

# Snell & Wilmer

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## **Benjamin A. Nucci**

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### **Main Bio**

Benjamin Nucci's practice is concentrated in labor and employment law, immigration and Native American affairs. He focuses primarily in the area of employment litigation, including representing employers against claims alleging discrimination, retaliation and wrongful termination matters involving state and federal wage and hour laws, restrictive covenants, and various contract issues. In addition, Benjamin represents employers in all aspects of labor relations, including union avoidance, labor arbitration, collective bargaining agreement negotiation, and preparing for and defending against unfair labor practice charges. He routinely counsels employers regarding workplace policies and procedures. Benjamin is a frequent speaker, and manages Snell & Wilmer's Labor and Employment blog.

Benjamin is also a member of the firm's immigration practice group, and assists clients in obtaining both immigrant and non-immigrant visas. He has experience advising large and small corporations on nonimmigrant petitions, family and employment based permanent resident processes, and adjustment of status. Benjamin counsels employers on a range of workplace issues, including Form I-9 compliance and U.S. Immigration and Customs Enforcement investigations.

Benjamin was born and raised in Australia and is an avid Aussie Rules and Socceroos fan.

### **Representative Matters**

- Defending employers in federal and state employee discrimination and retaliation litigation
- Representing employers before the U.S. Equal Employment Opportunity Commission, Arizona Civil Rights Commission, Colorado Civil Rights Division, New Mexico Human Rights Bureau, U.S. Department of Labor, National Labor Relations Board, U.S. Immigration and Customs Enforcement, and other administrative entities against wage and hour, discrimination, and retaliation charges, including conducting investigations, drafting position statements, and participating in mediation/conciliation/arbitration
- Negotiating collective bargaining agreements on behalf of management
- Advising employers operating on tribal lands, including representing employers before the Navajo Nation Labor Commission and the Navajo Nation Office of Labor Relations
- Drafting comprehensive employment agreements, policies and handbooks for employers
- Drafting and enforcing restrictive covenants, including non-competition, non-solicitation, and confidentiality agreements in the employment setting

## Education

- The University of Arizona, James E. Rogers College of Law (J.D., cum laude, 2013)
  - Articles Manager, Arizona Journal of Environmental Law & Policy
  - International Law Society, President
- La Trobe University, School of Law, Melbourne, Australia (LL.B., with distinction, 2014)
  - La Trobe Moot Court Finalist
  - Law Students Association Board
  - Judicial Mentor Program
  - Crockett Chambers Barrister Program
- Royal Melbourne Institute of Technology (RMIT) (B.S., Psychology, 2007)
  - Study Abroad: Università di Siena, Italy (2005)

## Languages

- Italian

## Professional Memberships & Activities

- State Bar of Arizona
  - International Law Section, Chair
  - Immigration Law Section, Secretary
- State Bar of Colorado
- State Bar of New Mexico
- American Immigration Lawyers Association
- American Bar Association, Practice and Procedure Under the NLRA – Region 28

