



2016 New Year's Resolution –

To Avoid Employment Law Liability

Here are just a few ways to minimize the risk of employment law claims in the New Year.

Resolution #1 – Application Form. Your Company's Application Form is the FIRST and BEST source of protection from a variety of risks. Is it compliant with all applicable laws? Does it offer you all available protection?

Resolution #2 – Harassment Policy. Is your Company's Harassment Policy the best it can be? An insurance carrier recently estimated that an average discrimination claim costs \$125,000 to defend and settle, and took 275 days to resolve. The starting point for the prevention of a claim, and for the defense against a claim is your policy. Make sure yours provides your Company with all the protection it should.

Resolution #3 – Background Investigation. Is your background check policy and procedure legally compliant? Disclosure and authorization forms must comply with a variety of laws and the selection process too must comply with EEOC and FTC guidelines. Be sure that your procedures and hiring decisions are legally compliant and less likely to result in legal claims by unsuccessful applicants.

Resolution #4 – FMLA. For employers with 50 or more employees, FMLA compliance can be complex. The Department of Labor has said it will continue its focus on employer compliance and systemic issues, and will review employer policies and forms. Make sure your policy is completely up to date and that ongoing administration is fully compliant with the law.

Resolution #5 – NLRA. Many non-union employers are unfamiliar with the National Labor Relations Act and the National Labor Relations Board. But non-union employers, even those that will never have an organized workforce, must be aware of both. Recently the Board has been very aggressive in pursuing non-union employers for actions and policies that the Board considers to be Unfair Labor Practices, in violation of the Act.

I will be conducting a webinar for SHRM in February to address this. I will explain what non-union employer policies and procedures are subject to scrutiny by the Board, and how to avoid potential liability for Unfair Labor Practice charges. I will be in touch with the date and further details once they are finalized.

And of course, with revised Department of Labor regulations concerning exempt status classification anticipated mid-year, preparations should be made in advance. Please contact our office if we can assist you on following through with your Resolutions!

All the best for a successful and Litigation-Free 2016!!