

# Five Ways Corporate Counsel Can Partner With Human Resources To Avoid Employment Claims

Presented by:

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# \$102 Million



# Agenda

- HR and Legal Mind
- Common Problems & Scenarios
- Solutions
- Q & A



# Inside the Legal and HR Brain

## HR Brain

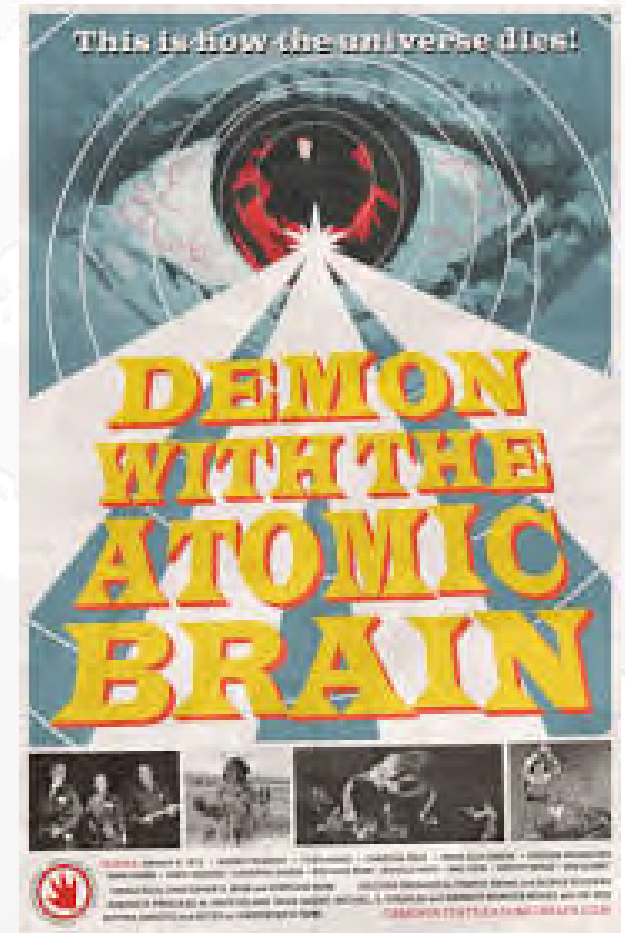
- Rules are black and white
- Risk is scary
- Keep your head down
- Blame avoidance
- Firefighter / problem of the day
- Everyone hates me



# Inside the Legal and HR Brain

## Legal Brain

- Rules bend
- Risk is inherent
- Strategize, big picture
- Look for problems, find solutions
- Everyone hates me





# Unknown Risk

## **“Black Swan” Events**

- HR cannot manage unknown risks
- HR doesn't know what HR doesn't know
- You don't know what HR doesn't know



# Common Problems & Scenarios

## Wage & Hour

- Failing to list hourly rates and hours worked for overtime “true-up” payments
- Failing to have legally-compliant rest period policy language
- Failing to pay or improperly paying meal/rest premiums in lieu of providing meal/rest periods
- Failing to reimburse for cell phone usage or pay reporting time pay triggered by such usage



# Common Problems & Scenarios

## **Discrimination / Harassment**

- Endemic under-documentation
- Unresolved grievances
- Poorly executed investigations
- Out of control leaves of absence
- Untrained, naïve supervisors
- Pay equity nightmares





# Common Problems & Scenarios

## Other Warning Signs

- Getting data and metrics is like pulling teeth
- Employees don't ask HR for help
- HR doesn't ask you for help
- HR isn't the first to tell you about a problem
- \$102 Million Judgment



# Solutions

## Audit wage & hour technicalities



# Solutions

Proactively monitor trends/issues,  
educate and share



# Solutions

Streamline.

Data!

Documentation, forms, processes

Get more resources for HR and Legal



# Solutions

Normalize HR relationship with employees





# Solutions

## Management training and development



# Questions?



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