



[HTTP://ALASKA.SHRM.ORG/CONFERENCE](http://alaska.shrm.org/conference)

# Regulating Off Conduct – How Far Can you Go?

Renea I. Saade

[rsaade@littler.com](mailto:rsaade@littler.com) 907-561-1214

September 20, 2018

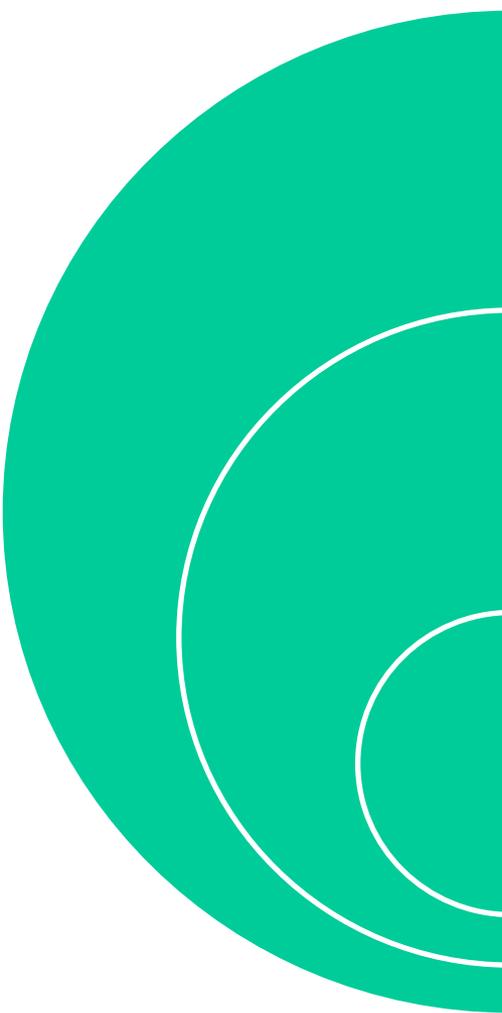
# What's the big issue?

**Conduct  
outside  
the  
walls of  
your  
business  
can:**

- **Impact company's reputation with customers & competitors.**
- **Create workplace tension.**
- **Lead to legal liability for the company.**



# Driving Principles



**Employers need to regulate the workplace and protect against negative impacts from outside the workplace, all within allowable limits**

**Employers must consider non-legal implications, such as employee relations, media exposure, and manager abuse of private information**

**“Reasonableness” goes a long way with employees, courts and public opinion**

# Hot Topics

- **Screening mechanisms in hiring**
- **Political Speech**
- **Social Media & Privacy Concerns**
- **Use of Technology & Off The Clock Work**
- **Medical and Recreational Marijuana Use**

# Hiring

**When can you consider off duty  
conduct when hiring?**

# Background Checks

- **State law may limit their use**
- **“Ban the Box” Laws are popular: *24 states and more than 150 cities and counties***
- **Heightened EEOC scrutiny**
- **What is the legitimate business need?**
- **One size fits all is usually not appropriate**
- **Best practice - obtain consent before even an informal search**

# Credit Checks

- **Heightened EEOC scrutiny**
- **What is the legitimate business need?**
- **Several states – Connecticut, Maryland, Washington, Oregon, Hawaii, Illinois, etc. – have enacted laws restricting employers' use of credit checks**
- **Fair Credit Reporting Act (FCRA) requires consent and disclosure before taking employment action based on a credit report**
- **Bankruptcy Code prohibits employers from discriminating against employees who file for bankruptcy**

# Fair Credit Reporting Act

**When using a consumer report for an employment purpose, employers must:**

- **Obtain consent.**
- **Notify employee/applicant when an adverse action is taken on the basis of such reports, and**
- **Identify the source of the report, so that the accuracy and completeness of the report may be verified or contested.**

# Fair Credit Reporting Act

- A "consumer report" is the communication of "any information" by a CRA that bears on a consumer's "credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living", and that is "used or expected to be used or collected in whole or in part" for the purpose of serving as a factor in establishing eligibility for credit or insurance to be used primarily for personal, family, or household purposes, employment purposes, or any other purpose authorized under Section 604.

# Social Media

- Useful for Recruiting 
- Facilitates Communication 
- Assists Background Checks & Investigations 
- Enables Marketing 
- Results in Lost productivity 
- Enables Harmful Postings 
- Can be used to Violate Company Policies and Divulge Confidential Information 
- May Result in Employer Liability for Employee Conduct 

# SEARS HOLDINGS CORPORATION

[Home](#)[Press Releases](#)[Investors](#)[Corporate Governance](#)[Community](#)[Careers](#)[Areas of Opportunity](#)[College Programs](#)[Events](#)[About Us](#)[Why Us?](#)[Search Jobs](#)

Big Brands.  
Bigger Opportunities.™

[Search Entry-level & Hourly Jobs](#)[Search Professional & Salaried Jobs](#)

[Home](#) > [Careers](#) > [Sears Holdings Talent Acquisition](#)

## Careers



### Entry-level & Hourly Jobs

Are you looking for an hourly store, distribution center, or repair technician job?

