

PROGRAM AGENDA

Council's Certificate in Public Sector HR Management Seminar

Day 1

8:00 am: **Registration**

Part I: Employment Laws and How They Impact Public Sector Human Resource Management

8:30 am: **Moderator's welcome**

8:35 am

Interviewing and Hiring: Keeping Your Recruitment Strategies Legal

- Ensuring that all of your recruitment strategies are nondiscriminatory
- Examining the legal issues impacting immigrants in your workforce
- Understanding the emerging legal issues related to Internet recruiting and other hiring technologies
- Identifying which questions you may and may not ask when conducting an employment interview
- Negligent hiring and how to prevent its disastrous consequences
- Conducting reference, credit and background checks while complying with the Fair Credit Reporting Act
- Avoiding hidden liability traps when implementing preemployment testing, substance testing, medical evaluations, and other applicant screening devices
- Protecting yourself from lawsuits when employing a contingent workforce
- Legal issues raised by residency requirements

Wage and Hour Laws: Mastering the Essentials of the Fair Labor Standards Act (FLSA) and Unique Public Sector Wage and Hour Issues

- Avoiding the legal landmines in handling public sector wage and hour issues
- Ensuring that your workforce can pass the exempt vs. nonexempt test
- Deciphering the revised FLSA "white collar" exemptions
- Ensuring that your employee classifications don't run afoul of the Davis-Bacon Act
- Dealing with special FLSA exemptions for specific public sector employment positions
- Complying with wage and hour laws when compensating employees on-call
- Examining the Supreme Court decision allowing public sector employers to force the use of accrued compensatory time
- When is it permissible for collective bargaining agreements to fix the amount of overtime compensation?
- Classifying independent contractors vs. employees
- Knowing what to look for in Department of Labor audits and investigations
- Implementing policies and practices to avoid costly pay calculation errors
- Avoiding legal perils when handling garnishments, levies, and child support
- Recent trends in state wage and hour laws: How some state laws are diverging from the FLSA

Privacy and Confidentiality: Protecting Your Public Sector Employees' Rights to Privacy and Confidentiality

- Understanding employee privacy rights in the public sector workplace
- Examining new HIPAA regulations regarding confidentiality of medical records
- What are your responsibilities under the Freedom of Information Act regarding release of confidential information by government entities?
- Confidentiality concerns and implementing appropriate discipline practices for violation of confidentiality
- Monitoring computers, phone calls, and e-mails and searching lockers and offices without violating the law
- Complying with federal law restricting the use of polygraphs
- Drafting policies for managing Internet access to deter inappropriate usage by employees at work
- Handling third-party access to personnel files, requests for information, and subpoenas of documents
- Avoiding defamation claims when responding to reference requests
- Drug and alcohol policies and practices that comply with the law

Constitutional and Other Protections in the Public Sector: Whistleblowing, First Amendment Issues, Eleventh Amendment Immunity, and More

- Whistleblowing and the right to speak out: Understanding the federal and state constitutional issues
- Examining court cases addressing freedom of speech in the public sector workplace
- Religious accommodations: Understanding the constitutional issues under the Establishment Clause and the First Amendment
- How far does qualified immunity go to protect managers from individual liability: What statutes will allow employees to sue you personally?
- Eleventh Amendment sovereign immunity: How the courts define "state" and determining whether a public entity is an "arm of the state"

12:30 pm: **Lunch**

1:30 pm

Workplace Violence and Security Concerns: Maintaining a Safe and Secure Work Environment

- Identifying the unique challenges for public sector employers and defining their potential liability in cases of workplace violence
- Detecting the red flags that indicate the potential for anger to result in workplace violence
- Using mediation and conflict resolution to work through hostility
- Strategies for preventing "employee sabotage"
- Responding to threats of workplace violence
- Implementing a Workplace Violence Policy that complies with the law and protects your organization
- What issues your workplace should be considering in light of the recent terrorist attacks and other emerging threats of violence: Security concerns, emergency response, crisis management, and more

