

Hot Topics in Employment Law

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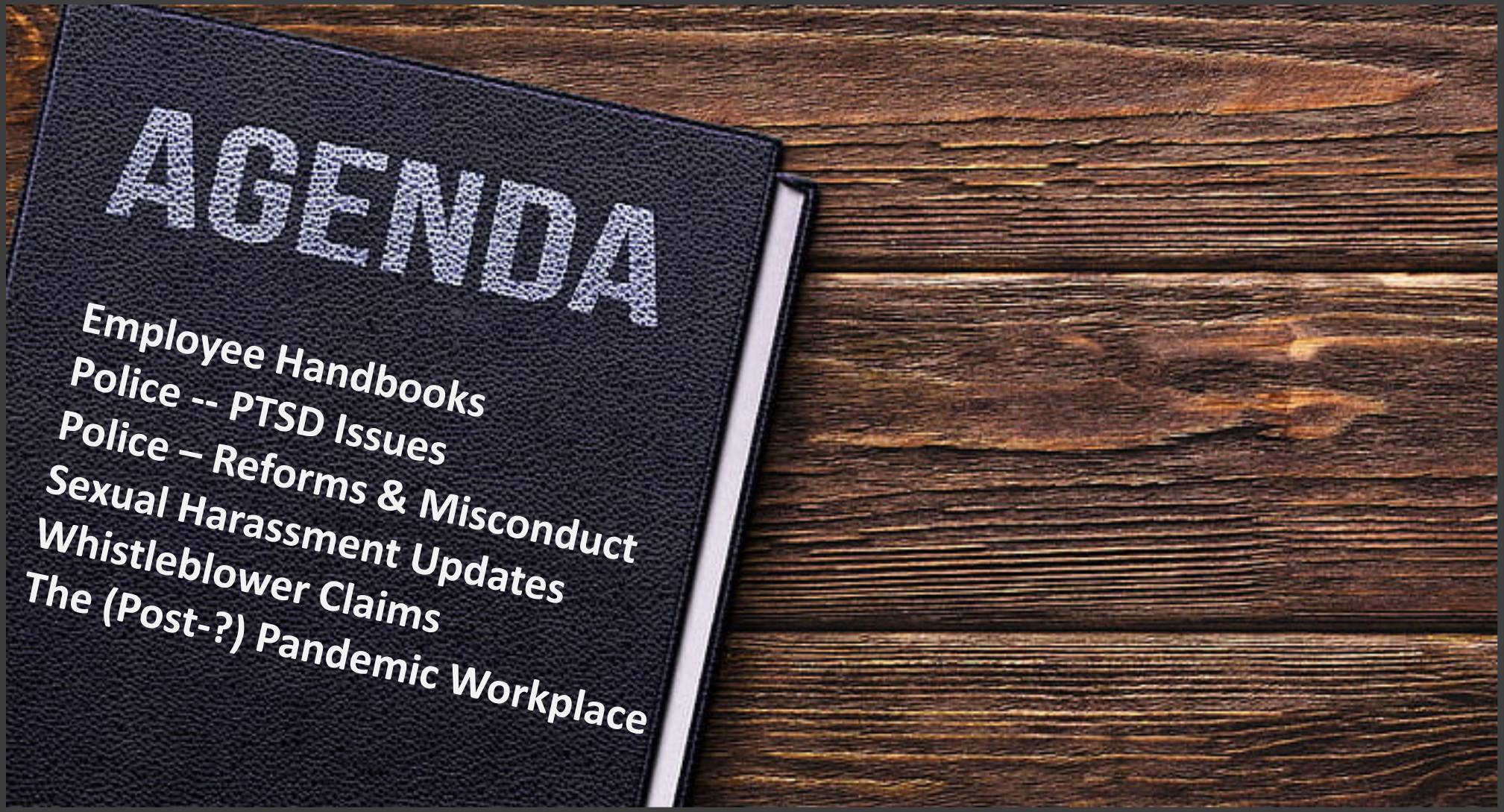

AGENDA
Employee Handbooks
Police -- PTSD Issues
Police – Reforms & Misconduct
Sexual Harassment Updates
Whistleblower Claims
The (Post-?) Pandemic Workplace





