



## FP Editors' Picks for Best Written Insights of 2022

Insights

12.16.22

The three editors of our FP Weekly publication took some time to review the past year's writings – almost 500 published pieces – and pick out our favorites. Below you'll find a top 10 list from each of us. They include our firm's most popular pieces, our most creative insights, and our most significant and practical summaries of workplace law developments. It was hard for each of us to narrow it down to just 10, but below you'll find the results of our hard work – the cream of the crop from Fisher Phillips in 2022.

### Rich Meneghello, Chief Content Counsel

1. **FP's Workplace Law Forecast 2023** – This piece was the culmination of a year-long effort by our firm's thought leaders to gaze into the crystal ball and see what was in store for various practice areas and industry teams in the near future. Given their cautious nature, it's sometimes hard to convince attorneys to make bold predictions in a public setting! But they all did a great job, and I was so happy with the way this turned out.
2. **Will Justice Ketanji Brown Jackson Treat Employers Well? The Magic 8-Ball Says: "Signs Point to Yes"** – Years ago, we came up with the idea of creating a Magic-8-Ball-style preview piece for new SCOTUS Justices upon their nomination. And this year we were lucky enough to do it again – our seventh opportunity since 2006. We had two fantastic associate attorneys do a deep dive into KBJ and create this must-read piece, and again, I was thrilled with the way it came out.
3. **Can a Robot Tell You That an Employee is About to Quit? The Use of People Analytics to Prevent Trade Secret Theft** – This one is not only a fantastic piece, but it probably has the best title of the year. I love the way it sucks you in and forces you to click on it – and once you open it, you'll get drawn in by the great content and practical suggestions and read it all the way through.
4. **What Do Employers Need to Know About Gen Z? 6 Tips on Attracting and Retaining Young Professionals** – Our Legal Content Counsel, Lisa Nagele-Piazza, did a tremendous job with this one. She rounded up a group of some of our most forward-thinking associate attorneys to develop a piece that seems more important than ever. An absolute must-read.
5. **Vaccine Showdown at the Supreme Court: Fisher Phillips Lawyers Preview and Predict Outcome of Pivotal Battle** – This was probably my most favorite piece to coordinate of the entire year, and we released it when 2022 was only three days old! Back when all anyone could think about was the COVID ETS and the "vaccine mandate," we were all sitting on pins and needles trying to guess how the Supreme Court would decide the pivotal case that would decide its fate.

So we decided to take all of our internal conjecture and turn it into a written piece. Go ahead and give it a look now that we all know how things turned out and see how our attorneys guessed it would play out.

6. **Supreme Court Strikes Down OSHA's Vaccine ETS: An Employer's 6-Step Priority List** – And then, of course, 10 days later we created a summary piece that reviewed the SCOTUS's monumental decision to strike down the ETS. I was so proud of our team for producing a fantastic piece just hours after the decision that included some important practical suggestions for employers. This might have been the most important work we did all year.
7. **Can You Pay Your Remote Workers Less Than Your Office Workers or Based on Geographic Location? Rethinking Your Pay Model in a New Era** – I always love when our authors come up with written pieces that address mainstream news stories that we know our employers are following. So I was really happy when I saw two of my favorite attorneys in the firm team up to develop this piece. And I was very impressed with the final result they worked up.
8. **Batter Up! An Employer's Winners-and-Losers Guide to the End of Baseball's Lockout** – Coordinating and helping to write this one was probably the most fun I had with a written piece all year (and not just because it heralded the start of a new baseball season that had been in jeopardy because of labor strife). And I got a chance to team with three great attorneys in our Sports and Labor teams.
9. **Labor Department Proposes to Rescind Flexible Independent Contractor Test and Re-Impose Outdated Standard: 5 Key Questions** – This topic is near and dear to my heart given the fact that I co-chair our firm's Gig Economy Practice Group. And while I wasn't happy to see this news given how I know it will hamstring many of our clients with independent contractor workforces, I was happy to see someone of Patrick's caliber develop this insightful piece that cut to the heart of the issue.
10. **Pandemic Pay Gap: Flexibility is the Key to Narrowing the Gap and Returning Women to the Workforce** – When an author is passionate about a subject, it seems to always shine through – and usually makes the piece that much better. That's exactly what played out with this piece. Emily is a champion for women in the workplace and I have seen time and time again how she advocates for fair treatment under the law. No doubt that's what led to her developing a piece that needed to be included in any top 10 list of mine.

