

Fumbles and Strike-Outs: HR Practices that Get Companies Sued



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**“Show me a
good loser,
and I’ll
show you a
loser.”**

--Vince Lombardi



L A W

Reason No. 1: An Applicant Strikes Out.



L A W

Winning Employers Will:

- Establish objective qualifications for vacant positions (job descriptions, postings, etc.).
- Establish a consistent interview process.
- Train interviewers.
- Remove job postings once filled.
- Establish “expiration dates” for applications/resumes.



Reason No. 2: Unequal Playing Time.

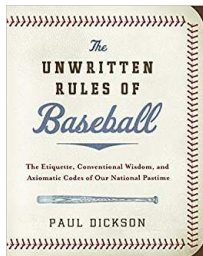
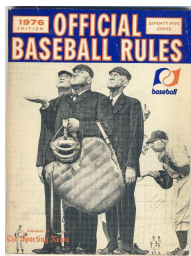


Winning Employers Will:

- Discuss developmental paths for employees.
- Have a clear process for expressing interest in promotion.
- Help employees understand why they were passed over for promotion.
- Conduct internal equity wage reviews.



**Reason No. 3:
Employees Don't Understand
The Rules.**



S B H
L A W

Winning Employers Will:

- Have a good onboarding process.
- Create clear expectations for performance and behaviors.
- Promptly address performance or behavioral issues as they occur.
- Have documents for addressing performance or behavioral issues.
- Train supervisors on effective management.

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**Reason No. 4:
Inconsistent Referees.**



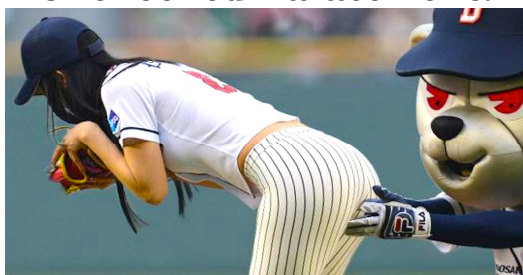
S B H
L A W

Winning Employers Will:

- Have a clearly communicated “code of conduct.”
- Progressive or consistent discipline.
- Establish a means for documenting poor performance of unacceptable behaviors.
- Avoid surprises to employees.
- Train supervisors.



Reason No. 5: Unchecked Harassment.



Winning Employers Will:

- Have a clear no-harassment policy.
- Have a **clear** reporting procedure.
- Immediately investigate complaints of harassment.
- Take decisive corrective action.
- Train employees.
- Train supervisors.



**Reason No. 6:
Perceived Retaliation.**



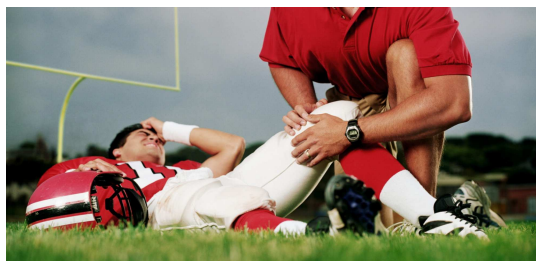
S B H
L A W

Winning Employers Will:

- Apply rules consistently.
- Deal with performance or behavioral issues as they occur.
- Document performance or behavioral issues consistently.
- Train supervisors.

S B H
L A W

**Reason No. 7:
An Employee's "Disability"
Was Not Accommodated.**



S B H
L A W

Winning Employers Will:

- Have a **clear** procedure for requesting accommodations.
- Follow-up on all requests for accommodation.
- Train HR and supervisors on recognizing accommodation requests.
- Document the accommodation process.



Reason No. 8: An Employee Was Fired After Injury or Illness.



Winning Employers Will:

- Have clearly established sick-leave policies.
- Start the “FMLA clock” for eligible and qualified employees.
- Do not permit indefinite leaves of absence (including for work-related injuries).
- Train supervisors.



**Reason No. 9:
An Employee Was Taken Out
of the Game with Disrespect.**



S B H
L A W

Winning Employers Will:

- Avoid obviously disrespectful behaviors .
- Avoid the “perp walk” for fired employees.
- Ensure that employees understand why they were fired.

S B H
L A W

**Reason No. 10:
Trash Talking About A Former
Employee.**



S B H
L A W

Winning Employers Will:

- Have process for receiving and responding to reference inquiries.
- Usually provide only neutral information about former employees.
- Keep confidential information confidential.
- Train supervisors.





Questions and Answers

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