

Maddin Hauser's
Employment Law
Symposium

**HR AS THE BUSINESS'S FIRST LINE
OF LEGAL PROTECTION:
HOW HR PROTECTS THE COMPANY'S
BUSINESS INTERESTS EVERY DAY**

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Overview

- Learn the essential policies and procedures every organization needs: From appropriate use of AI to confidential information and company property policies
- Understand how to use HR processes to protect the workforce and information: Effective discipline system, rock-solid documentation, confidentiality controls, Bring-Your-Own-Device policies, and enforceable restrictive covenants
- Walk away with practical HR-ready tools: Reduce exposure, strengthen effective company culture, and safeguard your business data, people, and competitive advantage

HOW LAWYERS SEE YOUR WORK LATER

- **We don't see intentions**—we see documents
- **We don't hear conversations**—we read emails and notes
- **We don't fix facts**—we work with the record you created
- **Good HR systems shrink disputes; bad ones expand them**
- Everything that follows is about controlling that record

THREE-ACT ROADMAP

- Act 1:** What the business needs in place (essential protections)
- Act 2:** How HR operationalizes protection (process and controls)
- Act 3:** What to do Monday morning (tools and playbooks)



ACT 1: ESSENTIAL BUSINESS PROTECTIONS

- Focus on protecting revenue, customers, data, and business operations
- These are the risk surfaces where value is lost or preserved



ANTI-DISCRIMINATION & HARASSMENT: PROTECTING REPUTATION AND TALENT

- Inconsistent treatment becomes the company's story
- Retaliation risk often eclipses the original complaint
- Clean intake and investigation paths protect credibility
- Michigan reality: comparators and consistency drive outcomes
- Business impact: brand, recruiting, and leadership bandwidth

ACCEPTABLE USE OF AI: SPEED WITH GUARDRAILS

- AI increases speed and scale— but also amplifies mistakes
- Risk areas: hiring, reviews, discipline drafts, investigations
- No confidential or regulated data in unapproved tools
- AI assists; humans decide; outputs are drafts
- Business impact: decision quality, record quality, and trust



CONFIDENTIAL INFORMATION & TRADE SECRETS: PROTECTING THE CROWN JEWELS

- Most valuable assets walk out the door every night
- Courts look at behavior, not labels, to decide what is 'secret'
- Access limits, training, and exits create the protection story
- Business impact: customer relationships, know-how, and leverage



LEAVE, WAGE & HOUR: PROTECTING OPERATIONS AND FINANCING

- Overlapping rules create decision risk under pressure
- Manager-level mistakes drive most exposure
- Class and collective actions affect financing and profits
- Michigan overlay: ESTA plus federal regimes
- Business impact: cost, distraction, and deal friction



