

April , 2007

THOMPSON LAW, LLC

EMPLOYMENT LAW – MANAGEMENT TRAINING

Thompson Law, LLC has conducted supervisory and management training programs on employment law for many years. There are several obvious reasons as to why management training in employment law is essential for any business. Several of those reasons are as follows:

1. Proper implementation and training in employment law policies can be used as an affirmative defense against employees or former employees who sue the company for sexual harassment and other discrimination issues.
2. Creating greater familiarity with the company's personnel policies and procedures for better compliance.
3. Educating supervisors and managers on various discrimination laws and hiring procedures so that they will not make significant and potentially dangerous and costly mistakes.
4. Giving supervisors and managers an opportunity to ask questions or discuss situations that have potential employment law or discrimination consequences.
5. Familiarizing or re-familiarizing company supervisors and managers concerning the Human Resources function and the personnel policies for greater understanding, better efficiency, increased cooperation, decreased mistakes, and litigation avoidance.

Accordingly, there are several natural areas of supervisory and management training that should be considered. These areas are as follows:

1. **Employment Discrimination Hiring Guidelines—The Do's and Don'ts – Questions To Ask Or Not To Ask.**

The EEOC has issued guidelines concerning appropriate employment inquiries about which companies and their supervisors and managers should be aware. To ask the wrong questions such as whether a woman is pregnant or whether someone is too old to seek employment is to establish

an easy employment discrimination case against the company. This training session gets into the details of hiring including appropriate and inappropriate questions, company personnel policies and their applicability, significant areas of discrimination, acceptable matters for discussion and forbidden areas.

The federal and state laws and regulations that are referred to in this training session include Title VII of the Civil Rights Act of 1964 (race, color, creed, sex, national origin), the Age Discrimination in Employment Act of 1967, the American with Disabilities Act of 1990, the Pregnancy Discrimination Act of 1978, the Equal Pay Act of 1963, the Uniform Services Employment and Reemployment Rights Act (USERRA) and various state laws.

2. The Ten Commandments of Employment Discrimination

This training session breaks the employment discrimination laws into categories where each protected category, for instance race and color, are discussed in detail so that the supervisors and managers are educated on the basic elements of discrimination and on recognizing unintentional mistakes that managers make that can lead to discrimination charges and litigation. In addition to identifying the protected categories and areas, there is also a brief discussion of the process of how discrimination charges are handled up to and through litigation. The Ten Commandments of Employment Discrimination are:

- A. First Commandment: Do not discriminate based on race/color.
- B. Second Commandment: Do not discriminate based on religion.
- C. Third Commandment: Do not discriminate based on national origin.
- D. Fourth Commandment: Do not discriminate based on sex.
- E. Fifth Commandment: Do not commit sexual harassment.
- F. Sixth Commandment: Do not discriminate based on age.
- G. Seventh Commandment: Do not discriminate based on disability.
- H. Eighth Commandment: Do not discriminate based on veteran status.
- I. Ninth Commandment: Do not violate federal contractor rules on discrimination.
- J. Tenth Commandment: Do not violate state Fair Employment Practice Laws or commit Wrongful Discharge.

3. Sexual Harassment

This training section delves into great detail about the origins, cases and law regarding sexual harassment. From the EEOC guidelines to the Supreme Court cases to the company's sexual harassment policies and procedures, sex harassment is explored in great detail. Supervisors and managers are educated on what to do, what not to do, how to recognize situations, how to handle situations, and the importance of taking action in order to avoid liability.

4. Personnel Policy Review

This training session delves into selected personnel policies of the company and explains them in the context of applicable laws and the reasons why these policies are written as they are. For instance, the hiring process and the employment application have evolved based on discrimination laws and applicable state laws. Many supervisors and managers do not understand why certain questions are asked in a particular way and this is explained. Similarly, discipline and discharge are emphasized. The session focuses on the supervisor's or manager's role in the disciplinary or termination process. Workplace problems or offenses that can lead to discipline or termination are discussed in detail with examples so that supervisors become more familiar and comfortable with what is expected of them in their roles in dealing with employees. In addition to hiring and firing, this session will focus on other selective personnel policies that top management want emphasized to supervisors and managers to ensure familiarity and compliance.

5. Substance Abuse Issues

This training session is one of our most popular presentations. Generally, we discuss the legal aspects of substance abuse programs, drug testing, the company's particular substance abuse program, the impact of the various drugs and alcohol covered by the policy, and some of the more outrageous incidents that occur in the drug and alcohol area. We utilize a specially designed video that combines vignettes using actors in particular substance abuse situations, graphics dealing with the legal and policy issues, and audience interaction to explain why drug testing happens as it does, why the policies are written like they are, the signs and symptoms of substance abuse, and how to handle a difficult employee, an impaired employee, a recovering employee, and an employee who returns after rehabilitation.

Operating on the theory that to be entertained is to learn, our firm spends considerable effort to present a multi-media approach to the presentation of these training sessions. Therefore, each training session is crafted using many visual or auditory aids

such as video vignettes, PowerPoint presentations, interactive discussions between the participants, role playing and slide shows. The visual support for these training sessions is crucial to its understanding and perception. We refuse to present training sessions just for the sake of making the presentation. It is important to us that we communicate with our audience and that they take away an understanding of the area we have been discussing. Every effort is made to communicate the point to the supervisor or manager so that they will understand the issues and enjoy the presentation.

Our charges for these training sessions are based on the necessary length of preparation time for custom presentations, and the length and number of the sessions. Once the client selects the topics to be covered, the length of this session and the number of presentations, we are then able to quote the cost.

THOMPSON LAW, LLC