

VENABLE



HR Hit List: Common Compliance Issues That Can Cripple Your Nonprofit

Speakers

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What to Expect

- Welcome and Thanks
- Introductions
- Agenda and Learning Outcomes
- Presentation Style
- Topics Today



Hiring Issues

- **Why Important?**
 - Failure to hire/promote claims
 - Background check claims

- **Interviewing Best Practices**
 - On-boarding checklist
 - Training for managers about the right (and wrong) interview questions
 - The importance of job descriptions
 - Recommended recordkeeping practices



Hiring Issues

- **Pre- and Post-Hire Background Checks**
 - What you can do before hire v. what must await job offer acceptance
 - What to do with negative information about a hire
 - Why and what screens are important
 - What is state v. federal purview
- **Potential Costs of Poor Hiring Practices**



Wage-and-Hour Issues

- Exempt v. Nonexempt, [Fact Sheet #17A](#)
- Types of Exemptions and Relevant Standards
- Common Overtime Wage Myths
 - Myth 1: Salaried employees are automatically exempt
 - Myth 2: Unauthorized work hours beyond 40 hours per week
 - Myth 3: Administrative employees automatically fall into the “administrative exemption”



Wage-and-Hour Issues

- **Risks of a Remote Workforce**
 - Full-time telecommute v. occasional
 - U.S. work v. offshore
 - Non-exempts
- **Impact upon Employee Benefits**
 - Benefit categories by FLSA status
 - Benefits mandates related to remote workplaces



Pregnancy-Related Issues

- **Uptick in Pregnancy-Related Claims**
- **Discrimination versus Disability Protections – Federal**
 - Title VII of Civil Rights Act
 - The Americans with Disabilities Act
 - Family and Medical Leave Act



Pregnancy-Related Issues

- **Evolving Judicial, Legislative, and Regulatory Landscape**
 - State leave entitlements
 - State and local mandated benefits
- **Dos and Don'ts of Pregnancy-Related Leave Policies**



Retaliation Issues

- **What Is a Retaliation Claim?**
 - Protected activity
 - Imputation of knowledge
 - Adverse employment action
- **Why Are Retaliation Claims Difficult to Defend Against?**



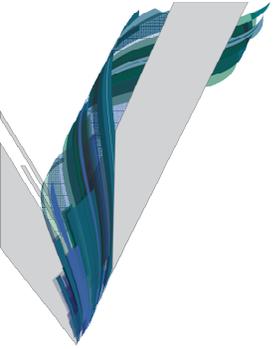
Retaliation Issues

- **Be Proactive – The Importance of Managing Problematic Employees *Before* They Engage in Protected Activity**
 - Manager engagement
 - PIPs
- **Addressing Employee Complaints**
- **Tips for Documenting the Investigation**



Reminders

- Complex, but once best practices are adopted, it's worry free.
- Take credit! It's not drudgery, it's your nonprofit's path to employer of choice, and your employees should know all you do for them.
- Involve your whole team in the solutions, encourage ongoing feedback, and reward those who take the path you lay before them.



Questions?

Thank You!