

# Snell & Wilmer

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## Joseph A. Kroeger, P.C.

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### Main Bio

“Joe is knowledgeable, responsive, friendly, and gives excellent advice and guidance. He is able to flex his guidance based on the client's business needs.”

— 2024 Chambers USA

“He is one of the best lawyers I have ever worked with. He is smart and detail-oriented.”

— 2023 Chambers USA

Joe Kroeger is a go-to labor and employment attorney with a national practice, who is enthusiastic about counseling his clients on the prevention side of employment claims and positioning problem employment situations for the best possible defense. Clients appreciate his proactive efforts, as well as his ability to serve his customers' needs in an effective and cost-efficient manner. As a former in-house counsel, Joe brings a wealth of experience and corporate perspective that enables him to better understand the issues his clients face. His clients range from small businesses to Fortune 500 companies in a wide spectrum of industries, including banks and financial institutions, hospitals and health care providers, transportation companies, non-profit organizations, and many others.

Joe's practice includes representing clients in a wide variety of areas, including:

- employment discrimination and harassment
- wrongful discharge
- breach of contract
- misappropriation of trade secrets
- non-competition/non-solicitation matters
- social media
- alternative dispute resolution and arbitration agreements
- labor arbitrations
- NLRB charges

- employee background checks and drug testing
- employer protection of intellectual property

Joe has litigation experience in a variety of federal and state judicial and administrative forums, as well as class action litigation. He has led cases to favorable verdicts in front of both federal and state juries.

As a top lawyer in his field, Joe is ranked as a Chambers USA: America's Leading Lawyers for Business® in Labor & Employment, as well as a Best Lawyer in America® in the areas of Employment Law-Management, Labor Law-Management, and Litigation-Labor and Employment. He is also recognized by Southwest Super Lawyers® in the area of Employment Litigation: Defense. Joe has a reputation as an effective and creative problem-solver for a wide variety of matters, both big and small.

Joe is the managing partner of the firm's Tucson office. He is licensed to practice in Arizona, California, Colorado and Illinois.

Finally, Joe is passionate about giving back to the community and currently serves on the board of United Way of Tucson & Southern Arizona. Joe is also active in the Southern Arizona Leadership Council and serves in their Governance Committee.

## **Representative Litigation**

### ***Employment Litigation and Other Matters***

- Arbitrated labor grievance challenging termination of public transit employee
- Served as lead national counsel in national Fair Credit Reporting Act class action against financial company filed in the Northern District of Georgia
- Represented mortgage company in defending against anti-raiding lawsuit in Oregon state court
- Served as lead national counsel in Fair Credit Reporting Act class action against trucking company filed in the Northern District of Indiana
- Represented computer technology company in assertion of confidential information, non-competition and non-solicitation claims in Texas state court
- Represented national transportation company in national company-wide Department of Labor audit of hundreds of exempt classified positions and negotiated settlement agreement addressing same
- Represented 28 service industry franchisees in hybrid wage-and-hour collective and class action
- Represented national financial institution in obtaining injunctive relief in a FINRA arbitration against a former employee
- Represented national oil company in defending restrictive covenant and trade secret litigation
- Represented national mortgage company in defending against request for injunctive relief as to former group of employees, as well as eleven other claims
- Represented international aerospace company in federal court in noncompetition/nonsolicitation/confidential information litigation
- Represented financial institution in state court jury trial arising out of enforcement of loan guarantee
- Represented a national transportation company in a national class action alleging Fair Credit Reporting Act violations
- Represented national education institution in defending against a California class action alleging violations of state and federal wage-and-hour laws

- Represented a national distribution company in defending against disability discrimination and retaliation claims
- Represented a national aerospace company in a non-competition/trade secrets dispute against a former employee and his new employer
- Represented entrepreneurs in a non-competition dispute with their former employer prior to the employer filing litigation, allowing clients to form own business (and flourish) in same industry
- Represented principals of company in non-compete and government contract dispute with former employer
- Defended national aerospace company in multiple phases of a non-competition lawsuit lodged by a competitor in multiple judicial forums
- Assisted large national employer in compelling arbitration of employee's claims in a novel and procedurally complex case
- Represented large employer in defending claims of race and gender discrimination and retaliation in federal court
- Represented national broadcasting company in defending against whistleblowing claims brought by a former employee
- Represented emergency services company in defending against whistleblowing and *qui tam* allegations lodged by former employee
- Represented national insurance company in administrative and civil proceedings related to insured improperly classifying its workforce to avoid premium payments
- Represented employers in over one hundred EEOC/ACRD charge of discrimination proceedings

