



**Your Irreplaceable Workforce Management Partner**

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# **New Year's Resolutions - Checklists and Changes For Employers**

## Legislative Update:

- Spending bill passed with \$25 million more for National Labor Relations Board (NLRB)
  - Red Cup Rebellion (McDonalds, Taco Bell, Dollar General)
  - Uptick in organizing
- Alaska Airlines Dress Code lawsuit
  - “male” and “female” uniforms



## OVERVIEW OF TOPICS:

- Checklist of “to do” items
  - Employees and HR
- Rethinking Employment Practices - Is change necessary in today’s labor market?
- Reality of Rules
- Must haves
- Nice vs. necessary
- Company Culture
- Real Life

## Checklist involving employees:

Every year, certain employment related items **MUST** happen with the involvement of the employees.

- EEOC training
  - Anti-harassment/discrimination
  - Manager vs. employee
  - Combine with other training (OSHA, industry-specific)
- Sign off on policies
  - Anti-harassment/discrimination
  - Other critical business policies
- Posters
  - Consider location especially with remote workforce
  - EEOC update October 2022
- Benefits – health and welfare

## E-Update Services

- ✓ Upon activation receive a complete laminated federal and state poster pack delivered to your location.
- ✓ When a change happens, we will email you the new updated posting straight to your inbox as a downloadable PDF file.
- ✓ Print the updated posting on your office printer.
- ✓ Display the updated posting alongside your current labor law posters.
- ✓ On your anniversary each year, receive an updated poster.

Receive your All-In-One Poster (optional).



1. When a change occurs, we alert you with a call, and email the updated posting.



2. Print the updated posting.



3. Display your updated posting.



4. Receive an updated All-In-One State and Federal Labor Law Poster on the anniversary of your subscription.



## Checklist for HR:

- Wage and Hour law – minimum wage; updates to how OT, etc. is calculated; remote workers
- Leave laws – Allegheny County and Pittsburgh; USERRA; FMLA; other local laws.
- Job Descriptions – Fair Labor Standards Act (FLSA) compliance – are individuals classified correctly?
- Fair Credit Reporting Act (FCRA) – authorizations and related documentation
- Job applications/offers
- Utilization of noncompetes, nondisclosure, nonsolicitation agreements
- Anti-harassment/discrimination training – is it up-to-date?



## Rethinking employment practices:

- Difficult labor market
- Changing workforce
  - Work-life balance (vs. Jeff Bezos)
  - Value system
- Rethinking company culture
  - Rule oriented?
  - Cause oriented?

## Reality of Rules:

- Handbooks and policies have grown exponentially over the last 20 years
  - Every time there is a new case
  - Every time a new legal theory gains traction
  - Cover all bases
- Rules made for 5% (tail wagging the dog – setting a culture based on the problem children)
  - Results in a HUGE problem because of inconsistent enforcement
  - Results in no one reading or knowing what is in the handbook/policies
- Reality – only a small percentage of policies are legally required.

## Must Haves:

- Can vary from state to state and from industry to industry
- Anti-harassment/discrimination
- Mandatory leave policy(ies) – e.g. FMLA
- Job classifications (vs. descriptions)
  - Outside of handbook
  - Debatable – and length is certainly debatable
  - Justification for FLSA classification
- Health and Welfare
  - ACA – Counting employees/eligibility
  - Outside of the handbook – Summary Plan Description (SPD)/Plan Document

## Nice vs. Necessary:

- Food for thought: Employer does everything right – 99.9% (because no employer is perfect) – it will still be sued.
  - Employment Practices Liability Insurance
- Depends on Industry and Culture
  - Steve Jobs (“if you want to make everyone happy, don’t be a leader, sell ice cream”) vs. CEO of Bunnings Mike Schneider (4Hs of leadership – “Honesty, Humility, Helpful, and Happy”)
- Rules of Conduct
- Dress Code
- Attendance
- Vacation etc.
- Internet/e-mail/etc.
- Reference checks (mandatory in some industries)
- Job application



## Company Culture:

Progressive HR is centered on people instead of processes/rules; and culture instead of logistics.

- Where does the company want to position itself?
  - Causes (not just profit), flexibility, tuition, etc.
  - Parental leave, daycare
  - Stay interviews
  - “CYA squared”
  - Social Media presence/connections
  - Cross-training (holistic picture of company)
  - Transparency
  - Change from pyramid to teams
- Where does the hiring pool come from?
  - Do you start earlier?
  - Internships?
  - College/high school?

## Real Life:

Handbook says: No Call No Show equals two attendance points. Progressive discipline is implemented based on number of points. 1 point verbal warning, 2 points, written warning, 3 points suspension, 4 points termination. Rolling 12 month period.

Angelica is a 20 year employee. Great attendance record; great employee. She is a laborer. She misreads the schedule and doesn't show up. No call no show. Supervisor does not give her any problem and tells her not to worry – stuff happens. It's a tough labor market, he doesn't want to upset her and, really, he understands – stuff does happen. It was an innocent mistake.

Joe is a 2 year employee. Also a laborer. He's contentious. Maybe he is silently quitting. Maybe he just doesn't care. Maybe he's from a younger generation that doesn't value work. It's a sunny beautiful day. He is a no call/no show. He is at the point in attendance where he is terminated.

Joe sues. Does the handbook save the day? Does it ruin the day?

Thank you for attending!