

THE KRIZNER GROUP
AN EMPLOYMENT LAW BOUTIQUE

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**What's Hot, What's
Not: Employment Law
Compliance 13.0**

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1. Religious Discrimination

Kalila complains that three of her coworkers have teased her that she might be a terrorist and that she may have been the one “behind” a recent building that was blown up. Another employee pulled her off her head scarf just after she stated that Jesus was simply another prophet. What should the Organization do?

1. _____
2. _____
3. _____

2. Detrimental Reliance

An employer decides to recruit and extend an offer to a senior executive in Montana. A week later, the Organization decides that the need for such position is actually unnecessary given new financial concerns. The Organization calls and rescinds the offer only to learn that the executive has resigned her current position and additionally sold her home at a loss.

1. _____
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3. Growing Labor Scrutiny

It's been a busy month in human resources. Two employees are disciplined for discussing that they are underpaid in violation of the Organization's confidentiality policy. Another employee, a witness to an incident of harassment, is told that she will be disciplined if she talks with anyone about the investigation. Finally, two employees are terminated after posting Facebook entries critical of the Organization's promotion practices.

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4. Criminal Background Screens

Frank Thomas applies for a receptionist position. The Organization subjects him to a criminal background screen and finds that he has an adjudication withheld on the counts of violence and theft, both of which occurred approximately five years ago. They want to reject him from employment.

1. _____
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5. Consistency Policies

A White male driver is terminated after he was found asleep at an intersection. He appeals the termination and cites to the fact that a Black female secretary was only provided with a final corrective warning after video footage verified her sleeping on the job.

1. _____
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6. The Supreme Court Supervisor

A junior supervisor that was only entrusted to review the work of his staff is accused of illegal harassment. The alleged victim fails to use the Organization's complaint procedure and instead files a charge of discrimination against the Organization. The harassing behavior occurred during a birthday party held at the employee's home.

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7. Genetic Information Non-discrimination Act

An Organization's post-offer medical questionnaire asks incoming employees questions regarding family medical histories, including questions regarding heart disease, cancer, diabetes, and similar issues.

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8. The American With Disabilities Amendments Act

An employee will exhaust her twelve weeks of Family Medical Leave next Thursday and her supervisor is pressing for her separation since he has learned that she likely won't be able to return for another month. All available sick, vacation, and other paid time off have been completely exhausted.

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9. Lots Of Wage & Hour Audits

The Organization has been struggling to keep up with recent demands and would like to hire an unpaid intern from a local college to assist in such work. The intern would learn practical business skills while helping the department during a difficult season. The same department's employees tend to have a technology addiction and frequently check their Organization emails on their handheld devices during the evenings and on weekends. Finally, someone mentioned that the Organization's assistant supervisor's exempt status seems suspect under the Fair Labor Standards Act.

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10. The Ned Factor: Retirement

Ned, age 77, is everyone’s favorite fellow within the workplace. He has been at the Organization for thirty years and initially gave all he had to further the mission. However, he now spends most of his day socializing and reading the newspaper. His supervisor believes its time to talk about retirement.

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11. Internet/Social Media Checking

Helen is the finalist for a key position at the Organization and is offered the role pending background screening. The supervisor conducts an Internet and social media search and is able to gain access to Helen’s Facebook page. She finds photos of Helen engaging in recreational marijuana use, as well as open discussion about her partner, Sara. The Organization opts to rescind the offer, citing to concerns about the illegal drug use.

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12. Attraction-Based Hiring

An Organization decides that it needs attractive persons to fill a particular position within the Organization. In doing so, it creates interview assessment documents that include comments such as “cute,” “high energy,” and “long legs.”

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13. Administrative Charges Sinking Litigation Defense

“Didn’t you admit that you were angry because he couldn’t come to work in the face of the Statement of Position that the Organization submitted to the Commission?”

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2. _____
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14. ADA Caveat: Persons With Intellectual Disabilities

An employee with what the supervisor believes to be mild Down syndrome is struggling with the quality of her ultimate work product. Most of the errors can be caught and corrected by an editor before it is forwarded to the end user. What can and should the supervisor do?

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2. _____
3. _____

15. Bullying

An employee comes forward and suggests that her boss is bullying her because she gave her a negative evaluation and continually double-checking her work on a daily basis. She suggests that it’s terribly embarrassing and has caused her to seek psychological counseling.

1. _____
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Annual Employment Law Audits Are Critical In 2013: They Make Good Human Resource Professionals Great In Employment Law Compliance