

Performance Management and  
Discipline in Nonprofits:  
Common Pitfalls, Unique Challenges,  
Effective Solutions

June 18, 2014  
Venable LLP  
Washington, DC

*Moderator:*

Jeffrey S. Tenenbaum, Esq., Venable LLP

*Panelists:*

David R. Warner, Esq., Venable LLP

Megan H. Mann, Esq., Venable LLP



# Presentation





## Performance Management and Discipline in Nonprofits: Common Pitfalls, Unique Challenges, Effective Solutions

Wednesday, June 18, 2014, 12:30 p.m. – 2:00 p.m. ET  
Venable LLP, Washington, DC

Moderator:  
Jeffrey S. Tenenbaum, Esq., Venable LLP

Panelists:  
David R. Warner, Esq., Venable LLP  
Megan H. Mann, Esq., Venable LLP



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July 17, 2014 – [Key Trademark and Copyright Rules for Nonprofits to Follow – and Break!](#)

August 13, 2014 – [Privacy and Data Security for Your Nonprofit: Understanding Your Legal Obligations and Insuring against Risk](#)

September 16, 2014 – [What's Ahead for 2015: Preparing Your Nonprofit's Group Health Plan for the Employer Mandate](#)



## Agenda

- Principles of performance management and discipline
- Avoiding common pitfalls
- Using “PIPs” and other tools to address common problems



# Principles of Performance Management

## Principles of Performance Management

- My nonprofit's annual performance evaluation process is...
  - A very useful tool in communicating observations and expectations to our employees
  - Not as effective as I wish it was
  - A total waste of time
  - Non-existent



## Principles of Performance Management

- No bright line between performance management and discipline
- Same conduct in different circumstances may be most appropriately addressed via performance management or discipline



## Principles of Performance Management

- Purpose
  - To provide a fair and accurate evaluation of employees against the standards required for success in their positions
- Not to “paper the file”
- Not to game compensation



## Principles of Performance Management

- Regularity
- Objectivity
- Prompt identification of deficiencies
- Opportunity for improvement
- Support from management
- Identification of candidates for advancement



## Principles of Effective Discipline

- Documentation is key
  - Accurate records and consistent enforcement of clearly communicated standards are the best “defense” to potential claims
- Consistency in practices
  - Key is treating similarly situated employees alike, with supporting documentation
- Follow written policies
  - Ensure that progressive discipline is available at management discretion, but not mandatory



## Avoiding Common Pitfalls

## Pitfall: Botching (or Ignoring) Performance Management

- Perform appraisals on time and uniformly
- Train managers and hold accountable
- Avoid leniency or giving everyone a “middle of the road” rating
- Avoid the “halo” (or “horns”) effect – rating employees the same in all categories
  - Include specific comments, good and bad
  - Base on entire period covered by appraisal
- Provide for cross-checks and avenue for appeal



## Pitfall: Failing To Use PIPs and Other Tools in the Management Tool Chest

PIPs should provide:

- Objectivity
  - Clearly identify performance deficiencies
- Opportunity for improvement
  - Timeline for improvement (60 days, 90 days, etc.)
  - Clear performance targets
  - “Immediate and sustained improvement”
- Support from management
  - “Open door”
  - Scheduled meetings with supervisor
  - Mentoring





## Pitfall: PIPs That “Wipe the Slate Clean”

- “Magic Words”
  - You must make immediate and sustained improvement. If you do not – or if there are any further problems with your performance or violations of our rules, policies, standards, or practices – you will be subject to further discipline, including immediate discharge.



