

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

DOL's new overtime rule won't be released before August

The wait continues for the Department of Labor to release its much-delayed final overtime rule. A June 14 notice by the federal Office of Management and Budget said the rule won't be published before August.

One possible reason: The Biden administration wants a fully confirmed and sworn-in Secretary of Labor on board to shepherd the new rule's implementation—and that hasn't happened yet. Julie Su, nominated to become the new labor secretary in March, faces stiff resistance from Senate Republicans and moderate Democrats who oppose her pro-union and pro-gig-worker track record.

Child care costs working parents 27% of household income

On average, working families spend 27% of their household income on child care, according to Care.com's 10th annual Cost of Care report. For 59% of parents, the annual cost of child care tops \$18,000.

The report found working single mothers were hit hardest, paying just as much for child care as two-parent, two-income families. Seventy-three percent of single moms found themselves stuck on the waitlist for day care that fits their work schedules, and 54% have incurred extra expenses upwards of \$300 a week or more while on a waitlist.

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5 tips to improve open enrollment this fall

While everyone else is on vacation this summer, HR pros are busy planning for the upcoming open-enrollment season. Follow these tips to make the process run more smoothly for you and more effectively for your employees:

1. Solidify plans for remote enrollment. Work with benefits providers to ensure online enrollment goes smoothly. Benefits websites are notoriously difficult to use. Ensure plenty of customer-service reps will be available to help employees as they sign up.

2. Urge employees to reassess their benefits needs. In the past, most employees just chose the same benefits plan each year. But 49% of U.S. workers polled by Aflac last year said the pandemic was “a wake-up call” to

invest more time researching the best coverage options for their situation.

See if benefits providers offer tools to help employees determine their current needs instead of repeating the elections they have always chosen.

3. Promote health benefits literacy. You can eliminate some of the questions employees will have by making sure they know the lingo. What's the difference between a co-pay and coinsurance? What's balance billing? Health plans must provide employees with a summary of benefits and coverage. Point employees to the glossary of health benefit terms each SBC includes.

4. Open your communications toolbox. You're probably still going to mail information packets to employees.

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Plan to review I-9 docs this summer

Before heading out for the July 4 holiday weekend, add to your to-do list reviewing all the I-9 documents your remote employees presented in the last three years. By Aug. 30, you must physically inspect all I-9 documents you didn't examine after March 20, 2020.

That's when the Department of Homeland Security instituted COVID-emergency procedures that allowed employers that hired fully remote workers to inspect via fax, video link or email such documents as driver's licenses, passports and birth certificates that employees presented to establish their identities and authorization to work in the United States.

The flexible rules will expire on July 31. By Aug. 30, DHS expects that all employees whose documents

were not reviewed in the physical presence of an employer representative will have met with the employer and presented their documents.

Penalties for noncompliance are steep: from \$252 to \$2,507 per violation.

I-9 action items

Here's how to make sure you don't wind up in DHS's enforcement crosshairs.

1. Identify all remote employees hired after March 20, 2020, whose documents were not physically inspected. Do this by reviewing existing I-9 forms. If you discover other workers whose documents weren't inspected, add those to the list, too.

This is a good opportunity to con-

Continued on page 2

Open-enrollment tips

(Cont. from page 1)

But also consider other communications tools, which are readily adaptable to virtual environments. Use email, social media posts and easy-to-use web-based calculators and tools. Make sure every piece of benefits communication includes a reply email address so employees can get answers to questions.

5. Provide plenty of time to enroll. Employees are making important decisions when they sign up for benefits. Don't dump materials on employees and expect them to read everything right away. Tell them to take the time to review all that information. Suggest having family conversations about the benefits choices they have. Expect an increase in emails after employees and their spouses have a weekend to dig through the material you provide.

I-9 document review

(Cont. from page 1)

duct a compliance audit in anticipation of Immigration and Customs Enforcement inspections that are likely to occur after Aug. 30.

