

# HR Compliance

## Employment Law

### Absences from the Workplace

#### Requirement References:

- 29 CFR 825.100: Chapter V Wage and Hour Division, Department of Labor
- The Family and Medical Leave Act of 1993
- The Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a)
- Uniformed Services Employment and Reemployment Rights Act (USERRA) (USERRA replaces the Veterans' Reemployment Rights (VRR) statute (P.L. 103-353, 108 Stat. 3149; 38 USC §43))
- Veterans Benefits Improvement Act of 2004 (VBIA), Public Law 108-454
- Jury Systems Improvement Act of 1978

#### Goal:

The goal of this lesson is to provide awareness training in the federal laws that cover employee absences from the work place for family and medical leave, military leave, and jury duty leave.

#### Objectives:

- Identify federal employment laws that cover employee absences from the workplace.
- Identify federal employment law requirements for covered employers and eligible employees.
- Identify federal employment law requirements for advance notice of absence, medical certification, and returning to work.
- Identify federal employment law provisions for job benefits and job protection.

### AIDS in the Workplace

#### Requirement References:

- American Red Cross: Workplace HIV/AIDS Program; Course Number 3501
- Centers for Disease Control and Prevention
- National Leadership Coalition on AIDS

#### Goal:

In this lesson you will learn the facts and myths about HIV, ways to manage the risk of infection, fair employment practices related to HIV infected employees, and elements of an HIV/AIDS workplace policy.

#### Objectives:

- Identify facts and myths about HIV.
- Identify ways to manage risk of infection.
- Identify fair employment practices related to HIV infected employees.
- Identify elements of an HIV/AIDS workplace policy.



## Computer Security

### Requirement References:

- Section 1030 of Title 18 of the United State Code (18 U.S.C. §1030)

### Goal:

Students will be able to define measures to ensure the security of the computer systems, know how to respond to potential violations, recognize essential and sensitive data and its associated protections, and identify authorized computer uses.

### Objectives:

- Identify computer security measures including use of passwords, data backups, contingency planning, and virus scanning.
- Define sensitive data and identify how to protect it.
- Identify authorized computer uses.
- Recognize additional user responsibilities when transferring computers and reporting security violations.

## Disability in the Workplace

### Requirement References:

- Americans with Disabilities Act of 1990
- ADA Technical Assistance Manual, Title II

### Goal:

Students will be able to recognize the key elements of the ADA, how it affects the workplace, public accommodations, discriminate between examples of situations meeting and violating the ADA, and how to appropriately interact with people with disabilities.

### Objectives:

- Identify the purpose and scope of Americans with Disabilities Act (ADA), define disability, and recognize examples of disabilities.
- Identify the requirements mandated in the Employment (Title I) section by defining "qualified with a disability," "reasonable accommodations," "essential functions," and "undue hardship."
- Determine whether specific examples are in compliance with or in violation of ADA.



## Discrimination-Free Workplace

### Requirement References:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, sex (including pregnancy), color, religion, and national origin. Title IV applies to private employers and governmental agencies with 15 or more employees.
- Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against employees and applicants who are 40 years of age or over. The ADA applies to employers with 20 or more employees.
- Americans with Disabilities Act of 1990 (ADA) prohibits employment discrimination against people with disabilities who are able to perform a job with or without reasonable accommodation unless the employer can show the accommodation would impose undue hardship on the operation of the business. The ADA applies to employers with 15 or more employees.
- The Civil Rights Act of 1991 expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination, and provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace.
- Equal Pay Act of 1963 (EPA) is an amendment to the Fair Labor Standards Act that prohibits paying different wages to employees of different sexes who perform equal work under similar conditions.
- Genetic Information Nondiscrimination Act of 2008, Public Law No. 110-233, 122 Stat. 881 (GINA) prohibits the improper use of genetic information in health insurance and employment. The GINA prohibits group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic predisposition to developing a disease in the future. The act also prohibits employers from using an individual's genetic information when making hiring, firing, job placement, or promotion decisions.

### Goal:

This lesson provides employers and managers an awareness of issues relating to discrimination in the workplace and practical considerations for avoiding discriminatory practices, including discrimination associated with race, color, religion, creed, sex (including pregnancy, childbirth or related medical conditions), national origin, age, citizenship, marital status, veteran status, sexual orientation, gender identification, political ideology, medical condition, sensory, physical or mental disability, or any other characteristic protected by local, state or federal law.

### Objectives:

- State what constitutes employment discrimination.
- Identify the federal discrimination laws in place to protect individual worker's rights.
- Recognize the importance of promoting a discrimination free workplace.
- Identify recommended guidelines for employers and managers.
- Recognize the actions taken if a discrimination charge is made.



