

## EMPLOYMENT LAW DAY

### **NEXT STEPS -- 15 Cost Effective Measures Which Employers Can Take to Improve Compliance with Employment Laws, and to Help Prevent and Mitigate Employment Claims and Disputes**

**By: Marc R. Engel, Esq.**

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1. Update job descriptions to more properly align with the essential duties which employees are actually and currently performing on a regular basis.
2. Review pay ranges for various job positions to ensure compliance with applicable wage transparency laws. Review pay of current employees for alignment.
3. Update handbooks to address changes in laws pertaining to, among other things, sexual harassment leave, use of generative AI, and other workplace issues.
4. Review and update offer letters and restrictive agreements.
5. Ensure that job applications and job postings are lawful.
6. Centralize hiring decisions as well as decisions concerning termination, adverse employment actions (such as demotion, transfers, etc.), and requests for reasonable accommodation.
7. Commit to regular manager training which include, among other things, the following:
  - a. lawful and effective interview and reference questions;
  - b. strategies for identifying strong candidates;
  - c. handling leave and other accommodation issues effectively and lawfully;
  - d. addressing performance management issues;
  - e. evaluating employment termination decisions as warranted, and handling employee departures in a respectful manner.
8. Regularly conduct sexual harassment training which addresses the new hybrid work place.
9. Success leaves clues. Determine the workplace qualities and characteristics (i.e., teamwork, initiative, curiosity, attention to detail, passion for work, and

commitment to customer service) which have proven to be hallmarks for successful employees at the organization.

10. Update interview and reference questions to properly align with the workplace qualities that have proven to be successful in an organization.
11. With the assistance of counsel, review the characterization of employees for exempt/non-exempt status. Revise job descriptions accordingly.
12. With the assistance of counsel, ensure that characterizations of employees and independent contractors are correct and lawful.
13. Explain the organization's overtime policy at the inception of employment and repeatedly instruct employees and managers on when and under what circumstances overtime may be worked.
14. With the assistance of an insurance agent/broker (and counsel), consider Employment Practices Liability Insurance. If you have EPLI, review coverage (and harmonize with other insurances; e.g., general liability, D&O coverage, etc.) to ensure that it is sufficient in terms of scope and amount, particularly in light of new leave laws, wage and hour issues (including overtime), and legal developments.
15. Continuously review strategies for improving employee retention by, among other things, obtaining employee feedback; exploring career growth and professional opportunities; and continuously evaluating the reasons why employees join and leave an organization in order to better tailor hiring strategies and policies.

**[Note: Neither this summary nor the seminar presentation are intended to provide, or should be construed as providing, legal advice as to any specific matter.]**

Marc R. Engel is a shareholder at Lerch, Early & Brewer, Chartered. Marc can be reached at 301-657-0184; [mengel@lercheearly.com](mailto:mengel@lercheearly.com).