## Representative Presentations & Publications

### Presentations

- "Cannabis in the Arizona Workplace," Co-Presenter, Clients of Premier Risk Management, Phoenix, Arizona (August 30, 2021)
- "Changes in Union Organizing Elections," Presenter, SHRM of Greater Phoenix Labor Conference (July 28, 2021)
- "Business Immigration Update," Presenter, Snell & Wilmer Virtual CLE Series (June 1, 2021)
- "[Telephone Presentation: Managing Business Needs During a Pandemic](#)," Snell & Wilmer (April 20, 2020)
- "Immigration Law Update," Co-Presenter, Employment Law Tool Kit Seminar, Snell & Wilmer, Costa Mesa, CA (November 6, 2019)
- "International Business: Export Considerations and US Immigration Update," Co-Presenter, State Bar of Arizona International Law Section (May 16, 2019)
- "Present & Future of Labor/Employment Law: One-Year "checkup" on Arizona's paid sick leave requirement," Co-Presenter, Arizona State Bar (June 29, 2018)
- "FMLA and the ADA: Important Issues to Consider for Employers," Presenter, Arizona Rock Products Association (March 28, 2018)
- "Immigration Law Update," Co-Presenter, Employment Law Tool Kit Seminar, Snell & Wilmer, Costa Mesa, CA (November 7, 2017)
- "Paid Sick Leave Check-Up: Update on the First Four Months of Mandatory Paid Sick Leave for Arizona Employers," Co-Presenter, Arizona State Bar Business Law and Employment & Labor Law Section (October 18, 2017)
- "FMLA and the ADA issues for Employers," Presenter, Goodwill of Central and Northern Arizona (July 17, 2017)
- "Proposition 206: Impact on Arizona Employers," Presenter, Arizona Department of Transportation Passing Zone Series (April 14, 2017)
- "Paid Sick Time: Arizona & Local Regulation," Co-Presenter, HRDG (March 7, 2017)
- "Arizona Proposition 206 & Flagstaff Proposition 414: Paid Sick Time in Arizona," Co-Presenter, Home Care Association of America (February 23, 2017)
- "Proposition 206: Minimum Wage & Paid Sick Time," Presenter, Arizona Rock Products Association (January 11, 2017)
- "Arizona Ballot 2016," Presenter, Arizona Total Rewards Association (September 15, 2016)
- "Human Resources Legal Update," Presenter, Arizona Total Rewards Association (June, 2016 – Present)

### **Legal Publications**

- "[New Procedures for Employers Managing I-9 Forms](#)," Co-Author, Snell & Wilmer Legal Alert (July 13, 2021)
- "[New Mexico Check-Up: Paid Sick Leave Coming 2022](#)," Author, Snell & Wilmer Legal Alert (April 26, 2021)
- "[USCIS Expands Premium Processing Program To Include Aussie E-3](#)," Co-Author, Snell & Wilmer Legal Alert (February 24, 2021)
- "[Show Them the Money: Colorado's New Equal Pay Law](#)," Co-Author, Snell & Wilmer Legal Alert (December 7, 2020)

