

## E-Risk EPL HELPLINE

### Top 10 Issues & Actual Questions Asked

# Construction

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These Top 10 Issues and Actual Questions are from clients currently using the HELPLINE risk management solution. In some cases, had these organizations acted on their own without first contacting the HELPLINE, there could have been increased exposure to liability. These questions were answered by the HELPLINE attorneys who are experts in over 50 issues related to employment law. The topic headers may not include all of the issues covered by each question. Any information that might identify the organization has been removed to protect the confidentiality of the communication.

#### Top 10 Issues

1. Policies & Procedures
2. Wage/Hour – State
3. Termination/Discharge
4. Compensation
5. Employee Benefits
6. Exempt/Non-Exempt
7. Disability
8. FLSA
9. Hiring Practices
10. COBRA

#### Actual Questions Asked

##### Compensation

I have a Union employee that was being paid three dollars over the top union rate... [After negotiations], my General Manger decided to reduce this employee's hourly rate to the new top rate as per the collective bargaining agreement. My General Manager did not give notice to the employee of the reduction in the hourly rate. What are the potential ramifications of reducing the employee hourly rate?

##### Policies & Procedures

We intend to offer a company car to three valued employees (non-exempt, hourly) and wonder whether there is potential workers' compensation liability if any of these employees are injured in a car accident during their commute from home to work and back home again in the company car.

##### Privacy

We are looking into attaching GPS tracking to our Crew leaders' cell phones to track where they are and if they are on the jobs they are assigned to. If we decide to go this route do we have to let them know we are tracking them? Do we have to apply this to all our Crew leaders across the company or can we pick and choose which ones we feel are abusing the system?

##### Hiring Practices

One of our employees has a problem with alcohol abuse. We plan to layoff the employee and set expectations for a possible rehire (including completion of a treatment program). Included in our new hire documents is a clause stating anyone working under the influence off a controlled substance will be terminated. Is our planned action appropriate? If not, what is the suggested action? Any pitfalls we should be careful to avoid?

##### Wage/Hour – State

We employ on-call construction workers who attend OSHA training classes given by one of our consultants. Are we obligated to compensate them for their time while training?