

PROGRAM AGENDA

Advanced Certificate in Human Resource Management

PART I: UPDATE ON CRITICAL ISSUES IN EMPLOYMENT LAW

Day 1

8:00 am: **Registration**

8:30 am

Recruiting in a Tight Employment Market: Innovative and Aggressive Staffing Strategies That Are Both Successful and Legal

Today's tight employment market presents HR with a huge challenge in recruiting top talent. As qualified individuals become scarcer and highly specialized job roles become more common, it is critical that you strategically focus your recruitment efforts. This session will provide you with innovative and lawful staffing strategies to attract the very best employees in a fiercely competitive market. Discover how you can lure your competitors' best performers while steering clear of legal snares.

- Hiring top performers from your competitors: Identifying who they are and how to attract them while avoiding legal snafus
- Reduce costly mistakes that can accompany last-minute hiring by building a qualified pool of candidates
- Using targeted recruiting methods, such as trade associations and networking groups, to find qualified candidates while ensuring a diversified candidate pool
- Understanding the legal issues when you rescind a job offer
- Implementing innovative and aggressive hiring techniques that are both successful and legal

9:15 am

Successfully Managing Today's Problematic Employees: Enforcing Disciplinary Action While Avoiding Expensive Liability

Managing troublesome employees is not a new problem; however, the number of behavior problems in the workplace is increasing, and the issues facing employers are more complex than ever before. While taming grouchy, whiney, irresponsible, and aggressive behaviors is burdensome, it is absolutely essential to take assertive action in order to avoid loss of productivity and potential legal risks. This session will equip you with strategies to manage difficult employees while staying in compliance with the law.

- Update on the increasing behavior problems facing employers
- Don't let them slide: Recognizing warning signs of problematic behavior and taking immediate action before it turns ugly
- Investigating rogue employees and determining when it's appropriate to take disciplinary action
- Establishing corrective action policies and practices, and exercising good judgment and consistency in enforcement
- Using mediation and conflict resolution tactics to lessen the chances of your legal exposure

10:15 am: **Break**

10:30 am

EEOC Update: The Relationship Between Discrimination and Retaliation and What You Must Do to Break the Bond and Minimize Your Liability Risks

Two Delivery Drivers in Race Bias Claim Awarded \$12 Million

Studies show that as many as 60 percent of employees who report discrimination experience retaliation, too. In fact, retaliation claims have increased by almost 100 percent over the past decade, so it's important to be up to date on what's happening with both discrimination and retaliation claims. Here are the tools and techniques you need so you won't get caught in the nasty tangle of discrimination and retaliation.

- Update on the Supreme Court's recent retaliation decision that makes it harder for employers to defend retaliation lawsuits
- The aging workforce and why age bias claims are about to explode: What you must do to benefit from your older employees and avoid litigation
- More of a melting pot than ever: Avoiding national origin claims from English-only rules and accent discrimination
- What are sincere religious beliefs, and the growing confusion of what you must do to accommodate them
- Important recent cases on race, sex, and pregnancy discrimination
- Implementing critical antiretaliation training for managers and supervisors so you can avoid legal headaches

11:30 am

Preparing for the Approaching Tidal Wave in Wage and Hour Litigation

UBS Pays Misclassified Financial Advisors \$89 Million in Overtime and Wage Claims in Collective Action Suit!

Payouts of almost \$100 million are being racked up in wage and hour collective action suits with a frequency that is frightening. Meanwhile, some collective actions entail little in unpaid wages and are brought more for the attorneys' fees than the wages owed. This session will give you the latest on what employer mistakes plaintiffs' attorneys are looking for and the steps you must take to close the door on the approaching tidal wave of wage and hour litigation.