- ["Mail or In-Person Voting? The NLRB Issues Guidance on Representation Elections During the COVID-19 Pandemic,"](#) Co-Author, Snell & Wilmer Legal Alert (November 12, 2020)
- ["Let's Stay Out of the Weeds – Prop 207,"](#) Co-Author, Arizona Rock Products Association Newsletter (October 2020)
- ["Let's Stay Out of the Weeds – Arizona's Recreational Marijuana Proposition,"](#) Co-Author, Snell & Wilmer Legal Alert (September 21, 2020)
- ["Colorado Enacts the 'Healthy Families and Workplace Act',"](#) Co-Author, Snell & Wilmer Legal Alert (July 23, 2020)
- ["COVID-19: Employment Squalls Likely to Hit Employees,"](#) Co-Author, Snell & Wilmer Legal Alert (July 14, 2020)
- ["Judge Red Cards U.S. Women's Soccer Team's Equal Pay Claim,"](#) Author, Snell & Wilmer Legal Alert (May 7, 2020)
- ["Immigration Alert: Form I-9 Announcements,"](#) Co-Author, Snell & Wilmer Legal Alert (April 29, 2020)
- ["Proclamation Suspending Entry of Immigrants,"](#) Co-Author, Snell & Wilmer Legal Alert (April 23, 2020)
- ["Form I-9 and COVID-19: Flexibility in Compliance Requirements,"](#) Author, Snell & Wilmer Legal Alert (March 20, 2020)
- ["New Version of Form I-9,"](#) Author, Snell & Wilmer Labor and Employment Law Blog (January 31, 2020)
- ["H-1B Lottery Registration - New Process,"](#) Co-Author, Snell & Wilmer Legal Alert (January 22, 2020)
- ["New Mexico Employment Law 2019 Review,"](#) Co-Author, Snell & Wilmer Legal Alert (December 30, 2019)
- ["EEOC Changes Policy on Mandatory Arbitration,"](#) Co-Author, Snell & Wilmer Labor and Employment Law Blog (December 22, 2019)
- ["H-1B Cap: New Year, New Lottery System!"](#) Co-Author, Snell & Wilmer Legal Alert (December 10, 2019)
- ["Immigration Alert: USCIS Says Continue to Use Current Form I-9 Past Experience,"](#) Author, Snell & Wilmer Labor and Employment Law Blog (August 28, 2019)
- ["Does your Employee Handbook have a Lactation Accommodation Policy?"](#) Co-Author, Snell & Wilmer Legal Alert (February 12, 2019)
- ["Critical Issues for Employers in the Hiring Process: I-9 Compliance, Disability Inclusion, and Interview Questions,"](#) Co-Author, Snell & Wilmer Workplace Word (January 30, 2019)
- ["H-1B Employment Visa Lottery for 2019!"](#) Author, Snell & Wilmer Legal Alert (January 15, 2019)
- ["Irish Citizens Get Access to Unused Australian E-3 Work Visas,"](#) Author, Snell & Wilmer Legal Alert (December 14, 2018)
- ["TN Visas Remain Under NAFTA Replacement,"](#) Author, Snell & Wilmer Global Connection (November 14, 2018)
- ["States Push Back on Local Paid-Sick-Leave Laws,"](#) Quoted, HR Magazine (October 22, 2018)
- ["TN Visas Remain Under NAFTA Replacement,"](#) Author, Snell & Wilmer Legal Alert (October 10, 2018)
- ["Massachusetts Legislation Imposes New Requirements On Non-Compete Agreements,"](#) Author,

Snell & Wilmer Legal Alert (August 22, 2018)

- "[#MeToo Era Settlements...\\$3.5 Million at a Time](#)," Co-Author, Snell & Wilmer Legal Alert (August 14, 2018)
- "[Federal Paid Time Off: Sen. Rubio's Social Security Paid Leave Proposal](#)," Author, Snell & Wilmer Labor and Employment Law Blog (August 8, 2018)
- "[Federal Preemption of State and Local Paid Sick Leave Laws](#)," Co-Author, Snell & Wilmer Legal Alert (August 2, 2018)
- "[New Jersey Joins The Paid Sick Time Movement](#)," Author, Snell & Wilmer Labor and Employment Law Blog (May 7, 2018)
- "[Immigration Update: USCIS reaches FY 2019 H-1B Visa Cap](#)," Author, Snell & Wilmer Labor and Employment Law Blog (April 6, 2018)
- "[Immigration Alert: Re-Registration for El Salvador TPS Beneficiaries](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (February 2, 2018)
- "[AZ: Prohibit Confidentiality Agreements in Sex Assault/Harassment Cases](#)," Author, Snell & Wilmer Labor and Employment Law Blog (January 19, 2018)
- "[DOL Adopts Primary Beneficiary Test to Assess Whether Interns are Employees](#)," Author, Snell & Wilmer Labor and Employment Law Blog (January 5, 2018)
- "[Arizona's Industrial Commission Publishes Final Paid Sick Time Regulations](#)," Author, Snell & Wilmer Labor and Employment Law Blog (December 7, 2017)
- "[Immigration Update: New Form I-765 Allows Foreign Nationals to obtain Employment Authorization Document and Social Security Number Simultaneously](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (October 6, 2017)
- "[Immigration Alert: California Passes Bill Restricting ICE Entering Businesses](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (September 18, 2017)
- "[Immigration Alert: DHS Commits to Ending DACA](#)," Author, Snell & Wilmer Labor and Employment Law Blog (September 5, 2017)
- "[Federal Court strikes down Overtime Rule](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (August 31, 2017)
- "[New Form I-9 Released](#)," Author, Snell & Wilmer Legal Alert (July 20, 2017)
- "[New Guidance on Paid Sick Time: Industrial Commission of Arizona Supplements its Proposed Regulations](#)," Co-Author, Snell & Wilmer Legal Alert (June 30, 2017)
- "[Does Your Federal Contractor Paid Sick Leave Policy Comply with Prop. 206?](#)" Co-Author, Snell & Wilmer Labor and Employment Law Blog (June 27, 2017)
- "[Arizona's Paid Sick Leave Law: New Guidance from the Industrial Commission](#)," Co-Author, Snell & Wilmer Workplace Word (May 31, 2017)
- "[New Mexico Minimum Wage Increases in 2017](#)," Author, Snell & Wilmer Legal Alert (February 17, 2017)
- "[IMMIGRATION UPDATE: Executive Order's Travel Ban Creates Chaos for Foreign Workers and Their Employers](#)," Co-Author, Snell & Wilmer Legal Alert (January 30, 2017)
- "[Arizona Legislative Assistance in Correctly Classifying Workers as Independent Contractors](#)," Co-Author, Snell & Wilmer Legal Alert (January 17, 2017)
- "[Arizona Employers Must Post Minimum Wage Poster On or Before January 1, 2017](#)," Co-Author,