### ***Pro Bono Litigation***

- Represented civil rights prisoner in federal jury trial alleging deprivation of constitutional rights
- Represented client before the Ninth Circuit and overturned Board of Immigration Appeals and trial court determination that individual was not a United States citizen
- Represented client before the Arizona Court of Appeals in upholding trial court's grant of summary judgment in favor of our client finding that director's transfer of primary asset of homeowner's association was invalid and void

### **Education**

- Stanford Law School (J.D.)
  - Lead Article Editor, Stanford Law & Policy Review
- University of Dayton (B.A., Political Science, *summa cum laude*)
  - Recipient of full tuition Presidential Scholarship

### **Professional Memberships & Activities**

- State Bar of Arizona, Labor & Employment Section
  - Executive Council (2014-present)
    - Immediate Past Chair (2022-2023)
    - Chair (2021-2022)
    - Chair-Elect (2020-2021)

- Treasurer (2019-2020)
  - Secretary (2018-2019)
  - CLE By the Sea Chair (2016-2017)
  - CLE Chair (2014-2015)
- State Bar Convention Co-Chair (2013-2014)
- CLE Committee, Tucson Lunch CLEs Chair (2011-2012)
- Pima County Bar Association
- Federal Bar Association
  - Board of Directors (2014-present)
  - Membership Chair (2015-2016)
  - Treasurer (2016-2017)
  - Vice President (2017-2018)
  - President (2018-2020)
- Udall Inn of Court (2008-2013)
- Snell & Wilmer Managing Partner, Tucson Office (2019-present)
- Southern Arizona Leadership Council (2019-present)
  - Governance Committee (2023-present)

## Representative Presentations & Publications

- "Breakout Session: Artificial Intelligence in Labor and Employment," Panelist, Tucson Metro Chamber Business Summit & Expo (May 22, 2024)
- ["Legal Tech's Predictions for Litigation, the Courts & ADR in 2024,"](#) Quoted, Legaltech News (January 19, 2024)
- ["Artificial Intelligence Already Affects Your Workplace: What Employers Need to Know,"](#) Co-Author, Arizona Attorney Magazine (January 2024 issue)
- ["Distinctive Culture Breeds Success at Tucson Law Firm,"](#) Quoted, Arizona Daily Star (December 17, 2023)
- "Trending AI Issues Affecting Employers," Presenter, Snell & Wilmer Corporate Counsel Forum (September 30, 2023)
- ["Ask Us Anything About Background Screening,"](#) Co-Presenter, Arizona Society of Human Resources Management Annual Conference (August 28, 2023)
- "Restrictive Covenants: Drafting & Litigation Tips," Co-Presenter, State Bar of Arizona Annual Convention (June 16, 2023)
- ["Everything Employers Need to Know About the EEOC's Updated 'Know Your Rights' Poster,"](#) Co-Author, Snell & Wilmer Legal Alert (October 26, 2022)
- ["Fair Labor Standards Act Update: Recent Federal Court Decisions Signal Potential Trend Against Requiring Judicial Approval of FLSA Settlements,"](#) Co-Author, Snell & Wilmer Labor and Employment Law Blog (August 18, 2022)
- ["Legal Perspective: Understanding the Fine Print of Tucson's New Minimum Wage Act,"](#) Co-Author, Inside Tucson Business (June 3, 2022)