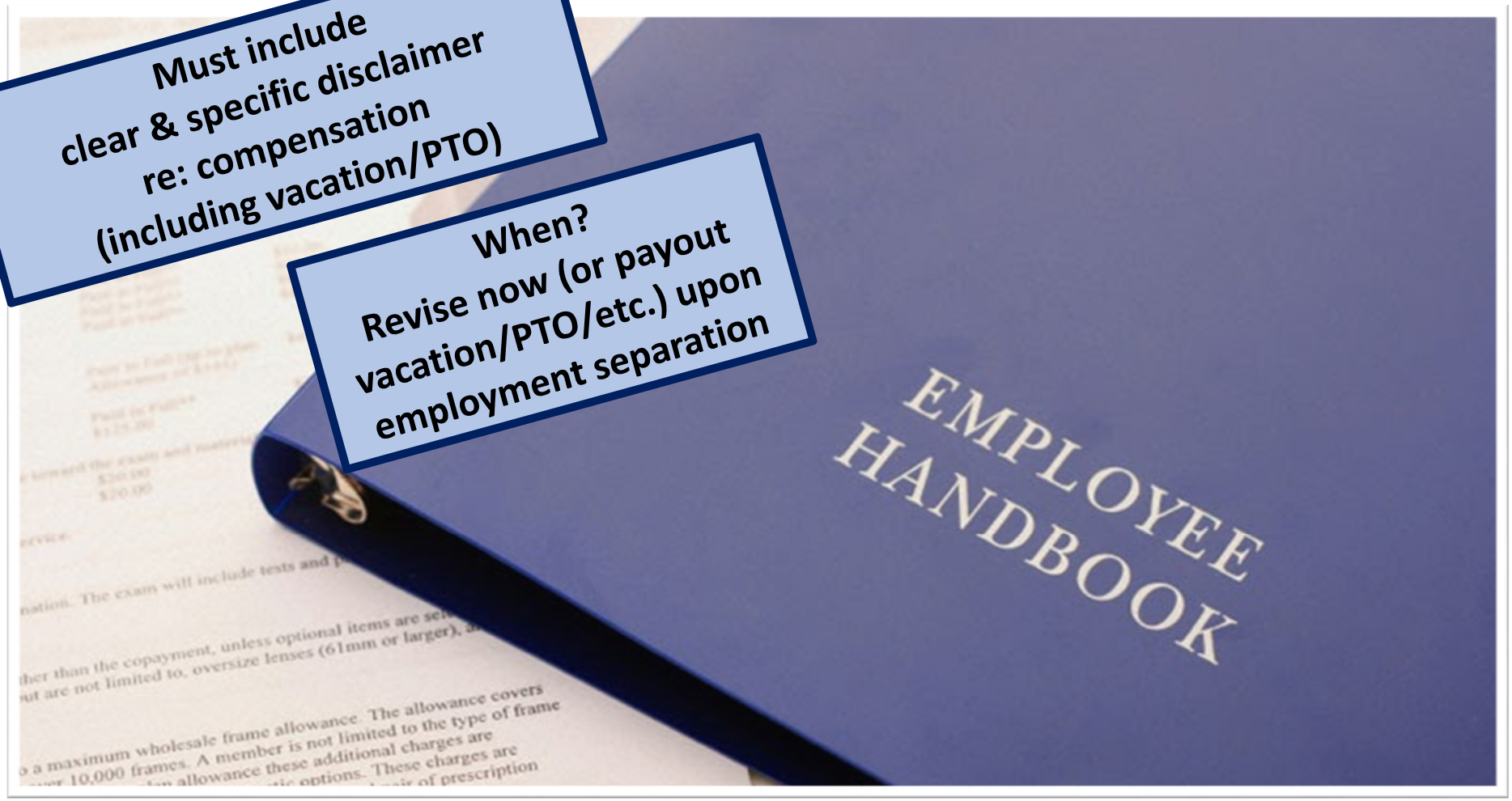
Bottom Line:

