

# MANAGING A WORKFORCE IN 2022

presented by  
**OGLETREE DEAKINS'  
PHOENIX OFFICE**

*You're Invited*

**September 17, 2021**

An informative and educational seminar to  
address the latest labor and employment  
law topics impacting employers



## **LOCATION**

The Camby  
2401 East Camelback Road  
Phoenix, AZ 85016  
(602) 468-0700



## **DATE AND TIME**

Friday, September 17, 2021  
8:30 a.m. – 3:30 p.m.  
(Registration and breakfast will begin at 7:30 a.m.)



## **COST**

\$99.00  
Please contact Jessica Oliverson for complimentary registration of the fourth attendee from the same company.  
(A continental breakfast, lunch, cocktail reception, and program materials are included.)



## **REGISTRATION**

Register online at [www.ogletree.com](http://www.ogletree.com). If you have any questions, please contact Jessica Oliverson at (602) 778-3735 or [jessica.oliverson@ogletree.com](mailto:jessica.oliverson@ogletree.com).

We have submitted this program to the HR Certification Institute and SHRM for review.



# AGENDA

7:30 – 8:30 a.m. **BREAKFAST AND REGISTRATION**

8:30 – 8:45 a.m. **WELCOME TO MANAGING A WORKFORCE IN 2022**

*Presenter:* Christopher J. Meister (Phoenix)

8:45 – 9:30 a.m. **WORKPLACE DIVERSITY, EQUITY, AND INCLUSION IN A HIGHLY CHARGED ENVIRONMENT**

More than one tumultuous year following the murder of George Floyd, employers continue to struggle with creating policies, procedures, and action plans to advance diversity, equity, and inclusion in the workplace. While these measures can help attract and retain a diverse workforce, they are not without legal issues. This session will help employers create a strong culture of equity and inclusion while minimizing the risk of litigation.

*Presenter:* Nonnie L. Shivers (Phoenix)

9:30 – 10:00 a.m. **CANNABIS CONFUSION? MANAGING MARIJUANA ISSUES IN THE WORKPLACE**

Marijuana legalization (and related litigation) is spreading like a weed across the country, including Arizona. Last November, Arizona voters overwhelmingly voted to legalize the recreational use of marijuana for individuals 21 years of age and older. With marijuana use on the rise and strong protections in place for medical marijuana users in Arizona, employers are faced with a myriad of challenging questions related to drug testing, workplace safety, and disability accommodation, among other issues. In this session, the speakers will provide an update on recent developments and share practical tips on how to manage the intersecting laws related to marijuana and drug testing in the workplace.

*Presenters:* Rayna H. Jones (Phoenix) and Ryan T. Mangum (Phoenix)

10:00 – 10:15 a.m. **BREAK**

10:15 – 10:45 a.m. **FACING THE CHALLENGES OF A POST-COVID WORKPLACE**

The COVID-19 pandemic has created countless issues for employers, each of which requires a creative and dynamic response. In 2020, many employers were faced with moving their employees to a remote environment. Employees went from reporting to the workplace to reporting to work in their kitchens, dining rooms, and bedrooms. Employers anguished over quarantine orders and complying with ever-changing guidance from the CDC. Now, over a year after the pandemic began, employers continue to face challenges with determining when and how to return their employees to the workplace. Those obstacles are compounded by employees challenging return to work goals and advocating for permanent remote work opportunities. Meanwhile, safety considerations are omnipresent as the pandemic draws on. This session will address some of the speed bumps employers are facing along the way, how to navigate around or through them, and how to retain employees while doing so.

*Presenter:* Thomas M. Stanek (Phoenix)

10:45 – 11:30 a.m. **P IS FOR PANDEMIC ... AND PCA: THE NLRA IN A POST-PANDEMIC WORLD**

Many significant new pro-employer cases and rules have come down in the past few years, but they now have a dubious future under a new National Labor Relations Board (NLRB). Meanwhile, the pandemic has provided unions with new organizing platforms, while pushing some employees to engage in a variety of protected concerted activities (PCA)—ranging from demands related to safety issues to higher wages. Coupled with the most pro-union agenda of any presidential administration in recent years, employers—whether wishing to remain union-free or managing represented workforces—will be challenged like never before. This session will highlight some of the issues under the National Labor Relations Act (NLRA) and provide recommendations for the challenges ahead.

*Presenters:* Mark G. Kisicki (Phoenix) and Elizabeth M. Soveranez (Phoenix)

- 11:30 a.m. – 12:30 p.m. **SPECIAL LUNCH PRESENTATION:  
POST-TRAUMATIC GROWTH—THE HIDDEN GEM IN TIMES OF TURMOIL**  
What is trauma and how can it be avoided? How can employees emerge from the pandemic stronger and more productive than ever? The spotlight continues to move toward mental health issues in the legal and HR professional fields, and post-traumatic growth is emerging as a critical topic of discussion. Join popular speaker Dennis A. Davis, Ph.D., Ogletree Deakins' National Director of Client Training, for an engaging presentation that will offer insights into how employers can provide for an emotionally healthy and productive work environment despite the trauma associated with these stressful times.  
*Presenter:* Dennis A. Davis, Ph.D. (Torrance)
- 12:30 – 12:45 p.m. **BREAK**
- 12:45 – 1:15 p.m. **THE “WAGE AND HOUR” HALF HOUR: CLAIMS AND CONSIDERATIONS**  
The COVID-19 crisis has trained the spotlight on a number of potential wage and hour issues. This session will focus on the latest litigation trends in this area, from claims of unpaid compensation arising out of remote work to “donning/doffing-like” time spent completing health screenings, temperature checks, and other tests. This session will also provide an overview of wage and hour considerations and potential litigation related to the Families First Coronavirus Response Act.  
*Presenter:* Tibor Nagy Jr. (Tucson/Phoenix)
- 1:15 – 2:00 p.m. **MORE (AND NEW) INTERNAL COMPLAINTS AND INVESTIGATIONS**  
With our rapidly changing cultural and political landscape, employers are receiving more novel and complex internal complaints, such as allegations of systemic discrimination, cultural misconduct, and unconscious bias. Inadequate investigations of these complaints have significant ramifications for employers such as protracted litigation, PR nightmares, and low employee morale. This session will address the new wave of internal complaints, how to effectively investigate them, and when to step away from a complaint and contact outside counsel.  
*Presenters:* Caroline Larsen (Phoenix) and D. Trey Lynn (Phoenix)
- 2:00 – 2:45 p.m. **A YEAR IN THE LIFE OF IN-HOUSE COUNSEL AND LOOKING FORWARD  
POST-PANDEMIC**  
A panel of experienced in-house attorneys will join Leah Freed and Eric Dowell to examine the last year of COVID-related challenges, along with what they believe the future will look like for employers after the pandemic.  
*Moderators:* L. Eric Dowell (Phoenix) and Leah S. Freed (Phoenix)
- 2:45 – 3:15 p.m. **THE WACKY WORLD OF EMPLOYMENT LAW**  
Many employees may have been working remotely over the last year, but that hasn't lessened the wacky things workers do. In fact, the pandemic seems to have created more crazy cases than ever before. This popular session takes a humorous look at the latest, zaniest employment law developments.  
*Presenter:* Joseph T. Clees (Phoenix)
- 3:15 – 3:30 p.m. **CLOSING REMARKS AND PRIZE DRAWING**  
*Presenter:* Christopher J. Meister (Phoenix)
- 3:30 p.m. **COCKTAIL RECEPTION**