





Top 10 Employment Law Mistakes

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WARNING!

Penny is NOT a lawyer!

Penny's Top 10

- Assume common sense and the law are the same
- Don't understand wage and hour
- Misclassify employees
- Interfere with employee concerted activity
- Poor selection, training and support of supervisors
- Don't take employee complaints seriously
- Don't worry about compliance
- Don't know what laws apply to your business
- Don't do/document safety training
- Poor selection/oversight of outsourcing partners

Common Sense = The Law

NOT!

- According to the Department of Labor, 70% of employers pay their workers incorrectly
 - Law is complicated
 - 1938 statute doesn't fit today's workplace
- Most significant area of liability in employment law
 - Fastest growing area of litigation

- Misclassification (next)
- Permitting work without payment
- Incorrect calculation of overtime
- Improper deductions from pay

#3: Misclassification

- Independent contractors
- Exempt vs. nonexempt

#4 Concerted Activity

- Many employers assume with no union, you don't have to bargain
- Employees have the right to work in concert on pay, benefits, conditions of work
- You cannot prohibit certain activities
- NLRB has issued many rulings strengthening employee rights

- High liability for the employer AND supervisor
- Supervisors are “the” leverage point for productivity, successful change efforts, employee engagement
- Different skill set
- What gets measured, gets done

#6: Complaints

- Pay attention now or pay later
- If not addressed may lead to government investigations, fines, lawsuits, loss of contracts, and at the very least, lawyer fees
- Complaints don't have to be in writing
- A word about investigations

- I'm too small
- Small errors can mean big dollars
 - Ex. COBRA \$110 per day per person
 - Ex. Wage and hour
- Audits: The good and the bad

#8: What Laws Apply

- The bigger you are, the more laws you have to worry about
 - If you are accepting responsibility for laws you don't have to, it can cost you money
- If you are a federal contractor, the requirements are even higher

- Employees must be trained before they work
- If it isn't documented, it didn't happen
- Employees are responsible for following safety guidelines, but they must have been trained on them
- Training is useless if you don't enforce your procedures

#10: Outsourcing Partners

- Be clear about what you want done and the standards of performance
- Make sure the contract reflect your discussions/agreements
- Almost everything is still your responsibility, no matter who does the work
- Provide feedback
- Read the invoice

- Free weekly newsletter
 - No other emails
 - No one else gets your information
 - Sign up <http://venturehro.com> (or email admin@venturehro.com)

- Pay close attention to culture
- Have the right kind of HR
- Hire right
- Employees are not interchangeable
- Invest in your employees—especially your supervisors
- Listen
- Be fair (that doesn't mean exactly the same)



Contact Us

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Penny's Top 10 Employment Law Mistakes

- ▶ Assume common sense and the law are the same
- ▶ Misunderstanding wage and hour
- ▶ Misclassifying employees (exempt, non-exempt, independent contractor)
- ▶ Interfere with employee concerted activity
- ▶ Poor selection, training and support of supervisors
- ▶ Don't take employee complaints seriously
- ▶ Don't worry about compliance
- ▶ Don't know what laws apply to your business
- ▶ Don't do/document safety training
- ▶ Poor selection/oversight of outsourcing partners

Penny's Top 7 Best Practices

- ▶ Pay close attention to culture
- ▶ Have the right kind of HR
- ▶ Hire right
- ▶ Not all employees are created equal--they are not interchangeable
- ▶ Invest in your employees—especially your supervisors
- ▶ Listen
- ▶ Be fair (doesn't mean exactly the same)