Labor Law and Unions: The Impact of Unions on Public Sector Organizations

- An overview of unionization in the public sector: Examining the unique legal issues that arise in monitoring public sector labor relations
- Understanding the political process relating to public sector labor unions
- Examining collective bargaining trends in the public sector union environment
- Tips on negotiating union contracts and relationship building
- Striking: What are the rights of public sector employees?
- Clarification on the rights of union and nonunion employees to have a representative present during investigatory interviews
- What are the rights of nonunion employees regarding discussion of salary?
- Techniques for avoiding unionization in public sector organizations

4:00 pm: **Day 1 concludes**

DAY 2

8:00 am: **Refreshments and networking**

8:30 am

Discrimination and Retaliation: Avoiding Discrimination and Retaliation Liabilities by Establishing Preventive Practices

- Getting clarification on federal employment discrimination laws
- How the Supreme Court has made it a lot easier for employees to prove discrimination
- The latest Equal Employment Opportunity Commission (EEOC) developments
- EEOC Compliance Manual section on compensation discrimination
- How you can avoid a discrimination complaint under the Americans with Disabilities Act (ADA)
- Preventing liability for age discrimination under the Age Discrimination in Employment Act (ADEA)
- National origin discrimination and “English only” policies: Why EEOC complaints have tripled
- Examining decisions addressing pregnancy discrimination
- Analyzing the reasons why courts have ruled in favor of plaintiffs in retaliation claims brought under Title VII, ADEA, and ADA
- Developing strong antiretaliation policies and practices

Affirmative Action and Diversity: Ensuring that Your Organization’s Policies and Practices Are In Compliance

- Ensuring that your Affirmative Action Plan has all of the necessary ingredients
- Differentiating between affirmative action and reverse discrimination: Continuing objections to affirmative action plans for preferential hiring and promotions
- Understanding your affirmative action obligations for federal contractors pursuant to Executive Order 11246 and the Office of Federal Contract Compliance Program (OFCCP)
- Developing a successful diversity recruitment strategy without violating Title VII
- Tips on managing a more diverse workforce

Workplace Harassment and Internal Investigations: Protecting Your Organization by Conducting Timely, Thorough, and Lawful Investigations

- Analyzing key court cases defining unlawful harassment
- Drafting and implementing policies to prevent harassment in the workplace: Extending sexual harassment prevention measures to cover all forms of unlawful harassment
- How to respond effectively to a harassment complaint or suspected improper behavior
- Taking the critical steps necessary to ensure liability-free results from your workplace investigations
- Tips for effectively interviewing witnesses
- Asserting an affirmative defense to a claim of sexual harassment

12:30 pm: **Lunch**

1:30 pm

Leave and Absence Issues: Complying with the Family and Medical Leave Act (FMLA) and Other Overlapping Laws

- Understanding the requirements of the FMLA: Which employees are eligible and what conditions require leave to be granted?
- Examining recent court cases that continue to expand the definition of “serious health condition” under the FMLA
- How recent FMLA and ADA Supreme Court decisions impact employer rights and responsibilities
- Practical FMLA guidance on employer and employee notification requirements

- Managing the headaches of intermittent leave: Decisions regarding medical necessity, leave increments, reduced schedules, transfers, and more
- Untangling the confusing overlap of workers' compensation, FMLA, ADA, and other leave laws
- Protecting yourself from individual liability for violations of the FMLA
- What are your employees' mandatory leave rights? Voting, jury duty, and military service explained
- **Interactive Exercise:** Applying your knowledge to the most confusing and complicated leave and absence cases you are likely to face

Discipline and Termination: Avoiding Wrongful Discharge Liability in the Public Sector Workplace

- *Loudermill* hearing
- Defining public sector employees' rights to due process
- Ensuring that your grievance policies and procedures are legal
- Understanding how merit system and civil service laws impact your discipline and termination policies
- Training your managers to comply with policies and the law
- A roadmap of essential steps for lawful terminations
- Disciplining and terminating employees with injuries and illnesses without violating the ADA, FMLA, and workers' compensation laws
- Lawfully terminating during periods of layoffs and RIFs

