

Making Order Out of Chaos

# **Federal & State Employment Laws Affecting Supervisors**

# Supervising the Modern Workforce Can Be Like:

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- Herding Cats:
- <http://www.hulu.com/watch/322307>

# Federal & State Laws

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- Awareness vs. Competency vs. Expertise
  - Today – Awareness
  - As a Supervisor – Competence
  - HR & OCA - Experts

# Hiring Employees

- EEO Laws – Local, State & Federal
- Pregnancy Discrimination Act
- Americans With Disabilities Act
- VERRA
- Age Discrimination in Employment Act
- Bankruptcy Laws/FCRA (credit checks)
- Immigration Control Reform Act 1986
- Equal Pay Act
- NLRA (collective bargaining/unions)

# Supervising Employees

- All of the forgoing laws apply plus
  - Fair Labor Standards Act – paying of wages and overtime
  - Harassment/Discrimination Laws & EMPLOYER'S WORK RULES (Don't forget our APM's)
  - Anti-retaliation provisions – discrimination/harassment & other such as ERISA
  - FMLA – Family & Medical Leave Act
  - ADA – Reasonable Accommodations

# Supervising Employees

- Worker's Compensation
- Drug Testing – safety sensitive designated by federal laws & contracts
  - Random testing
  - For Cause
  - Compliance/chain of custody

# Supervising Employees

- Leave Time
  - Annual Leave (vacation)
  - Floating Holiday
  - Sick Leave
  - Holiday Leave – designated in ordinance and contracts – what about religious holidays not covered there?

# Common Employee Issues

- Harassment/Discrimination
- <https://www.youtube.com/watch?v=HqElt-rQqbM>
- FMLA/ADA – often an employee takes FMLA and returns to the workforce with a disability accommodation
- Grievances – workplace complaint



# Common Employee Issues

- Ethics Laws
- Leave Abuse
- Tardiness
- Physical Appearance/Uniforms/Equipment
- Personal Issues (EAP)
- Violence in the Work Place
  - Internal Threats
  - External Threats

# Common Employee Issues

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- Injuries –
  - Worker's Compensation
  - OSHA
  - Investigation
    - internal or external
    - Criminal or merely work rule issue

# Termination

- Layoff's & Furloughs – process
- Termination/Firing -
  - Just Cause Standard
  - Appeals –
    - Non-Reps – Personnel Board
    - Unions – Arbitrator & Union Representation

# To An Attorney The Successful Supervisor Does the Following:

- Maintains Their Competency in Employment Laws
  - Joins Professional Associations/Trade Groups
  - Attend Seminars
  - Reads Professional Journals
  - Subscribes to Listservs
  - Communicates regularly with HR/OCA

# To An Attorney The Successful Supervisor Does the Following:

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- Clearly Communicates Standards and Expectations
  - Standards for Success
  - Standards for Promotion
  - Work Rules/APM's
  - Dress Codes

# To An Attorney The Successful Supervisor Does the Following:

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- Is Cool Under Pressure
  - Yields rational defensible decisions and not emotionally based decisions
  - Treats all employees fairly and equally
  - Can testify without reservations/hesitations
  - Keeps confidential matters confidential

# To An Attorney The Successful Supervisor Does the Following:

- Actually Supervises-
  - Know the job duties of each position you supervise
  - Observes work product employee conduct
  - PRAISE (publicly) as well as CRITIQUE (privately)
  - DOCUMENTS, DOCUMENTS, DOCUMENTS (not recorded when it occurred then it didn't happen)
  - "No good decision was ever made in a swivel chair." Gen. George S. Patton, Jr.

# Contacts

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