

Public Sector Employment Law for Managers and Supervisors

Avoiding Discrimination When Managing a Diverse Workforce

- Understanding the key terms in state and federal discrimination laws: What practices are prohibited and what groups are protected?
- What plaintiffs' attorneys look for when deciding to challenge an adverse employment action in court
- The Americans with Disabilities Act (ADA): What constitutes a "disability" under the ADA and what "reasonable accommodations" are required?
- Preventing discrimination liability: Race, national origin, religion, sex, age and disability
- Accommodating religious preferences: How far should you go?
- National origin discrimination and "English only" policies
- What role does the Equal Employment Opportunity Commission (EEOC) play?

Steering Clear of Legal Landmines in the Interviewing and Hiring Process

- Understanding the legal ramifications of job descriptions
- What you can and cannot include in employment advertisements to stay in compliance with federal discrimination laws
- Knowing what questions you can and cannot ask under federal discrimination laws: Guidelines from the EEOC
- Avoiding hidden liability traps in implementing the latest employee screening devices
- Conducting reference, credit or background checks while complying with the fair credit reporting act
- What is negligent hiring and what can you do or say to avoid its disastrous consequences?

Common Documentation and Recordkeeping Mistakes that Can Expose You and Your Organization to Liability

- The essential information that every employee file should and should not contain
- Ensuring that you do not violate your employees' rights to confidentiality
- How to avoid the most common recordkeeping and documentation mistakes that managers make
- What errors do the EEOC and Department of Labor look for in your records?

Employee Privacy Rights: Balancing Your Employees' Rights with Business Necessity

- What all managers should know about employee privacy and confidentiality rights
- Monitoring computers, phone calls and e-mails, and searching lockers and offices without violating state and federal laws
- Handling third party access to personnel files, requests for information and subpoenas of documents
- Avoiding liability for defamation when communicating information about your past or present employees
- Dealing with substance abuse in the workplace
- What are the employer's rights when implementing a dress code policy and disciplining employees who violate it?

Preventing and Responding to Sexual Harassment Claims and Other Day-to-Day Workplace Conflict

- Court cases defining what does and does not constitute sexual harassment
- How to respond when a sexual harassment complaint is lodged or improper behavior is suspected: The importance of management's prompt and remedial action
- The manager's role when an internal investigation is conducted
- When can managers and supervisors be held personally responsible?

- Keeping employee conflict from spreading to the rest of your workforce
- How the EEOC's new mediation initiative works

Managing Leave and Absence Issues

- Understanding the requirements of the Family and Medical Leave Act (FMLA): Which employees are eligible, and what conditions require leave to be granted?
- Determining whether your employee's medical problem constitutes a "serious health condition"
- Employees' mandatory leave rights such as voting, jury duty, military service
- Enforcing attendance policies that comply with the law
- Handling requests for reduced schedule or intermittent leave
- Returning employees to work: What are the employer's obligations?
- Navigating the confusing overlap of leave and disability laws: Walking through a flow chart to determine whether the condition falls under the FMLA, ADA and/or workers' comp
- Individual liability for FMLA violations

Labor and Management Relations in Both Union and Non-Union Settings

- An overview of unionization in the public sector: Examining the unique legal issues that arise in monitoring public sector labor relations
- Striking: What are the rights of public sector employees?
- Clarification on the rights of union and non-union employees to have a representative present during investigatory interviews
- What are the rights of non-union employees regarding discussion of salary?
- What are your employees' rights to engage in "concerted action" and organizing activities?
- Techniques for avoiding unionization in public sector organizations

Everything You Need to Know About Wage and Hour Laws

- Determining whether employees are exempt or non-exempt from overtime and the respective rules that apply to each group
- Dealing with special FLSA exemptions for specific public sector employment positions: Fire protection and law enforcement
- Understanding when on-call time, meal breaks, out of town travel, sleep time, and beeper alert time are compensable under FLSA
- Compensatory time off (CTO)
- Differentiating between employees and independent contractors
- Impact of minimum wage requirements in your state

Discipline and Termination: Avoiding Wrongful Discharge and Retaliation Claims

- Tips on communicating with employees about performance problems
- Clarifying when public sector employees have a "property right" to their position and are entitled to a *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
- A roadmap of essential steps for lawful terminations
- Avoiding retaliation claims

Managing a Safe Workplace to Prevent Employee Injuries and Reduce Workers' Compensation Costs

- Complying with OSHA requirements and preventing musculoskeletal disorders
- Deciphering workers' comp coverage: Understanding exclusions for horseplay, intoxication and willful acts and the consequences of negligent supervision
- What are your responsibilities when an employee files a workers' comp claim?