4:00 pm: **Day 2 concludes**

DAY 3

Part II: Public Sector Human Resource Management Best Practices

8:00 am – 8:30 am: **Refreshments and networking**

8:30 am

Recruiting in the Public Sector: State of the Art Techniques to Ensure that Your Staffing Requirements Are Met

- Selling your organization as *the* employer of choice by developing your “brand” name and promoting your unique assets
- Using key employment trends to align your recruiting strategy with the goals and objectives of your organization
- Increasing your understanding of Internet recruiting and incorporating appropriate online methods into your recruitment strategy
- Assimilating state-of-the-art online tools to expand your recruitment portfolio
- Enhancing your organization's Web site by using state-of-the-art techniques to attract the best candidates
- Finding and recruiting “passive” job seekers via proactive Web-based recruiting techniques
- Adopting computerized resume scanning tools to manage large numbers of resumes
- Developing successful **best practice** recruiting strategies to attract private and public employees to your organization
- Avoiding inefficiencies in cost and time by applying the most effective recruiting methods for each unique position and skill level
- Utilizing aggressive competitive hiring strategies to recruit high-tech talent
- Developing cost-effective and successful partnerships with colleges and universities to recruit highly skilled candidates
- Determining if alternative staffing resources are right for your organization

- Developing competency-based interviewing techniques to select the best qualified candidate
- **Interactive Exercise:** Using needed knowledge, skills, and abilities to develop competency-based interview questions to select the best-qualified candidate
- Identifying the Best Web Sites for Public Sector Employers and Using Niche Sites to Target Specific Skills

Compensation and Benefits: Implementing Salary and Benefits Programs that Meet Employees' Needs and Fit Your Organization's Budget

- Determining what today's public sector employees are seeking in pay and benefits
- Considering current trends in compensation and benefits to determine what best addresses your organization's needs and satisfies your employees
- Developing systematic and effective pay programs to recruit and retain productive employees
- Considering the plusses and minuses of broadbanding to determine if it is the right tool for your organization
- Determining if variable based pay plans such as performance-, skill-, or competency-based pay incentives are right for your public sector organization
- Successfully implementing variable pay practices to ensure employee buy-in
- Comparing your benefit plans with the private sector and determining how to adopt family-friendly plans in your public sector organization
- Considering the strengths and weaknesses of various health and retirement benefit plans and determining their suitability for the public sector
- Assessing the applicability of emerging trends in employee benefits for your organization
- **Interactive Exercise:** Developing the best performance incentive system to address performance problems

Performance Management: Developing a Program that Maximizes Employee Performance

- Rethinking the traditional performance appraisal process
- Developing and implementing a successful and measurable performance management system that suits your culture and objectively assesses your employees
- Designing programs that are legal, effective, consistent, and flexible
- Showing managers how performance management can be an effective tool instead of an unpleasant burden
- Training managers to develop and use job descriptions as the building blocks for performance management
- Training managers to prepare and conduct stress-free, effective performance appraisals that provide meaningful feedback and set goals
- Understanding the pros and cons of 360 degree or multi-rater feedback to determine if this process is right for your organization
- Measuring the effectiveness of your performance management program

12:30 pm: **Lunch**

1:30 pm

Retention and Motivation: Improving Morale and Achieving Dramatic Turnover Reduction

- Developing employee surveys to identify the values and concerns of your employees
- Using quantitative and qualitative measurement techniques to assess the root causes of employee turnover in the public sector
- Developing appropriate exit interview strategies to monitor and address causes of turnover
- Assessing and implementing various strategies to meet the needs of a diverse 21st century workforce
- Identifying which best practices to use in developing a retention culture that will promote employee loyalty

- Anticipating employee concerns in order to keep morale high during times of change
- Developing “family friendly” work policies to retain and motivate employees
- **Interactive Exercise:** Develop appropriate questions for an employee survey to discern the needs of your agency’s employees