2. Notify affected employees of the new requirement. Instruct them to locate the documents they provided earlier. If someone claims their documents have since expired or been lost, have them review the list of acceptable documents at www.uscis.gov/i-9-central/form-i-9-acceptable-documents. Tell them to be prepared to offer alternative documents.

If you use a payroll processor or a major background-check company, you can outsource the I-9 document reinspection process. Alternatively, have employees travel to your headquarters or arrange to meet at a convenient mid-point to have their documents reviewed.

Online resource For detailed I-9 compliance information, including downloadable versions of Form I-9, see www.uscis.gov/i-9-central.

Spotlight on Benefits

Offer pay to play: Vacation stipends encourage staff to take time off to recharge

This summer is shaping up to be the season of post-COVID vacations. It comes as many employees have finally returned to on-site work after three years of working remotely, with additional stress arising from the resumption of morning and evening commutes.

Employers are actively encouraging employees to take long-delayed vacations. Some are even adding financial incentives in the form of vacation stipends. They are literally paying employees extra to go on vacation.

Skeptical that such a benefit can work in your organization? Consider this: Vacation stipends don't just help employees unplug and refresh. They also provide important retention incentives, encouraging employees to stick around instead of seeking job opportunities elsewhere.

Offering a vacation stipend benefit is sometimes called a "paid, paid vacation." Employers that offer it reimburse workers up to a predetermined amount for expenses during a vacation trip, such as the cost of transportation, hotels, amusement park tickets and meals. This can encourage workers at all income levels to truly unplug and spend time with loved ones.

Examples of vacation stipends

A growing number of employers offer travel stipends. FullContact, a Denver-based tech company, grants workers a vacation bonus on their work anniversary ranging from \$2,000 after one year to \$7,000 after three. Employees just have to maintain good performance ratings to qualify.

BambooHR employees receive

\$2,000 per year to help pay for vacation expenses.

Other employers only provide the additional payment if workers take five or more consecutive days off, not just a day here and there.

Make stipends work for you

Fewer employees are taking vacation these days, according to a recent survey from Eagle Hill Consulting. The survey found that 39% of employees have not taken a vacation in the past

12 months. Half of those employees cited the expense of traveling as the biggest reason they skipped taking a vacation.

The fix may be simple. Begin by requiring employ-

ees to take vacation every year. Don't let them off the hook by letting them roll over unused leave into the next year. Insist employees take a minimum number of days off.

Then make it easy for employees to take vacation time off by paying a vacation stipend. Offering paid time off plus an additional payment to help cover expenses associated with truly getting away will mean employees take fewer "staycations" and actually get away from the day-to-day.

How much you offer as a vacation stipend is up to you. Feel free to be lavishly generous. No one is going to turn down a fully paid vacation! But employees will appreciate even modest stipends. A couple hundred dollars on a gift card can help turn a night out on the boardwalk into a cherished vacation time to remember.

Advice: Consult with your colleagues in payroll to properly account for vacation stipends. Remember: Gifts of cash or its equivalent are taxable to employees.





Pregnant employee? You're not their doctor and you don't know what's best for her!

The Pregnant Workers Fairness Act took effect June 27. In the run-up to that date, the EEOC began filing pregnancy-discrimination lawsuits at a rapid clip. For example, it just sued a bar over allegations that managers adopted a paternalistic approach to pregnancy, resulting in the firing of a pregnant bartender.

Recent case: Kellie was a bartender at The Corner Bar in Austin, Texas. She usually worked the most lucrative shifts, and typically worked until closing time.

Kellie became pregnant and told her supervisor. Soon after, her hours were cut and she was removed from the closing shift. Kellie then came down with a viral infection and was hospitalized. While she was still in the hospital, her manager called and said they were “parting ways” with her.

He explained that the bar had recently experienced a fight between two patrons, allegedly making the workplace unsafe for a pregnant bartender.

