

Ohio Human Resource Law Boot Camp

October 26, 2023

9:00 AM EDT - 4:30 PM EDT

**I. FLSA Essentials:
Practically Applying the Most Recent Legal Perspectives**

9:00 - 9:45, James G. Burkhardt

- A. Primary Duties Test: Recognizing the Top Pitfalls
- B. Salary Test Legal Essentials
- C. Independent Contractor Issues
- D. Off-The-Clock Work and Unauthorized Overtime
- E. Addressing Employer Errors:
Essential Safe Harbor Policies to Have

**II. Using Handbooks to Protect Against Legal Liabilities:
With Example Policies**

9:45 - 10:30, Jennifer A. Corso

- A. Handbook Scope:
How Much Is Too Much?
- B. What Topics You Must Include:
With Example Language
- C. Key Disclaimers You Can't Forget
- D. Avoiding Implied Contractual Relationships
- E. Essential Updates: NLRB and Other Concerns
- F. Updating Handbooks: With Checklists

**III. Hiring and Firing:
Legal Do's and Don'ts for Crucial HR Functions**

10:45 - 11:45, Jennifer A. Corso

- A. Crafting Legally Compliant Job Descriptions
- B. What Employers Can and Can't Ask About
Criminal Backgrounds, Credit Histories, etc.
- C. How Enforceable Are Non-Compete, Non-Solicit,
and Confidentiality Agreements?
- D. Verifying Immigration Status -
E-Verify and Other Considerations
- E. Legally Defensible Termination Documentation
- F. Terminating Employees on Leave
- G. Separation Agreements and Releases:
With Examples

**IV. HIPAA Best Practices for HR:
Ensuring Confidentiality of Medical Information**

12:45 - 1:30, R. Brent Gambill

- A. When Does HIPAA Apply to Employers?
- B. Requesting Protected Health Information (PHI):
FMLA and Other Purposes
- C. Safeguarding PHI
- D. Putting PHI Policies in Place:
With Examples

**V. Social Media Policies:
Balancing Employer Needs and Employee Rights**

1:30 - 2:30, Marlon A. Primes

- A. Social Media and NLRA Violations for Non-Union Employers
- B. To What Extent May Employers Limit Social Media Use?
- C. Using Private Social Media Accounts for Business Purposes
- D. Using Social Media in Hiring Decisions
- E. Best Practices for Creating and Updating
Social Media Policies

**VI. Drugs and Alcohol in the Workplace:
Marijuana and Other Considerations**

2:45 - 3:45, Marlon A. Primes

- A. Accommodating Medical Marijuana Users:
Do Employers Have To?
- B. Drug-Testing Considerations for Current
and Prospective Employees
- C. Firing and Disciplining Medical Marijuana Users:
Current Legal Perspectives
- D. Creating Drug and Alcohol Policies
That Leave No Room for Interpretation

**VII. Employee Relations:
Legal Solutions for Sensitive Workplace Issues**

3:45 - 4:30, James G. Burkhardt

- A. Granting Employee Leave:
FMLA, ADA, and Other Considerations
- B. Return-to-Work Policies After Leave
- C. Disciplinary Actions
- D. Investigating Misconduct
- E. Answering Discrimination and Harassment Complaints
- F. Workplace Safety and Security Issues:
Firearms, Disgruntled Employees, Domestic Violence, etc.
- G. Creating Performance Improvement Plans
- H. Employee Evaluations:
Best Practices