

## E-Risk EPL HELPLINE

### Top 10 Issues & Actual Questions Asked

# Manufacturing

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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. **FMLA**
2. **Policies & Procedures**
3. **Wage/Hour-State**
4. **Termination/Discharge**
5. **Compensation**
6. **ADA**
7. **Employee Benefits**
8. **Safety**
9. **Unemployment Compensation**
10. **Contracts/Agreements**

#### Actual Questions Asked

##### Compensation

In the current economy we as a company are looking for ways to reduce overhead and protect the financial position of the company, we have elected to reduce our work week to 4 days/32 hours for hourly employees, and this will help prevent individuals from being laid off indefinitely. However, the affected employees have chosen to utilize their PTO to maintain the same income level, nullifying the intended return of a 32 hr work week, leaving the company in a precarious cash position. Is my only other option to proceed with layoffs? Do we have to let them use their PTO?

##### Contracts/Agreements

If we suspect that a group of employee's are preparing to start up a competitive company while being employed by us, can we prepare a non competition agreement to protect our business and our customer base?

##### Termination/Discharge

We laid-off some employees last week and one called today asking if he was going to receive a check for his accrued vacation time. I told him that the company will not be paying out any accrued vacation time and he stated that [State] law requires it. Is this true? In our Employee Handbook it states that upon termination of employment, employees will not be paid for any unused hours that have been accrued through the last day of work.

##### Unemployment Compensation

We have an employee who was terminated because he was sexually harassing another employee. We took all appropriate action prior to terminating him, including investigations, warnings, counseling, etc. but because the behavior continued we felt we had no other option than to ultimately terminate. This employee has filed for unemployment insurance but we feel our reserve account should not be charged because we feel his actions caused the termination. Would you happen to know if sexually harassing another employee is considered "misconduct connected with his or her most recent work" for purposes of determining unemployment insurance benefits? I am just wondering whether or not I should file an appeal with the Unemployment Insurance appeals board.