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## Why Lawyers Love PIPs and Last Chances

- Road map for summary judgment
  - Clearly identify objective performance deficiencies
  - Reasonable performance targets
  - Reasonable opportunity for improvement
  - Support from management
- Foundation of non-discriminatory/retaliatory basis for discipline
- Can “clean up” lack of earlier documentation



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## Pitfall: Leaping to Decisions

- Don't prejudge situation
- Document information concerning purported violation
- Determine appropriate investigators (e.g., in-house v. outside consultant v. legal counsel)
  - Consider privilege/conflict implications
  - Consider presentation of evidence at trial



## Pitfall: Leaping to Decisions

- Conduct prompt investigation
  - Interview relevant witnesses
  - Collect and preserve all relevant documentation
    - Consider whether document “hold” is appropriate
    - Work with IT if available/appropriate
  - Allow accused employee to respond to allegations
  - Apply the same investigation standards to all similar problems/investigations
- Determine appropriate discipline, utilizing the following steps



## Pitfall: Failing to Realize That Discipline Is a Process, Not an End

- STEP ONE: Confirm that discipline/discharge does not violate a forgotten or “hidden” promise
  - Offer letters
  - Employment agreements
  - Employee handbooks
  - Stand-alone policies or employer memoranda



## Pitfall: Failing to Realize That Discipline Is a Process, Not an End

- STEP TWO: Follow disciplinary system, progressively if possible
  - Consider viability of alternatives short of termination
  - Don't overlook the power of monetary incentives
    - Suspensions without pay (note FLSA requirements)
    - Reduction of bonus potential (note individual contract requirements and state/local rules related to commissions)
    - Delay of pay increase or bonus



## Pitfall: Not Answering (or Asking) the Critical Question

- STEP THREE: Give fair warning
  - PIP if possible
  - Provide opportunity to improve
  - But don't remove or promise to remove if improvement occurs



## Pitfall: Not Answering (or Asking) the Critical Question

- STEP FOUR: Answer the critical question – what is the articulated reason for the discipline/termination?
  - In accord with policies?
  - Supported by documentation?
  - Consistent with appraisals and discipline records?
  - If the reason “shifts” down the road, the chances of an employee victory in court increases dramatically (as does settlement value)



## Pitfall: Failing to Check Your Blind Spots

- STEP FIVE: Do comparisons
  - Have there been other similar situations?
  - How were they handled?
  - If handled differently, how do we justify the difference?



## Pitfall: Failing to Check Your Blind Spots

- STEP SIX: Public policy check
  - Is there a “timing” problem?
  - Has the employee complained of discrimination, harassment, or failure to accommodate a disability? If so, have such issues been properly addressed?
  - Possible “whistleblower” angle?
  - Possible retaliation claim? (NLRA, workers compensation, FMLA, etc.)



## Pitfall: “Off with Her Head!!”

- STEP SEVEN: Handle the discharge conference with care
  - Have a second set of eyes/ears
  - Do not debate the decision
  - Release?



## Pitfall: “Off with Her Head!!”

- STEP EIGHT: Post-decision considerations
  - Have you complied with:
    - Applicable wage payment laws
    - Severance policies
    - Administration of benefits and insurance law requirements
  - Reference requests



## Pitfall: Failing to Use Other Tools in the Management Tool Chest

- Executive coaching or other third-party review
- Prospective pay reduction or hold-backs
- Suspension
  - Ensure referenced in discipline policies
  - Exempt employees can be subject to unpaid suspensions for “serious misconduct” if pursuant to written policy
- Last chance warnings



## Common Challenges

## Common Challenges

- Disability and discipline
- Job-protected leave and performance management/discipline



## Common Challenges

- The bully – “Why are all of my subordinates so useless?”
- The toxic co-worker – “I hate this place and everyone in it!”
- The borderline or “yo-yo” performer
- The “wrong fit” (can’t put my finger on it, but it just ain’t working)
- Tardiness and attendance issues
- The true believer – “You can’t fire me, I’m [insert protected category here]!!”





## Questions?

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To view an index of Venable's articles and presentations or upcoming seminars on nonprofit legal topics, see [www.Venable.com/nonprofits/publications](http://www.Venable.com/nonprofits/publications) or [www.Venable.com/nonprofits/events](http://www.Venable.com/nonprofits/events).

