5 Ways to Avoid Being Sued by Your Employees

1. Be Aware of COVID Requirements
2. Focus on Culture
3. Act Early and Often
4. Be Consistent
5. Seek Appropriate Guidance

Laura Ingegneri
HR ExecPro

Melanie Pate
Lewis Roca Rothgerber Christie LLP
- EEOC
- Biden's Executive Order
  - OSHA ETS
  - Federal Contractors Mandate
- Arizona Issues
Vaccinations

To Require or Not to Require?

Should we offer incentives?
- EEOC

- Biden's Executive Order
  - OSHA ETS
  - Federal Contractors Mandate

- Arizona Issues
Accommodations

- Disability
- Sincerely Held Religious Belief
- What is considered "Reasonable"?
- EEOC

- Biden's Executive Order
  - OSHA ETS
  - Federal Contractors Mandate

- Arizona Issues
Testing Requirements

- Who pays for testing?

- How often should unvaccinated employees be tested?

- Return to Work Considerations
- EEOC
- Biden's Executive Order
  - OSHA ETS
  - Federal Contractors Mandate
- Arizona Issues
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Culture Matters

- Professional
- Personable
- Respectful
- Accountable

Lead by Example
Train Supervisors and Employees
Deal with Problem Employees
Lead by Example

- Beginning at top level of organization
- All supervisors/managers
Culture Matters

- Professional
- Personable
- Respectful
- Accountable

- Lead by Example
- Train Supervisors and Employees
- Deal with Problem Employees
Train Employees and Supervisors

- EEO
- Performance Management
- Safety Issues
- Hiring and Selection
- To Appropriately Report Misconduct
Culture Matters

- Professional
- Personable
- Respectful
- Accountable

Lead by Example
Train Supervisors and Employees
Deal with Problem Employees
Hold employees accountable

- Counseling
- Discipline
- Removal
- Document
Culture Matters

- Professional
- Personable
- Respectful
- Accountable

Lead by Example
Train Supervisors and Employees
Deal with Problem Employees
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5. Seek Appropriate Guidance
Act Early and Often

- Be thorough
- Be timely
Take all complaints seriously:

- Informal
- Anonymous
- Co-Worker
- Supervisor
Act Early and Often

- Be thorough
- Be timely
Take Appropriate Action

- Harassment Complaint - Investigate and take corrective action
- Deal with problem employees - through training, corrective action
- Resolve issue at hand and future issues
- Training of all employees to avoid future issues
Act Early and Often

- Be thorough
- Be timely
Document, Document, Document

- At the time the incident occurs
- Facts, not opinions
- Reason for action
- Any difficult conversation, situation
- When you expect a future issue
- When there is something out of the ordinary
Act Early and Often

- Be thorough
- Be timely

Take all Complaints Seriously
Take Appropriate Action
Document, Document, Document
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Be Consistent

- In all employment actions:
  - hiring, disciplining, firing, compensation, performance management
- Throughout the organization
- Treat your worst employee the same as your best employee
Follow all written directives

- Administrative Rules
- Policies
- Employee Handbooks
- Bargaining Unit MOU's
Development of written directives

- Be thorough
- Be concise
- In plain language
- Consistent with each other
Follow all written directives

- Administrative Rules
- Policies
- Employee Handbooks
- Bargaining Unit MOU's
Keep updated
- With current law
- With other written directives
Follow all written directives

- Administrative Rules
- Policies
- Employee Handbooks
- Bargaining Unit MOU's
Train employees and supervisors

- Proper application
- Internal guidance
Follow all written directives

- Administrative Rules
- Policies
- Employee Handbooks
- Bargaining Unit MOU's

Develop  Update  Train
Be Consistent

- In all employment actions:
  hiring, disciplining, firing, compensation, performance management

- Throughout the organization

- Treat your worst employee the same as your best employee
- Hiring
- Disciplining
- Firing
- Promotions
- Special Assignments
- Compensation
Be Consistent

- In all employment actions:
  hiring, disciplining, firing, compensation, performance management

- Throughout the organization

- Treat your worst employee the same as your best employee
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Seek Appropriate Guidance

- At the beginning, middle and end

- You are not expected to be knowledgeable in HR issues or employment law

HR/Management

Attorney
HR and Management

- They are knowledgeable in appropriate actions to take
- They know what others in the organization are doing with similar issues
Seek Appropriate Guidance

- At the beginning, middle and end
- You are not expected to be knowledgeable in HR issues or employment law

HR/Management

Attorney
Attorney

- Seek competent counsel in employment law
- Share all relevant facts
- Share good, bad, and ugly
Seek Appropriate Guidance

- At the beginning, middle and end

- You are not expected to be knowledgeable in HR issues or employment law
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