

Lessons from LEAP: Best Quotes from our 2015 Employment Law Conference



HR professionals from around the country came to the Bellagio in Las Vegas last week to soak up expert employment law advice at the 11th annual **Labor & Employment Law Advanced Practices (LEAP) Symposium**, hosted by Business Management Daily and the HR Specialist. The Soapbox was there to record pearls of wisdom dropped by the speakers, 25 of the best employment attorneys in the country. Here are just some of those thoughts:

Overtime Don't wait to audit your exemption categories

"The line of who's exempt and who's not is changing all the time. People who were considered exempt 10 years ago are no longer exempt today. Don't wait until the new (DOL overtime) regulations come out to take a close look at your exemptions." – *Greg Guidry, Ogletree Deakins, Lafayette, LA*

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Depositions Give (brief) answers, don't try to win the case

"In a deposition, you're there to answer questions, not to win the case. A lot of HR people feel guilty that the company is being sued. Don't try to convince the plaintiff's attorney that he doesn't have a case. Your job is to answer the questions as briefly as you can ... and it's perfectly fine to say 'I don't know.'" – *Charlie High, Kemp Smith, El Paso*

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Insurance Cut health costs via dependent audit & wise words

"There's fertile ground in doing dependent audits to uncover spouses and children who shouldn't be on your plan. You can expect to find 7% to 10% noncompliance ... But your communications are crucial. Make sure employees know you're doing this so everybody's benefit plan is as fair as it can be." – *Karl Ahlrichs, Gregory & Appel, Indianapolis*

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Compliance Cities and counties add to your poster burden

"We're seeing more and more cities and counties passing laws that require specific posting requirements for employers. It's a new trend to watch out for." – *Ashley Kaplan, GNeil*

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Federal agencies Active EEOC puts you on defensive

"The EEOC is really trying to expand its powers these days ... Now is a time when you need to be really conservative in your employment practices." - *Andrew Volin, Sherman & Howard, Denver*

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Safety Safeguard your temp employees, too

"Employers are required to protect everyone in the workplace, and your responsibility under OSHA includes temporary workers, regardless of whether they're considered employees." - *James Dale, Stoel Rives, Boise, ID*

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Unions Create a culture where unions aren't wanted

"I believe we're going to see union organizing success rates shoot shockingly up ... Train your managers. Get them engaged and give them the talking points to dismantle the issues that would encourage a union." - *David Rittorf, Modern Management, Chicago*

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Discrimination Juries can relate to age-bias cases

"We're going to see more age discrimination cases as the workforce gets older ... and juries really relate to age issues because everybody, hopefully, is going to get older, and they all have a parent or a grandparent." - *C.B. Burns, Kemp Smith, El Paso*

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Managing Inconsistent actions = lawsuit bait

"Consistency isn't just a risk prevention tool. It's how you want to run your business and how you want employees to view your company." - *Jathan Janove, Ogletree Deakins, Portland, Or*

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Retaliation Take sensitive employee talks offline

"In my experience, retaliation claims show up most often from email exchanges. So take your sensitive communications offline ... Also, employers often forget to talk about retaliation in their training. That's a mistake. You've got to explain that if an employee brings a complaint, that person is instantly protected." - *Deborah Adams, Frost Todd Brown, Cincinnati*

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Accommodations Handle disability like harassment

"Treat a request for disability accommodation like a harassment complaint. Do a prompt investigation of what accommodations are available. Then document what you did and why, so that a year from now a jury will be able to see your exact process." - *Ward Phillips, Kramer Rayson, Knoxville*

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Lawsuits Actions count more than words

“Juries pay more attention to what you do than to what you say.” – *Richard Brann, Baker Botts, Houston*



“The vast majority of employers are trying to do the right thing—but not all. There are some employers who are cutting corners, banking on the fact that employees won’t complain out of fear ... and the area where I see the most overt discrimination in the workplace is pregnancy. It seems that employers just don’t get it.”

- *David Lopez, general counsel of the EEOC, during a LEAP lunch presentation*