Snell & Wilmer Legal Alert (December 30, 2016)

- "[Government Contracting and Executive Orders Under a Trump Administration - Part One](#)," Co-Author, Snell & Wilmer Legal Alert (November 10, 2016)
- "[Arizona Passes Proposition 206, Increasing the Minimum Wage and Requiring Paid Sick Leave for Hundreds of Thousands of Employees](#)," Co-Author, Snell & Wilmer Legal Alert (November 9, 2016)
- "[Local Regulation of Minimum Wage in Arizona on the November Ballot](#)," Author, Snell & Wilmer Workplace Word (August 22, 2016)
- "Independent Contractors: New Mexico," Author, Thompson Reuters: Practical Law (January 12, 2016)
- "Native American Law Watch: Solar Reservations: BLM's 'Fast Track' Approvals of Solar Projects on Federally Administered Lands Causing Concern," Author, Modrall Spering Roehl Harris & Sisk, P.A. (Winter 2015)
- "From Comity to Comedy: The Ninth Circuit's Blanket Injunction on the Sea Shepherd's Southern Ocean Activities May Be Laughing in the Face of International Law," Author, The Arizona Journal of Environmental Law & Policy (March 7, 2013)
- "Australian Federal Court holds Rating Agency Owes Duty of Care to Potential Investors" in Ian Ramsay (ed.)," Author, SAI Global Corporate Law Bulletin, Bulletin No. 184, 17, Part 6.10 (December 2012)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>: Ones to Watch, Labor and Employment Litigation (2022)
- Arizona Bar Foundation Top Pro Bono Attorney of the Year (2019)

## Community Involvement

- Florence Immigration & Refugee Rights Project, pro bono attorney
- Volunteer Lawyers Program
- ASU Homeless Legal Clinic, Supervisor

## Previous Professional Experience

- Brownstein, Hyatt, Farber, Schreck, LLP, Associate (2015-2016)
- Modrall, Spering, Roehl, Harris & Sisk, P.A., Associate (2014-2015), Summer Associate (2013)
- U.S. District Court, District of Arizona, Judicial Clerk to The Hon. Magistrate Judge D. Thomas Ferraro (2012)
- DLA Piper, Australia, Summer Associate (2012-2013)
- Toni&Guy, Summer Associate (2012)

## Bar Admissions

- Arizona
- Colorado
- Navajo Nation
- New Mexico

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of Colorado
- Supreme Court of New Mexico
- Tribal Courts of the Navajo Nation
- United States District Court, District of Arizona
- United States District Court, District of New Mexico
- United States Immigration Court
- United States Court of Appeals, Ninth Circuit