→ [Learn More](#)

→ [Search for Jobs](#)



### Professional & Salaried Jobs

Are you an experienced professional?

→ [Learn More](#)

→ [Search for Jobs](#)



### College Programs

Did you just graduate from college with a Bachelor's or MBA, or are you a current student seeking an internship?

→ [Learn More](#)



### Military Programs

Have you served your country in one of the five active-duty Services or their respective Guard and Reserve units?

→ [Learn More](#)

## Navigation

[Careers Home](#)[Search Jobs](#)[Areas of Opportunity](#)[College Programs](#)[About Us](#)[Why Us?](#)[Events](#)

## Join our SHC Talent Community

[via Facebook](#)[via LinkedIn](#)[via mySpace](#)

# SEARS HOLDINGS CORPORATION

Join the Sears Holdings Talent Community

## Let us follow your career!

We'll be able to follow your career and may contact you when we have jobs that fit your skills and abilities.

**Yes - Follow my career!**

Big Brands. Bigger Opportunities.®



© Findly, Inc. 2012. find.ly ensures that only your professional info is safely shared with companies, and your private life stays private.



# SEARS HOLDINGS CORPORATION

Join the Sears Holdings Talent Community

## Let's connect using safe profile sharing

We ensure that only your professional info is shared.  
Your private info and activity is hidden.

Select a network:



[Or, manually register](#)

Big Brands. Bigger Opportunities.®



# “Duty” To Review Social Media?

Negligent hiring, retention, and supervision:

- **Employers may be liable when an employee harms others, if the employer knew or should have known of the employee’s propensity to cause such harm.**



# Vetting Applicants Via Social Media

**You might be socially discriminating—  
and not even know it.**

Depending on how candidates control their privacy settings on sites such as Facebook, recruiters and hiring managers can learn a great deal of information—information that shouldn't influence their decision to interview or to hire a candidate, but might.

# Gimme Your Password



## Want to like this page?

To interact with Maryland Department of Public Safety and Correctional Services you need to sign up for Facebook first.

[Sign Up](#)

It's free and anyone can join. Already a member? [Log in.](#)

[Sign Up](#)

Facebook helps you connect and share with the people in your life.

**facebook**  
Privacy

Facebook and Privacy's Not...

[Get Notes via RSS](#)

## Protecting Your Passwords and Your Privacy

by Facebook and Privacy on Friday, March 23, 2012 at 5:32am

In recent months, we've seen a distressing increase in reports of employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. This practice undermines the privacy expectations and the security of both the user and the user's friends. This practice also exposes the employer who seeks this access to unanticipated legal liability.

The most alarming of these practices is the reported incidences of employers asking actual employees to reveal their passwords. If you are asked to do so, you should not share your password, let anyone access your account, or otherwise compromise the security of your account or violate the privacy of your friends. Facebook has provided Facebook to give you the tools to control your privacy.

As a user, you should not share your password with anyone, including your employer. As the employer, you should not ask your employees to share their passwords. And as the employer, you should not ask your employees to share their passwords with anyone else. This practice has been reported to be a violation of the law.