- The developing battleground: The difference between class action and collective action lawsuits
- Recognizing the most common employer errors that leave the door wide open for collective action suits
- The steps you must take to eliminate wage and hour mistakes that could blow up into enormous lawsuits
- The latest developments in exempt-status classification: What the courts are saying
- What is time worked? Surprising employer errors that add up to big money
- Update on recent court cases and DOL opinion letters and what they mean for your organization

12:30 pm: **Lunch**

1:30 pm

What Constitutes Notice of the Need for FMLA Leave and Other Pressing FMLA Issues

The FMLA was enacted over 12 years ago, but employers still struggle with administering this difficult statute. The last year has seen many cases addressing the fundamental question of whether an employee's communication to an employer even constitutes a request for leave, and the questions only begin there. This session will focus on the latest developments under this tricky law and arm you with the strategies you need to manage it.

- Knowing what employee communications a court might recognize as a request for FMLA leave
- Applying the latest decisions on what constitutes a "serious health condition"
- Balancing employee privacy rights and certification requests

- Dealing with increasing “needed to care for” leave requests
- How the Supreme Court’s *Ragsdale* decision has been applied by lower courts and what that means for managing your employees’ leaves
- How your vacation notice requirements might be found to violate FMLA
- Latest strategies for minimizing FMLA abuse
- Learning the latest on “mixed motive” court decisions on FMLA retaliation and what they mean for you
- How to be on the right side of the line between determining an employee can’t do the job and “retaliation”

2:30 pm: **Break**

2:40 pm

Determining Who Is Covered Under the ADA, What They’re Entitled to, and Making Sure Your Managers Don’t Take Actions to Make Non-Disabled Employees Protected

Much of the ADA litigation revolves around the question of whether an employee is even disabled, and the law covers many employees who are not disabled because they are regarded as disabled. This session will bring you up to date on the latest developments to help employers strike the delicate balance between providing covered employees with the required protections under the statute, but not inadvertently having to provide ADA protection to employees who are not disabled.

- Revisiting who is disabled and what impairments are “substantially limiting” under the law
- Determining whether employees have an obligation to “mitigate” their impairments in order to be able to work
- Learning whether you can consider working overtime to be an essential function of a job for ADA purposes
- The latest on what constitutes “regarding” an employee as disabled, and an employer’s obligation to accommodate employees “regarded as” disabled
- Do you need to provide a smoke-free room to a sensitive employee? And the other latest reasonable accommodation cases
- Applying the EEOC’s latest guidance on pre-hiring inquiries to your employment interviews and applications

3:40 pm

The Firing Block: Strategies to Prevent Lawsuits Arising from Termination

Indian Engineer Fired for His “Inability to Perform Well in a Team-Driven Environment” Wins \$11 Million Jury Award

Terminations are the job every HR professional dreads, whether they arise from a reduction in force or performance issues. While we can’t make the job any less unpleasant for you, we can soothe your legal fears by giving you the latest strategies to make sure your terminations pass legal muster.

- Lawful terminations during periods of downsizing or reductions in workforce and the unique challenges they present
- Terminating employees who have injuries or illnesses: The legal issues and the steps you must take to protect your employer
- How a unionized workforce makes your job more difficult: Additional issues presented by collective bargaining agreements and the loss of at-will status
- Assessing risk when terminating: Deciding if discharge is right according to the situation

4:30 pm: **Moderator’s Concluding Remarks**

PART II. ADVANCED STRATEGIES IN HR MANAGEMENT

DAY 2

8:30 am

Strategic Leadership in Human Resources: Preparing for Future Trends that Will Significantly Alter Your Workplace

- Examining future trends that will significantly impact your workplace, the HR function and the HR industry
- Identifying the critical competencies that HR will need to manage in the future: Strategies for developing a blueprint for success
- Update on the latest developments in HR technology: How technology is continuing to shape human resources and how to keep in step with the changes
- How changing demographics and diversity issues will present new challenges for HR
- Understanding the impact of the aging workforce and what organizations should be doing to prepare for the change
- Defining the key role HR in dealing with the rising tide of ethical dilemmas in the workplace
- Aligning HR goals and deliverables with organizational strategies
- Understanding how globalization impacts every organization and knowing how to benefit from it
- **Interactive Exercise:** How HR can position itself to deal with employers' critical future challenges: Develop realistic timeline to prepare for emerging trends and future challenges in HR.

