



INVESTING IN MANAGEMENT: PROVIDING TRAINING AND CONDUCTING 360 REVIEWS

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INTRODUCTION – THE LIFE CYCLE OF A MANAGER

- The importance of training managers to identify workplace issues and understand their role in mitigating legal liability.
- The individual liability managers can face based on their actions (or failure to act).
- How managers can best intervene and engage with employees to optimize the success of their team.





THE IMPORTANCE OF TRAINING MANAGERS

THE UNIQUE POSITION OF MANAGERS

Extension of the Organization



Personal Liability for What Managers Do (and Don't Do)



SPOTTING THE LEGAL ISSUES

- The conduct of managers can impose liability on the company or mitigate risk
 - Discrimination and Harassment
 - Disability Accommodations
 - Family and Medical Leave
 - Fair Labor Standards Act
 - National Labor Relations Act
 - Occupational Health and Safety Act
 - Health Insurance Portability and Accountability Act
 - Retaliation
- Importance of prompt remedial action



THE IMPORTANCE OF TRAINING

- Managers are the leading cause of employment law violations.
- Properly training managers can reduce the risk of employee complaints and the potential for liability in the event of a complaint.





INDIVIDUAL LIABILITY THAT MANAGERS CAN FACE

PROMOTIONS COME WITH RISKS AND EXPOSURE

- “With great power comes great responsibility.”
- Depending on the definition of “employer” under the statute, managers can be held liable for acts taken in the managerial position.



INDIVIDUAL LIABILITY

- Some statutes under which managers can be held personally liable:
 - Fair Labor Standards Act (FLSA)
 - Family Medical Leave Act (FMLA)
 - Uniformed Services Employment and Reemployment Rights Act (USERRA)
 - Occupational Safety and Health Act (OSHA)
 - State statutes prohibiting discrimination and harassment, including Elliott Larsen Civil Rights Act



HOW TO RESPOND TO EMPLOYEE COMPLAINTS

- **Respect:** listening to perspectives with an open mind
- **Restraint:** prevent unlawful conduct from continuing; disclose information on a need-to-know basis
- **Rules:** evaluate application of the handbook
- **Respond:** be swift and appropriate in response
- **Record:** document
- **(no) Retaliation:** do not take any adverse action against a complaint made in good faith



OPTIMIZING YOUR TEAM

TRAINING ON DISCIPLINARY ISSUES

- Identify Problems
- How to manage employee conduct:
 - Provide frequent, regular, and direct feedback
 - Consistently apply policies across the organization
 - Document conduct and follow-up to hold employees accountable
 - Comply with the complaint procedure
 - Complete incident reports



TRAINING ON TERMINATION

- Review performance history
- Identify red flags
- Address logistical issues
- Reflect on how performance has been addressed
- Involve appropriate leadership



360 REVIEWS – THE NEED FOR FEEDBACK

- As leaders rise through the ranks of employment, they tend to receive less feedback about themselves and their performance
- 360 performance reviews provide feedback about how a leader's performance, skills, and contributions impact a variety of coworkers, team members, and managers who interact with the leader



BENEFITS: ACROSS THE BOARD

- Increases self-awareness
- Clarifies behaviors
- Measures how success is achieved
- Promotes dialogue
- Improves working relationships
- Encourages personal development
- Increases employee engagement
- Enhances performance
- Provides insights into Employee's work

BENEFITS: MANAGERS V. EMPLOYEES

Managers

- Effective leaders have more engaged direct reports
- Identifies skills that are needed for future leaders when succession planning

Employees

- Employees feel supported, increasing their engagement, productivity, and loyalty
- Provides the opportunity to identify problems a business can resolve internally to mitigate the risk of litigation

COMMON MISTAKES AND HOW TO AVOID THEM

1. Failing to explain the purpose of the 360 review process.
2. Creating a process that is too onerous for employees and managers to provide feedback.
3. Failing to meaningfully implement responses.



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QUESTIONS

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THANK YOU



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