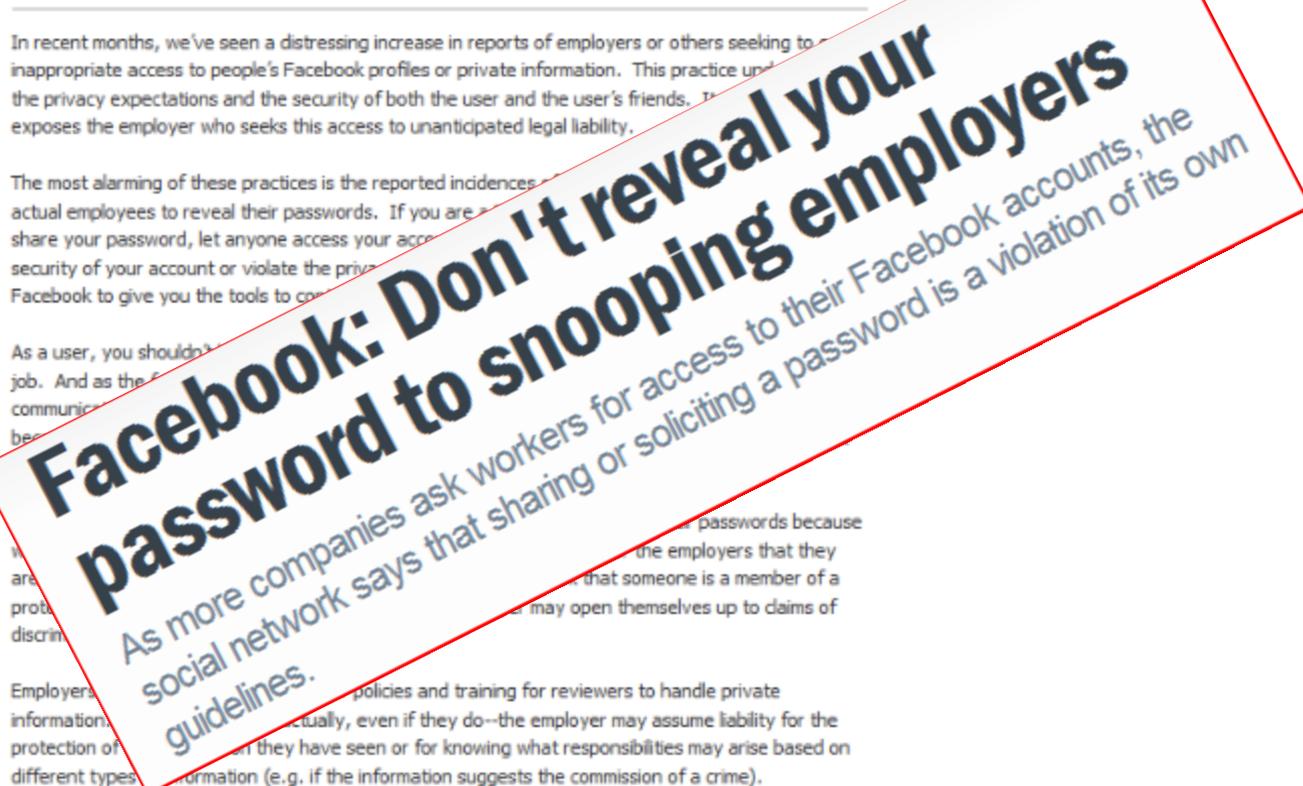
Employers who ask workers for access to their Facebook accounts, the social network says that sharing or soliciting a password is a violation of its own guidelines. As more companies ask workers for access to their Facebook accounts, the social network says that sharing or soliciting a password is a violation of its own guidelines.

Employers who ask workers for access to their Facebook accounts, the social network says that sharing or soliciting a password is a violation of its own guidelines. As more companies ask workers for access to their Facebook accounts, the social network says that sharing or soliciting a password is a violation of its own guidelines.

Facebook takes your privacy seriously. We'll take action to protect the privacy and security of our users, whether by engaging policymakers or, where appropriate, by initiating legal action, including by shutting down applications that abuse their privileges.

While we will continue to do our part, it is important that everyone on Facebook understands they have a right to keep their password to themselves, and we will do our best to protect that right.

-- Erin Egan, Chief Privacy Officer, Policy



# What You Can Do Now

- Make the informal process more formal. Establish guidelines for reviewing social media and processing the resultant data.
- Build walls into your process. Separate information gathering from decision-making through the use of third party vendors or by having an employee outside the decision-making process review social media. Provide only relevant data to hiring managers to ensure that those involved in the decision-making process won't be unconsciously influenced by protected information.
- Train Those Involved In The Hiring Process. Then train them again. And again, and again, and again.

# Key Points to Remember

- **Be consistent. If using social media to screen candidates, use it for all candidates, and use it in the same way.**
- **If information from social media impacts the hiring decision, keep a copy.**
- **Be mindful of your obligations under the Stored Communications Act and other laws.**

# It's a New World

- **With social media, employers now have heightened awareness of employees' off duty conduct.**
- **Instead of gathering around the water cooler, folks are now forwarding tweets, texts and Facebook posts**
- **News (and photos) of bad behavior is instant**
- **Employees now discuss (on a daily basis) controversial social and political issues as well as their own and each other's off duty conduct.**

# Proceed with Caution

**More than 30 States protect employees against adverse action based on some form of lawful off-duty conduct**

Lawful Off-Duty Conduct:

Examples: AK (public), CA, CO, ND, NY

Political Activity:

