

Annual Labor & Employment Law Seminar

WHEN **REALLY** BAD THINGS HAPPEN TO **REALLY** GOOD EMPLOYERS...

SCHEDULE

8:00 a.m. - 9:00 a.m.

BREAKFAST & REGISTRATION

9:00 a.m. - 9:10 a.m.

When Really Bad Things Happen to Really Good Employers

Introduction

Robert S. Turk

9:10 a.m. - 10:15 a.m.

This Can't Be Happening To Us!

Cyberattack: When All Pay And Employment Records Are Lost

Andrew W. McLaughlin

The “Kronos Hack” – what was it and why should I care? Because if it happens to your company, really bad things will happen to a really good HR department.

The Cobra And Benefit Earthquake

Sharon Quinn Dixon

The “I Didn’t Know” Excuse – it won’t work when it comes to employee benefits. COBRA group health insurance rules for employees on leave and rehired employees provide examples of what HR needs to know. We’ll discuss how to best to recognize employee benefit issue fault lines and how to address them before they quickly grow into HR earthquakes.

Our Staffing/Payroll Company Just Went Belly Up

Sharon Quinn Dixon & Robert S. Turk

How do we pay our employees now? The IRS says we owe employment taxes that our payroll company was to pay. We are being sued for discrimination by our staffing company’s employees. Our independent contractors demand 401(k) contributions that we only make for employees. We aren’t responsible – are we?

Rocked By A Hurricane

Paul Cruet

In Florida, hurricane season is not over yet. Sea level rise can flood homes and businesses on a rainy day. Tornados, earthquakes, floods and fires have disrupted communities outside of Florida as well. When Mother Nature strikes, what is an employer required to pay its employees and when?

SCHEDULE

10:15 a.m. - 10:30 a.m. **BREAK**

10:30 a.m. - 11:15 a.m. **Monster Mistakes When Hiring**

Background Check Black Holes

Janet Goldberg McEnery

Performing background checks, including a criminal records check, can offer protection against negligent hiring claims. We will cover 4 key issues: 1. What are background checks? 2. What should an employer do when a background check turns up something troubling? 3. What's the EEOC's warning about using background checks? 4. What bad things can happen to employers who don't background check properly?

TikTok Time Bombs/Social Media

Stephanie Turk

Twitter, YouTube, Facebook, Instagram, Snapchat, Pinterest, TikTok... Social Media is so engrained into our culture that it may be tempting to check out what your potential hires are up to before you give them an offer. But beware of this "Tiking" time bomb! Knowledge is not always power and can be used against you in future discrimination lawsuits.

Offer Letters And Employment Agreements

Ingrid H. Ponce

Poorly drafted offer letters or employment agreements can create costly nightmares for employers. Learn what to include (and what not to include) in your documents to make your HR life much less stressful.

11:15 a.m. - 12:00 p.m. **Monster Mistakes At Work**

Where Is Waldo Our New Hire?

Robert Paradela, Jr.

The remote workforce is here to stay. Are you aware of various legal pitfalls that can occur? Wage and hour considerations, adhering to state and local laws, recordkeeping and performance management, notice and posting requirements, confidentiality, home office expense and technology reimbursements, antidiscrimination laws, and more will be discussed.

Let's Talk Non-Competes

Eric S. Roth

What do you do when your new hire tells you they are being sued by their former employer for violating a non-compete agreement? We will discuss this scenario and options for enforcing your own restrictive covenant agreement when your former employee begins to work for your competitor.

I Need To Be An Independent Contractor

Eric K. Gabrielle

A declaration of independents and legal fireworks: the litigation exposure in the use of non-employee workers.

SCHEDULE

12:00 p.m. - 1:00 p.m.

LUNCH

1:00 p.m. - 1:40 p.m.

It's All HR's Fault

It Was Just A Typo! – Mistakes In Documents

Giselle Gutierrez

Missing commas, misspellings, and other typos, OH MY! This session discusses the importance of avoiding mistakes in employee documents like employment agreements, separation agreements, and employee handbooks – small mistakes could cost your company big money!

I Thought They Were Exempt From Overtime

Andrew L. Rodman

Congress passed the FLSA back in 1938. Issues concerning exempt and non-exempt classification continue to confuse and haunt employers (and attorneys). Unintentional classification errors can result in liability for “big bucks.” Let’s discuss some of the most common errors that continue to cause bad things to happen to well-intentioned employers.

1:40 p.m. - 2:00 p.m.

BREAK

2:00 p.m. - 3:00 p.m.

Now For The Really Scary Stuff

FMLA And ADA – Long COVID And PTSD

Lisa K. Berg

“Long COVID” refers to symptoms after COVID-19 lasting weeks, months or years. COVID “long haulers” face an array of physical challenges and the invisible foe: mental health issues in the form of anxiety, depression, post-traumatic stress disorder (PTSD), and more. Employers are now fielding more requests for accommodations and dealing with increased absenteeism. We will discuss how to handle the ADA and FMLA issues involving employees with long COVID and the related mental health conditions.

Your Employee Handbook Can Be Your Enemy

Lisa K. Berg

Do your employees know what is expected of them? Learn our Top 10 reasons to have a good employee handbook and the policies an effective handbook must contain.

Workplace Violence

Thomas C. Raine

It is an unfortunate reality that violence is always a risk in the workplace. We will discuss every employers’ need to establish a violence prevention and response plan that balances an employer’s general duty under OSHA to provide a workplace “free from recognized hazards,” with the risks of potential liability under the ADA and other laws.

SCHEDULE

Mandatory Training And Florida's Stop W.O.K.E Act

Stephanie Turk

Florida's new "Stop WOKE Act" became law on July 1, 2022. It has now been put on hold. Are employers now prohibited from requiring employees to participate in DEI training courses that promote certain concepts related to race, color, sex, and/or national origin? Are we covered by the Act? What exactly does the Act prohibit? What is the law's status, enforcement and penalties?

3:00 p.m. - 3:50 p.m.

The Future Is Here Now!

The NLRB On Steroids

Paul Crucet & Janet Goldberg McEnery

The National Labor Relations Board has become much more aggressive. Employers without labor unions may believe that they are safe. This is a dangerous assumption. Non-unionized employers are finding themselves in the crosshairs of the NLRB more frequently. Workplace policies, confidentiality agreements, responses to employee group activity – all increasingly are coming under the watchful eye of the NLRB and catching many employers by surprise.

I Metaverse And I Liked It – AI, VR And Robots

Robert S. Turk

Are you working in the metaverse? (You will be.) When will artificial intelligence change HR? (It's already doing so.) Did I miss the robot apocalypse? (No, but it may be on its way.) What will the future workplace look like? (Look around, it is already here!) We will discuss new technologies and how HR needs to ready itself for a near-future workforce.

Our Predictions From Last Year's Update

Melanie R. Leitman

A lot has changed in the year and a half since we filmed our 2-hour news segment: BREAKING THROUGH THE NOISE: Labor & Employment Issues Post-Pandemic. In case you missed it, our "younger" attorneys hosted a roundtable discussion detailing our future workforce predictions. We will update our predictions to see if they came true and forecast what the future may hold.