Risk Management of Your Employment Practices


HR30
Warren Cook

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The Importance of Risk Management for your Employment Practices

• How do businesses protect against risk and liability?
• Your greatest risk may be your human capital.

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Attendee Exercise 1

Topics for Today

• Risk Management of Your Employment Practices
  – Employee Classification
  – Talent Acquisition
  – Corrective Action
  – Employee Relations
  – Leave Administration
  – ADA Accommodations
  – Training
  – Performance Management
  – Separation
  – Harassment
Federal and State Regulatory Obligations

- Examples of recognizable laws include:
  - Fair Labor Standards Act (FLSA)
  - Family Medical Leave Act (FMLA)
  - Anti-Discrimination Laws
  - Equal Employment Opportunity
  - Occupational Safety & Health Administration (OSHA)
  - Uniform Services and Reemployment Rights Act
  - Americans with Disability Act
  - Workers’ Compensation
  - Unemployment Insurance
  - Employee Polygraph Protection Act
  - Many more state and local municipality regulations…

- Employees “assume” you are doing things right
- Know what you are **NOT** obligated to do
Employee Classification

- FLSA
- Employment

Recruitment, Orientation and Onboarding

- Tremendous risk and liability inherent in the process
- Bad hires are extremely costly
- Orientation and Onboarding are not the same thing
Corrective Action

- Documentation
- Consistency

- Used to correct unacceptable behavior
- Must be timely
- Must be well documented
- Must be communicated effectively
- Avoid the sugar coating or soft communication
- Do not avoid conflict, manage it
- Corrective Action is issued, not negotiated
- Email is discoverable
Employee Relations

• Open Door Culture
• Documentation
• Failure to Act
• Retaliation

Leave Administration

• Gender Equality in Leaves
• FMLA
• State Mandated Leave
• Workers Compensation
• Return to Work
Attendee Exercise 2

ADA Accommodations

• Consistency
• Documentation
• Interaction Process
Training

- Orientation / Onboarding
- Documentation
- Learning Outcomes
- Learning Mastery

Performance Management

- Tied to Compensation?
- Consistency of Reviews
- Documentation
Separation

• Voluntary versus Involuntary
• Capturing intellectual capital and transferring to remaining workforce
• Termination and documentation
  – At-Will Employment
• Final paycheck practices
• Benefits, COBRA, property and equipment
• Exit interview

Employee Has the Right to Expect…

• A safe workplace
• A workplace free of
  – harassment, bullying, intimidation, discrimination, disrespect, violence, and retaliation
• The ability to raise concerns and complaints to management
Unacceptable Workplace Behaviors

- Workplace Violence
- Workplace Bullying
- Workplace Discrimination
- Hostile Workplace Harassment
- Unprofessional Communication
- Retaliation

Harassment

- Take it Seriously / #MeToo Movement
- Document
- Investigate
- Know the Different Types and their Risks
Your opinion matters!

Please take a moment before leaving to evaluate this session.

Thank You!