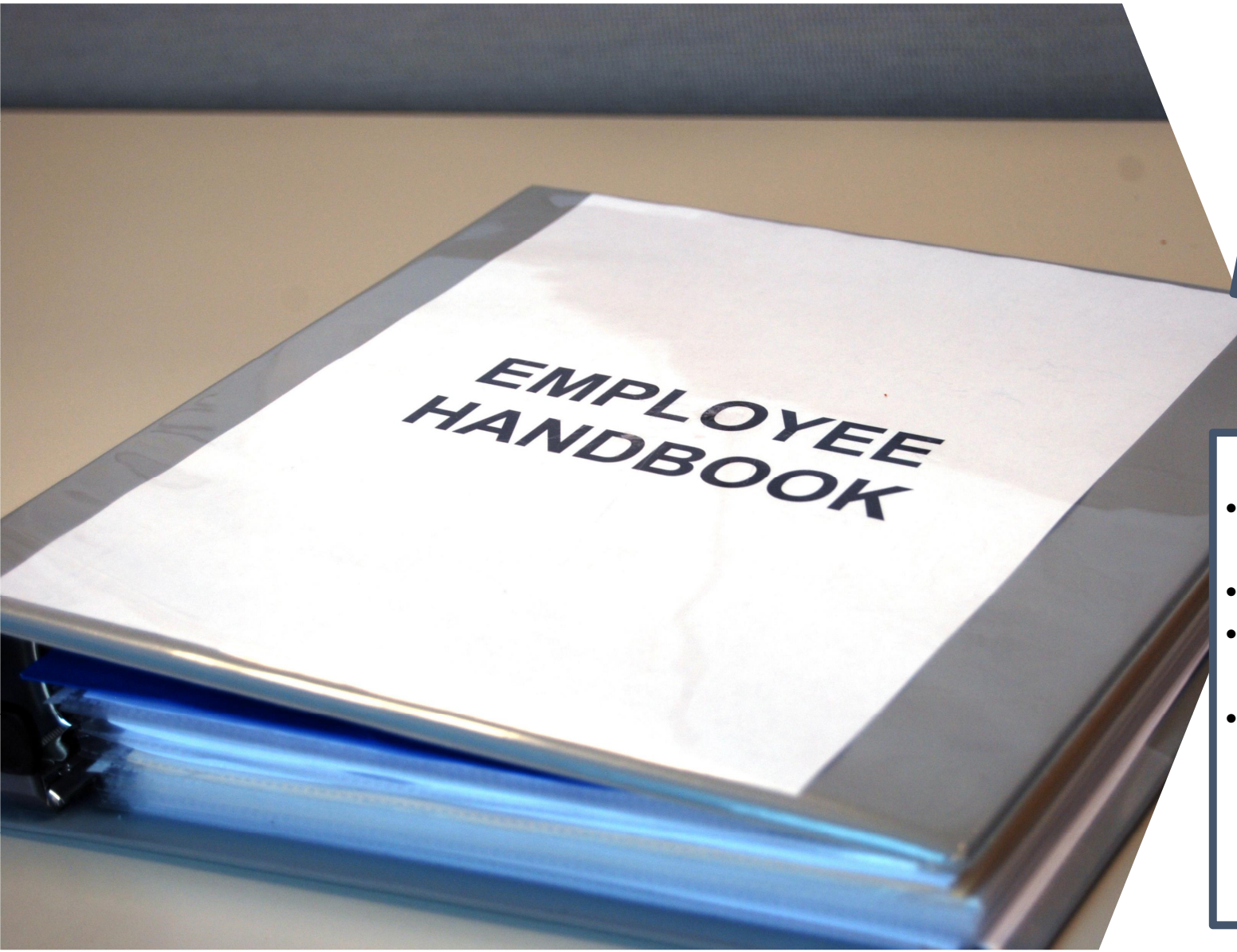
1. Employee handbook = contract
-- at least re: compensation (inc. vacation/PTO)

2. General disclaimer insufficient

**Risks of Rule 12 motions

Hall v. City of Plainview, 954 N.W.2d 254 (Minn. 2021)


Must include
clear & specific disclaimer
re: compensation
(including vacation/PTO)
When?
Revise now (or payout
vacation/PTO/etc.) upon
employment separation
EMPLOYEE
HANDBOOK

