



CONSTANGY BROOKS, SMITH & PROPHETE LLP

General Info

In 2024, regulatory shifts and evolving trends in labor and employment law persist, posing challenges for employers nationwide, including those in Florida. This year will mark the 42nd annual Labor & Employment workshop hosted by the Jacksonville office of Constangy, Brooks, Smith & Prophete, LLP's - an interactive program aimed at helping human resource professionals, corporate counsel, supervisors and managers, and business owners tackle the challenges presented by this dynamic and constantly changing legal space.

Constangy's team of attorneys will speak on a wide range of important topics impacting the labor and employment arena today. Beyond the scheduled presentations, however, the event also presents a cost-effective opportunity for attendees to ask questions and seek practical advice from subject-matter experts regarding issues they face daily, no matter how general or specific.

Location:

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

Registration:

Please register at: <https://www.constangy.com/events-539>. The cost for this full day program is \$250 per attendee. This fee includes parking, reference materials specific to each of the presentations offered, continental breakfast, lunch, and access to a cocktail reception held after the event – where you can network with us!

Cancellation Policy:

Written cancellations that arrive at least one week prior to the event will be refunded.

Accommodations:

Space may be available at the Ponte Vedra Inn & Club, located at 200 Ponte Vedra Blvd., Ponte Vedra Beach, FL 32082, (866) 748-8083; or the Hilton Garden Inn, located at 45 Tournament Players Club Blvd., Ponte Vedra Beach, FL 32082, (904) 280-1661.

Continuing Education Credit:

This program has been submitted for CLE accreditation and is pending approval for HRCI and SHRM credit.

Agenda

8:00 a.m. – 9:00 a.m. | **Registration & Continental Breakfast**

9:00 a.m. – 9:10 a.m. | **Greeting & Introduction**

9:10 a.m. – 10:10 a.m. | **Recent Developments in Employment Law - Presented by Damon Kitchen**



English philosopher and statesman, Francis Bacon, famously stated “Knowledge is power.” Those words certainly resonate in today’s business world. To stay competitive, business owners and human resource professionals must stay abreast of important recent developments in labor and employment law on the federal, state, and even local levels. In this opening session, you will be informed about the latest legislative developments taking place before Congress and the Florida Legislature, recent changes in administrative regulations and requirements at all levels

of government, as well as the latest labor and employment decisions handed down by the United States Supreme Court, and other courts, throughout the nation. Armed with this knowledge, you will have the information your workplace needs to not only stay legally compliant, but to also remain competitive.

10:15 a.m. – 11:15 a.m.: Breakout Session One



Employee Benefits - Providing Competitive Benefits in a Changing Work Environment - Presented by Dana Thrasher

While trying to recruit and retain the best workers, are you keeping benefit programs relevant and considering the impact of evolving work arrangements? Are you aware of significant changes to retirement and welfare benefit plans that impact employer obligations? In making “promises” in hiring, retention, retirement, and severance arrangements, do you know whether benefits promised are allowed under employer plans? Find out how recent legal changes impose new compliance requirements that impact HR in general and learn best practices for avoiding compliance traps in recruiting and retention.



National Labor Relations Act Update – Presented by Jonathan Martin

The National Labor Relations Board’s decisions and guidance are not only for unionized workforces. The reach of the NLRB extends to handbook policies, separation agreements, non-compete covenants, and disciplinary decisions of private sector employers. We will discuss the latest developments under the Act and labor law issues that can affect all private-sector employers.



Recruiting a Winning Team- DEI Best Practices – Presented by Cara Crotty

The 2023 Supreme Court decision regarding affirmative action significantly altered the Diversity, Equity, and Inclusion (DEI) landscape for employers. This presentation will provide specific information needed to understand the risks and strategies around DEI today. We will delve into the SCOTUS ruling and its impact on DEI programs in the workplace. Attendees will learn from recent legal actions involving DEI policies, identify potential pitfalls and legal concerns surrounding DEI practices, and understand compliance issues. During this session, we will discuss actionable steps and best practices to ensure DEI programs are compliant, practical, and proactive.



Employee Handbook Essentials - Presented by Gary Wheeler

In today’s ever-evolving legal landscape, having a comprehensive and compliant employee handbook is crucial for any organization. This invaluable session will provide a roadmap for crafting an employee handbook that protects your company while fostering a positive workplace culture. From essential policies to innovative inclusions, we will explore best practices for handbook development, implementation, and maintenance. We will also gain insights into navigating complex areas such as workplace conduct, leave entitlements, and social media usage, as well as learn which policies are must-haves to mitigate legal risks and promote a productive, respectful environment.

11:15 a.m. – 11:30 a.m. | **Coffee Break**



11:30 a.m. – 12:30 p.m.: Breakout Session Two



Wage and Hour Update - Presented by Ellen Kearns

The federal Fair Labor Standards Act is one of the nation's oldest labor laws. It is also one of the laws that many employers tend to frequently violate. In January 2024, the United States Department of Labor, the federal agency tasked with both interpreting and enforcing the FLSA, published a Final Rule that revised the DOL's guidance on how to analyze whether a worker is an employee or an independent contractor. Additionally, in April of this year, the DOL published a new Final Rule revising the DOL's regulations defining the White-Collar exemptions excusing employers from having to pay overtime wages to salaried, exempt white-collar employees. These new developments will be discussed in this session.



