



WOODS & AITKEN  
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## LABOR & EMPLOYMENT LAW E-BRIEF

The Woods & Aitken *Employment Practice Group* is planning its 2011 seminars. We'd like to hear from you about what you'd like to hear from us! We plan to present two client seminars this year. Please vote for two topics from the following list that are of greatest interest to you.

If you have another seminar idea, please email us at [epg@woodsaitken.com](mailto:epg@woodsaitken.com).

### 1. Employee Handbooks

You stand a better chance of winning if you're the one writing the rules. In disputes with employees, the employee handbook is the rulebook by which many employee-employer relationship issues are governed. In this seminar we would cover the following aspects of employee handbooks:

- Why you should have one
- What they should contain
- How (and how often) they should be updated

### 2. Lessons Learned: Mistakes to Avoid in 2011

The focus of this presentation would be on the common mistakes employers make every day relating to topics such as: terminating employees, paying employees under the wage & hour laws, drafting employee handbooks, using E-Verify (or failing to use E-Verify when required), documenting employee's I-9 forms, and more. Examples of questions to be answered in this presentation include:

### About E-Brief

E-Brief is a periodic email newsletter that is sent to our clients and friends to provide information that is important to their success.

### Comments Welcome

We welcome your comments on our E-Brief. If there are topics you are interested in learning more about, please email us at: [e-brief@woodsaitken.com](mailto:e-brief@woodsaitken.com)

### About Woods & Aitken LLP

Woods & Aitken has been representing clients since the firm was founded in 1921. For more information about the firm and our attorneys, please visit our website:

[www.woodsaitken.com](http://www.woodsaitken.com).

- If your employees want to work 10 hour shifts on the week before Memorial Day so that they can have a four-day weekend, what's (potentially) wrong with that?
- Wouldn't it make sense to keep an employee's I-9 form with the employee's file so that you're not maintaining two separate file structures? (Hint: No.)
- In order to avoid "hard feelings" and confrontation, isn't it better to tell an under-performing employee, "It's the economy," or "The work's not there right now," and lay him or her off as opposed to just firing him or her?

### 3. **What to Do When the "Men in Black" Arrive**

Whether it is a wage and hour audit, an audit of your Form I-9's or an OSHA inspector asking to conduct an investigation, what do you do when the government arrives? This seminar would look at the following issues:

- Which employers can be visited by representatives from OSHA, DOL, Wage and Hour, etc., and when
- What are the agencies' jurisdiction and authority
- What are your rights
- What should you say (and not say)

### 4. **Employment Practices Liability (EPL) Insurance Policies**

Many employment claims can be covered by Employment Practices Liability (EPL) insurance policies. What are the advantages and pitfalls of these policies? How do they affect your ability to make decisions about how to defend claims, whether to settle, and for how much? What about your right to choose your lawyer? In this seminar we would give you a primer about how to get the EPL policy provisions that protect against these claims, but that don't interfere with your ability to manage the claims.

### 5. **Labor Relations Update - Changing Rules that Affect All Employers**

The Card Check bill in the U.S. Senate would have made it

much easier for unions to organize your workplace. The bill is dead (for now), but that isn't the end of the story. The unions have not given up – they're just taking another route. The National Labor Relations Board (NLRB) sets the rules for union organizing and other worker rights, and the President appoints its members. *The NLRB is considering the most sweeping changes of its rules in 50 years.* For example, an NLRB Regional Office recently filed a charge against an employer who fired an employee for writing nasty things about the employee's supervisor on Facebook. The NLRB is evaluating new administrative rules to achieve what Congress could not, making it much easier for unions to organize the workplace. We'll tell you where the NLRB seems to be headed and provide some pointers about how to improve your chances of remaining union-free.

[Click here to let us know your preference.](#)

For more information on these topics contact Keith Prettyman ([kprettyman@woodsaitken.com](mailto:kprettyman@woodsaitken.com)), Bob Evnen ([revnen@woodsaitken.com](mailto:revnen@woodsaitken.com)), or Erin Ebeler ([eebeler@woodsaitken.com](mailto:eebeler@woodsaitken.com)).

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