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# Speaker Biographies





## Jeffrey S. Tenenbaum

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### AREAS OF PRACTICE

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 Political Law  
 Business Transactions Tax  
 Tax Controversies and Litigation  
 Tax Policy  
 Tax-Exempt Organizations  
 Wealth Planning  
 Regulatory

### INDUSTRIES

Nonprofit Organizations and Associations  
 Credit Counseling and Debt Services  
 Financial Services  
 Consumer Financial Protection Bureau Task Force

### GOVERNMENT EXPERIENCE

Legislative Assistant, United States House of Representatives

### BAR ADMISSIONS

District of Columbia

Jeffrey Tenenbaum chairs Venable's Nonprofit Organizations Practice Group. He is one of the nation's leading nonprofit attorneys, and also is an accomplished author, lecturer, and commentator on nonprofit legal matters. Based in the firm's Washington, DC office, Mr. Tenenbaum counsels his clients on the broad array of legal issues affecting charities, foundations, trade and professional associations, think tanks, advocacy groups, and other nonprofit organizations, and regularly represents clients before Congress, federal and state regulatory agencies, and in connection with governmental investigations, enforcement actions, litigation, and in dealing with the media. He also has served as an expert witness in several court cases on nonprofit legal issues.

Mr. Tenenbaum was the 2006 recipient of the American Bar Association's Outstanding Nonprofit Lawyer of the Year Award, and was an inaugural (2004) recipient of the *Washington Business Journal's* Top Washington Lawyers Award. He was one of only seven "Leading Lawyers" in the Not-for-Profit category in the prestigious 2012 *Legal 500* rankings, and one of only eight in the 2013 rankings. Mr. Tenenbaum was recognized in 2013 as a Top Rated Lawyer in Tax Law by *The American Lawyer* and *Corporate Counsel*. He was the 2004 recipient of The Center for Association Leadership's Chairman's Award, and the 1997 recipient of the Greater Washington Society of Association Executives' Chairman's Award. Mr. Tenenbaum was listed in the 2012-14 editions of *The Best Lawyers in America* for Non-Profit/Charities Law, and was named as one of Washington, DC's "Legal Elite" in 2011 by *SmartCEO Magazine*. He was a 2008-09 Fellow of the Bar Association of the District of Columbia and is AV Peer-Review Rated by *Martindale-Hubbell*. Mr. Tenenbaum started his career in the nonprofit community by serving as Legal Section manager at the American Society of Association Executives, following several years working on Capitol Hill as a legislative assistant.

### REPRESENTATIVE CLIENTS

AARP  
 Air Conditioning Contractors of America  
 Airlines for America  
 American Academy of Physician Assistants  
 American Alliance of Museums  
 American Association for the Advancement of Science  
 American Bar Association  
 American Bureau of Shipping  
 American Cancer Society  
 American College of Radiology  
 American Institute of Architects  
 American Society for Microbiology  
 American Society for Training and Development  
 American Society of Anesthesiologists