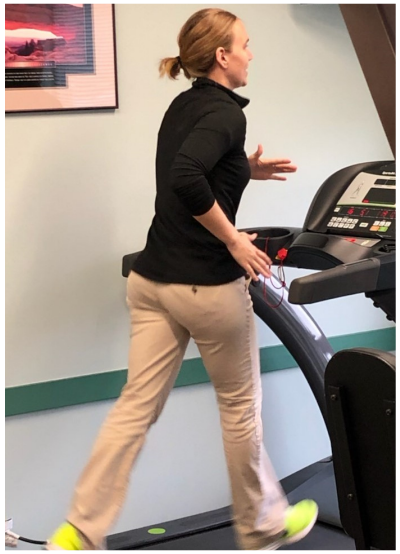


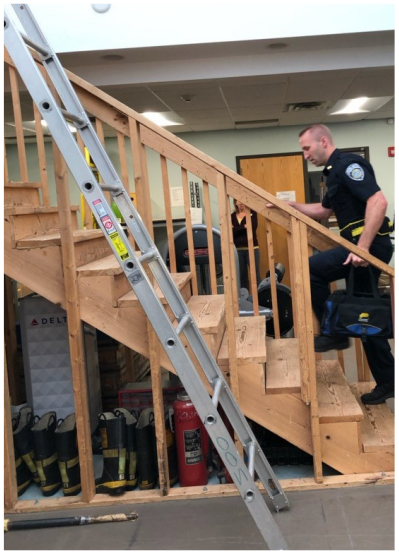
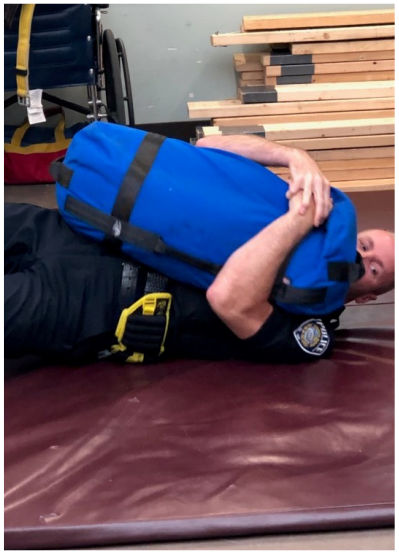
Other Tips & Ideas

- Separate employee acknowledgement form
- Max accruals & payouts
- Statement re: purpose of vacation/PTO/sick
- Clear eligibility requirements – resignation, retirement, layoff, termination