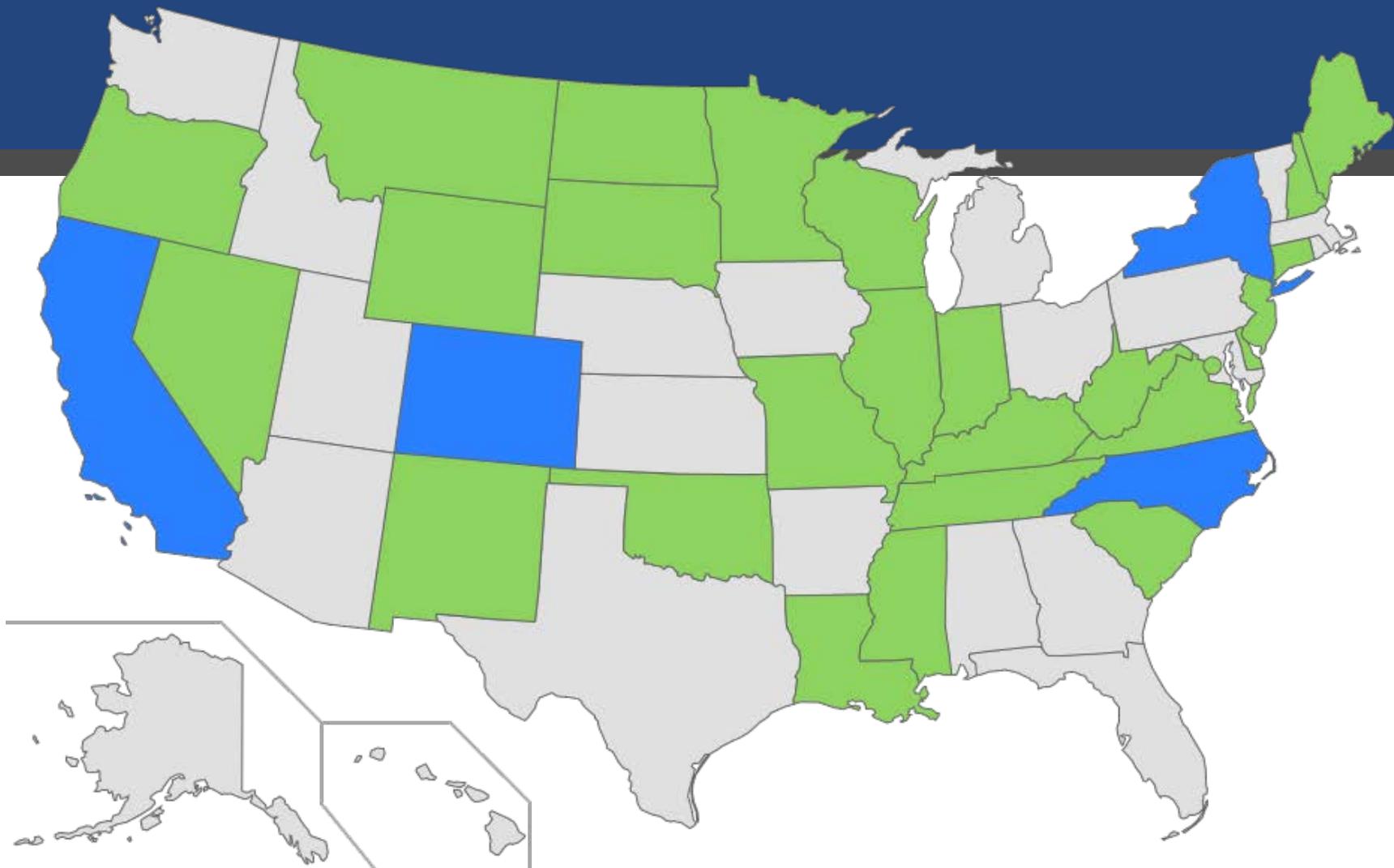
30+ states (AK public)

Consumption Of Lawful Products:

~ 7 states

Smoking/Tobacco Use:

See chart on next slide



# Free Speech?

- *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*
- Does not say that a private employer cannot make a rule limiting the freedom of speech, which some may in the jurisdictions that allow it.
- *Frank v. Lane*, 573 U.S. 13 (2014) – First Amendment protections for government employees; see also AS 39.26.010
- *Schumann v. Dianon Sys.*, 304 Conn. 585 (2012) – private sector employee not entitled to free-speech protection
- *Gilman v. Marsh & McLennan Companies, Inc.*, No. 15-0603 (2d Cir. 2016) – no protections for private sector employees refusing to speak

# NRLA Rights

- **Section 7 of the National Labor Relations Act: “Employees shall have the right ... to engage in ... concerted activities for the purpose of ... mutual aid or protection.”**
  - Political advocacy related to labor or working conditions
  - Contacting legislators
  - Testifying before agencies
  - Joining protests/demonstrations
- **Political topics that may relate to terms and conditions of employment:**
  - Minimum wage
  - Paid leave
  - Immigration
  - Equal pay
  - Healthcare
  - Human rights

# What's Ok to Ban?

Employee wears pin that says, "*Hill Yes!*"

Employer probably\* could ban

Employee wears pin that says, "*SEIU Says Hill Yes!*"

Employer probably could not ban



# What's Ok to Ban?

Employee wears pin that says, “*Dump Trump*”

Employer probably\* could ban

Employee wears pin that says, “*Dump Trump – Equal Pay For All!*”

Employer probably could not ban but... could trigger discussion of gender issues and complaints of hostile work environment



# What's Take Away?

- **Private employers can generally prohibit political speech in the workplace in Alaska**
- **But, proceed cautiously to avoid violating any NRLA rights.**
- **Ensure enforcement of policy is consistent**

# Harassment and Social Networking



- Harassment often arises or is exacerbated in social networking.
- Courts will examine whether employer knew or should have known of harassment, and whether employer acted appropriately to end it.

