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2008 Workplace Resolutions

Employment Law Express - Double Issue

Every year we make New Year's Resolutions. We want to eat healthier, start exercising, and take better care of our personal finances. While the start of a new year is a good time to set personal goals, we should also use this opportunity to outline and implement workplace resolutions that can limit exposure from employment lawsuits.

In order to protect your business from such employment liability, here are just a few helpful suggestions:

1. Get an Employment Relations Physical

Just like going to the doctor, it's much easier to get regular check-ups to ensure your policies and procedures are "healthy", rather than waiting for a problem to become "life-threatening" for your business. You should update all human resource policies and procedures, including: employee handbooks, job applications and descriptions, offer letters and employment contracts, compensation and benefit plans, discipline and discharge procedures, and ensure that you are properly following all state and federal record-keeping requirements. You should review positions to ensure proper classification and exemption status under state and federal wage and hour laws. Human resource audits are an excellent way to ensure that not only are all policies and procedures in place, but are current with ever-changing law.

2. Train and Re-Train Managers

Even if you have textbook written policies and procedures, you are subject to exposure if your front-line managers do not implement them, or do so unfairly or improperly. Inconsistency on the part of managers is one of the biggest problems for businesses when it comes to litigation. You should recognize that your managers are usually the ones who receive requests for disability accommodations or family and medical leaves, are first notified of sexual harassment complaints, and are likely to be the person terminating employees for whatever reason. Every effort should be made to ensure that they are fully trained, and re-trained to ensure company policies are implemented as they were intended.

3. Update Non-Competition Agreements

When properly drafted, non-competition agreements protect employers. They protect employers from employees taking confidential information to competitors. They can prohibit employees from unlawfully competing or soliciting clients or prospects away from your business. However, they can provide a false sense of security when poorly drafted or not updated. Courts will only enforce those agreements which are reasonable under the law, and this is one area that can change every few years. If you have not updated your non-competition agreements in a few years, then now would be the most beneficial time to do so.

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