Kellie complained to the EEOC, which sued on her behalf. The suit alleges Kellie had been discriminated against because of her pregnancy. In announcing the lawsuit, the EEOC's regional attorney noted that actions like The Corner Bar's prompted the need for the PFWA. (*EEOC v. 1901 South Lamar, et al.*, WD TX, 2023)

Advice: Instead of firing a pregnant employee or placing her on unpaid leave because you think the work environment might be dangerous, seek obvious ways to make the workplace safer. That's a far better approach than falling back on a paternalistic attitude that pregnant workers should stay home for their own safety.

Ensure college recruiting materials don't illegally exclude foreign applicants

If you recruit college students to come work for you, make sure your recruiting materials don't imply you won't consider hiring noncitizens such as those holding temporary visas. Otherwise, you can expect an enterprising student to file a potentially costly claim with the U.S. Department of Justice.

Recent case: A foreign student at the Georgia Institute of Technology was authorized to work in the United States, but he was not a U.S. citizen. He was scrolling through job boards managed by the university to see what employment opportunities might be available to him from corporations such as Proctor & Gamble and Honeywell, as well as local employers.

However, when he tried to apply, he discovered that the sites would not allow him to even register to meet with

a recruiter. The student filed a discrimination complaint with the Justice Department, which determined that 10 employers posted ads on the Georgia Tech job board that only accepted applications from U.S. citizens.

The employers have now agreed to pay a total of \$460,000 to settle discrimination claims, with each penalty based on the number of ads that restricted applications to U.S. citizens only. Fines ranged from \$191,995 paid by Honeywell to \$13,395 paid by GreyOrange, a small Atlanta company.

Takeaways: Review your college recruitment materials to make sure they don't state or imply that noncitizens cannot apply. Unless a job involves working on a federal contract that requires U.S. citizenship and a security clearance, excluding foreign applicants is illegal.

Dumping pennies in driveway triggers more FLSA charges

Don't tick off the Department of Labor's Wage and Hour Division. That's the lesson learned the hard way by A OK Walker Autoworks of Peachtree City, Ga. The company made news in 2021 when a former employee complained to the DOL that he hadn't received his final wages when he quit.

The repair shop owner heard about the complaint and promptly paid the man \$915—in the form of 91,500 pennies soaked in oil and dumped in his driveway. Atop the pile was a pay stub on which was scrawled “**** you!” The owner also posted a defamatory message about the former employee on the business's Facebook page.

The man was not amused, and neither were federal investigators.

In January 2022, the WHD charged the owner with violating the anti-retaliation provisions of the Fair Labor Standards Act, which are designed to protect workers who file wage complaints.

But then investigators started digging a little more deeply into A OK Walker Autoworks' pay practices. They wound up filing additional charges alleging the business owner failed to properly pay overtime wages to the former employee and eight others.

Now the owner has been ordered to pay \$19,967.09 in back wages, plus another \$19,967.09 in liquidated damages. Add in an additional \$8,690 in damages due to the original plaintiff, and the owner is on the hook for \$48,624.18. The court said payment had to be in the form of a cashier's check, certified check or money order.

The lesson: “Workers are entitled to obtain the wages they earned without fear of harassment or intimidation,” said Juan Coria, the WHD's Atlanta administrator. “The Wage and Hour Division will use all tools available to ensure workers' rights are protected and that employers do not retaliate against them when they assert those rights. This case should serve as notice to employers that retaliation will not be tolerated.”

For 34% of American workers, mental health has worsened recently

More than one-third of U.S. workers report their mental health has taken a turn for the worse. What's the culprit? Survey respondents say, among other factors, long hours and excessive workloads. For example, the survey found that nearly half who reported decreased mental health worked more than 50 hours per week.

What could help address these mental-health concerns? Flexibility and work-life balance are the top things workers believe would help. More than half say being able to take “no work” leave days without guilt would be useful—the top response.