# Technology is Leading to Lawsuits

- **Easy tool for harassment.**
- **Personal e-mail from work address misinterpreted as company-approved.**
- **Driving while texting accidents on the rise**



# Are We Friends or Not?

YOUR META FACTU GROUP #3

## Add Bob Smith as a friend?

 Bob will have to confirm that you are friends.

Show in News Feed  
Bob's posts will appear on your home page.

Message

Biology 101 lab

# Do I dare?

## Custom Privacy

Make this visible to

These people:

Only the people above can see this.

Hide this from

These people:

Make this my default setting

# “Friending” Employees

## Initiating “Friend” request to employee?

- **Best avoided. Employee may later assert coercion.**

## Accepting “Friend” request from employee?

- **Best to retain documentation of request.**
- **Consider having separate social media account for employee “Friends”.**

# By Invitation Only

**Employers cannot directly access restricted (“friends only”) web sites without being invited**

– Federal Stored Communications Act

***Remember:* Employees have NO obligation to provide access to off-duty social media activities**



# Accessing Restricted Sites

**Employee 1 complains about posting by employee 2 on a restricted site. You must investigate. How do you gain access to the restricted site?**



- **Ask reporting employee to execute voluntary consent form**
- **Ask reporting employee to provide screen shots**

# Privacy Rights Are Being Redefined



- **Security vs. Privacy**
- **Can you monitor?**
- **Should you monitor?**
- **What should you monitor?**
  - Social media and general internet use.
  - Company cell phones.
  - Web-based personal e-mail.

# Third Party E-Mails Stored On Your Server:

- **Employees access their Gmail; Yahoo; AOL, or other non-work e-mail using work company computer.**
- **Generally, e-mail stored on company server is NOT private, and employer may access.**

**but . . .**

# Accessing Employee Social Media: Practical Suggestions



- **Unrestricted profiles are usually fair game**
- **Do not use false pretenses**
- **Do not use friends to spy on “friends”**

# Bloggging



- Employee comments positively in blog about company's product. Some statements are at least arguably misleading and exaggerated. Employee also states in their comments that they work for the company that makes the product.
- *Is this a legal problem?*

# Spokesperson Issues



**YES.** The FTC says it violates the rules regarding “the use of endorsements and testimonials in advertising”.

**What can you do to prevent this?**

- **Address truth in advertising issues with all who act as a “face” of the company.**
- **Incorporate into social media policy.**

# Biggest Concern Employee Bad Judgment

- **This is the problem you most expected**
- **Harassment, political insensitivity and just plain stupidity**
- **Legally, this may not be anything new, but your HR team has to be ready to deal with the issues**



# Terminations on Facebook

- **Terminations because of postings on Facebook are so common that they have a Facebook page!**
- **Many cases are based on “the convergence of modern technology and the foibles of human judgment”**
- **A few examples.....**

# Your Company Image





# Would you fire me?



# The New York Times

## Video Prank at [REDACTED] Taints Brand



Photographs from the Conover, N.C., Police Department

Online comments helped the police identify Kristy Hammonds and Michael Setzer as the makers of a troubling kitchen video.

By **STEPHANIE CLIFFORD**

Published: April 15, 2009

When two [REDACTED] employees filmed a prank in the restaurant's kitchen, they decided to post it online. In a few days, thanks to the power of social media, they ended up with felony charges, more than a million disgusted viewers, and a major company facing a public relations crisis.

 TWITTER

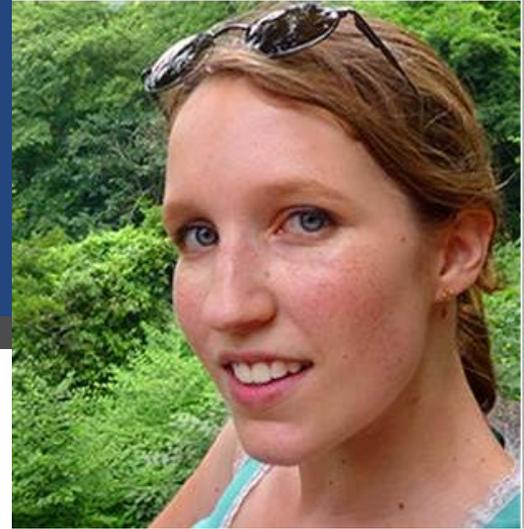
 LINKEDIN

 SIGN IN TO E-MAIL

 PRINT

 REPRINTS

# Connor Riley, a.k.a. “Cisco Fatty”



twitter 

## Cisco Fatty:

- *“Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work.”*

twitter 

## Tim Levad (Cisco Employee) Responds:

- *“Who is the hiring manager? I’m sure they would love to know that you will hate the work. We here at Cisco are versed in the web.”*

# Simonetti v. Delta Airlines



# Confidentiality

- Twitter case – HR employee tweets of the upcoming RIF that she is partially in charge of implementing.
- Facebook case – Employee who realizes he is about to be fired takes cell phone pictures of confidential documents, then posts them openly on Facebook



# NLRA + Facebook = Lawsuit

- American Medical Response (AMR) had a policy prohibiting employees from making disparaging, discriminatory or defamatory comments about the company, its managers, employees or clients.
- AMR employee posted negative remarks against her supervisor on her Facebook page from her home computer.
- AMR suspended and then terminated the employee for violating its policy.



