

Maddin Hauser's
Employment Law
Symposium

**WHY EMPLOYEE-SPECIFIC POLICIES MATTER:
BUILDING CLARITY, COMPLIANCE, AND
TRUST TO PROTECT YOUR BUSINESS**

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Overview

- The importance of creating job descriptions
- Including policies to ensure you are meeting legal requirements
- Paid Time Off Policies and the Michigan Earned Sick Time Act

IMPORTANCE OF CREATING JOB DESCRIPTIONS

WHY JOB DESCRIPTIONS MATTER?

- Define essential duties
- Establish performance expectations
- Clarify reporting structure
- Identify required qualifications



ESSENTIAL FUNCTIONS & LEGAL PROTECTION

- Importance of Clarity
 - Requests
 - Performance
 - Termination
- Americans with Disabilities Act (“ADA”)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (“EEOC”) & BEST PRACTICES

- How Job Descriptions Provide Protection in EEOC Matters

Best Practices	What to Include	Risk Reduction
<ul style="list-style-type: none">• Have them• Annual review• Update• Avoid vagueness	<ul style="list-style-type: none">• Physical requirements• Certification or licenses• Supervisory authority• Work environment expectations	<ul style="list-style-type: none">• Performance evaluations• Actual day-to-day• Organizational chart



SPECIFIC POLICIES TO ENSURE COMPLIANCE

IMMIGRATION (I-9 FORMS)

- Requirements
- Why Written Policies Matter
 - Standard onboarding process
 - Assigns responsibilities
 - Establishes procedures
 - Reduces exposure



BACKGROUND CHECKS AND FAIR CREDIT REPORTING ACT (“FCRA”)

- FCRA – When employers run background checks through a company in the business of compiling background information.
 - What is “background information”?
 - Best practices
 - Authorization forms
 - Personnel files



STATE LEVEL ISSUES; DAMAGES; KEY POLICIES

- State-level FCRA Issues
- Potential damages
- Strong policies should include:
 - When are checks required?
 - Who reviews results?
 - Individualized assessment procedures
 - Confidentiality safeguards



NON-DISCRIMINATION & HARASSMENT PREVENTION

- Drafting a statement of non-discrimination.
 - Best Practices (EEOC)
- Harassment Prevention
 - Policy tips (EEOC)



**PAID TIME OFF POLICIES
AND THE MICHIGAN
EARNED SICK TIME ACT**

PAID TIME OFF POLICIES (“PTO”)

Clarity, Clarity, Clarity

- Risks associated with unclear policies:
 - Under-accrual or over-accrual errors
 - Improper denials of leave
 - Retaliation claims
 - Wage and hour disputes



MICHIGAN EARNED SICK TIME ACT (“ESTA”)

- Which employers are covered?
Which employees are covered?
- Under ESTA, employers must:
 - Provide earned sick time
 - Track accrual
 - Allow use for qualifying reasons
 - Avoid retaliation
- Common Compliance Mistakes



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QUESTIONS



**Submit questions
for presenters**



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THANK YOU



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