The latest workforce survey from the Conference Board polled more than 1,100 individuals—predominantly office workers. Respondents weighed in on their mental health, engagement levels and sense of job security. Mental health is defined as a state of mind characterized by emotional well-being, good behavioral adjustment, relative freedom from anxiety and disabling symptoms, and a capacity to establish constructive relationships and cope with the ordinary demands and stresses of life.

Among the Conference Board survey's key findings:

Workers report their mental health is decreasing.

Thirty-four percent say their self-reported level of mental health is lower than it was six months ago, and 37% say their sense of belonging is lower.

Effort isn't part of the problem. Despite decreasing engagement (the desire to go above and beyond), nearly 70% say they are working harder than is expected of them.



- 48% of workers who report decreased mental health work 50+ hours a week.
- 49% of women say increased workload/hours hurt their mental health, compared to 39% of men.

Nearly 4 in 10 report rising burnout

Burnout is the workplace problem that just won't go away, according to new research from employment and outplacement firm Robert Half. In a survey of more than 2,400 U.S. professionals, 38% of respondents reported being more burned out now than they were a year ago.

Workers said the top factors contributing to burnout today are:

- Heavy workloads (cited by 56%)
- Lack of communication and support from management (32%)
- Insufficient tools and resources to perform effectively (27%).

Those most prone to burnout include working parents and millennial employees aged 27 to 42. Also at risk: Employees who have been with their organizations for two to four years.

The research shows more must be done to promote a healthy workplace culture. Nearly four in 10 professionals (37%) feel uneasy about expressing feelings of burnout with their boss. Further, one in five workers said their manager hasn't taken steps to help them alleviate work-related stress.

What does it look like when employers do try to alleviate worker burnout? Employees who said their organizations have been supportive said their bosses:

- Encouraged them to take time off (26%)
- Provided greater schedule flexibility (24%)
- Gave them guidance on prioritizing projects (22%).

HR Q&A: Focus on Hiring, Benefits

How can we save money by hiring directly instead of through our usual temp agency?

Q: We use a contract temporary labor service. Due to the need to lift pay rates to attract employees, we are considering hiring temporary employees directly. In Texas, what is the maximum time we can hire someone for without providing full or partial benefits? What is the minimum time before an employee can be released, and then be rehired with the clock restarting? — Jamie, Texas

A. Hiring as regular workers people who have had an opportunity to work with you through a temporary service and who do good work is a great idea. Having said that, there is no “maximum time” you can hire people for as regular workers before they become eligible for employment benefits. You don't have to adopt any paid benefits

plans, although this may help attract better workers.

Once someone becomes a qualified employee for purposes of a health benefits program, the longest they can be required to wait before being able to enroll is 90 days. Any benefits plan you adopt will need to meet certain nondiscrimination tests, meaning that they cannot favor highly compensated workers; they must be open to all workers.

Do not hire workers and then lay them off just before they qualify for benefits. This can lead to lawsuits claiming violations of ERISA, the Employee Retirement Income Security Act. That's the federal law that governs most employee benefits.

And in any event, many workers value employer-provided benefits such as health insurance as much as or more than they do a few extra dollars in a paycheck. Think twice before dangling benefits in front of your workers and then yanking them away.

Use these 3 strategies to manage your time and set priorities

Do you constantly struggle to complete everything during the workday? Are you forced to put in overtime to complete crucial tasks? If so, you're not alone—plenty of executives and managers need to improve their time- and priority-management skills.

According to a study by productivity expert and blogger Darius Foroux, 88% of employees, including executives, admit to procrastinating for at least one hour per day. Research has also shown that people waste about an hour and a half daily on tasks and meetings irrelevant to their roles.

What's the underlying reason for all this lost productivity? There are many, including subpar priority management, inefficient or irrelevant meetings and tasks, and insufficient planning.