- "The NLRB's Ever-Shifting Rules on Employee Handbooks and Policies," Presenter, SHRM of Greater Phoenix Conference (April 8, 2022)
- "[Effective April 1, 2022: Tucson, Arizona's Minimum Wage Ordinance](#)," Co-Author, Snell & Wilmer Legal Alert (March 31, 2022)
- "[4 Steps for Handling Religious Objections to Workplace Vaccine Mandates](#)," Media Mention, HR Magazine (October 28, 2021)
- "[EEOC Issues Guidance on Religious Objections to COVID-19 Vaccine Mandates](#)," Author, Snell & Wilmer Legal Alert (October 26, 2021)
- "[Tucson City Attorney: Parts of Minimum Wage Initiative are Unconstitutional](#)," KOLD News 13 (October 18, 2021)
- "[Joe Kroeger Named as a Leader in his Field by Chambers USA](#)," Inside Tucson Business (June 4, 2021)
- "Background Check Basics," Presenter, Snell & Wilmer Virtual CLE Series (June 1, 2021)
- "[Not So Fast: EEOC Withdraws Its Recently Issued Proposed Rules Addressing Employer Vaccination Incentives](#)," Author, Snell & Wilmer Labor and Employment Law Blog (March 2, 2021)
- "[Show Them the Money: Colorado's New Equal Pay Law](#)," Co-Author, Snell & Wilmer Legal Alert (December 7, 2020)
- "Election 2020: What it Means for Employers," Co-Presenter, 2020 Employment Law Tool Kit Three-Part Webinar Series: Session 3: Even More Issues for All Employers (November 16, 2020)
- "COVID-19 Update on the FFCRA, CARES, Arizona PSL and FMLA," Co-Presenter, Financial Executives and Affiliates of Tucson (October 22, 2020)
- "EEOC Issues Proposed Rule to No Longer Keep Employers in the Dark as to Cause Finding and Conciliation Demand," Author, Snell & Wilmer Legal Alert (October 8, 2020)
- "Updates and Trends in Employment Law 2020/2021," Co-Presenter, Arizona Technology Council (October 8, 2020)
- "[President Trump's four Executive Actions Extend Certain Coronavirus Relief Programs, but Create Legal Uncertainty](#)," Co-Author, Snell & Wilmer Legal Alert (August 11, 2020)
- "[2020 Best Lawyers](#)," Media Mention, Tucson Lifestyle Magazine (July 2020)
- "[Colorado Enacts the 'Healthy Families and Workplace Act'](#)," Co-Author, Snell & Wilmer Legal Alert (July 23, 2020)
- "Courageous Conversations: Conversations on Justice, Diversity and Understanding," Moderator, Snell & Wilmer Webinar (July 17, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (June 17, 2020)
- "[Supreme Court Confirms that LGBTQ Employees are Protected under Title VII](#)," Co-Author, Snell & Wilmer Legal Alert (June 16, 2020)
- "[A Summary of the EEOC's New COVID-19 Guidance](#)," Author, Snell & Wilmer Labor and Employment Law Blog (June 12, 2020)
- "Managing Business Needs During (and Beyond) a Pandemic," Co-Presenter, Snell & Wilmer Teleconference (May 27, 2020)
- "[Employees' Refusal to Work Over Coronavirus Concerns](#)," Co-Author, Snell & Wilmer Legal Alert (May 14, 2020)

- "[Updated EEOC Guidance for Employers Permits Testing for COVID-19](#)," Co-Author, Snell & Wilmer Legal Alert (April 30, 2020)
- "[Ninth Circuit Confirms That FCRA Disclosure May Be Included as Part of Employment Packet](#)," Co-Author, Snell & Wilmer Legal Alert (April 28, 2020)
- "[Navigating Compliance in Today's Hiring Environment](#)," Co-Presenter, Risk Assessment Group Webinar (April 27, 2020)
- "[A Roadmap to Reopening or Resuming Business in the Midst of a Pandemic](#)," Co-Author, Snell & Wilmer Legal Alert (April 22, 2020)
- 40 Under 40 Awards, Keynote Speaker, Tucson Hispanic Chamber of Commerce (December 2, 2019)
- "Protecting Against Employee Fraud," Co-Presenter, Southern Arizona Home Builders Association (November 21, 2019)
- "Employment Issues and Changes in Employment Law," Co-Presenter, Arizona Technology Council (November 14, 2019)
- "[Business Ethics Leadership Symposium](#)," Panelist, Public Relations Society of America - Tucson Chapter (2019)
- "5 Steps to Protect IP Against Employee Theft," Co-Presenter, Arizona Technology Council (July 11, 2019)
- "[UPDATE: Court Confirms that Employers are to Provide Pay Data to EEOC by Sep. 30](#)," Author, Snell & Wilmer Labor and Employment Blog (April 26, 2019)
- "[EEOC Sets Up Deadline of Sep. 30 for Employers to Submit Pay Data](#)," Author, Snell & Wilmer Labor and Employment Law Blog (April 4, 2019)
- "[Fair Credit Reporting Act Update: Employers Within the Ninth Circuit Are Required to Provide a 'Stand-alone' Background Check Disclosure Form – Yes, Literally](#)," Co-Author, Snell & Wilmer Legal Alert (February 7, 2019)
- "[Employers Will Be Required to Utilize a New 'A Summary of Your Rights Under the Fair Credit Reporting Act' Form](#)," Co-Author, Snell & Wilmer Legal Alert (September 26, 2018)
- "[What Your Company Can Learn From the Bryan Colangelo Twitter Debacle](#)," Author, Snell & Wilmer Labor and Employment Law Blog (June 8, 2018)
- "[Salary History Bans Could Reshape Pay Negotiations](#)," Quoted, HR Magazine (February 28, 2018)
- "[Why Asking About Salary History Is Risky Anywhere](#)," Co-Author, Law360 (November 29, 2017)
- "[Harassment claim surge could run into federal budget squeeze at EEOC](#)," Quoted, USA Today (November 15, 2017)
- "The EEOC's Assault on Employer's Parental Leave Policies Continues," Author, Snell & Wilmer Labor & Employment Law Blog (September 11, 2017)
- "The 'Gig' Economy and Its Ripple Effect on Labor and Employment Law," Presenter, State Bar of Arizona CLE By the Sea Conference (July 11, 2017)
- "Employment and Labor Law: Updates and Hot Topics in 2017," Co-Presenter, State Bar of Arizona Annual Convention (June 16, 2017)
- "SHRM of Greater Tucson Annual Employment Law Update," Co-Presenter (April 18, 2017)
- "NLRB Joint Employer Theory Faces Test, As D.C. Circuit Considers Legal Arguments," Quoted, Bloomberg BNA: Daily Labor Report<sup>®</sup> (March 9, 2017)