## Drug- and Alcohol-Free Workplace

### Requirement References:

- Drug-Free Workplace Act of 1988 (Public Law 100-690)
- SUBPART 9.4--DEBARMENT, SUSPENSION, AND INELIGIBILITY
- The National Drug Control Strategy: 1996
- CDC Fact Sheet – Tobacco-Related Mortality (updated September 2006)
- UPDATING ESTIMATES OF THE ECONOMIC COSTS OF ALCOHOL ABUSE IN THE UNITED STATES: Estimates, Update Methods, and Data, December 2000
- The National Council on Alcoholism and Drug Dependence: Alcoholism and Alcohol-Related Problems, January 2000
- Workplace Substance Use: Quick Facts to Inform Managers
- Health Research Systems, Inc. - Drug & Alcohol Testing

### Goal:

The goal of this lesson is to reduce the financial and personnel cost of injuries and lost workdays due to controllable factors such as illness, use of medication, alcohol abuse, and drug abuse.

### Objectives:

- Identify and state why they should be concerned about substance abuse at work.
- Identify and state how they can identify substance abuse problems.
- Identify and state how to report their concerns and how to get help for themselves if they have a substance abuse problem.

## Employee Concerns

### Requirement References:

*There are no regulatory requirements for this lesson.*

### Goal:

Upon completion of this lesson, the student will state the purpose, scope, and elements of an Employee Concerns Program, the preferred process for resolving workplace concerns, identify rights and responsibilities of employees and management, as well state the key steps that occur when a concern is raised.

### Objectives:

- Identify the purpose, scope, and elements of an Employee Concerns "Program" or an employee concerns reporting mechanism.
- State the preferred process for reporting and resolving workplace problems or concerns.
- Identify the rights and responsibilities of employees and management in resolving concerns.
- State the key steps that occur following an employee concern being raised.



## Ethics

### Requirement References:

- Anti-Trust Law - Sherman Act (15 U.S.C. Chapter 1)
- Copyright Law (17 U.S.C. Sections 101-810)
- Intellectual property laws (35 U.S.C. and Title 17 C.F.R. Chapter 1)

### Goal:

Each employee will state the purpose of an ethics program, identify specific ethics standards, recognize their responsibility to comply with these standards, identify disciplinary actions that can result from non-compliance, and identify how to properly raise ethical concerns and seek additional counsel. The student will also recognize the application of ethics principles through the use of case studies.

### Objectives:

- State the purpose of an ethics program, define ethics, and list common characteristics of the ethics program.
- Identify ethical standards for fairness and honesty, accurate record keeping, and complying with antitrust laws.
- Identify ethical standards for giving and receiving gifts, gratuities, and entertainment with customers and suppliers, government and non-government personnel, and foreign officials.
- Identify standards for handling conflicts of interest, financial standards, including preservation of assets, restrictive trade practices, intellectual properties, and employee relations.
- Recognize the responsibility to comply with and report suspected ethical violations, what disciplinary action could result from failure to comply with or report violations, and how to raise ethical concerns and seek additional counsel.
- Recognize the application of ethics principles through the use of case studies.



## Hiring and Lawful Termination

### Requirement References:

- Civil Rights Act of 1964
- Americans with Disabilities Act of 1990
- Age Discrimination Employment Act of 1967
- The Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a)
- Uniformed Services Employment and Reemployment Rights Act (USERRA) (USERRA replaces the Veterans' Reemployment Rights (VRR) statute (P.L. 103-353, 108 Stat. 3149; 38 USC §43)

### Goal:

Employers and managers will identify the laws that provide protection against discrimination, recognize legal application and interview questions, and state legal requirements and appropriate actions prior to, during, and after an employment termination.

### Objectives:

- Identify relevant laws and their associated requirements to prevent discrimination in the hiring process.
- Recognize legal criteria for application and interview questions and good practices for interviews.
- State legal requirements and appropriate considerations prior to termination.
- State legal requirements and appropriate actions for an employment termination interview.
- State legal requirements and appropriate actions following the termination of an employee.

## Violence in the Workplace

### Requirement References:

- General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act (OSHA) of 1970
- Workplace Violence: A Report to the Nation, February 2001, The University of Iowa
- OSHA Fact Sheet, Workplace Violence, 2002
- OSHA Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers 2004

### Goal:

In this lesson, the student will learn what workplace violence is, which occupations are at increased risk for workplace violence, the categories of workplace violence, precautions to help prevent workplace violence, the warning signs of violent behavior and how to respond to warning signs, how to respond to a violent event occurring, and what to do after a violent event occurs.