After all, as time-management guru Brian Tracy puts it in his book *Eat the Frog*, spending 10–12 minutes planning your tasks in the morning

will save you at least two hours of wasted time throughout the day.

With proper time and priority management, you can get more done in far less time, which will skyrocket your productivity and lower your stress levels.

1. Rank effort vs. reward

It's crucial to first knock out the tasks that'll provide your business with the most value.

To do so, you should create a complete list of all your tasks and then rank them based on the amount of effort involved vs. what you get out of them.

Here's a simple framework you can use:

- **High effort/high reward.** These tasks should be at the pinnacle of your list, as you'll want to knock them out first.
- **Low effort/high reward.** It would be best to focus on these tasks



next, as they still provide a high reward—and you'll be able to knock them out in no time.

- **Low effort/low reward.** You can move on to these tasks if you have enough time during the day.
- **High effort/low reward.** If possible, it's best to delegate these tasks to someone else.

Apply these smart principles to create a win/win environment for effective negotiations

Negotiation happens all the time. Sometimes it's across a conference room table and sometimes it takes place via email or videoconference, but negotiating is something all HR pros should master.

Whether you're advocating for a bigger budget or hashing out a complicated project schedule, let these principles guide your next negotiation:

- **Understand everyone's needs—including your own.** Find out what the other person wants to achieve, and be clear in your own mind about what you hope to get out of the negotiation. Distinguish what's essential from what's secondary, so you don't get caught up in unnecessary disagreements.
- **Be honest and fair.** Credibility is the key to a successful negotiation. You don't want to risk getting caught in a lie, or even in a half-truth. Treat the other side with the same respect you expect, and don't try to cheat your way to success.
- **Look for creative solutions.** Don't get locked into a "my way or the highway" situation. As you discuss your position, look for pathways to success that will satisfy both of you, even if you didn't walk into the negotiation with that particular option in mind.
- **Know when to walk away.** Although your ideal objective is an agreement, don't compromise your priorities just for the sake of getting to "yes." Decide what your bottom-line position is and stick to it—not as a negotiating ploy, but to protect your own position.
- **Keep the relationship safe.** Win or lose, you'll probably have to deal with the other person again. Don't make an enemy. Stay calm throughout the process so everyone knows you respect people even though you may not agree with them.

2. Set healthy boundaries

You need to get used to saying the word "no" if you want to complete your most pressing tasks and still have some semblance of a life outside of work.

Instead of saying "yes" to every task or meeting that suddenly emerges, stick to your priority list like glue. For anything else that pops up during the day, politely decline. Delegate the work to someone else.

3. Stop multitasking

This tip may seem counterintuitive at first. After all, shouldn't multitasking help you get more done during the day?

While many professionals still believe this, it's a myth. Research has shown that multitasking causes employees to make more mistakes and can cost you 40% of your productive time at work.

By setting boundaries, completing one task at a time and creating a priority list, you'll find time to focus on what matters most.

To: _____
From: _____

Date: July 2023
Re: New hire retention

Communication

How to keep new employees productive & engaged

When employees quit shortly after being hired, the departure is a gut punch to productivity and adds unnecessary costs. Plus, it can send unsettling shock waves to employees.

Managers set the foundation for good employee relationships during the hiring process and in those first weeks on the job. Here are tips to keep newbies onboard, productive and engaged:

When you're hiring

Find out what the applicant really wants and needs. Don't focus exclusively on what candidates can do, and even less on what they have done. Ask questions that will help you learn more about how you might work with them as individuals.

Tell the applicant who you really are. Give applicants an idea of what kind of boss you are and how you operate as a leader and manager.

Explain the organization's climate and culture. There's no advantage to painting an unrealistically rosy picture to entice a promising candidate. Tell applicants why you like your job and working with this team. Talk about why your team members have chosen to stay and grow. Be positive, but honest.