Police Employment Issues



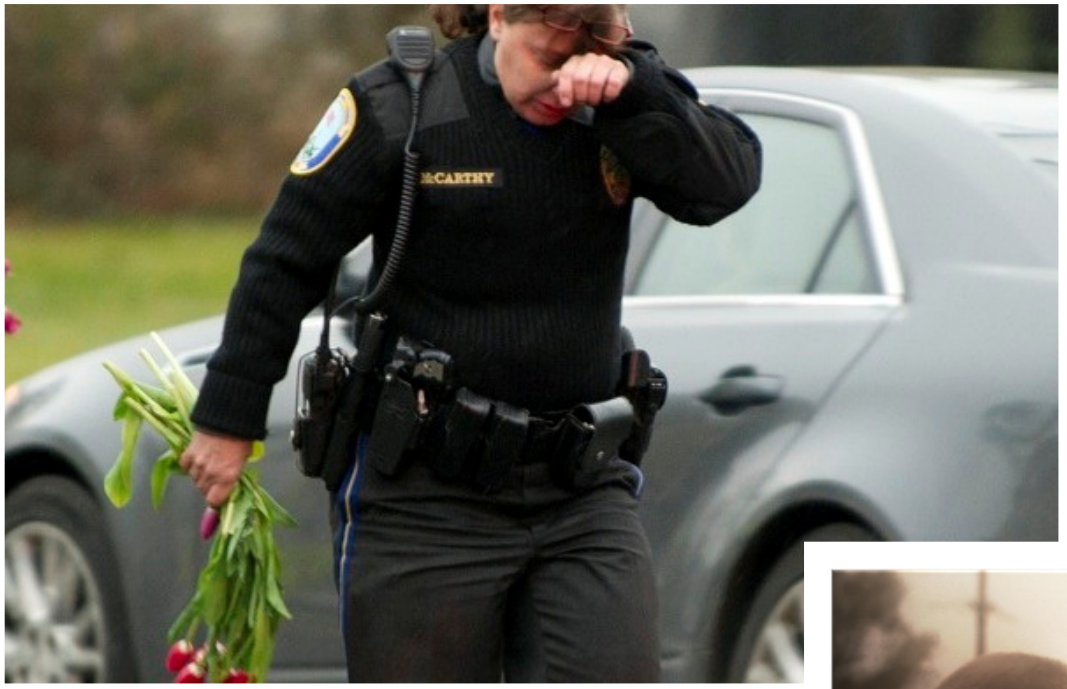


- When? Pre-employment & Return-to-work
- What? Job duty simulation (job-related, consistent)
- Who? League, Cities, WorkSteps & NovaCare
- Why?
  - Cities seeking guidance
  - Thorny legal issues & lots of confusion & inconsistency
  - Importance of physical fitness
  - Job-related & non-discriminatory
- Validated (and uniform/consistent)

Police Physical Fitness Test

www.lmc.org/fitness

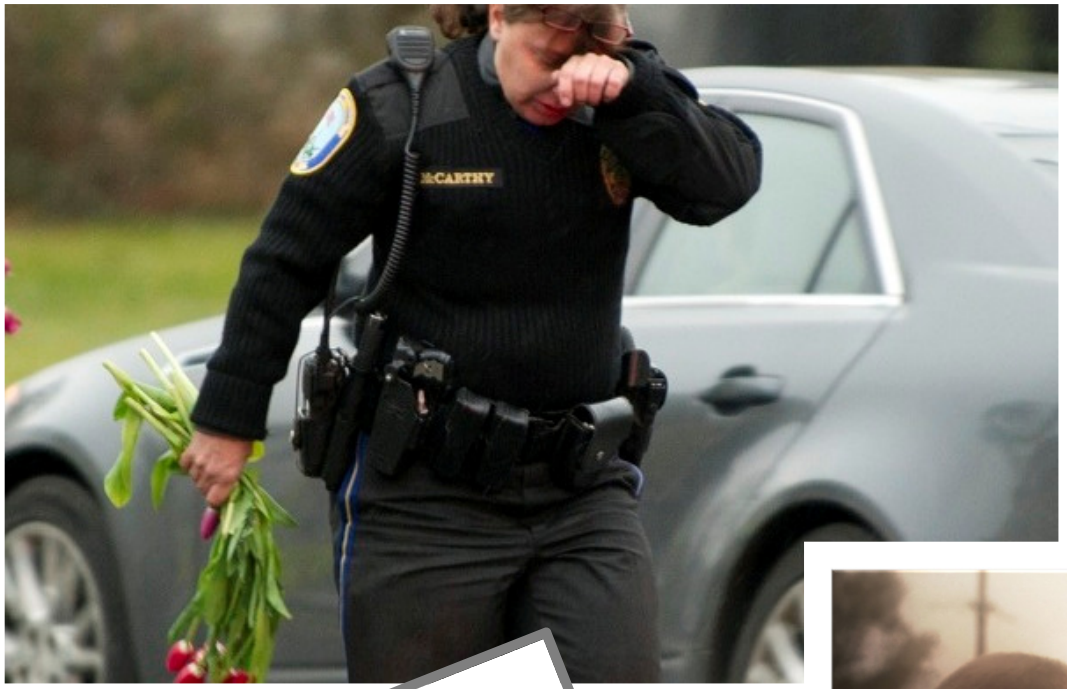


POLICE



PSTD

& Other Mental Health Issues

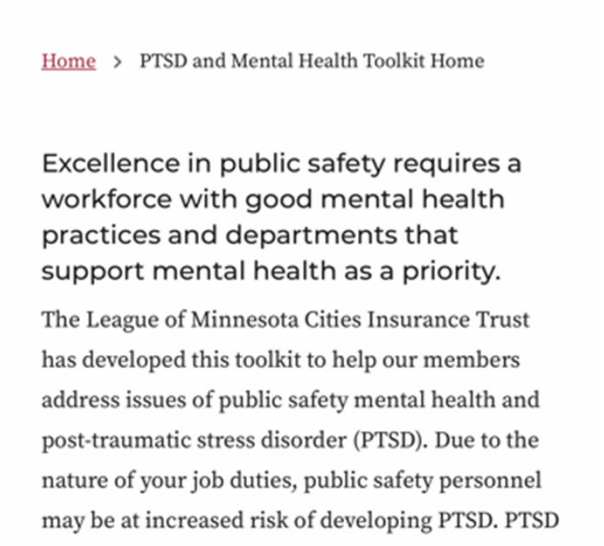


- Concern for officer's wellbeing
- Employment issues
- Workplace issues
- Work comp
- PERA & 299A











YOUR TOOLKIT TOPICS

It's Treatable

An introduction to the first steps toward recovery.

