



Collaborative Measures | Conflict Resolution

Alternative Dispute Resolution | Employment Compliance, Audits & Training | Workplace Investigations

HR Compliance and Employment Law Training and Audits

KS Branigan Law P.C. offers a robust compliance training program focused on navigating a variety of issues that arise throughout the employment relationship, from recruiting and hiring to termination. This program is now also offered in a *virtual format*. Employee Handbooks and Job Descriptions require updating given evolving legal protections in the current climate.

Trends and current landscape include:

- COVID-19 Compliance, including Health, Safety, Discrimination, Accommodations & Whistleblower/Retaliation Concerns
- Black Lives Matter Movement, Unconscious/Implicit Bias & Microaggressions
- Off Duty Conduct (*i.e.*, Social Media, Protests) & Privacy/Constitutional Issues
- Recent NLRB Decisions impacting Employer Rules
- #MeToo Legal Implications including EEOC Update, Investigation Best Practices and Expanded Sexual Harassment Protections

This training includes the below topics:

- Recruiting, Interviewing, Hiring, Background Checks
- Discipline, Demotions, Promotions
- Compensation, Raises, Salary Inquiry Ban
- Harassment/Discrimination Complaints
- Performance Improvement Plans (PIP)
- Reasonable Accommodations, Disabilities, Medical Exams, Tests, Inquiries (including COVID-19)
- Drug Use & Testing
- Medical Marijuana
- Whistleblower Concerns
- Safety, Health, Worker Injuries
- Medical, Family and Sick Leaves
- Overtime, Misclassification
- Job Descriptions
- Performance Evaluations
- Reorganizations, Layoffs, Terminations



The target audience for this program is legal, compliance, human resources, senior leaders, and managers/supervisors at a variety of levels. The program runs approximately 3 hours.

KS Branigan Law P.C. also conducts employment audits to ensure compliance with the numerous substantive employment law obligations and notices, posting requirements, policies, and record-keeping requirements.

105 Grove Street | Suite 9 | Montclair, NJ 07042 | Phone 973-542-8096 | Fax 973-542-8097

KS BraniganLaw.com



Collaborative Measures | Conflict Resolution

Alternative Dispute Resolution | Employment Compliance, Audits & Training | Workplace Investigations

Equal Pay Audits and Training

With equal pay laws, such as the Diane B. Allen Equal Pay Act (NJ EPA), New Jersey employers must be vigilant in ensuring that employees performing *substantially similar work* are paid the same wages, benefits, or other compensation, unless certain limited exceptions apply.

Self-evaluation audits are important tools to limit exposure and damages, but also to ensure pay equity among employees. Such audits are especially key given the March 2020 Guidance issued by the New Jersey Division on Civil Rights (DCR). Under this Guidance, the DCR specifies that employers should be undertaking self-evaluations to address pay disparities.

The NJ EPA covers *all classes* protected under the New Jersey Law Against Discrimination (NJ LAD). If employers fail to comply, the cost can be significant. In addition to the broad array of damages already afforded under the NJ LAD, an aggrieved employee under the NJ EPA can claim back pay for up to *6 years* and treble damages (*3 times* the amount of the actual damages). Employers found to have violated the NJ Equal Pay Act also face significant fines and penalties.

KSBRanigan Law P.C. performs Equal Pay Audits. The process is typically broken down in the three-phase approach described below.

- Phase 1: Data is obtained and organized as to demographics, compensation, roles, duties and EEO data.
- Phase 2: Data is assessed to identify compensation disparities and the reasons underlying any disparities.
- Phase 3: Data on disparities is analyzed and conclusions drawn as to whether any disparities may qualify as *legitimate bona fide factors* such as training, education or experience, or the quantity or quality of production.



KSBRanigan Law P.C. also conducts training to ensure compliance with equal pay laws for legal, compliance, human resources, and business leaders involved in the hiring process and decisions regarding compensation and benefits. Audits and training sessions on conducting audits are now also being offered in a *virtual format*.

105 Grove Street | Suite 9 | Montclair, NJ 07042 | Phone 973-542-8096 | Fax 973-542-8097

KSBRaniganLaw.com



Collaborative Measures | Conflict Resolution

Alternative Dispute Resolution | Employment Compliance, Audits & Training | Workplace Investigations

Harassment, Discrimination and Retaliation, Prevention & Civility/Bystander Intervention Training

KSBranigan Law P.C. offers a lively and interactive training program focused on educating employees on the importance of civility and respect in the workplace and preventing harassment, discrimination and retaliation. This program is now also offered in a *virtual format*. Legal requirements continue to expand in this area. It is key for employers to ensure that employees are protected from inappropriate conduct and educated on these important topics.

Timely updates include how employment environments have been directly impacted by COVID-19 and the Black Lives Matter and #MeToo movements.

This training program educates managers and non-managers about their employer's policies and procedures and legal prohibitions against harassment, discrimination, and retaliation. The attorney trainers cite real life examples from employment lawsuits and investigations. Examples of inappropriate conduct are reviewed along with different factual scenarios and exercises to help employees understand boundaries and avoid inappropriate conduct and creating hostile work environments.