## EDUCATION

J.D., Catholic University of America, Columbus School of Law, 1996

B.A., Political Science, University of Pennsylvania, 1990

## MEMBERSHIPS

American Society of Association Executives

California Society of Association Executives

New York Society of Association Executives

American Society of Association Executives  
America's Health Insurance Plans  
Association for Healthcare Philanthropy  
Association of Corporate Counsel  
Association of Private Sector Colleges and Universities  
Auto Care Association  
Biotechnology Industry Organization  
Bocuse d'Or USA Foundation  
Brookings Institution  
Carbon War Room  
The College Board  
CompTIA  
Council on CyberSecurity  
Council on Foundations  
CropLife America  
Cruise Lines International Association  
Design-Build Institute of America  
Foundation for the Malcolm Baldrige National Quality Award  
Gerontological Society of America  
Goodwill Industries International  
Graduate Management Admission Council  
Habitat for Humanity International  
Homeownership Preservation Foundation  
Human Rights Campaign  
Independent Insurance Agents and Brokers of America  
Institute of International Education  
International Association of Fire Chiefs  
International Sleep Products Association  
Jazz at Lincoln Center  
LeadingAge  
Lincoln Center for the Performing Arts  
Lions Club International  
Money Management International  
National Association for the Education of Young Children  
National Association of Chain Drug Stores  
National Association of College and University Attorneys  
National Association of Manufacturers  
National Association of Music Merchants  
National Athletic Trainers' Association  
National Board of Medical Examiners  
National Coalition for Cancer Survivorship  
National Council of Architectural Registration Boards  
National Defense Industrial Association  
National Fallen Firefighters Foundation  
National Fish and Wildlife Foundation  
National Hot Rod Association  
National Propane Gas Association  
National Quality Forum  
National Retail Federation  
National Student Clearinghouse  
The Nature Conservancy  
NeighborWorks America  
Peterson Institute for International Economics  
Professional Liability Underwriting Society  
Project Management Institute  
Public Health Accreditation Board  
Public Relations Society of America  
Recording Industry Association of America  
Romance Writers of America  
Telecommunications Industry Association  
Trust for Architectural Easements  
The Tyra Banks TZONE Foundation  
U.S. Chamber of Commerce  
United Nations High Commissioner for Refugees  
Volunteers of America

## HONORS

Recognized as "Leading Lawyer" in the 2012 and 2013 editions of *Legal 500*, Not-For-Profit

Listed in *The Best Lawyers in America* for Non-Profit/Charities Law, Washington, DC (Woodward/White, Inc.), 2012-14

Selected for inclusion in *Washington DC Super Lawyers*, Nonprofit Organizations, 2014

Recognized as a Top Rated Lawyer in Taxation Law in *The American Lawyer* and *Corporate Counsel*, 2013

Washington DC's Legal Elite, *SmartCEO Magazine*, 2011

Fellow, Bar Association of the District of Columbia, 2008-09

Recipient, American Bar Association Outstanding Nonprofit Lawyer of the Year Award, 2006

Recipient, *Washington Business Journal* Top Washington Lawyers Award, 2004

Recipient, The Center for Association Leadership Chairman's Award, 2004

Recipient, Greater Washington Society of Association Executives Chairman's Award, 1997

Legal Section Manager / Government Affairs Issues Analyst, American Society of Association Executives, 1993-95

AV® Peer-Review Rated by *Martindale-Hubbell*

Listed in *Who's Who in American Law* and *Who's Who in America*, 2005-present editions

## ACTIVITIES

Mr. Tenenbaum is an active participant in the nonprofit community who currently serves on the Editorial Advisory Board of the American Society of Association Executives' *Association Law & Policy* legal journal, the Advisory Panel of Wiley/Jossey-Bass' *Nonprofit Business Advisor* newsletter, and the ASAE Public Policy Committee. He previously served as Chairman of the *AL&P* Editorial Advisory Board and has served on the ASAE Legal Section Council, the ASAE Association Management Company Accreditation Commission, the GWSAE Foundation Board of Trustees, the GWSAE Government and Public Affairs Advisory Council, the Federal City Club Foundation Board of Directors, and the Editorial Advisory Board of Aspen's *Nonprofit Tax & Financial Strategies* newsletter.

## PUBLICATIONS

Mr. Tenenbaum is the author of the book, *Association Tax Compliance Guide*, now in its second edition, published by the American Society of Association Executives. He also is a contributor to numerous ASAE books, including *Professional Practices in Association Management*, *Association Law Compendium*, *The Power of Partnership*, *Essentials of the Profession Learning System*, *Generating and Managing Nondues Revenue in Associations*, and several Information Background Kits. In addition, he is a contributor to *Exposed: A Legal Field Guide for Nonprofit Executives*, published by the Nonprofit Risk Management Center. Mr. Tenenbaum is a frequent author on nonprofit legal topics, having written or co-written more than 500 articles.

