

## EMPLOYMENT TRAINING AND PROFESSIONAL DEVELOPMENT

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Human resources teams and managers are faced with unprecedented employment challenges. Risk management is critical. One of the most cost-effective ways to minimize exposure and avoid costly litigation and penalties is through training. Another is to audit practices and policies for compliance. Barley Snyder's Employment Practice Group offers training on a host of employment and employee benefit law topics customized to your audience and time frame from lunch & learn sessions to full-day seminars.

- Do you have a remote work policy in place and do your managers know best practices to handle remote work requests?
- Do your supervisors know how to launch a prompt, thorough investigation if an employee comes to them with a harassment complaint?
- Do your human resources professionals and supervisors know how to evaluate a disability and a request for reasonable accommodation?
- How do you manage employee absenteeism, performance and requests for intermittent FMLA leave?
- Is your team ready to respond to a union-organizing campaign?
- Is your background check process or that of the staffing agency you use compliant with the Fair Credit Reporting Act?
- Are you compliant with OFCCP federal contractor regulations?
- Are you at risk for costly overtime claims? Have your managers been trained on wage and hour compliance?
- Have you done an I-9 audit recently? Do you have procedures in place if you receive a no-match letter?

We provide practical guidance to help your company's management and human resources teams act decisively and minimize legal risk. Some of our training programs include:

### Legal Aspects of Diversity and Inclusion

We provide training for human resources professionals and managers to address the legal framework behind building a diverse, inclusive workforce.

### Anti-Discrimination, Anti-Harassment and Conducting Harassment Investigations

The EEOC guidelines recommend employers hold periodic harassment training for supervisors and employees. This training reviews conduct that constitutes illegal harassment, explains the legal liability a company can face when a complaint is filed, and provides recommendations for investigating such complaints internally. This program includes exercises and hypotheticals designed to help you understand how actions may impact the workplace and create liability for supervisors and the company.

### Managing FMLA and ADA Challenges

Some legal scholars have said that the FMLA has become so complex that it is virtually impossible for employers to remain in compliance. Add in the Americans with Disabilities Act, and compliance becomes even more

difficult. This session provides an overview of the interaction of the FMLA and the ADA, explains the employee's rights and the employer's obligations, and provides practical advice for managing leaves of absence.

## Best Practices for Remote Work Arrangements

Many employees want to continue working from home following the COVID-19 pandemic. Human resources professionals and managers need to manage the legal issues in remote work. This session explores best practices for remote work arrangements and policies, including the importance of keeping track of employees' time, workers' compensation issues, travel time, overtime, withholding taxes/paying payroll taxes and complying with the laws and regulations of the state where the employee is working/living.

## Complying with the DOL Overtime Regulations and Wage and Hour Issues

Any company that has ever had a DOL audit can testify that compliance is not easy. Wage and hour cases are outpacing all other employment litigation in number and cost. From determining whether your employees are exempt from overtime laws to deciding if they are entitled to compensation for travel time, to analyzing a pay discrimination issue, the concerns arising under the Fair Labor Standards Act and the Equal Pay Act are complex. When mistakes occur, they can be very expensive. These programs review the overtime exemptions and common wage and hour issues or, for government contractors or subcontractors, review the OFCCP requirements, to help you target areas where employers often run afoul of the law.

## Proper Hiring Practices and Background Checks

Does your recruitment team understand which interview questions cannot be asked under state and federal laws? Are they up to date on the latest legal decisions regarding drug tests, medical exams, criminal background checks, and credit reports? This program addresses these issues and gives employees a better understanding of how to screen applicants effectively.

## What You Need To Know About I-9 Compliance and Audits

U.S. Immigration Customs and Enforcement (ICE) can impose significant fines on employers for violation of the Immigration Reform and Control Act of 1986. These fines are imposed on employers not only for knowingly hiring unauthorized workers but also for paperwork errors on the Employment Verification Forms I-9. Liability for I-9 violations, errors, and omissions can be reduced through a combination of compliance training and internal audits. Barley Snyder's immigration attorneys help guide companies through a self-audit of the I-9 process and provide written materials on I-9 compliance, training and procedures to help minimize risks and develop in-house I-9 compliance procedures.