The Facebook logo, consisting of the word "facebook" in white lowercase letters on a blue rectangular background.

# What happened?

- **On 10/27/10, the NLRB issued a complaint against America Medical Response.**
- **NLRB argued employer's policy interfered with employee's right to engage in protected concerted activity.**

# What's the NLRB doing here?

- **The NLRA prohibits employers from quashing employee communication about issues relating to their workplace.**
- **Applies to unionized or non-unionized workplaces.**
- **Policies problematic when: (1) employees would reasonably construe the language to prohibit Section 7 activity; (2) the rule was promulgated in response to union activity; and (3) the rule has been applied to restrict the exercise of Section 7 rights.**

# Result?

- **So did the policy violate the NLRA?**
- **We don't know! AMR/NLRB settled the case.**
- **BUT – in July 2011 we received a bit more guidance on how the NLRB views these matters:**
  - JT's Porch Saloon & Eatery Ltd., NLRB Div. of Advice, No. 13-CA-46689, 7/7/11 [released 7/14/11];
  - Martin House, NLRB Div. of Advice, No. 34-CA-12950, 7/19/11 [released 7/25/11];
  - Wal-Mart, NLRB Div. of Advice, No. 17-CA-25030, 7/19/11 [released 7/25/11]).

# “Chavs” vs. Workplace

- **Virgin Atlantic took disciplinary action against 13 crew members who participated in a Facebook discussion that criticized the airline’s safety standards and insulted passengers.**
- **Individuals posted messages referring to passengers as “chavs” and making jokes about faulty engines.**
- **Joked that planes were full of cockroaches and claimed the airline's jet engines were replaced four times in one year.**



# Gripes vs. Activity

- **Fall 2010: Bartenders discuss how the new tip policy “sucks”**
- **November 2011: Bartender response to step-sister’s question on Facebook about how his night went –**
  - Complains he went 5 years without a raise
  - Customers were rednecks, who he hoped choked on glass on their way home



# Group of “One”

- **No other employees commented on the post**
- **The bartender's online complaint was never discussed with other employees, and none responded to the posting**
- **His complaint was a response to an independent inquiry from his stepsister**

# When is it protected?

- **Not all postings are protected from disciplinary action even if their complaints are job-related**
- **Why? They had to grow out of protected activity – personal gripes are not protected**
- **Individual activities may share NLRA protection if they are the “logical outgrowth” of concerted activity**

# Sample NLRB Rulings

- **Nonprofit social services provider unlawfully fired 5 employees for complaining on Facebook about poor performance by other employees and workload concerns**
- **Luxury car dealership wrongfully fired employee who posted pictures and criticism of a work related event – because hot dogs and not more “substantial” refreshments. The criticism deemed related to “commissions”**

# Guiding Principles

- **Don't lie to your boss**
- **Don't go after the customers**
- **Don't threaten anyone**
- **And for employers ... Courts (and the court of public opinion) are more understanding when there's a true business impact on the conduct of the offending employee.**
  - Workplace disrespect or disruption
  - Upsetting customers
  - Impacting reputation of the Company

# Guiding Principles

- **Proceed with caution before discipline based on employees' speech about the workplace, their working conditions, or their supervisors.**
- **“Likes” on Facebook usually equate to speech**
- **You must consider these factors even if your workplace is not unionized (NLRA protection applies to all workplaces when it comes to protected concerted activity).**
- **Carefully draft/review social media policies.**