9:00 am

Measuring Return on Investment from HR Initiatives: Calculating HR's Impact on the Bottom Line

- Ensuring that HR is accountable for meeting organizational goals: Developing measurable HR strategies that contribute to the success of your employer
- Using metrics to illustrate how the HR department adds value to the organization and pays for itself in both cost savings, cost avoidance, and productivity increases that add to the bottom line
- Implementing the balanced scorecard approach: Examining how the measures on an organization's balanced scorecard integrate with the key measures of an HR balanced scorecard
- Update on the latest trends in HR metrics: Using human capital measurement to calculate the ROI of individual employees and gain a competitive advantage
- How HRMS metrics and analytics can generate reports and illustrate measurable results of HR initiatives
- **Case studies:** Discover how organizations are using metrics to measure human capital and make better decisions about using their workforce.
- **Interactive Exercises:** Design and implement strategic HR plans to help an organization achieve its strategic goals.

10:15 am: **Break**

10:30 am

Implementing Communication Tactics Between Upper Management and HR to Keep Your Seat at the Table

- Using communications tactics that ensure senior management will listen—and respect—what you have to say
- Forming partnerships with new senior management: Critical strategies to manage leadership change and ensure new Chief Executive Officers—and Human Resources—succeed together
- Critical strategies for selling an unpopular idea to senior management
- Challenging a decision made by upper management without jeopardizing your job: When you should launch a challenge and what strategy is most likely to succeed

- **Interactive Exercise:** Make a presentation to a senior executive advocating an unpopular idea and gain communication expertise through feedback from the facilitator and your peers.

11:45 am – 12:45 pm: **Lunch**

12:45 pm

Honing Your Negotiation Skills to Enhance Your Effectiveness in HR Management

- Identifying the key behaviors that successful negotiating requires
- Using a “strategy map” to help you negotiate and communicate more effectively
- Following common sense rules to reduce differences and turn conflict into cooperation
- Discover bargaining tips and techniques you can use to increase win-win results
- **Interactive Mock Negotiations:** Participate in mock negotiations between upper management and HR. You will have an opportunity to analyze and negotiate highly controversial issues from both sides.

2:00 pm

HR’s Critical Role in Improving Communications Between Senior Management and Employees

- Building trust in management: Developing techniques for senior management to open communication channels and inspire employee trust in top management
- Using climate surveys to get critical employee input and identify employees’ communication preferences
- Best practices for implementing an employee communication plan: Find out what other organizations are doing to achieve success
- When the news is bad: Helping senior management deliver bad news while maintaining productivity levels and avoiding unwanted turnover
- Using force-field analysis to minimize the fallout when delivering bad news
- **Interactive Case Study:** Design a communication strategy for an organization plagued with a 30% reduction in force and a salary freeze. Develop a communication plan outline, a training plan for effective executive communication skills and scripts for managers to use.

2:45 pm: **Break**

3:00 pm

Implementing a Performance Management Strategy that Improves the Quality of Your Workforce

- Instilling employee confidence in the appraisal system by focusing the goal of performance evaluations on improvement and professional growth and implementing a training program that will sell the appraisal process
- How to set and track measurable individual goals that are aligned with department and organizational goals and focused on results
- Establishing tangible measures of individual performance in order to give accurate feedback on strengths and weaknesses, rewards for desired performance, and training that will correct performance problems
- Designing and implementing performance improvement plans that will motivate problem performers to turn their behavior around
- Getting managers to be accountable for conducting performance appraisals on time by incorporating them into their performance plans with bonus incentives
- Ensuring managers put sufficient detail into written evaluations to improve performance and minimize liability
- **Interactive Exercises:** Develop a plan improving poor employee performance by role-playing solutions to challenging performance management scenarios:
 - The argumentative employee who can’t get along with coworkers

- The anxious employee who is afraid of any change
- The aggressive employee who is always “in your face”