### Objectives:

- Define workplace violence.
- Identify job tasks and occupations at increased risk for workplace violence.
- Identify the categories of perpetrators of workplace violence.
- Identify precautions to help prevent workplace violence.
- Recognize warning signs of violent behavior and how to respond.
- Identify the appropriate response to a violent event occurring in the workplace.
- Identify what to do after a violent incident takes place.



## Sexual Harassment

### Sexual Harassment for Employees

#### Requirement References:

- Title VII of the Civil Rights Law 1964
- Equal Employment Opportunity Commission

#### Goal:

To train employees to recognize, report, and prevent incidents of sexual harassment in the workplace.

#### Objectives:

- Define Sexual Harassment.
- Identify behaviors that might be considered sexual harassment.
- Identify the proper actions employees should take if they experience or witness sexual harassment.
- Understand personal liability and the liability of others when sexual harassment takes place.

### Sexual Harassment for Managers

#### Requirement References:

- Title VII of the Civil Rights Act of 1964
- Equal Employment Opportunity Commission

#### Goal:

The goal of this course is to train managers to prevent sexual harassment, respond to complaints, and deal with and prevent retaliation.

#### Objectives:

- Know why understanding sexual harassment in the workplace is important.
- Know the responsibilities of the company and managers.
- Know how to prevent sexual harassment.
- Know how to respond to complaints.
- Know how to deal with and prevent retaliation.



## Sexual Harassment for Supervisors

### Requirement References:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Title I – Americans with Disabilities Act of 1992 ( ADA)
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors
- *Faragher v. City of Boca Raton* , 118 S. Ct. 2275 (1998)
- *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998)

### Goal:

Sexual Harassment for Supervisors is a 2-hour course designed to train supervisors and managers to recognize, prevent, and correct sexual harassment, respond to complaints, identify retaliation, and promote a discrimination-free workplace. The course incorporates questions that assess learning, skill-building activities that assess the supervisor's application and understanding of content learned, and numerous hypothetical scenarios about harassment, each with one or more questions to engage the supervisor in the training.

### Objectives:

Upon completion of this lesson the learner will:

1. Recognize why understanding sexual harassment in the workplace is important for managers.
2. Identify the responsibilities of the company and managers regarding discrimination and sexual harassment in the workplace.
3. Identify federal and state laws regarding discrimination and sexual harassment in the workplace.
4. Define sexual harassment.
5. Identify behaviors that might be considered sexual harassment.
6. Identify managerial actions that can help prevent sexual harassment in the workplace.
7. Explain precautions employers can take to exercise due care to prevent and correct sexual harassment.
8. Identify the steps an employee should take if sexual harassment occurs.
9. Identify the steps a manager should take in response to a sexual harassment complaint.
10. Identify examples of retaliation.
11. Identify steps a manager can take to promote a discrimination-free workplace.



## California Sexual Harassment for Supervisors (2 hr, CA AB1825)

### Requirement References:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Title I – Americans with Disabilities Act of 1992 ( ADA)
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors
- Faragher v. City of Boca Raton , 118 S. Ct. 2275 (1998)
- Burlington Industries, Inc. v. Ellerth, 118 S. Ct. 2257 (1998)
- California Government Code - Section 12950
- California Government Code - Section 12950.1 [A.B. 1825]
- California Code of Regulations, Title 2, Section 7288 - Sexual Harassment Training And Education

### Goal:

Sexual Harassment for Supervisors is a 2-hour course designed to train supervisors and managers to recognize, prevent, and correct sexual harassment, respond to complaints, identify retaliation, and promote a discrimination-free workplace. The course incorporates questions that assess learning, skill-building activities that assess the supervisor's application and understanding of content learned, and numerous hypothetical scenarios about harassment, each with one or more questions to engage the supervisor in the training.

### Objectives:

Upon completion of this lesson the learner will:

1. Recognize why understanding sexual harassment in the workplace is important for managers.
2. Identify the responsibilities of the company and managers regarding discrimination and sexual harassment in the workplace.
3. Identify federal and state laws regarding discrimination and sexual harassment in the workplace.
4. Define sexual harassment.
5. Identify behaviors that might be considered sexual harassment.
6. Identify managerial actions that can help prevent sexual harassment in the workplace.
7. Explain precautions employers can take to exercise due care to prevent and correct sexual harassment.
8. Identify the steps an employee should take if sexual harassment occurs.
9. Identify the steps a manager should take in response to a sexual harassment complaint.
10. Identify examples of retaliation.
11. Identify steps a manager can take to promote a discrimination-free workplace.