

**2013 IAPD/IPRA
Soaring to New Heights Conference
January 24-26, 2013
Hyatt Regency, Chicago**

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Attorneys*

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FRIDAY, JANUARY 25, 2013

9:30 A.M. TO 10:45 A.M.

SESSION #118

**TEN REASONS WHY YOUR
AGENCY COULD BE SUED
OVER LABOR ISSUES: HOW TO
AVOID THEM**

PRESENTERS:

KERI-LYN J. KRAFTHEFER, ESQ.

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TEN REASONS WHY YOUR AGENCY COULD BE SUED OVER LABOR ISSUES (How to Avoid Them)

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Friday, January 25, 2013
9:30 a.m. - 10:45 a.m.
Session 118

Keri-Lyn J. Krafthefer, Esq.
Robert T. McCabe, Esq.

Ancel Glink Diamond Bush DiCianni & Krafthefer, P.C.



1. Don't spell out your personnel policies

- ▶ employees won't know the rules
- ▶ supervisors may not either
- ▶ you only have a couple of employees



2. Don't follow your personnel rules

- ▶ be inconsistent
- ▶ change your rules depending on how much you like (or dislike) the employee



3. Don't stay abreast of new labor and employment laws

- ▶ assume that everything stays pretty much the same
- ▶ follow your gut - employment law is intuitive



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4. Everything you see on the internet is fair game to use against employees

- ▶ discipline people if they complain on social network sites about their job
- ▶ make hiring decisions based on information that you read on the internet.



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5. Don't worry a lot about wage and hour laws

- ▶ expect that your employees will be flexible about their pay and overtime pay
- ▶ outsource work to independent contractors but use them like employees



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BONUS TIP

- ▶ save your money – don't call your labor and employment lawyer.



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6. WHAT?! OUR EMPLOYEES WANT TO UNIONIZE! WE'LL SHOW THEM!

- ▶ make sure they know that anyone who affiliates themselves with that union is getting fired
- ▶ we're going to promise them a big raise and they'll forget all about that union
- ▶ we need to spy on these guys and find out who the agitators are



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- ▶ when we find the agitators, we'll interrogate them for details. Somebody please get the waterboard
- ▶ we're going to make sure they know that if they join that union, they will have to join the communist party too



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7. IGNORE THE COLLECTIVE BARGAINING AGREEMENT (IF YOU END UP WITH ONE)

- ▶ our employees won't go to the union if we ignore some of this stuff
- ▶ even if they go to the union, there's nothing the union can really do about it

WHO CARES!



8. THE FAMILY AND MEDICAL LEAVE ACT IS A PAIN - LET'S IGNORE IT

- ▶ we don't think "this" is a serious health condition, therefore we aren't granting the leave
- ▶ your form wasn't done exactly right so we're denying your leave until you correct it



- ▶ you can't take a day here and a day there - denied!
- ▶ so what if we're wrong. We'll just grant it later



9. THIS EMPLOYEE HAS HAD 5 WORKERS' COMPENSATION CLAIMS THIS YEAR - LET'S FIRE HIM

- ▶ we'll come up with a "valid" reason for this and we'll be fine
- ▶ he'll never prove it because of workers' compensation



10. GIVE US YOUR FACEBOOK PASSWORD OR YOU'RE NOT WORKING HERE

- ▶ there's no good reason not to give us the password
- ▶ he posted a picture of himself and he was....DRUNK.... Let's fire him
- ▶ he said he doesn't like his supervisor(s). Let's fire him



Questions



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