4:30 pm: **Day 2 concludes**

DAY 3

8:30 am

Innovative Recruitment and Retention Strategies to Build Employee Loyalty and Increase Productivity

- Preparing for the “talent shortage” that some experts are forecasting
- Creating a work environment that inspires employees to buy-in to organizational goals: Overcoming management mistrust brought on by the turbulent economy and corporate scandals
- Understanding what drives employee motivation and loyalty: Identifying the key ingredients of job satisfaction
- Identifying the symptoms of disenchantment and developing strategies to “reengage” employees and heighten productivity
- Planning and implementing a succession-management process that will increase retention of top performers
- Implementing a retention strategy that addresses the needs and motivators of different generations
- The importance of training and development programs in recruitment and retention of valuable employees
- Case studies of organizations that have dramatically reduced turnover through implementation of successful retention strategies
- **Interactive Case Studies:** Design a successful retention strategy that will address huge challenges facing employers including:
 - Increase in turnover resulting from declining sales
 - Negative publicity due to illegal activities of executives
 - A relocation of company to an undeveloped area

10:00 am: **Break**

10:15 am

Advanced Strategies in Employee Relations: HR Best Practices for Managing Your Most Problematic Employees and Reducing Workplace Conflict

- Utilizing situational conflict resolution strategies to improve outcomes
- Using grievance, mediation, and arbitration processes to effectively resolve conflict in both union and nonunion environments
- Using a formal mediation process to resolve conflict between employees and/or between employees and managers
- How peer review panels can be used to resolve workplace disputes: The importance of getting management buy-in at the outset
- Managing employees with a long-time history of belligerence: Critical strategies to break the pattern of negative behavior
- Proven strategies for managing employees with poor attitudes to keep them from doing serious damage to morale and productivity: Knowing when you should move toward termination
- How recognizing and responding to problem behavior can increase retention of good employees, prevent lawsuits, and prevent workplace violence
- **Interactive Case Studies:** Apply successful tactics for handling these problematic employees: A chronic complainer, a poor performer who walks the tightrope, and a workplace bully.

12:00 Noon: **Lunch**

1:00 pm

Designing and Managing Compensation Plans: New Trends in a Turbulent Economy

- Examining the latest trends in compensation practices
- Best Practices in executive compensation: The Executive Compensation Committee at work
- How to use varying bonus plans to incentivize employees in different departments and jobs and help meet organizational goals to increase productivity and retention: Traditional merit increase programs and results-based bonuses based on achievement of organization, department and individual goals
- Examining the diminishing role of stock options in total compensation packages
- The pros and cons of paying signing bonuses to lure and “stay” bonuses to retain top talent: Avoiding the pitfalls
- **Interactive Exercise:** Design the most effective total compensation programs for (1) an employer facing a significant downsizing, and (2) an organization with declining sales, difficulty in attracting good employees, and unwanted turnover.

2:30 pm: **Break**

2:45 pm

Coping with the Employee Benefits Crisis: Balancing the Need to Reduce Costs with the Desire to Retain Valued Employees

- Implementing alternative health benefit designs to deal with rising costs: Consumer-driven healthcare plans, comprehensive disease management programs and a wellness incentive program
- Using benefits surveys to assist in the planning: Assessing what your employees need and want
- Reducing healthcare coverage or increasing the employee share of benefit costs without creating morale and turnover problems: Gaining employee buy-in through strategic communications
- Attacking the healthcare crisis by changing how employers perceive health conditions and their impact on the organization
- Case studies of organizations that are successfully dealing with rising healthcare costs
- **Interactive Exercise:** Use an employee benefits advisory group to design a benefits package that addresses the needs of your workforce and motivates employees to become partners in reducing the benefits costs.

3:45 pm

Wind-up Activity: Apply Your Knowledge to Develop a Strategic Approach to Your “Real-Life” HR Challenges

In this final activity you will identify 3 key problems in your organization and apply the knowledge and tools you have acquired to develop an Action Plan with critical feedback from your peers and the program facilitator.

4:30 pm: **Program concludes**