### **Lisa Nagele-Piazza, Legal Content Counsel**

1. **Over-Sharing in the Workplace? Why Your Company May Need a TikTok and BeReal Policy** — This was one of my favorite pieces to work on all year, and I learned so much from our fantastic associates who are “in the know.” Total transparency: I had never heard of BeReal before coordinating this piece — and maybe you hadn't either. It's hard to keep up with ever-evolving social media use and new platforms and trends, but it's so important to keep your finger on the pulse and ensure your policies reflect today's reality.

2. **Top 4 Things Employers Can Do to Prepare for a Possible Recession – and Top 3 Things to Ease Workers’ Inflationary Concerns** — This timely piece addresses some of the top concerns on employers’ and workers’ minds as they grapple with economic uncertainty. I love the explainer here on what is and what isn’t a “recession” — and Rich and Danielle offer excellent practical tips that employers can use to create an action plan as they prepare for the year ahead.
3. **Shhhh: 3 Secrets Employers Can Take to Combat “Quiet Quitting”** — By now you’ve heard a ton about “quiet quitting.” Samantha did a stellar job of taking this trending topic, breaking it down, and offering useful takeaways for employers. She also gets bonus points for her creative lede: “The kids call it ‘quiet quitting’ – but ironically it’s become a very loud social media movement among Gen Z, Millennials, and more.”
4. **FP Weekly Checklist: The Best “Green Flag” Questions to Ask Applicants During Job Interviews** — Our FP Weekly members receive a practical and cutting-edge checklist of issues to consider each week, and this one really shined. Whether you’re an HR professional, recruiter, or hiring manager — or are otherwise involved in the hiring process — Terri’s checklist is the perfect resource to help you stand out as an employer of choice.
5. **5 Ways to Embrace Neurodiversity in Your Workplace** — Did you know that most adults with autism are either unemployed or underemployed? In fact, many neurodivergent job seekers say they’ve faced barriers in the hiring process despite offering many positive attributes to prospective employers. In this informative piece, Sheila highlights the importance of making your work environment more welcoming to neurodivergent job candidates and employees who may think and learn differently than those who are neurotypical.
6. **An Employer’s FAQ Guide to the Antitrust Battle Between LIV Golfers and the PGA Tour** — I like taking big news stories and breaking down their implications for the workplace. I’ve been captivated by the high-profile legal battle between the PGA Tour and the new Saudi-owned LIV golf league — as well as the controversial decision of some well-known golfers to accept massive payouts to play for LIV. Adam and Rich do a great job of explaining the legal issues and the key takeaways for employers.
7. **Accept the Challenge and Develop a 6-Step Plan to Legally Manage Your Remote Employees** — Who hasn’t been talking about remote or hybrid work policies these days? So many of us worked remotely over the past few years due to the COVID-19 pandemic — and even though continued remote work may not be practical for all jobs, employers that can offer such arrangements need to think about fair, lasting, and legally sound policies. In this piece, Ben and Hagood discuss the major questions employers and HR professionals should consider and provide a top-notch action plan to address a host of remote work challenges.
8. **Gender Transitioning in the Workplace: An Employer’s Guide** — This guide is a fantastic resource to help employers create an inclusive and understanding environment when an employee is transitioning. Theanna and Emily go beyond discussing legal compliance in the workplace and offer tips for developing a detailed plan that focuses on communication, education, and accommodation — which may help transgender and non-binary employees feel more comfortable being their authentic self at work.

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9. **10 Steps to Mental Health Wellness for Your Employees** — As the all-star team of attorneys who penned this important piece mention, a mental health crisis is sweeping the nation and employee mental health and well-being is becoming one of the top issues employers need to deal with on a daily basis. This guide is an invaluable resource for employers of all sizes as they develop best practices in this area.
10. **Protecting Trade Secrets in Remote and Hybrid Workplaces: 3 Questions Employers Should Be Asking Themselves** — I'm fascinated by all the ways remote work is changing the employment arena and how employers are balancing the related benefits and challenges. As you know, workplace issues stemming from the uptick in remote and hybrid work extend well beyond wage and hour issues. In this piece, Greg points out the security risks for trade secrets and other confidential business information and provides excellent practical tips for employers.

