

Lessons from LEAP: Quotable Quotes from Last Week's Employment Law Conference in Vegas



Nearly 40 of the best employment lawyers in the country gathered at Bellagio in Las Vegas last week to train, educate and even entertain hundreds of HR professionals at the 12th annual **Labor and Employment Advanced Practices (LEAP) Symposium**, sponsored by [The HR Specialist](#) and Business Management Daily. Here are just a few of the pieces of employment-law wisdom handed down that week:

Policies & contracts Rethink your use of e-signatures

"A lot of jurors don't believe in electronic signatures. So, if possible, it's best to air on the side of caution and use 'wet signatures.'" — *John Doran, Sherman & Howard, Phoenix*

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Employee handbooks Handbooks are no replacement for managing

"Don't treat handbooks as magic. A handbook can't fix stupid. Handbooks aren't a replacement for managing ... Don't rely on it to be your carefully managed and monitored workplace. That takes people who are trained to do that." — *Deborah Adams, Frost Todd Brown, Cincinnati*

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Job descriptions Avoid set-it-and-forget-it job descriptions

"A job description is a living document. It shouldn't be set in stone. Jobs change with technology and the people doing them and the needs of the company. Go back and review them annually or at least every time the person holding the job changes." — *Kathy Perkins, Kathy Perkins Workplace Law and Strategies, Lawrence, KS*

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Employee leave Keep sensitive topics off email

"I still see too many smoking gun emails from managers saying things like 'I'm going to put him on the night shift because he's out so many Fridays.' I try to get managers to not use email whenever they're talking about leave." — *Lisa Lichterman, Littler, Memphis*

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Unions Unions gaining ground with young workers

"We're seeing a dynamic change out there. The millennials are really attracted to unions. A recent survey said 66% of workers age 18-34 approve of unions." — *David Rittorf, Modern Management, Chicago*

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Workplace violence 'Active shooters' get headlines, but are tip of iceberg

"There were over two million incidents of workplace violence last year. Less than 1% were shooters ... Your efforts are better placed at preventing all kinds of violence in the workplace." — *Dennis Davis, Ogletree Deakins, Los Angeles*

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Working with attorneys Good clients get good service

"Don't be 'that client.' If you are hard to work with, the attorney is going to be hard to with. And if you are hard to work with, you won't get your money's worth." — *Doran*

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Legislation Gridlock in Congress changes the game

"We're going to see more and more employment law action by the state and local governments on actions that have typically been the domain of the federal government." — *C.B. Burns, Kemp Smith, El Paso*

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Contractors DOL: Nearly all workers are employees

"The Department of Labor is taking a very aggressive stance on workers misclassified as independent contractors. The DOL thinks that most of the time these people have an employer-employee relationship." — *Richard Brann, Baker Botts, Houston*

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Disabilities Is everyone 'disabled' under the ADA?

"For a while, the ADA seemed to go away, you didn't hear much about it. But it roared back to life with a vengeance in 2009 with the amendments (ADAAA). Now, it seems like we're all covered by the ADA." — *Marcel Debruge, Burr Forman, Birmingham*

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Interns Beware the risk of unpaid internships

"Most of the companies I've dealt with, when I took a look at their interns, they are unpaid and doing work for the benefit of the employer. And that means the company could be in deep water." — Vic Schachter, Fenwick, Mountain View, Calif.

Tales from the Dark Side: A Plaintiff's Attorney's Message to HR ...

At LEAP 2016, noted plaintiff's attorney Randy Freking of Freking Myers & Reul in Cincinnati offered these nuggets of advice on employment lawsuits from the employees' view ...

"99% of HR professionals are doing the right things. It's the 1% of HR professionals and supervisors that keep plaintiff lawyers in business." 

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"Performance reviews are dangerous things. I always tell employers to not do employee reviews unless you're going to do them honestly. They're wonderful documents for plaintiff lawyers."

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"With every new potential client, I ask if they received a warning before being terminated. As soon as I hear 'yes,' it does slow us down in the march toward litigation."

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"Juries expect some level of progressive discipline—they think it should be required."

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"For a plaintiff's lawyer, email stands for 'evidence mail.'"

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"People don't run to attorneys because they think they've got a great legal case. They come to see me because they're angry about the way they were treated, especially on their way out."

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"Respond to the lawyer's letter. You've got to tell your side of the story. It's your opportunity to talk the plaintiff's lawyer out of the lawsuit. If I get blown off, I'll proceed with the case."