Leadership Philosophy

Concepts and practices that leaders can embrace.

New: How to normalize the conversation

New: How to create an accountable, compassionate work culture

What is Wellness?

Information on wellness and its relationship to mental health.

New: Pocket wellness guides available

Mental Health Programs

Offerings that your department can consider.

Warning Signs and Diagnoses

Overview of early intervention tips and trauma-related outcomes.

Human Resources Considerations

Practical discussion of relevant legal concepts.

New: How to talk with an employee who shares a mental health concern with you

Suicide & Prevention

Information on addressing and preventing crisis.

New: Coping with loss

Mental Health Media Room

Stories and perspectives from the public safety community.


POLICE LINE DO NOT CROSS


ARBITRATION


INVESTIGATION
PAID
LEAVE

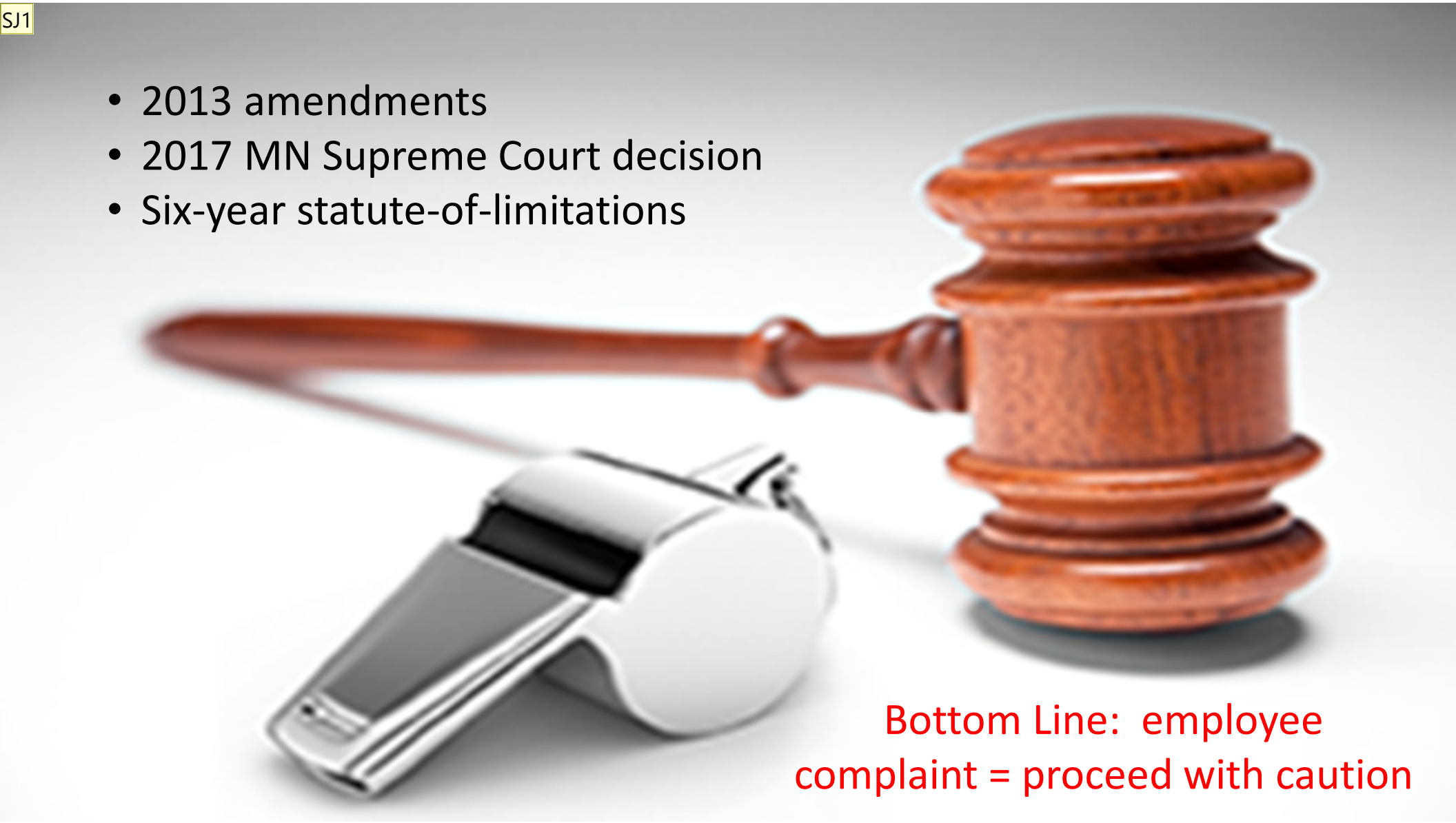


e we
sexual
rassment
law?

- Legislature hasn't changed statute
