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COURSE INFORMATION

LIVE IN PERSON
Thursday, October 8, 2026
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Third Floor City Center, Minneapolis

ONLINE REPLAY
Friday, October 23, 2026
Wednesday, November 4, 2026
View online at www.minncle.org
A moderator will be available to answer questions by email.

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THE **Problem Employee**

Thursday, October 8, 2026 – Attend In Person

MINNESOTA CONTINUING LEGAL EDUCATION
Your Success Is Our Goal

50 YEARS 1976-2026

THE Problem Employee

Practical Strategies for High-Stakes Challenges

Join our panel of experts as they share practical insights and strategies for:

- Dealing with workplace bullies
- Connecting with employees who have disengaged
- Addressing behavior related to a mental health condition
- Navigating social media issues
- Bridging generational differences
- Managing litigation

Gain practical solutions to help you minimize risk, resolve disputes effectively, and approach today's most challenging employment issues with confidence.

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CAN'T ATTEND IN PERSON?
View an Online Replay on Friday, October 23, 2026 or Wednesday, November 4, 2026.

SCHEDULE

8:30 – 9:00 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:05 a.m.
WELCOME & ANNOUNCEMENTS

9:05 – 9:50 a.m.

You May Think It's a Problem Employee, But Maybe It's the Approach: Navigating Generational Differences in the Workplace

Today's workplace may include employees from five different generations, each bringing distinct experiences, communication styles, and expectations that can influence leadership, teamwork, retention, and organizational culture. This presentation explores the realities—and limitations—of generational labels, examining how many perceived generational conflicts are actually rooted in communication, management, and workplace culture rather than age alone. We will discuss how generational assumptions and stereotypes can create legal risks involving age discrimination, harassment, hiring, promotion, performance management, and workplace communications, including the growing use of emojis and digital collaboration tools. The program also provides practical strategies for building inclusive, high-performing multigenerational teams while reducing legal exposure, strengthening compliance, and improving organizational effectiveness.

– *Roxanna V. Gonzalez*
Grace F. Jacobson
Jack T. Sullivan

9:50 – 10:35 a.m.

The Employee Who Has Disappeared

Is the problem employee the worker who has quietly disengaged? Employers increasingly face employees who stop responding, miss deadlines, abuse flexibility, work second jobs, engage in "coffee badging," or otherwise become difficult to manage in a hybrid workplace. This session explores when disengagement becomes misconduct, when legal protections may apply, and how employers can effectively document, investigate, and address performance concerns while minimizing risk.

– *Megan L. Anderson*
Nichol Higdon
Mary B. Thomas

10:35 – 10:45 a.m. BREAK

10:45 – 11:30 a.m.

When Political Speech Enters the Workplace

The "problem employee" may be the employee whose political, social, or cultural views create conflict in the workplace. Whether expressed during meetings, on social media, or through conversations with coworkers, political speech can create significant legal and operational challenges. This session examines where employers can draw boundaries, how protected activity and anti-discrimination laws affect decision-making, and practical strategies for addressing workplace disruption without creating additional liability.

– *Anne C. Bolgert*
Meredith R. McBride

11:30 a.m. – 12:15 p.m.

When the Problem is a Bully

Workplace bullying may not be unlawful, but it is ubiquitous and damaging to those involved, those observing it, and organizational health generally. Virtual working arrangements have not reduced the opportunities for bullying. This session will focus on the conditions that enable bullies, three predominant types of bullying, how bullies evade accountability and what works to address bullying.

– *Fran A. Sepler*

12:15 – 1:00 p.m.
LUNCH BREAK (on your own)

1:00 – 1:45 p.m.

Problem Employee or Problem Workplace?

Every workplace investigation starts with the same question: Is there truly a problem employee, or is there a problem workplace? Using recent examples and lessons learned, this panel will examine how employers should investigate complaints involving misconduct, harassment, retaliation, dishonesty, policy violations, and other problematic behavior. Learn how investigation mistakes create liability and what practices best position organizations to reach defensible decisions.

– *Richard Greiffenstein*
Martin B. Ho
Davida S. Williams

1:45 – 2:30 p.m.

Whistleblower Law Updates: When the Problem Employee is Also a Protected Employee

Employers often view serial complainers, internal critics, and employees who repeatedly raise concerns as problem employees. But what happens when those complaints are legally protected? This session reviews developments in whistleblower law and explores the difficult balance between addressing disruptive workplace behavior and avoiding retaliation claims. We will also discuss recurring complaints, statute-of-limitations issues, and practical strategies for managing employees who frequently raise concerns.

– *Phillip M. Kitzer*
Jennifer A. Nodes

2:30 – 2:45 p.m. BREAK

2:45 – 3:30 p.m.

Mental Health, Neurodiversity, and Accommodation Challenges

When workplace performance or conduct concerns may be connected to a disability or neurodiversity, employers often face complex legal and practical issues. An employee experiencing challenges with attendance, communication, emotional regulation, or workplace interactions may have an underlying medical condition or disability, such as anxiety, PTSD, ADHD, autism spectrum disorder, long COVID, or another physical or mental health condition. This session explores when performance or conduct issues may implicate disability protections and provides practical guidance on engaging in the interactive process, evaluating reasonable accommodations, managing performance, and reducing legal risk.

– *Victoria del Campo*
Jillian M. Kornblatt
Dr. Lessa Scott-Morrow

3:30 – 4:15 p.m.

Litigation Autopsy: Five Problem Employee Cases That Could Have Been Avoided

What happens when a problem employee situation becomes a lawsuit? Experienced plaintiff-side and management-side attorneys will dissect real-world employment disputes involving difficult employees, difficult managers, and difficult workplace decisions. By examining critical mistakes and missed opportunities, the panel will identify practical steps organizations can take to avoid becoming the next cautionary tale.

– *Janet M. Dorr*
Steven A. Smith

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