Cover the basics to avoid surprises. For example, it's important that you show applicants samples of the work they would actually be doing if they're hired. They should also see the work area and meet some of their prospective co-workers.

After you hire

Make sure new employees are well-launched. The first few weeks are crucial. Look for areas where further orientation or training is needed. Be alert to problems employees may have adjusting to a new environ-



ment or schedule. It's important that new employees feel they're doing as well as they can, so be especially diplomatic in pointing out errors or mistakes.

Work at keeping in touch. Lay the foundation of your relationship by being available to help or just to listen. New employees may not seek you out, so find ways for your paths to cross. Informal get-togethers with the team can help.

Recognize accomplishments. New employees are especially eager to know how their work is being evaluated. Praise and feedback are doubly important at the beginning.

Encourage initiative and new ideas. One reason good employees leave, aside from lack of appreciation, is that they feel little or no opportunity to try out new ideas, learn new skills or experiment with new procedures. When you open up these possibilities, you'll increase your chances of keeping employees interested for years to come.

Be the main source of information about the enterprise. Employees expect you to relay to them vital information about changes in policies and procedures that will directly affect them.

Show a willingness to work things out. No work situation is ever completely free of conflict. That's beyond your control. But you can work toward limiting conflict and tensions

5 signs your employee might be ready to bolt

People rarely leave their jobs unannounced. They may not use words, but in one way or another, they typically signal their intention to leave. Watch for these key indicators, then be ready to sit down with the employee to discuss future work plans.

- 1. A shift in attitude.** Employees who have decided they are "short timers" may take on a devil-may-care attitude and show less concern about long-term matters.
- 2. Clamped-down communication.** In trying to conceal one thing—a job hunt or a better offer—employees often cut back on how much they talk about everything.
- 3. More frequent absences.** A sudden change in a long-term attendance pattern—especially a change marked by morning, afternoon or lunchtime absences—may signal that an employee has scheduled daytime interviews.
- 4. Improvement in grooming or dress.** There's nothing wrong with employees improving their appearance. But if they arrive unusually well-dressed and take off part of the day, they may have an appointment where they're trying to make a good impression—perhaps on a potential new boss.
- 5. Major life change.** Whether it's a new baby, marriage or divorce, big moments in life can also serve as a precursor to job hopping.

in your area. Your people always notice and judge how you handle problems. Make sure your actions demonstrate that you're aware of what's happening in your area, and that you're consistent and fair.



Build toolkit to use every time you launch an investigation

Employment lawyer John Doran has a secret weapon he deploys every time a client asks him to conduct an investigation of alleged workplace misconduct: an investigations toolkit already loaded onto his laptop. It contains templates for all the documents needed to determine what happened and guide the investigation toward resolution.

Doran urges HR pros to create their own investigation toolkits. They ensure that no investigatory steps are missed. That makes your investigation credible if an incident winds up being litigated in court.

“The final report on your investigation findings is Exhibit A in court,” Doran says. “It will be read by every judge and every jury.”

Pro tip: Place a folder containing templates for all the following documents directly onto your computer desktop. “Then copy and paste it into your working files every time you start an investigation,” he says.

Investigation toolkit contents

Here are the elements that belong in your investigation toolkit:

Investigative plan: Your overall strategy for conducting the investigation. Capture what allegedly happened, who was allegedly involved and when the alleged incident occurred.

Set an investigation schedule.

IT and litigation-hold documents: These boilerplate documents tell the IT department and all relevant parties that they must preserve and not alter any files that might conceivably be associated with the investigation.

Issues list: A detailed catalog of the problems you may have to address as an investigator.

To-do list: Tasks you envision having to complete during the investigation and afterward, once you have gathered the available information.

Witnesses list: Who you must interview to gather information about the incident.

Witness scripts: What you will say to every witness you meet with. Examples: statements about the reason for the investigation and its goals, how the process will work, the interviewee’s role and what might happen (and might not happen) once the investigation concludes. Include questions you will ask everyone you interview, as well as queries specific only to certain witnesses.