- MN Supreme Court – *Kenneh v. Ho*
  Bo d, Inc.
  vere and pervasive sta lard BU
  ndards changes with t
  equate remedial actio
- s the time to:
  - Review & revise policies – sexu
    harassment, respectful work
    technology/social media
    conferences/off-duty time,
  - Train, train, train – especia

SJ1

- 2013 amendments
- 2017 MN Supreme Court decision
- Six-year statute-of-limitations



Bottom Line: employee complaint = proceed with caution

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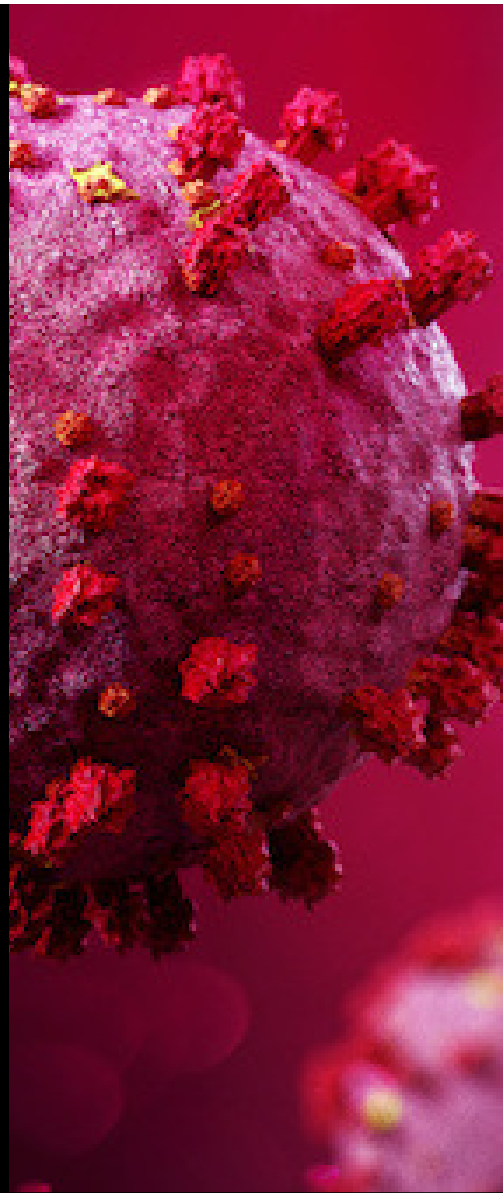
SJ1 Sullivan, Jana, 9/1/2021

The (Post?) Pandemic Workplace



What We Know

- Mental Health
  - ↑ Depression & anxiety (40%+ adults)
  - ↓ Suicide
- Isolation, joblessness & economic insecurity, health concerns, distance learning, childcare, social & political
- Vulnerable populations: BIPOC, individuals with medical conditions, health care workers, front line workers, public safety workers