## Are You Prepared for Union Organizing?

Unions are targeting employers and workers in the health care, construction, transportation, food processing, hospitality and service industries. Would you recognize the signs of union organizing? A union representative is standing outside your parking lot handing out flyers. How do you respond? This program will teach your supervisors to look for signals that suggest employees are attempting to unionize and will provide practical advice on how to remain union-free.

## Ways to Reduce Workers' Compensation and Unemployment Compensation Costs

Do your supervisors understand how to work with an employee who has suffered a work-related injury? If not, you may not be doing all that you could to lower your workers' compensation insurance premium. Do you have a light duty policy that complies with the ADA and the FMLA while containing your workers' compensation costs? Do

your supervisors understand how to structure terminations to mitigate liability for unemployment compensation benefits? This program examines methods of managing the work-related injury from the moment the employee sustains an injury through the leave of absence to the employee's return to work. It also provides practical tips for mitigating unemployment compensation benefit liability.

## Effective Documentation in the Workplace

This session focuses on training managers and supervisors on how to prepare and conduct performance evaluations, and discipline and discharge in a manner that reduces liability for the company. We will talk about the importance of documentation in the workplace in defending employment litigation and go over hypothetical situations to help supervisors and managers understand the application of this principle to real-life scenarios.

## Are You a Fiduciary?

Not only are plan sponsors, including businesses and tax-exempt organizations, the targets of regulatory enforcement and lawsuits, but also individuals involved in the implementation and administration of benefit plans are increasingly held personally liable for errors and omissions that adversely impact plan participants and beneficiaries. Plaintiffs' lawyers continue to look for opportunities to launch ERISA fiduciary class action suits and the pace of ERISA fiduciary litigation is likely to keep accelerating. Therefore, it is imperative to understand who the plan's fiduciaries are, the scope of each fiduciary's responsibilities with respect to the plan and the specific duties each fiduciary must observe and perform. Barley Snyder offers training that will help you to know the answers to questions such as, "Am I considered to be an employee benefit plan fiduciary? If so, what special duties do I have? Can I delegate my responsibility?"

## Are You Compliant with the Myriad of Complex Rules Governing Benefit Plans?

Barley Snyder offers a risk management assessment of your employee benefit plans. The review will identify the specific procedures followed in administering each plan and determine the extent to which the procedures conform to the minimum requirements under the Internal Revenue Code and the Employee Retirement Income Security Act of 1974, and to the terms of each plan document. The review covers the major areas of compliance that the IRS and U.S. Department of Labor typically scrutinize in the audit process.

## Ten Things Supervisors/Human Resource Managers Do to Invite Legal Action

This program provides a broad overview of employment law by identifying the 10 things supervisors do to invite legal action. This session helps supervisors identify actions that risk liability and teaches them practical risk management strategies to reduce liability.

## Non-Profit Board of Directors Training

For non-profit entities, Barley Snyder offers training to boards of directors to review board governance, fiduciary obligations, by-laws and insurance issues, and managing conflicts of interest.

We also have the ability to provide many of these programs in Spanish for employers with large Spanish-speaking employee populations. For more information, please reach out to Partner & Employment Practice Group Chair Jill Sebest Welch or any member of our Employment Practice Group.

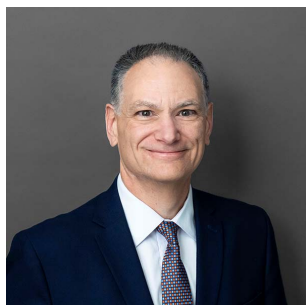
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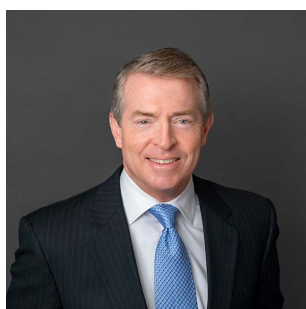
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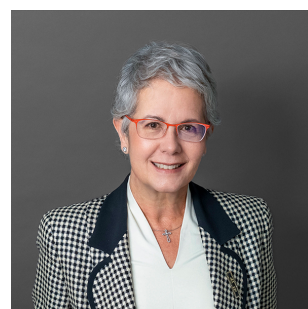
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