are foreign workers, often those who have come to the US to pursue advanced degrees. This session will explore issues related to hiring and retaining the best foreign team members, from OPT work cards to H-1B work visas to green card sponsorships. We will also consider issues relating to employing foreign nationals working from abroad because of the pandemic. Lastly, we'll have an update on I-9 compliance issues and other immigration-related challenges for today's employers.

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#### **Same Drill, New Field: Teleworking and Remote Working Issues | Meg Zabijaka**

Teleworking and remote work have become more of the norm, as employers have learned to adjust to remote work needs. In this session, we will discuss the legal implications of telework and remote work arrangements, best practices for allowing remote work, and policy considerations.

#### **In and Out of Play: Managing FMLA and Other Leave Issues | Lori Mans**

Understanding the playing field when it comes to leave issues under the FMLA and other laws has never been more important. In this session, we will discuss difficult leave eligibility issues, common issues with medical documentation, how remote work may impact leave obligations, and options for rooting out leave abuse.

### **12:00-1:00 | Lunch**

### **1:00-2:00 | Skit**



### 2:10-3:10 | Third Breakout Session

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#### **Adjusting to the Tournament Rules: Reasonable Accommodation Requirements under the ADA and Title VII | Gary Wheeler**

Preparing to win the next game requires the best teams to not only focus on the opponent but on your own team's strengths and weaknesses. Similarly, challenges posed by ADA and Title VII accommodation requirements involve an in-depth understanding of both external risks and legal responsibilities and of internal resources and organizational challenges which will be explored in this session.

#### **Blowing the Whistle: Protection for Employees Who Saw (or Think They Saw) a Foul | Jesse Bannon**

In this session, we will review state and federal laws providing whistleblower protection, what to do and not do when an employee reports a violation of law, and practical advice on how to move on after an employee has blown the whistle.

#### **Premier League: Public Sector Update | Lori Mans**

Given the unique issues they face, governmental employers are often in a league of their own when it comes to evaluating labor and employment obligations. Designed specifically for public sector governmental employers, this session will review significant updates in the areas of collective bargaining and unfair labor practices, constitutional issues implicated in the employment relationship, drug testing, and other areas of employment law specific to public sector employers.

### 3:10-3:25 | Snack Break

### 3:25-4:25 | Fourth Breakout Session

#### **Taking the Shot: COVID-19 Legislation Updates Regarding Vaccine Mandates | Meg Zabijaka**

Employers have struggled with state and federal legislation and orders pertaining to COVID-19 vaccinations and the ever-changing legal status of such proclamations. In this session, we will discuss the current state of such legislation, as well as legal issues that arise with other types of employer-mandated vaccines, including the flu vaccine.



### **Pre-Game Drills: Labor and Employment Law Best Practices | Jonathan Martin**

In this session, we will discuss best practices for employers to follow in dealing with personnel matters, so that they are prepared for the “big game” of labor and employment law challenges. Topics of discussion will include practices to take to avoid litigation and minimize the risk of liability and recommendations that will assist your team in best responding to challenges raised in the personnel arena.

### **Protecting your Talent: Restrictive Covenant Agreements | Colin Thakkar**

In recent years, the federal government and state government across the nation have waged a concerted effort to limit and ban the use of non-competes and other restrictive covenants in the workforce. However, the opinions aired in public do not always achieve enshrinement into law. During this session, we look at what public officials are saying, as well as the practical implications of those words when companies seek to hold employees to the terms of their agreements.

### **Review of Play: Conducting In-House Workplace Investigations | Elizabeth Joiner**

An employee has complained to you that they are being discriminated against. Now what do you do? In this session we will explore how to determine when an investigation is warranted and the practical steps necessary to conduct an impartial in-house investigation.

**4:25-5:30 | Cocktail Reception**