## SPEAKING ENGAGEMENTS

Mr. Tenenbaum is a frequent lecturer on nonprofit legal topics, having delivered over 500 speaking presentations. He served on the faculty of the ASAE Virtual Law School, and is a regular commentator on nonprofit legal issues for *NBC News*, *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *Los Angeles Times*, *The Washington Times*, *The Baltimore Sun*, *ESPN.com*, *Washington Business Journal*, *Legal Times*, *Association Trends*, *CEO Update*, *Forbes Magazine*, *The Chronicle of Philanthropy*, *The NonProfit Times* and other periodicals. He also has been interviewed on nonprofit legal topics on Fox 5 television's (Washington, DC) morning news program, Voice of America Business Radio, Nonprofit Spark Radio, and The Inner Loop Radio.



## David R. Warner

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Labor and Employment  
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 Insurance  
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Government Contractors  
 Nonprofit Organizations and  
 Associations

### BAR ADMISSIONS

Virginia  
 District of Columbia  
 Maryland

### COURT ADMISSIONS

U.S. District Court for the District  
 of Maryland  
 U.S. District Court for the District  
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 U.S. Court of Appeals for the  
 Fourth Circuit  
 U.S. District Court for the Northern  
 District of Florida

David Warner's practice focuses on the resolution and litigation of complex labor, employment, and business disputes. He represents and counsels both private and public sector clients, with a particular emphasis on the government contractor and nonprofit industries.

**Business Litigation:** Mr. Warner routinely represents companies in commercial litigation matters, often concerning the enforcement of management rights in regard to restrictive covenants, trade secrets, business conspiracy and procurement integrity laws. Representative engagements include:

- Lead counsel in \$21 million breach of service contract action
- Lead counsel in \$8 million breach of teaming agreement action
- Lead counsel for government contractor in breach of contract, Unfair Trade Practices Act, and fraud claims against prime contractor; matter resolved before filing of complaint with full recovery to client
- Lead counsel in prosecution of breach of duty of loyalty and trade secret claims against medical supply sales representative in Maryland
- Representation of telecommunications contractor in prosecution of business conspiracy, copyright, breach of duty of loyalty, and trade secrets claims against former employee and competitor; matter resolved prior to trial with more than \$4 million paid to client

**Government Contractor Compliance and Audits:** Mr. Warner has extensive experience advising government contractors in compliance matters, audits, and litigation with the federal government regarding E.O. 11246, the Davis-Bacon Act and Service Contract Act. Representative engagements include:

- Lead attorney in negotiation of 75% reduction of multi-million dollar back pay demand (levied prior to client's engagement of Venable) on behalf of one of the fifty largest private employers in the United States; directed compliance efforts resulting in successful conclusion of multi-year conciliation agreement
- Lead attorney in successful resolution of defense contractor audit, which included significant issues concerning pay equity in salaried ranks
- Lead attorney in training of executives and senior leadership regarding affirmative action, diversity, and talent management best practices at Fortune 100 company
- Represented multi-billion dollar services company in successful resolution of OFCCP glass ceiling audit
- Represented national financial services company in defense of claims of systemic hiring discrimination brought by OFCCP
- Represented multi-billion dollar food manufacturing company in successful resolution of OFCCP glass ceiling audit

**Employment Counseling:** Mr. Warner's practice includes counseling employers on

## EDUCATION

J.D., *cum laude*, Georgetown University Law Center, 1996

Editor, Articles and Notes, *American Criminal Law Review*

B.A., *cum laude*, Georgetown University, 1993

## MEMBERSHIPS

American Bar Association

Maryland Bar Association

Virginia Bar Association

District of Columbia Bar Association

Maryland Defense Counsel, Inc.

labor and employment related matters in order to minimize potential litigation risk. In addition to day-to-day counseling on employment actions, Mr. Warner provides guidance regarding the design and implementation of effective and defensible application, hiring, promotion, and compensation practices, including conducting comprehensive audits of personnel practices to proactively identify and remediate issues that could give rise to class claims. Mr. Warner also advises companies in cross-border employment matters, including the design and implementation of expatriate employment agreements, application of U.S. laws to foreign-based employees, and related issues. Representative engagements include:

