

An In-Depth, Interactive Workshop on How to Enforce Rights, Fulfill Responsibilities and Develop Defensible Documentation

Workshop Description

Are your HR professionals and managers aware of the staggering changes to California law that have made disability discrimination the newest “bet the company” litigation? Are they prepared to handle return to work and reasonable accommodation decisions properly for both work and non-work related injuries or illness? Are they trained to correctly conduct the detailed, specific “interactive process,” required by law?

This workshop introduces the SBA Interactive Process (IP) Manual that introduces an easy to implement ten step system that will enable your organization to meet its legal and policy responsibilities, stay out of court and craft the best prospect for defending against unavoidable claims and lawsuits.

The changing legal climate in California mandates knowledgeable and skilled HR specialists in your organization. Here’s why:

The California Fair Employment & Housing Act (FEHA) broadens the definition of “disability” – way beyond the Federal law. Impact: many more employees now qualify as “disabled,” and can sue for discrimination or harassment based on their disabilities.

FEHA has also broadened your responsibilities to consider reasonable accommodations, and holds your company accountable for damages if you don’t engage disabled applicants and employees in a face-to-face dialogue to consider a variety of reasonable accommodations. Impact: Failure to conduct this “interactive process” correctly will result in enormous liability – even if there was no accommodation that could be made.

In five cases in the last year alone, juries have assessed awards to individual employees of \$2.26 million (Wysinger v. Auto Club), \$1.2 million (Snider v. Laquer, Urban), 1.679 million (Leuzinger v. Lake County) \$5.2 million (Alberigi v. Sonoma County) and \$6.5 million (Welch v. Anaheim) because of similar process failures that violated FEHA. The California Department of Fair Employment & Housing reported over 3,000 complaints for disability discrimination and retaliation in the last two years. Applicants’ attorneys and employment lawyers have made this a litigation hotbed.

The California Family Rights Act (CFRA) requires certain employers to provide up to 12 weeks of unpaid leave of absence for an employee with a “serious health condition.” Result: Reduced time leave for modified duty must now be considered in light of the changes to FEHA and the Labor Code.

FEHA also mandates that your organization enact and consistently enforce an effective procedure for employees to make internal complaints for discrimination, harassment or retaliation. Then, the procedures require consistent enforcement, including investigation and immediate/appropriate corrective action. Impact: FEHA creates an automatic violation for employers that fail to investigate and prevent harassment or retaliation, including against disabled employees.

Drawing upon many years’ experience in the courtroom and the boardroom, and unique insights from consulting with employers on discrimination and controlling workers compensation claims, Patricia S. Eyres and Stuart J. Baron, take you step-by-step through the maze of ever-expanding legal risks you face today. You can protect your company and gain peace of mind when you pay attention to prevention, follow consistent procedures, and know what to do when trouble strikes.

Participants Will Learn To:

Understand, in plain English, the maze of legal risks facing California employers, by focusing on their critical roles in making modified duty decisions and workplace assignments for disabled employees; whether following a workers compensation leave, or at the request of an employee who has a non work-related disability.

Utilize an innovative Ten Step System for conducting the specific, detailed interactive process and documenting their decisions and actions. Includes specific direction on any customization of the IP Manual for the unique aspects of your work environment.

Develop skills for conducting effective, legally defensible investigations and taking corrective action.

Follow the nine principles of effective documentation so that your business communications work for you – not against you – in a legal dispute.