Interview notes/witness statements: This is where you will document what witnesses tell you. Prepare one set of notes and statements for each witness.

Documents reviewed list: Record every single document you accessed

or read during the investigation, including internet searches.

Call, email and voicemail list: Note the details of every conversation you had with anyone about the investigation, regardless of the medium. Capture the date, the parties involved and the substance of each conversation.

Issue resolution list: Record matters still outstanding after you have conducted all interviews and gathered as much information as possible. Detail how you plan to resolve these issues.

Ongoing draft report: This is an iterative version of your final report describing what you learned during the investigation, what conclusions you reached and the discipline you recommend, if any.

Crucial advice: “Save each version of your draft reports,” Doran counsels. “Never delete any of the files you create during an investigation.” That’s because an employee’s attorney will zero in on any gaps in your investigation documentation, and that could sink your defense in any litigation. “Deletion equals guilt in court,” Doran says.

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When to call your outside attorney, when to handle it yourself

Say HR just received a subpoena for the employment records of an employee. How should you respond?

Maybe your company doesn't have a general counsel or even an HR office—it's just you! What do you do?

Many day-to-day HR issues can be handled without consulting an attorney—if you have a sufficient level of knowledge or experience.

That said, there are some situations where contact with an outside employment attorney is practically a must. Here's how to respond to some common situations:

Summons and complaint

If you receive a letter from an employee that threatens a lawsuit over a recent employment decision, seek advice right away from your outside attorney.

The same holds true with a summons and complaint, as the courts give you a relatively short period of time to make your company's initial defensive responses to a lawsuit. Failing to respond to a lawsuit on time can result in losing the lawsuit before you even offer your first defense in court.

Don't wait for trouble before you contact an attorney. It's helpful to already have an established relationship. It makes it easier to get up to speed on your company and the issues, saving time and money.

Subpoenas

In most situations, a subpoena signed by an attorney is considered to be a court-sanctioned, legally valid order to produce information or records. Your company can be taken to court and ordered to respond if you delay or refuse to respond.

But unless the subpoena is sent as part of a lawsuit in which you or your company is a party, it's unlikely that you need to take a strong defensive position—or call your attorney.

For example, when a subpoena requests employment records about an employee who himself is involved in litigation—say a child-support dispute or divorce proceedings—you

typically don't need to call your company's outside employment counsel.

All you need to do is contact the attorney who sent the subpoena and say you'll send

the requested records if the attorney provides a release from the employee. Most attorneys who send subpoenas will send a release.

Discrimination and harassment claims

Most discrimination or harassment complaints should alert you to the possibility that a lawsuit is coming.

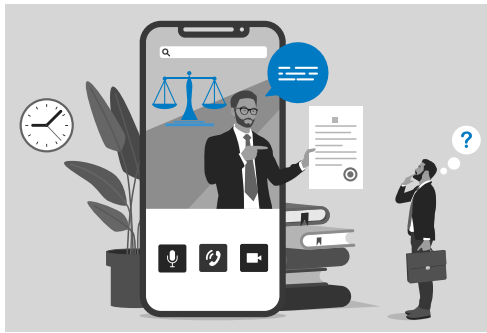
Since you have a legal obligation to preserve all documents that might be relevant if a lawsuit is filed, it is a good idea to alert your attorney.

That way, you can discuss whether litigation is likely to result and how best to respond to the complaint so you are prepared for that eventuality.

What about policies and handbooks?

Most HR professionals are competent enough to draft employment policies and handbooks. However, it's a good idea to have an experienced attorney review the policies or handbook before implementation.

Drafting the policies yourself will save money. But the legal review is still important to ensure you've satisfied state and federal legal requirements, avoided legal inconsistencies and steered clear of unnecessary contractual promises. That makes the fees you pay your lawyer money well spent.



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