- Design and implementation of ex-pat employment agreements for employees located in Iraq, Afghanistan, Africa, Central and South America, and the Caribbean
- Investigation and resolution of harassment allegations of foreign employees in Africa
- Negotiation of 70% reduction of back-pay and benefits demanded by United Mine Workers of America under the federal Worker Adjustment and Retraining Notification ("WARN") Act following shutdown of mining facility
- Design and implementation of strategic corporate diversity initiatives for company with 100,000+ employees
- Design and implementation of application and selection processes for 5,000+ management positions at Fortune 100 company
- Training of executives and senior leadership regarding talent management best practices at Fortune 100 company
- Comprehensive equity analysis of management pay at Fortune 500 company, including implementation of remedial adjustments to employee compensation

**Employment Litigation:** Mr. Warner routinely represents employers in litigation concerning alleged violations of the FLSA and state wage and hour laws, Title VII, the ADA, ADEA, and other federal and state laws prohibiting discrimination and retaliation. Mr. Warner's litigation experience includes complex class action litigation, brought by both private claimants and government agencies, involving extensive electronic discovery and statistical analyses. Representative engagements include:

- Serving as lead defense counsel in nationwide promotions class action pending before the Equal Employment Opportunity Commission (EEOC)
- Lead defense counsel in successful opposition to class certification in five putative class actions before the EEOC
- Lead defense counsel in hostile work environment and retaliatory discharge matter
- Member of defense trial team for what would have been the largest employment discrimination class action ever tried to a jury had the matter not resolved – following a significant defense victory on motions *in limine* – on the eve of trial
- Lead defense counsel for successful defense of several discrimination and wrongful termination claims filed in the District of Columbia against national hotel chain under private ADR agreement

## HONORS

Recognized in *Chambers USA*, Labor & Employment, Virginia, 2013 and 2014

## RECENT PUBLICATIONS

- May 13, 2014, Performance Management and Discipline in Nonprofits: Common Pitfalls, Effective Solutions?
- April 30, 2014, Focus on Nonprofit Employee Misclassification: Are Your Workers "Employees," "Volunteers" or "Contractors?"
- February 19, 2014, Implementing a Bring-Your-Own-Device Policy: What Your Nonprofit Needs to Know
- July 18, 2013, Focus on Nonprofit Employee Misclassification: Are Your Workers "Employees," "Volunteers" or "Contractors?"
- May 22, 2013, New Maryland Law Requiring Accommodations for Pregnancy-

#### Related Disabilities, Labor & Employment News Alert

- June 8, 2012, The Axeman Cometh: Avoid Common Blunders When Disciplining and Terminating Employees
- March 21, 2012, 'Big Brother' in the Office: Helping Nonprofits Manage Employee Privacy in the Modern Workplace
- February 21, 2012, How Nonprofits Can Avoid the Legal Pitfalls of Telecommuting Employees

#### SPEAKING ENGAGEMENTS

Mr. Warner is a frequent lecturer on topics including compliance with the McNamara-O'Hara Service Contract Act, the Davis-Bacon Act, the Family and Medical Leave Act, the Fair Labor Standards Act, reasonable accommodation under the Americans with Disabilities Act, OFCCP compliance, hiring, firing, discipline and other aspects of the employer/employee relationship touched upon by state and federal law.





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### AREAS OF PRACTICE

Labor and Employment  
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### BAR ADMISSIONS

New York  
Not admitted in the District of  
Columbia

### COURT ADMISSIONS

U.S. District Court for the Southern  
District of New York

### EDUCATION

J.D., Brooklyn Law School, 2008  
Brooklyn Law School Richardson  
Merit Scholar  
Moot Court Honor Society  
Award  
Judge Doris A. Thompson And  
Judge Edward Thompson Award  
For Excellence In Trial Advocacy  
Moot Court Honor Society, Trial  
and Appellate Divisions  
Competitor and Executive Board  
Vice-President

Megan Mann's practice areas include employment counseling and litigation, labor relations, and commercial litigation. Ms. Mann represents clients in a vast array of industries, including hospitality, food service, education, construction, security, real estate, pharmaceutical services and financial services.