Training and Development: Innovative Initiatives that Promote Employee Success and Increase Productivity

- Developing training objectives and applying cost-effective solutions to public sector training challenges
- Designing and developing effective training programs using appropriate needs assessments and objective evaluations
- Successfully assimilating new employees into the organization through effective, timely, and cost-effective orientation programs
- Using mentoring, counseling, and coaching strategies to create and develop successful employees
- Determining which of the emerging trends (computer-based training, video conferencing, etc.) are best for your public sector organization
- Preparing your organization for the future by designing an effective succession planning program

4:00 pm: **Day 3 concludes**

DAY 4

8:00 am – 8:30 am: **Refreshments and networking**

8:30 am

Employee Relations: Proactive Strategies to Reduce Conflict, Increase Productivity, and Avoid Grievances

- Resolving conflict by implementing proactive strategies that channel conflict into positive problem-solving approaches
- Using grievance procedures and open-door policies to aggressively address and investigate complaints before they become major morale busters
- Developing and implementing legally compliant and effective progressive disciplinary procedures
- Identifying various alternative dispute resolution procedures and determining how they can work successfully in your organization
- Understanding the differences between mediation and arbitration, and preparing for their hearings
- Proactively addressing personality-based workplace disruptions and calming employee annoyances, anger, and hostility: Techniques for communicating with difficult employees and dealing with negativity
- Techniques for dealing with workplace negativity and communicating with difficult employees
- Effectively utilizing your Employee Assistance Program (EAP) or other resources to help address more complex employee problems
- **Interactive Exercise:** Using case studies and role-play counseling sessions designed to improve performance and resolve employee conflict

HR and Technology: Ensuring that Your HR Function Is Leading Edge

- Update on emerging technological HR trends and determining their benefit to your organization
- Developing procedures to effectively manage telecommuting employees
- Learning how to select the best Human Resource Information Systems (HRIS) to meet your organization’s needs before you request the funding
- Becoming skilled in the benefits of using web-based services to aid your public sector HR function
- Using the Internet as a strategic resource tool to enhance the value of the HR department in your organization

Leadership and Ethics: Becoming an Effective Leader Through the Use of Ethical Leadership Techniques

- Learning from the best: How do you become an effective leader?
- Developing your leadership competencies through problem solving, creative thinking, project management, mentoring, and change management
- Understanding leadership responsibilities and assessing your leadership potential
- Examining your personal code of ethics: Will your code and your organization's code stand up to public scrutiny?
- Assessing if you are ready to become a leader: Can you set the tone, shape the climate, and define the standard in your organization?
- **Interactive Exercise:** Use real-life situations taken from the public sector to determine how you would react when presented with ethical dilemmas

12:30 pm: **Lunch**

Part III: Becoming a Value-Adding Partner Within Your Public Sector Organization

1:30 pm

Metrics in Public Sector HR: Using Metrics to Ensure HR's Place at the Executive Table

- Understanding why metrics are so critical to demonstrating Human Resource's contribution to the success of your public sector organization
- Using various metrics to measure both financial and non-financial performance: Hire costs and rates, churn rates, safety, compensation and benefits, training, performance management, etc.

HR as a Strategic Partner: Making Critical Contributions to Your Organization's Strategic Plan

- Understanding HR's role in today's workplace: Challenge, opportunity, and responsibility
- Aligning your HR department with your organization's goals to assure that the goals and objectives are met
- Using workforce planning and workforce development to successfully meet your organization's future goals, skills, and abilities
- Creating a workforce development plan that will win support
- How your HR competencies add value to your organization
- Developing best management practices in HR to contribute to the financial success of your organization
- Communicating HR's strategic impact to your management team: Putting the data into context for management review
- **Wind-up Interactive Exercise:** Use a public agency's employment crisis to design and develop a strategic plan, obtain management buy-in, and develop the steps needed to implement the plan

4:00 pm: **Program concludes**