# Texting After Hours

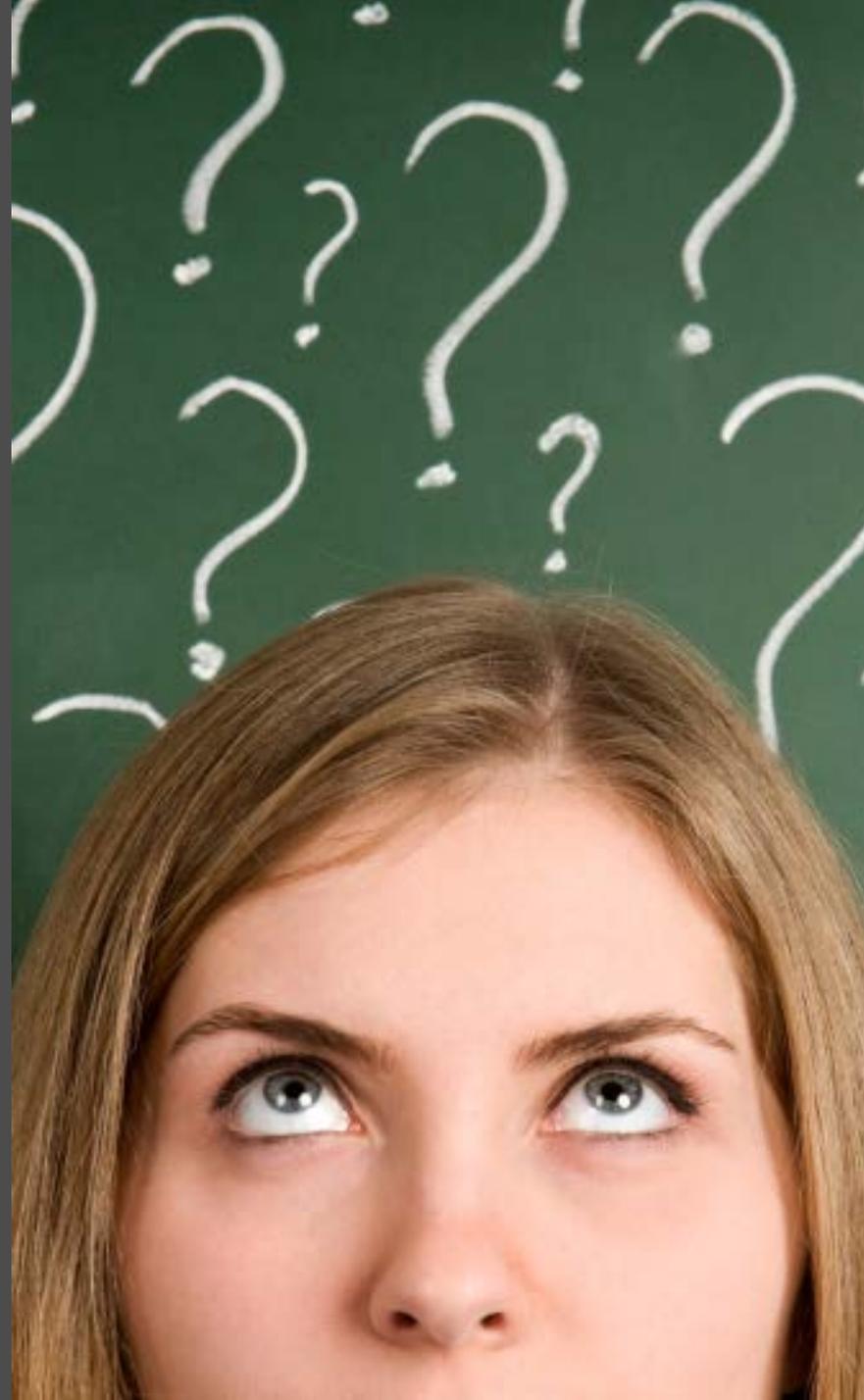
Regulate use of business computer equipment and system access after hours. Why?

- Wage and hour concerns ...  
“checking in” after work can be compensable time.
- Blurs the lines between on duty/off duty.



# Real Life and Hypothetical Situations

What would you do?



# The Tale of the Exploding Copier

- **Friend warns the other that she'll have a tough day at work by saying ...**
- **“Be careful of me today ... I'm blowing up the copier this morning!”**
- **You're the supervisor. You see the post. What do you do?**

# Just here for the printer

**“This typing thing seems to be doing the trick. It just looks like I am hard at work on something very important.**

**...**

**I am only here for the money and, lately, for the printer access. I haven't really accomplished anything in a long while ... and I am still getting paid more than I ever have at a job before, with less to do than I have ever had before. It's actually quite nice when I think of it that way. I can shop online, play games and read message boards and still get paid for it.”**

# Grocery Store

**You're a supervisor at a grocery store.  
One morning you're looking at your Facebook  
account and see this ...**



6



4

Search



greedy, selfish food for people that don't believe in Human Rights

[Suggest to Friends](#)

## Boycott: Whole Foods Sucks!

Wall

Info

Photos

Discussion

[Boycott: Whole Foods Sucks! + Fans](#)

[Boycott: Whole Foods Sucks!](#)

greedy, selfish  
ed, selfish  
d for peopl  
t don't belie  
human Rich

[Boycott: Whole Foods Sucks!](#)

[Daily Kos: State of the Nation](#)

[www.dailykos.com](http://www.dailykos.com)

# It's your employee!

- You discover that the creator of the group is an employee ...