#### Employment Counseling

Ms. Mann regularly works with clients to ensure compliance with relevant laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act, and the Fair Labor Standards Act, as well as various state and local laws; and she likewise works with clients to improve the quality and efficacy of various employment-related practices, policies and documents. This type of counseling includes:

- Drafting new or updating existing employment documents, such as personnel handbooks, offer and termination letters, restrictive covenant agreements, and discipline or grievance procedure documents
- Rendering advice related to the hiring and termination processes, including group lay-offs, to ensure compliance with applicable laws and to appropriately protect clients' interests
- Advice and counseling related to harassment in the workplace, which includes onsite harassment training, drafting of sound anti-harassment policies and investigation guidelines, and counseling following reported harassment
- Rendering advice related to workplace practices, including employee classification, wage and hour practices, and disability accommodations

#### Employment Litigation

Ms. Mann also frequently represents clients in the defense of employment litigation matters, including those involving claims of discrimination and harassment, and wage and hour violations. She frequently handles matters pending before the Equal Employment Opportunity Commission and related agencies, and in both state and federal court.

#### Labor Relations

Ms. Mann likewise devotes a substantial portion of her practice to assisting and counseling employers in the face of union elections, collective bargaining and labor hearings. For example, she has worked on the negotiations and redrafting of a renewed and revised collective bargaining agreement, and represented employers in disputes with the union over discipline, discharge and work assignments.

#### Commercial Litigation

Ms. Mann also represents clients' interests in commercial litigation matters, including class action defense, involving claims of breach of contract and unjust enrichment, fraud and negligent misrepresentation, and violation of state consumer protection statutes.

## HONORS

1st Place, American Association for Justice Regional Mock Trial

2nd Place, Georgetown White Collar Crime National Mock Trial

## RECENT PUBLICATIONS

- April 2014, Federal Grant & Contract News for Nonprofits - April 2014
- April 2014, Equal Pay: Revisiting Federal Contractor Compensation Practices and Policies, Government Contracts Update
- April 14, 2014, Prohibited Discrimination in Hiring: Disparate Treatment and Disparate Impact – Considerations for Nonprofits
- February 27, 2014, The Impact of IRS Recognition of All Legal Same-Sex Marriages on Nonprofit Organizations' Employee Benefit Plans
- January 14, 2014, Employment Law Litigation Trends: How Your Nonprofit Can Avoid Common Family-Oriented Lawsuits
- December 5, 2013, Work & Family: What Nonprofit Employers Should Know about Family-Oriented Employment Laws
- November 12, 2013, Employee Benefits for Same-Sex Couples: What Your Nonprofit Needs to Know
- September 10, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- June 25, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- September 20, 2012, Payroll Pitfalls: How Nonprofit Employers Can Avoid Big Problems

## RECENT SPEAKING ENGAGEMENTS

- June 18, 2014, Performance Management and Discipline in Nonprofits: Common Pitfalls, Unique Challenges, Effective Solutions
- February 27, 2014, "The Impact of IRS Recognition of All Legal Same-Sex Marriages on Nonprofit Organizations' Employee Benefit Plans" for Non-Profit Cooperation Circle
- January 14, 2014, Legal Quick Hit: "Employment Law Litigation Trends: How Your Nonprofit Can Avoid Common Family-Oriented Lawsuits" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- December 5, 2013, Work & Family: What Nonprofit Employers Should Know about Family-Oriented Employment Laws
- November 12, 2013, Legal Quick Hit: "Employee Benefits for Same-Sex Couples: What Your Nonprofit Needs to Know" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- September 10, 2013, Legal Quick Hit: "Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- June 25, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- September 20, 2012, "Payroll Pitfalls: How Nonprofit Employers Can Avoid Big Problems" for the Better Business Bureau of Metropolitan New York
- April 17, 2012, Venable Breakfast Briefing: Updates for Restaurant Industry Employers