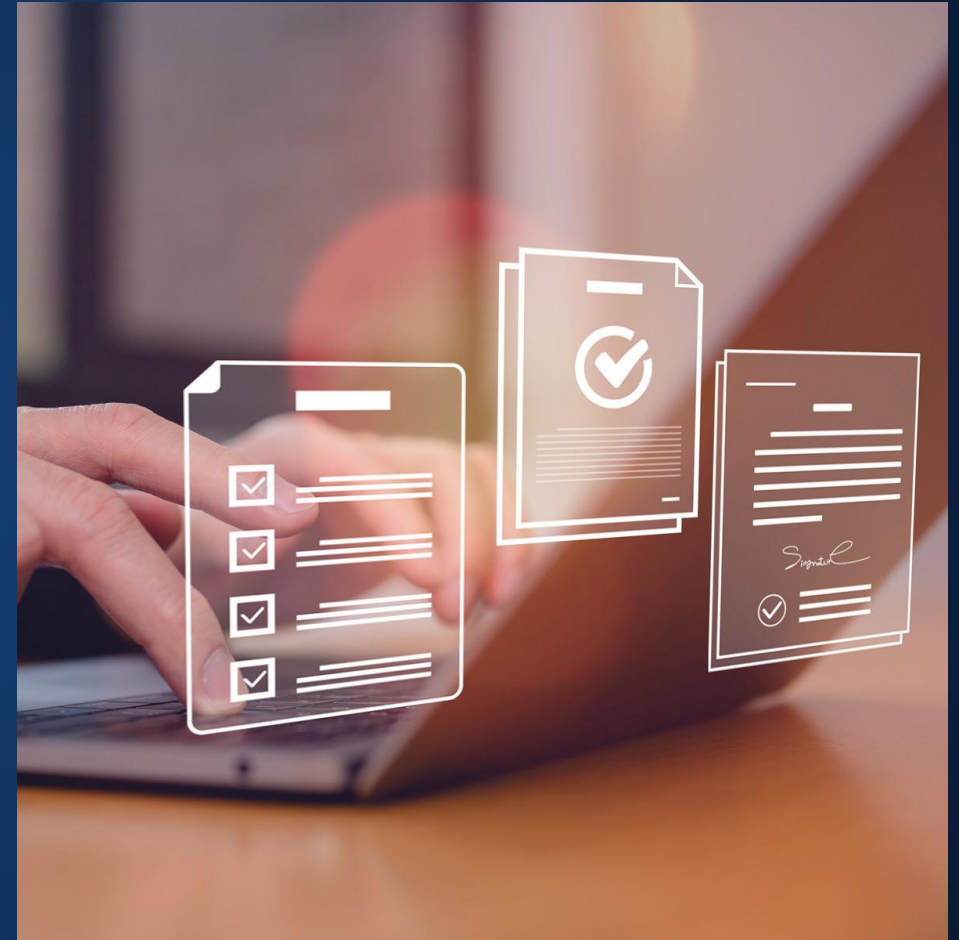
ACT 2: OPERATIONALIZING PROTECTION

- Policies don't protect businesses—**systems do**
- Process creates consistency; consistency creates defensibility
- This is where HR turns intent into outcomes



DISCIPLINE SYSTEMS: TURNING RISK INTO PREDICTABILITY

- Progression and documentation control the story over time
- Surprise terminations create disruption and exposure
- Standard paths protect managers and the company
- Business impact: morale stability and leadership focus



DOCUMENTATION: NARRATIVE CONTROL

- Disputes are stories told with paper and email
- Facts beat conclusions; boring beats clever
- Assume every note is future evidence
- Business impact: smaller, faster, cheaper disputes



CONFIDENTIALITY CONTROLS & ACCESS MANAGEMENT

- Role-based access limits the blast radius
- Clean onboarding and offboarding prevent lingering risk
- HR and IT together own the human side of security
- Business impact: containment instead of crisis



BYOD: CONVENIENCE VERSUS CONTAINMENT

- Personal devices increase speed—and risk
- Without clear rules, data and relationships leave with the device
- Security requirements and exit steps matter
- Business impact: customer and data leakage



RESTRICTIVE COVENANTS: PROTECTING RELATIONSHIPS AND REVENUE

- Tools to protect legitimate business interests
- Most value is deterrence and leverage, not litigation
- Work only when tied to roles and handled consistently
- Business impact: goodwill, pipelines, customers--
PROFITS



