

## Why is FEHA Training Critical for Your Organization?

Staggering developments in California law have made disability discrimination the newest "bet the company" litigation. Are your managers and line supervisors prepared to communicate appropriately with an employee who returns to work following a work-related injury? Do they know their responsibilities when dealing with disabled employees who request a reasonable accommodation? Will they recognize when the circumstances trigger the legal duty to engage in the "interactive process" for addressing a reasonable accommodation decision? Are your policies and procedures updated with the 2005 legislative mandates? Do your supervisors know how to enforce them consistently? Will they recognize potential legal landmines before they explode into lawsuits?

The changing legal environment demands that your organization be well prepared

The California Fair Employment & Housing Act (FEHA) broadens the definition of "disability" - way beyond the Federal law.

**Impact:** many more employees now qualify as "disabled," and can sue for discrimination or harassment based on their disabilities.

FEHA has also broadened the employers' responsibilities to consider reasonable accommodations, and defines a very specific "interactive process" for communicating with an employee when considering a "reasonable accommodation." The process must be explicitly followed and documented.

**Impact:** Failure to conduct this process correctly will result in enormous liability - even if there was no accommodation that could be made.

A California jury has already awarded over \$3 million to an injured employee because his employer failed to follow the precise requirements for considering whether he could return to work with a reasonable accommodation. (Green v. State of California)

**Impact:** this is now a hotbed of litigation, with thousands of potential lawsuits.

Amendments to the workers' compensation laws replaced Vocational Rehabilitation with a Supplemental Job Displacement Benefit Voucher. Your company now has only 10 days to tell an injured worker he's eligible for a voucher and then 30 days to find modified work.

**Result:** Many more injured workers must be evaluated for modified duty - and must be provided with the "interactive process" under FEHA. And, your workers' compensation insurer has no responsibility to help you with this process.

The California Family Rights Act (CFRA) requires certain employers to provide up to 12 weeks of unpaid leave of absence for an employee with a "serious health condition."

**Result:** reduced time leave for modified duty must now be considered in light of the changes to FEHA and the Labor Code.

Drawing upon many years' experience in the courtroom and the boardroom, and unique insights from consulting with employers on discrimination and controlling workers compensation claims, Patricia S. Eyres and Stuart J. Baron, take you step-by-step through the maze of ever-expanding legal risks you face today. We begin by providing your company with the core policies and procedures you must have - customized for your specific industry and requirements. This becomes the foundation for the training and your ongoing compliance program.

You can protect your company and gain peace of mind, when you pay attention to prevention, enact proper policies, enforce uniform procedures, educate leaders and know what to do when trouble strikes.