- "[4 Changes EEOC May Face Under Trump](#)," Quoted, Law360 (January 6, 2017)
- "[Arizona Employers Must Post Minimum Wage Poster On or Before January 1, 2017](#)," Co-Author, Snell & Wilmer Legal Alert (December 30, 2016)
- "Proposition 206 and What It Means for Your Company," Presenter, Lovitt & Touche Academy (December 8, 2016)
- "Snell & Wilmer 2016 Employment Law Update," Co-Presenter (June 15, 2016)
- "[Student-Athletes Aren't Employees: Seismic change in NCAA student-athlete experience avoided](#)," Quoted, Society for Human Resource Management (SHRM), (March 11, 2016)
- "Privacy Issues in the Modern Workplace," Co-Presenter, Catalina Rotary Club (February 19, 2016)
- "[As noncompete agreement use expands, backlash grows](#)," Quoted, Computerworld (February 5, 2016)
- "New Amendments to Federal Rules of Civil Procedure and Employment Discovery Protocols," Panelist, Federal Bar Association (November 13, 2015)
- "[Are You Keeping the Records Related to Your Company's Selection Procedures? The EEOC is Watching...](#)," Author, Snell & Wilmer Workplace Word Newsletter (August 7, 2015)
- "[10 Questions in Employment Contract Disputes: Part 2](#)," Co-Author, Law360 (July 22, 2015)
- "[10 Questions In Employment Contract Disputes: Part 1](#)," Co-Author, Law360 (July 21, 2015)
- "PEDs in the Workplace: It's a Mad, Mad BYOD World," Presenter, ACI Conference (April 22, 2015)
- "The First 48 Hours: How the First Decisions You Make in a Non-Compete Dispute Determines the Final Outcome," Presenter, State Bar of Arizona Employment & Labor Law Section CLE Lunch Meeting (March 30, 2015)

## Professional Recognition & Awards

- Top Workplaces' Small Employer Leadership Award, Tucson Media Partners (2023)
- AZ Business Leader in Tucson, AZ Business Leaders Magazine (2022)
- Chambers USA: America's Leading Lawyers for Business®, Labor & Employment (2021-2024)
- The Best Lawyers in America®, Employment Law - Management (2018-2024), Labor Law - Management (2020-2024), Litigation - Labor and Employment (2018-2024)
  - Lawyer of the Year, Litigation - Labor and Employment (2023-2024)
- Southwest Super Lawyers®, Employment Litigation: Defense (2014-2016, 2022-2024), Rising Stars Edition (2013)
- Snell & Wilmer Mentor Award (2018)
- Snell & Wilmer Community Involvement Award (2013, 2023)
- Up and Comer, Inside Tucson Business (2012)
- Snell & Wilmer Pro Bono Award (2011)
- 40 Under 40, Arizona Daily Star (2010)

## Community Involvement

- United Way of Tucson and Southern Arizona
  - Board of Directors (2022-present)
  - Co-Chair, Development Committee (2023-present)

- Big Brothers Big Sisters of Southern Arizona
  - Board of Advisors (2013-2022)
  - Immediate Past Chair, Board of Directors (2013)
  - Board Chair (2012)
  - Board Member of the Year (2012)

## **Previous Professional Experience**

- American Business Consultants Corp., In-House Counsel/Director of Human Resources
- Fisher & Phillips LLP, Associate
- Sidley Austin LLP, Associate
- United States District Court (N.D.Ill.), Law Clerk for Hon. Suzanne Conlon

## **Bar Admissions**

- Arizona
- California
- Colorado
- Illinois

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of California
- Supreme Court of Colorado
- Supreme Court of Illinois
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central District of California
- United States District Court, District of Arizona
- United States District Court, Northern District of Illinois
- United States District Court, Southern District of California