

**Program Description:**

In-Depth two hour workshop featuring the Small Business Interactive Process Guide™

Are you confident that you can handle reasonable accommodation decisions properly when the need arises? Will your documentation work for or against your business in the courtroom?

Will you even recognize potential legal landmines before they explode into lawsuits? As a small business owner, you just can't ignore the changing legal climate in California. Here's why:

- 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: Even if, in fact, no reasonable accommodation can be made, your company faces liability for failure to interact.

- The words of front line supervisors – both verbal and in careless e-mail – are the single biggest source of evidence that can turn a nuisance claim into a "bet the company" lawsuit. Big dollar jury verdicts and settlements – against even the smallest employers – have captured the attention of the attorneys who represent injured workers. Result: The roles, responsibilities, action, inaction and words of senior leaders, line supervisors and HR specialists can make – or break – your company's defense.

- FEHA and court cases also impose significant liability for employers – and individual supervisors – who harass or retaliate against employees in a broad range of circumstances or who fail to investigate reports of retaliation. Result: This is yet another process that you must handle effectively, or face huge claims for compensation and punitive damages.

Small businesses are even more at risk of receiving a lawsuit with demand for a jury trial, precisely because the opposition knows that you can't afford to "roll the dice" with a time-consuming, costly courtroom battle. Their goal is to pressure you to settle out of court.

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. You can protect your company and gain peace of mind, when you pay attention to prevention, follow consistent procedures, and know what to do when trouble strikes.

**Participants Will Learn:**

How to recognize the legal risks facing even the smallest California employers and individual supervisors or managers, by focusing on precisely how to handle return-to-work decisions, modified duty assignments and common reasonable accommodation issues in for employees with work-related injuries or non occupational disabilities.

Recognize how you could lose a FEHA lawsuit when if you don't conduct a timely, good faith interactive process, even if you ultimately couldn't accommodation the work restrictions. Receive step-by-step instruction on how to conduct a legally defensible interactive process and investigate retaliation claims – designed especially for small businesses – so that you can prevent crippling lawsuits.

How to identify areas where you must develop or update your personnel policies and procedures so that you can spend your time managing, not litigating.

Follow nine simple principles of effective documentation, so that business communications work for you – not against the organization – in a legal dispute.

**Materials to Help Quickly Implement Defensible Procedures:**

We realize that legal compliance is just one of many competing demands on your time. You need accurate but uncomplicated tools that you can use immediately. The Small Business Interactive Process Guide™ introduces an easy to implement, one-of-a-kind, system designed exclusively for small businesses that don't have managers or HR staff dedicated to risk management. It will help you meet your legal responsibilities and craft the best prospect for defending against unavoidable claims.

This straightforward tool is designed for the small business owner who needs seamless procedures that cover what you need to know and do – without needless complication. It includes:

Streamlined Procedures for Conducting the Interactive Process. This is the heart of the materials, written for the already over-burdened small business owner. It covers what you must know and do, with straightforward checklists. It introduces a step-by-step protocol to conduct the interactive process.

- **The Nuts and Bolts of Handling Medical Documentation.** Guidelines on what you can – and can't – use under current medical privacy and discrimination laws.

- **How to Offer or Deny a Reasonable Accommodation** .... and Defend the Decision

- **Documentation**.... Techniques, procedures and immediately useable letters and forms.

- **Common Myths about Harassment and Retaliation**.... and the Facts

- **Do's and Don'ts** for Communicating on the Front-Line

- **Frequently Asked Questions** written from the unique perspective of the small business.