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PREVENTING EMPLOYMENT RELATED LITIGATION

There has been a recent uptick in wage and hour claims filed against California employers. Several law firms have found this to be a lucrative area and are actively seeking employee/plaintiffs to represent.

WHAT YOU NEED TO KNOW:

There are several steps you can take to reduce your exposure to these types of lawsuits. They include

1. Have Written Employment Policies or an Employee Handbook.

Written policies regarding employee conduct and policies against discrimination and harassment are the foundation of reducing your exposure. Of course, it requires that the policies be followed in your actual operations to be effective. Always obtain an employee acknowledgment of receipt of your Company policies or Employee Handbook.

2. Document any Performance or Conduct Issues that Arise.

Not only does this provide effective feedback to employees regarding expectations of conduct or performance, it provides a record of communication between you and the employee. This record can serve as a basis for disciplinary action including termination.

3. If you do Performance Evaluations be consistent in how they are administered.

Any performance evaluation should be objective and should be used consistently with all employees. Performance issues should be addressed honestly and accurately.

4. Failure to Investigate a Claim of Illegal Harassment.

If a claim of illegal harassment is made, a prompt, objective investigation into the claim should be conducted. If a basis for the claim is found, appropriate remedial action should be taken. The investigation should be conducted in a professional manner that minimizes the opportunity for gossip or other conjecture arising among other employees.

While hiring legal counsel or a human resources professional may be expensive, it may be money well spent in certain circumstances.

In Summary, Have Written Policies, Be Consistent in their Application, Always Document when Appropriate, Protect Yourself and Your Employees.

An excellent short blog post link from the Fox Rothschild, LLP law firm on the subject is suggested reading

<https://californiaemploymentlaw.foxrothschild.com/2018/07/articles/advice-counseling/how-to-avoid-a-wage-and-hour-class-action-lawsuit-even-in-california/>