Public Sector Updates - Presented by Jadie Mims

Just as the IOC serves as a rulemaking authority for Olympic athletes but is required to follow certain rules and regulations in that capacity, government agencies serve to create rules and regulations for the public to follow but are still required to abide by certain rules and regulations themselves. Because this is especially true in the employment arena, this session will cover the latest developments and most important mainstays in labor and employment law that are uniquely applicable to public sector employers.



Managing Employee leave under the FMLA and ADA - Presented by Meg Zabijaka

Managing employee leave rights under the Family and Medical Leave Act and the Americans with Disabilities Act often leads to confusion and is fraught with legal pitfalls. In this session, we will review the FMLA basics and the interplay of the FMLA and the Americans with Disabilities Act, as well as explore best practices and suggestions for addressing potential leave abuse.



Hiring Global Talent- An Immigration Perspective - Presented by Barbara Kihumba

Recruiting global talent is critical in today's economy. Learn how to recruit and keep top international talent, including specialized knowledge employees, managers, and executives. Employers are increasingly finding that some of the most talented/highly skilled candidates are foreign workers, often those who have come to the U.S. 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'll end with an update on I-9 compliance issues and other immigration-related challenges for today's employers.

12:30 p.m. – 1:30 p.m. | **Lunch**

1:30 p.m. – 2:30 p.m. | **Skit in the Ballroom**

2:40 p.m. – 3:40 p.m.: Breakout Session Three



High Stakes – Addressing Employee Cannabis Use - Presented by Ashley Orler

Although cannabis remains a Schedule 1 drug at the federal level, a growing number of states are adopting or considering legislation that allows the manufacture, distribution, and use of cannabis for medical and recreational purposes. Florida, which currently permits medical use of cannabis, might soon expand this to include recreational use. Employers need to prepare for an increase in cannabis use among their workforce in the coming years. We will explore topics such as pre-employment inquiries related to cannabis offenses, drug-testing policies, identifying reasonable suspicions of employee impairment, and protecting employees who use cannabis outside of work hours.





Cybersecurity Threats & Best Practices to Avoid - Presented by *Melissa Sachs*

In today's business world the possibility of having your computer networks hacked, breached and/or held for ransom is a very real and frightening threat. To address this threat and assist our clients, our firm recently brought in a large team of top-notch cybersecurity attorneys and experts who combat and prevent this ever-present threat daily. In this session, you will learn about the new and unique threats that face your business, as well as best practices to ensure that you avoid those threats. Even more importantly, you will learn what to do, and what can be done, should your information systems become hacked or breached by cyber criminals and other threat actors.



Employee Benefits - Providing Competitive Benefits in a Changing Work Environment - **Repeat Session** Presented by *Dana Thrasher*

While trying to recruit and retain the best workers, are you keeping benefit programs relevant and considering the impact of evolving work arrangements? Are you aware of significant changes to retirement and welfare benefit plans that impact employer obligations? In making "promises" in hiring, retention, retirement, and severance arrangements, do you know whether benefits promised are allowed under employer plans? Find out how recent legal changes impose new compliance requirements that impact HR in general and learn best practices for avoiding compliance traps in recruiting and retention.



Non-Competes, Severance Agreements, and other Contractual Restrictions on Competition- Presented by *Colin Thakkar*

The past several years have experienced a steady drumbeat of efforts to limit the obligations and restrictions employers can impose on their employees through employment-related agreements, including non-compete covenants, moonlighting restrictions, confidentiality clauses, and invention ownership rights. We will review the various steps employers have taken to define the rights and obligations of employees, both during and after employment, and what the future holds for those efforts.

3:40 p.m. – 3:55 p.m. | **Snack Break**

3:55 p.m. – 4:55 p.m.: Breakout Session Four



Not Your Father's Workplace – A Modern Look at a Hostile Work Environment

Presented by Joey Mackey

Race? Religion? Sex? What happens when these topics come up in the workplace? Employers face potential liability for not preventing and responding to a hostile work environment in their workplaces. However, as time progresses, the scope of what constitutes a hostile work environment has expanded. In this session, we will discuss the ins and outs of a hostile work environment and some strategies to quickly neutralize potential exposure.



Wage and Hour Update - **Repeat Session** Presented by *Ellen Kearns*

The federal Fair Labor Standards Act ("FLSA") is one of the nation's oldest labor laws. It is also one of the laws that many employers tend to frequently violate. In January of 2024, the United States Department of Labor ("DOL"), the federal agency tasked with both interpreting and enforcing the FLSA, published a Final Rule which revised the DOL's guidance on how to analyze whether a worker is an employee or an independent contractor. The White-Collar exemptions excusing employers from having to pay overtime wages to salaried, exempt white-collar employees. These new developments will be discussed in this session.



Mediation and Settlement - Presented by *Jesse Bannon*

Join us for an enlightening session with our recently certified mediator. Delve into the importance, financial considerations, and strategic timing behind mediation. Gain insights into choosing between virtual and in-person mediation, evaluating case worth and negotiation authority, understanding the employee representative's involvement, managing expectations, and navigating settlement agreements.

4:55 p.m. – 6:00 p.m. | **Cocktails and Hors d'oeuvres Reception**