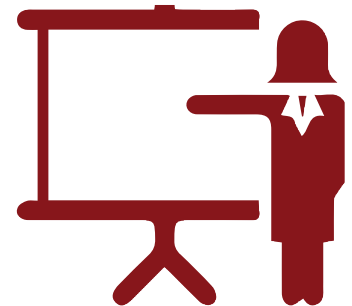
During the training, questions are posed to test the knowledge of attendees. Audience participation and interactivity is encouraged throughout the training.

Some of the key classes include:

- Sexual Harassment, Gender Bias
- Race, Color, National Origin, Ethnicity, Religion
- Sexual Orientation, Gender Identity
- Age, Disability, Pregnancy, Breastfeeding
- Marital, Civil Union, Domestic Partnership Status

Some areas of emphasis, include:

- Off Duty Conduct (*i.e.*, Protests, Social Media)
- Bystander Intervention
- Consensual Romantic Relationships
- Civility & Bullying
- Email & Internet Usage



Managerial employees are instructed on obligations in handling complaints of harassment, discrimination, and retaliation and about proactively addressing problematic conduct observed. The program runs approximately 2 hours for non-managers and 3 hours for managers.

105 Grove Street | Suite 9 | Montclair, NJ 07042 | Phone 973-542-8096 | Fax 973-542-8097

KSBraniganLaw.com



Collaborative Measures | Conflict Resolution

Alternative Dispute Resolution | Employment Compliance, Audits & Training | Workplace Investigations

Conducting Investigations in the Era of COVID-19, Black Lives Matter and #MeToo

KS Branigan Law P.C. has developed a comprehensive interactive investigation training program, which is now also offered in a *virtual format*. The proper management of complaints and investigations is as important as ever in the current climate given the many evolving issues impacting workplaces. Recent times have led to an unprecedented vocalization of concerns and desire to tackle institutional bias. Organizations are also adapting to conducting investigations in the midst of a pandemic.

Trends and current landscape include:

- Conducting Remote Investigations & COVID-19 Challenges and Concerns
- Black Lives Matter Movement, Unconscious/Implicit Bias & Microaggressions
- Off-Duty Conduct (*i.e.*, Protests, Social Media) & Privacy/Constitutional Issues
- Broadened NLRB Confidentiality Rule & Ability to Discipline for Misconduct
- #MeToo Legal Implications including EEOC Update, Investigation Best Practices and Expanded Sexual Harassment Protections

Employees are educated on the mechanics of handling complaints from start to finish and addressing common issues that arise in workplace investigations. Key areas include:

- Planning the Investigation
- Selection of Investigation Tools and Preserving Evidence
- Conducting the Interviews
- Assessing Credibility
- Analyzing Evidence and Reaching a Conclusion
- Documenting the Investigation
- Communicating the Results and Monitoring/Follow Up



This dynamic training navigates the mechanics of handling complaints and conducting investigations through an evolving fact pattern. The attorney trainers address complex and challenging issues that arise in workplace investigations. The target audience for this program is legal, compliance, human resources, senior leaders, and managers/supervisors involved in the investigation process. Audience participation and interaction is encouraged throughout the training. The program runs approximately 3-4 hours.

KS Branigan Law P.C. also conducts independent workplace investigations on a broad array of employment complaints.

105 Grove Street | Suite 9 | Montclair, NJ 07042 | Phone 973-542-8096 | Fax 973-542-8097

KS BraniganLaw.com



Collaborative Measures | Conflict Resolution

Alternative Dispute Resolution | Employment Compliance, Audits & Training | Workplace Investigations

Implicit and Unconscious Bias & Cultural Awareness Training

KSBRanigan Law P.C. offers a thought-provoking and impactful training program focused on implicit and unconscious bias and cultural awareness. This program is now also offered in a *virtual format*. These topics are highly relevant, particularly in the wake of the #MeToo and Black Lives Matter movements.

Unconscious/hidden biases can unknowingly distort the objective evaluation and treatment of those who are different from us. Being culturally aware means paying attention to how our backgrounds influence how we interact with each other. Cultural awareness means looking for how our lives shape who we are and how we see the world.

During this training, the attorney trainers provide education on the topic and facilitate group exercises. The exercises and discussions are designed to help attendees identify their own implicit and unconscious biases and work toward overcoming them and becoming more culturally aware. Attendees will be guided on taking specific behavioral steps to interrupt biases in their professional interactions.

For HR, Legal, Compliance, Leaders and Managers, additional areas include:

- Setting Diversity and Inclusion Goals
- Expanding Recruiting Avenues & Standardizing Interviewing
- Establishing Fair Testing and Selection Procedures
- Establishing Clear Criteria for Hiring, Promotions, and Pay
- Formulating Unbiased job Descriptions and Performance Review Processes
- Creating a Workplace Culture that embraces Diversity and Inclusion
- Utilizing Data and Analytics to inform Decision-making
- Ensuring access to Professional Development and Career Growth
- Providing Reasonable Accommodations and Workplace Flexibility
- Creating Employee Resource Groups and Open-Door Policies



This training is critical in the current climate. The program runs approximately 2 hours for non-managers and 3 hours for HR, Legal, Compliance, Leaders and Managers.

105 Grove Street | Suite 9 | Montclair, NJ 07042 | Phone 973-542-8096 | Fax 973-542-8097

KSBRaniganLaw.com