

# CFOCUS



GRIZZAFFI DARBY  
BEYOND BENEFITS

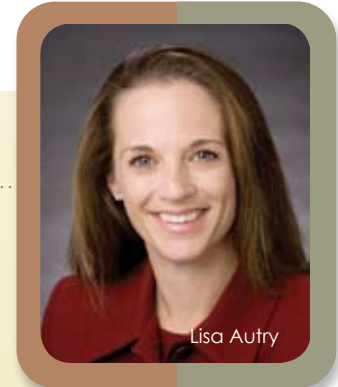
## 2007 Legal Update presented by Lisa Autry

Tuesday, February 13, 2007 9am – 11am

Located at: Grizzaffi Darby

319 West Oak Street, Denton, TX 76201

Register/RSVP: [seminarinfo@grizzaffidarby.com](mailto:seminarinfo@grizzaffidarby.com)



Lisa Autry

Employers are concerned with facing lawsuits filed by current or former employees. But what are the most common reasons an employer gets sued? What can you do to minimize your risks?

We began a good discussion at our recent seminar on these issues, and we will hold a follow up session on February 13, 2007 to continue the dialogue. We encourage you to attend, even if you were not able to join us at the January seminar.

According to attorney Peter Janus, a partner with Siegel, O'Conner, Zangari, O'Donnell & Beck, here are some of the most frequent complaints in lawsuits:

**1. Unlawful Pre-Employment Questions** – Many interviews are conducted by managers who are not as aware of legal issues as the Human Resource Managers or Executives. Any manager who interviews candidates should be trained on what inquiries are legal, and it is helpful to standardize the hiring process as much as possible.

**2. Dishonest Evaluations** – After an employee sues for wrongful termination, the attorneys look for the “paper trail” that will support the decision to terminate employment. Often they find positive evaluations, even when the employer says there were performance problems all along. Don't allow managers to “sugar-coat” bad performance on reviews; Instead, rely on objective performance criteria.

**3. Rash Disciplinary Decisions** – Be cautious about making decisions when emotions are high. Take time for a thorough investigation, if appropriate, and in most cases, give the employee a chance to tell his or her side of the story.



**4. Responses to Leave Requests** – This can be a complicated area, with overlapping issues of ADA, FMLA, worker's compensation and other legal issues. Train managers to be sensitive to legal concerns that surround leave requests, and require them to discuss leave requests with Human Resources.

**5. Incorrect Exempt/Nonexempt Classifications** – Changes in the law and recent Department of Labor enforcement actions make this area imperative for review and consideration. An audit of classifications should be done and corrections made where needed.

**6. Overtime Pay** – Employees cannot waive their right to overtime. Do not take an employers offer to work additional hours for regular pay. If employees work overtime, including arriving early to work or working through lunch, pay them for their time. If employees work unapproved overtime, pay them and discipline them appropriately.

While, you may have particular concerns for your workplace, these are some areas of potential risk where your action can make a difference in the frequency and the outcome of lawsuits.

We look forward to discussing these and other issues on February 13.