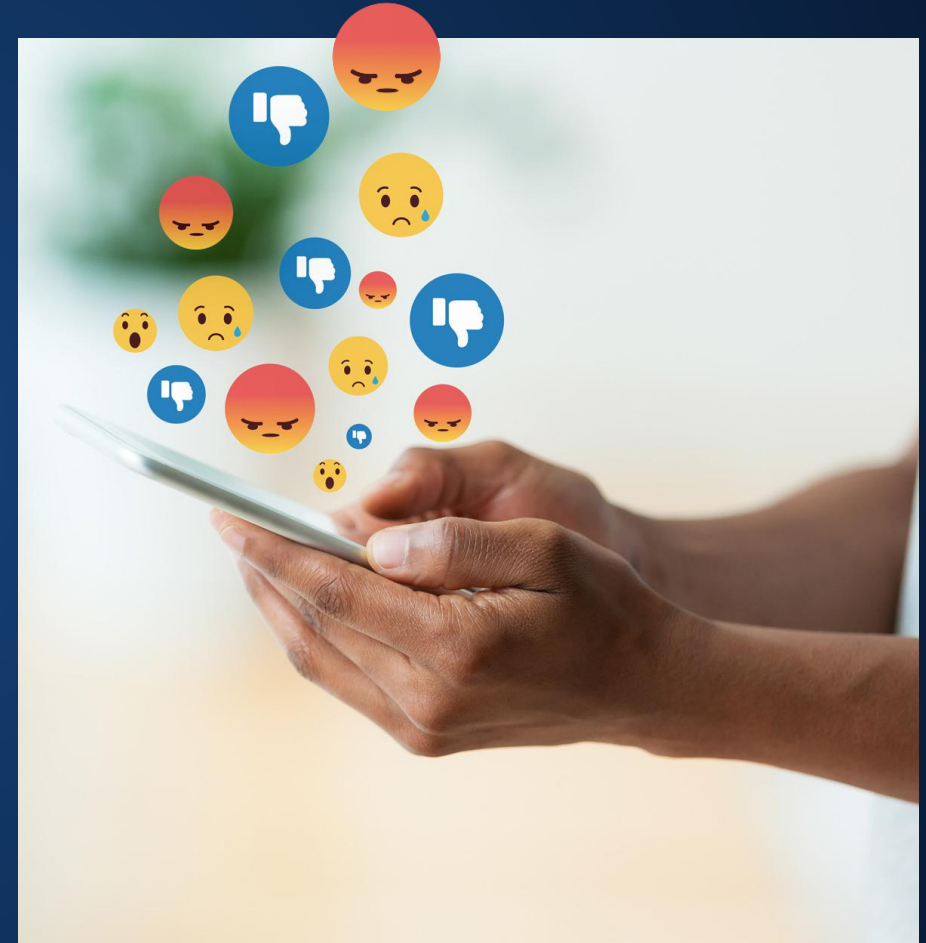
INVESTIGATIONS & LITIGATION HOLDS: DEFENSIBILITY UNDER STRESS

- Who leads, who decides, who communicates
- When to involve outside counsel
- Preserve documents early; control the process
- Business impact: credibility and outcome control



SOCIAL MEDIA & OFF-DUTY CONDUCT: REPUTATION RISK

- Screenshots travel faster than explanations
- Clear boundaries on work-related use and branding
- Consistent enforcement avoids viewpoint or favoritism claims
- Business impact: brand and customer trust

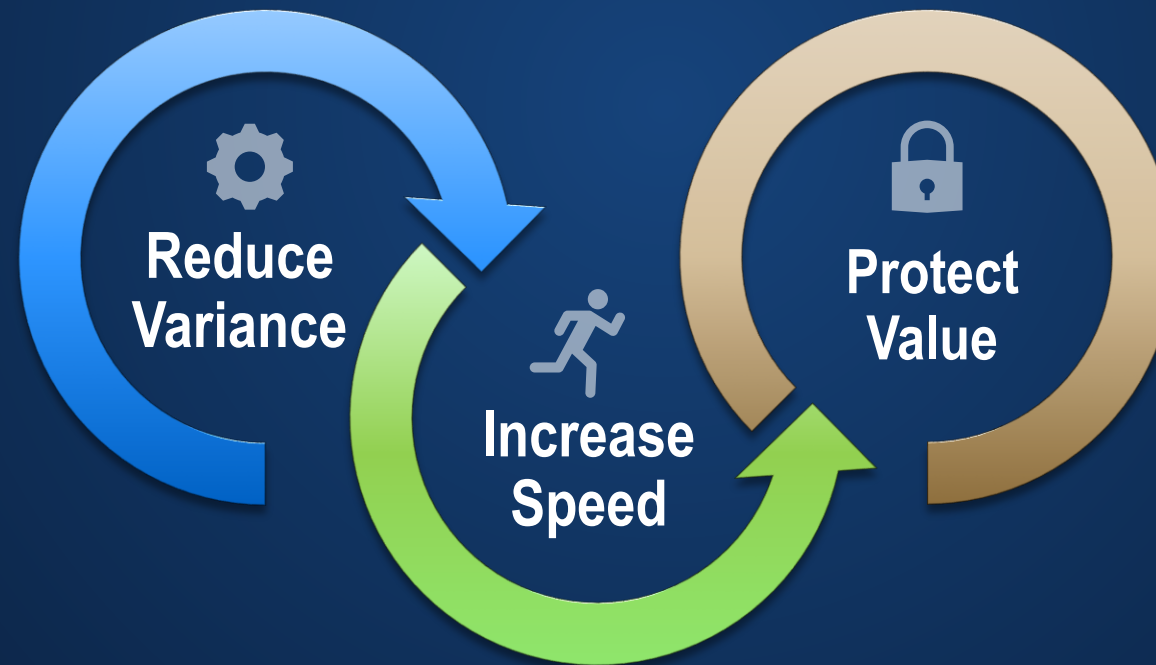


LEAVE LAW INTERPLAY: A SIMPLE DECISION PATH

- Is there a medical issue? Think ADA/FMLA/ESTA/workers' comp
- Is the employee requesting time or an accommodation?
- Centralize decisions; don't let managers freelance
- Business impact: fewer missteps at high-risk moments

ACT 3: WHAT TO DO MONDAY MORNING

- Turn principles into repeatable tools
- Reduce variance, increase speed, protect value