# Bank Intern

From: Kevin Colvin [mailto:████████████████████]  
Sent: Wednesday October 31, 2007 3:55 PM  
To: Jill Thompson (North America)  
Cc: Paul Davis (North America)  
Subject:

Paul/Jill –

I just wanted to let you know that I will not be able to come into work tomorrow. Something came up at home and I had to go to New York this morning for the next couple of days. I apologize for the delayed notice.

Kind regards,

Kevin

Response From Boss, with  
attachment from Kevin's  
Facebook Page:

From: Paul Davis (North America)  
Sent: Thursday, November 01, 2007 4:54 PM  
To: Kevin Colvin; Jill Thompson (North America)  
Cc:  
Subject:

Kevin,

Thanks for letting us know – hope everything is ok in New York. (cool wand)

Cheers,  
PCD



# Problem Avoidance

What's an employer  
to do?



# Taking Action

- **Craft a policy**
- **Train your managers**
- **Be consistent in treatment**

**Easy, right ... ?**

# Which One May Be Unlawful?

- **Blogging and internet posting policy ....**
  - Employees are prohibited from making disparaging, discriminatory or defamatory comments when discussing the Company or the employee's superiors, co-workers and/or competitors.
- **In order to maintain the Company's reputation and legal standing, the following subjects may not be discussed by associates in any form of social media:**
  - Disparagement of company's or competitors' products, services, executive leadership, employees, strategy, and business prospects.

# E-Policies Really Matter



**U.S. Supreme Court:**  
“employer policies concerning communications will of course shape the reasonable expectations of employees, *especially to the extent that such policies are clearly communicated*”

[City of Ontario v. Quon \(2010\)](#)

# Developing Social Media Policies

- It may work better to focus on what employees can do instead of what they can't.
- Advise employees to exercise good judgment and common sense, and to then be responsible for what they write.
- Instruct employees to share opinions without resorting to defamatory or degrading remarks.
- Insist that employees respect copyrights and protect confidential information.
- Remind employees that productivity matters.
- *Seek legal review - rules are constantly changing!*

# Revamping Your Policy



1. **Modify electronic resources policies to include texting, and *update* as needed.**
2. **Address not only communications transmitted through company's own electronic resources, but also communications transmitted through employee's personal account or devices or through a third-party provider.**
3. **Warn employees that personal e-mail will be subject to monitoring the same as business e-mail, and that e-mail sent through a personal e-mail account could be stored on company equipment and could be monitored.**

# Practical Tips

- **Update or create written policies:**
  - No “one size fits all”; need to consider your culture and business.
  - Decide which activities to cover.
  - Decide whether employees can use company resources to access.
  - *Consider impact on other policies (e.g., Workplace Harassment; Code of Conduct; Technology/Resource Use, etc.)*



# Off-Duty THC Use

Marijuana continues to be illegal under federal law – as a Schedule I controlled substance under the federal Controlled Substances Act (CSA) physicians cannot legally prescribe marijuana under the CSA



# States Permitting Use of Medical Marijuana

- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Hawaii
- Illinois
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Montana
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- North Dakota
- Ohio
- Oregon
- Pennsylvania
- Rhode Island
- Vermont
- Washington
- West Virginia



# States With Limited Marijuana Laws

**A low-THC form of cannabis is currently legal in:**

- Alabama
- Florida
- Georgia
- Iowa
- Kentucky
- Louisiana
- Missouri
- North Carolina
- South Carolina
- Tennessee
- Texas
- Utah
- Virginia
- Wisconsin



# State Accommodation Laws

- Arizona
- Connecticut
- Delaware
- Illinois
- Maine
- Minnesota
- Nevada
- New York
- Pennsylvania
- Rhode Island



# States With No Accommodation

- **Alaska**
- **California**
- **Colorado**
- **Oregon**
- **Michigan**
- **Montana**
- **Washington**



# What Should You Do?

- **Consider whether your workplace has any legal *obligations* to restrict use**
- **Can you accommodate? Or, safety risk to great?**
- **Review your existing policy and update as necessary**
- **Ensure expectations are clear**
- **Communicate, communicate, communicate**
- **Designate & train decision makers**
- **Consistent enforcement**
- **Thoroughly review circumstances & past practices before discipline if use is health based**

# In Summary

- **Generally, employers can regulate non-protected off-duty conduct that:**
  - Interferes with workplace relationships
  - Creates safety concerns
  - Violates company policies
  - Advocates a competitor's products over your own
  - Disparages customers/clients
  - Constitutes a misrepresentation
  - Causes undue embarrassment to the employer
  - Discloses confidential/proprietary information



# Last Bits of Advice

- **Review all processes, policies and trainings**
- **If they are 2+ years old, they're most likely outdated!**
- **Make sure supervisors are in-line with your organization's goals and understand obligations**
- **Decisions by team (rather than solo) are best**
- **Look at the issue from all angles**

# Questions?



Thank  
You!

**Littler**

Employment & Labor Law Solutions Worldwide™