### Ray Perez, Of Counsel

1. **Utilizing Diversity and Inclusion Efforts to Attract Talent: An Employer's 6-Step Guide for Navigating the Workforce Shortage** — I've always enjoyed articles that tackle difficult topics and provide practical pointers to manage the issue. This well-written Insight fits the bill perfectly. The guidance is written in a concise manner with realistic action steps that just about any company can easily implement.
2. **Federal Agencies Say Employer Use of AI and Hiring Algorithms May Lead to Disability Bias: 5 Key Takeaways** — This piece does a great job exploring the impacts of adopting cutting edge technologies in the workplace. While new technologies may save time and be more efficient, there's no free lunch. The authors do a nice job shedding light on the potential discriminatory risks of using artificial intelligence tools in the hiring process and how to reduce the potential risks.
3. **Top 5 Data Security and Privacy Trends Revealed by Feds – and 5 Proactive Steps Employers Can Take Today** — I'll admit it, I don't like to think about workplace data security issues. Unfortunately, I also recognize that my "denial strategy" is not a successful long-term approach. This article has come to my rescue by providing a manageable overview of the security and privacy concerns companies face, and the steps they should take to reduce threats.
4. **Managing Remote Work: 7 Tips for Creating Effective Employer Policies** — There are paradigm shifts and then there are tectonic paradigm shifts. Remote work squarely fits into the latter. This article stands out to me because it addresses the remote work issues in a real-world setting and provides easy to follow tips for employers to implement.
5. **FP Weekly Checklist: Does Your Company Need a Chief Remote Officer?** — Keeping with the remote work theme, this piece makes my top 10 list because it goes beyond the everyday discussion of the topic and provides deeper insight into the implications of the changing workplace. Ben and Hannah put together an easy-to-follow checklist, which makes the content more user friendly while helping companies evaluate the pros and cons of creating a chief remote officer role within their organization.

6. **Does the CCPA Apply to Your Business?** — This piece showcases the outstanding work being done by the FP Consumer Privacy Team. At a fundamental level, most leaders just want to ask, “Does this law apply to us?” Our team answers this question in a straightforward manner and provides companies with a roadmap for complying with a very complex law.
7. **Employers Can Learn 3 Key FLSA Lessons From ‘Paid in Pennies’ Lawsuit** — When you see “Paid in Pennies” in the title, you just have to read the article. This Insight provides a great lesson that “spiteful jokes” often don’t come across as funny to government regulators. In this case, shortly after the employee complained to the Department of Labor about not receiving his final paycheck, the company paid the employee in pennies (90,000 of them) dumped on his driveway. The DOL — which failed to appreciate the humor of the situation — investigated the employer and found several wage and hour violations. But you should stay tuned because the employer is currently appealing the matter.
8. **It’s Time to Revisit Your Handbook Rules as Labor Board Takes Aim at Workplace Civility and Workplace Conduct** — Unfortunately, NLRB rulings flip flop based on the political winds. In this piece, our Labor Relations Team does a fantastic job of explaining which ways the winds are blowing and how employers should plan for an unpredictable future.
9. **No More Dancing in the Dark: 5 Steps Employers Can Take Towards Pay Transparency, the Hottest Trend in Pay Equity Law** — This is another great title that just pulls you in. Pay transparency is a hot topic for employers and employees alike. This well-written article provides an excellent overview of the requirements and realistic guidelines to meet this new workplace trend.
10. **Workplace Investigation Notes: To Keep or Not to Keep? Recent Case Provides Guidance to Retailers** — This article does a fine job describing the competing legal interests surrounding a very common investigatory question: “What should we do with investigatory notes once a final report is issued?” This Insight provides a thorough analysis of one court’s negative inferences related to an employer’s routine practice of destroying the investigatory notes once the report is finalized.

## Conclusion

We will continue to monitor workplace law developments and provide updates when necessary, so make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information. For further information, contact the authors of this Insight or your Fisher Phillips attorney.

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