TOOL: POLICY AND PROCESS AUDIT

- Where do we lose time, money, or momentum?
- Where do managers improvise the most?
- Where are records weakest?
- Which exits were messiest?
- Prioritize by business impact, not by statute count



TOOL: MANAGER DOCUMENTATION TEMPLATE

- Date and context
- Objective facts
- Business impact
- Employee response
- Next step and expectation



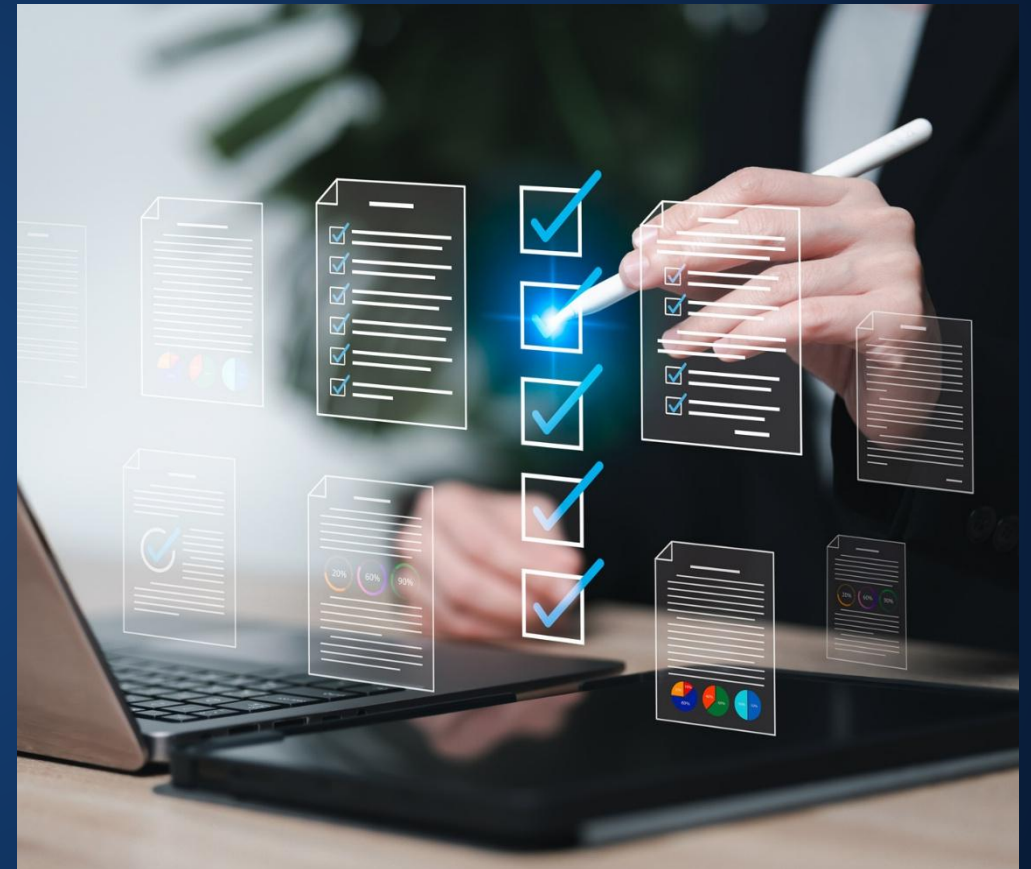
TOOL: INCIDENT RESPONSE PLAYBOOK

- Who decides, who investigates, who communicates
- Preserve evidence and control messaging
- Escalate early, not emotionally
- Goal: contain the blast radius and keep operating



TOOL: EXIT CHECKLIST

- Return property and shut off access
- Reconfirm confidentiality and covenants
- Document the reason cleanly
- Business goal: protect data, customers, and momentum



WHEN TO CALL YOUR LAWYER

- Before terminating someone who complained or requested leave
- Upon receiving a charge, subpoena, or agency inquiry
- When planning a reduction in force
- When a data breach or leak is suspected
- When a key employee is exiting to a competitor

BUSINESS TAKEAWAYS



HR is a business risk and value-protection function



Process creates speed by creating safety



Consistency protects credibility



Documentation controls the narrative



Clean systems protect the business

QUESTIONS & DISCUSSION

- Where does your organization lose time or momentum today?
- Which moments feel the riskiest or messiest?
- What would be easiest to standardize first?
- What would free the most leadership bandwidth?

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QUESTIONS



**Submit questions
for presenters**



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THANK YOU



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