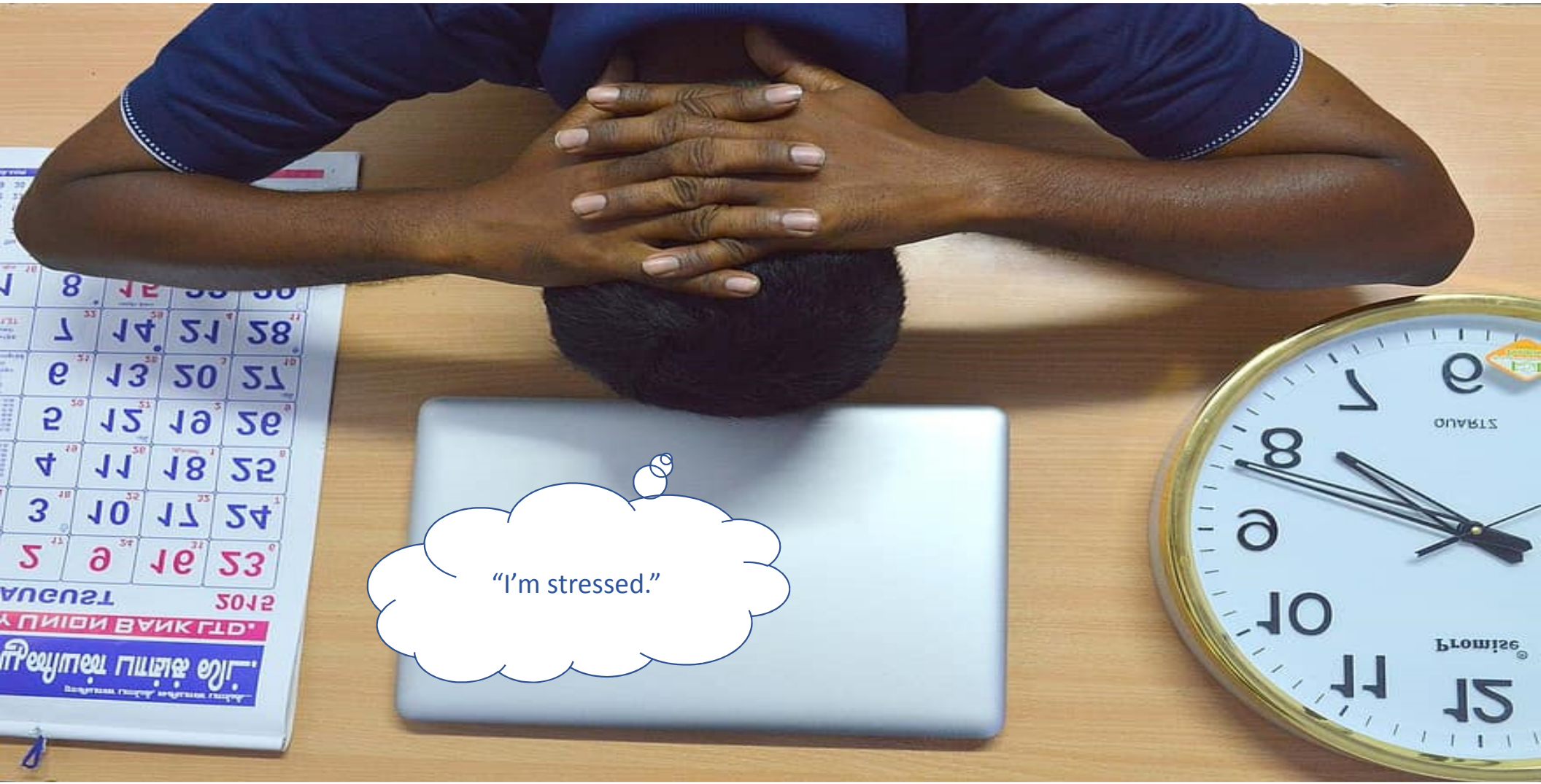









WHAT'S NEXT?
Back (and Forth)
to the Workplace
Mental health concerns
Masks & vaccinations
Telework & Flexibility



Bottom Line: Be proactive & ask questions.


Medical Leave
Telework
Flexible Schedule
Reassignment
Modification of Work Duties/Light Duty
Changes in Work Site/Space
Support Person/Animal
Modification of Methods
ACCOMMODATION
JAN
Job Accommodation Network
Practical Solutions • Workplace Success


ello
my name is
Your Ne
Boss


©Hasbro
hance
OUT
F , FREE
S CAR E KEPT UNTIL NEEDED OR SOLD



the BOTTOM LINE

1. Ask the employee & medical provider.
2. Discuss (early and often).
3. Ask independent medical provider.
4. Check JAN & other resources.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