

Morgan Lewis  
Resources

2009 course catalog



workplace training

interactive



## update from morgan lewis resources

The 2009 Workplace Training catalog has arrived! There are two very important initiatives that we've launched over the last year that we'd like to share with you: our executive-level training programs and the expansion of our services in Europe.

**Executive-Level Training:** In recent years, executive-level training programs have become a high-priority initiative for corporations of all sizes. It is important that corporate executives have a clear understanding of employment law, given that their actions and decisions are frequently observed by coworkers and third parties. All too often, executive behavior silently shapes corporate culture, practices, and policies. With proper training, executives can grasp a true understanding of equal opportunity and then be able to exemplify fairness, equality, and respect in their decisionmaking.

Our training program can best be described as "boot camp" for executives because it outlines everything they need to know about employment law. We focus on rich dialogue, interactive activities, and opportunities to practice spotting the issues and solving the problems that surround employment law. Our philosophy is to discuss real-life current events rather than talk exclusively about what not to do. To accommodate the demanding schedules executives often face, we provide this training in a half- to one-day course.

MLR clients have truly embraced this program and continue to invite us to conduct live training for their highest-level executives. We hope that you will take advantage of this opportunity as well.

**Training in Europe:** We are excited to announce our expansion to Europe and are so pleased to welcome our newest colleague, Anna Margolis, who is based in our London office. Anna will be dedicated to our training services in the United Kingdom and other European countries. Her practice focuses on training matters, employment litigation, dispute resolution, and conducting internal investigations. She also offers clients practical advice on drafting U.K. compliant company policies and service contracts. Please welcome Anna to Morgan Lewis Resources.

If you have any questions about any of the courses offered in the catalog, please feel free to contact us any time.



David G. Bowman  
Partner



Donna L. Rumberg  
Manager of Training Operations

# spotlight

## training

### Importance of Training in Tough Economic Times

In difficult economic times, MLR is sensitive to the fact that employers often look to cut expenses. Many organizations discuss whether to decrease or eliminate compliance and skill-building training. This proves to be a vital mistake for many organizations, rendering the company at risk of noncompliance or even greater exposure to employment litigation. These legal risks are generally much more expensive than the actual cost of a training program.

Training is important for the individual employees as well as the long-term health of an organization. It's proven that employee productivity and morale increase as employees are assured that their employer is investing in them and striving for a better work environment.

Through our training programs, MLR can help employers remain compliant with state and federal regulations, minimize liability, increase employee productivity, and document good-faith efforts in training employees, thereby minimizing legal risk and avoiding vicarious liability for an employee's misconduct. Our training is directly targeted to help employers translate stringent legal standards into practical guidelines and assist employees in acting appropriately in the workplace.



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## our menu of delivery methods

Frequently, our clients find that they require more than one method of delivery to train their employees. At Morgan Lewis Resources, we offer a variety of ways to meet your needs, whether geographical, economic, or cultural. You have the ability to customize how your employees receive training by choosing one or more of the delivery methods outlined below.

Look for these icons throughout the catalog; they indicate which delivery methods are available for each course.

### leader-led

Leader-led courses are delivered live with the participants and the trainer at the same location. This training format can be the most effective—and can generate the highest level of participant retention and satisfaction—because it creates a dynamic, interactive learning environment that fully engages participants. This format also allows trainers to be more responsive because they can more easily gauge participants' interest in and comprehension of the material and adapt their presentations accordingly. Finally, participants in leader-led sessions tend to be more likely to ask questions and seek clarification, which further enhances their learning.

### online webcast

Our online webcasts are in real time and are interactive, just like leader-led courses. However, in an online course, participants receive the material via a synchronous webcast and interact with the trainer and one another via a simultaneous conference call. Just as in leader-led sessions, participants can “raise their hands” and ask questions using our “Q&A” feature. In addition to live webcasts, we offer asynchronous, on-demand web-based learning. Both the real-time and on-demand formats are well suited to situations in which there are many participants in many different locations or in which there are logistical challenges to bringing participants together in a central training site.

### train-the-trainer

Train-the-trainer courses involve training in-house personnel to train other employees. This option is especially cost effective in situations in which a large workforce is spread out over multiple work sites. It can also be attractive when a business has a unique culture or unique working conditions such that an insider would be best able to make the material relevant to the particular workplace. Train-the-trainer courses are usually full-day sessions geared toward human resources professionals and managers. In the first half of the day, participants are given a regular training session so they can master the substantive material. The rest of the day is focused on course delivery and facilitation skills so that participants are equipped to effectively present the material.

## delivery methods available per course

Topic	Course Name			
Avoiding Retaliation	Walking the Line	✓		
Business Communications	Think Before You Send	✓		
Business Ethics	Ethics in the Workplace	✓		✓
Cross-Cultural	East Meets West	✓		
Employment Law Basics	Putting the Law to Work	✓	✓	✓
I-9 (Improving Employer Compliance)	Boosting Your I-9 IQ	✓	✓	
Immigration	Immigration Basics	✓	✓	
Independent Contractors	To Be or Not To Be	✓		
Management Skills	Pursuit of Excellence	✓	✓	
Positive Employee Relations	Staying Connected	✓	✓	
Preventing Harassment	Risky Business	✓	✓	✓
Preventing Harassment	Risky Business II	✓	✓	✓
Preventing Workplace Violence	Keeping Cool	✓		
Wage and Hour Compliance	Keeping Time	✓	✓	
Workplace Diversity	Valuing Diversity	✓		
Workplace Investigations	Safe and Sound	✓	✓	

## client testimonial

“Morgan Lewis Resources provided us with harassment training that was dynamic and informative. Risky Business was one of the best training modules I've experienced dealing with the subject of unlawful harassment and discrimination. Our employees were engaged and interacted with the presenters and management, which made the learning process both fun and valuable. I strongly recommend this training to other unionized companies.”

*Christopher J. Harvan, Regional Director - Human Resources,  
Lehigh Cement Company*



# legal and corporate compliance



## legal and corporate compliance

Risky Business: Preventing Harassment

Risky Business II: Strategies for a Harassment-Free Workplace

Boosting Your I-9 IQ: Improving Employer Compliance

Immigration Basics: Getting the Best and the Brightest

Think Before You Send: Savvy Business Communications

Keeping Time: Wage and Hour Compliance

To Be or Not to Be: Properly Designating Independent Contractors

Walking the Line: Managing Whistleblowers and Avoiding Retaliation

Safe and Sound: Workplace Investigations



Workplace harassment takes many forms, including sexual and racial harassment, and it can be extremely tricky to determine which behaviors constitute harassment and which do not. Deciding how to respond appropriately to complaints of harassment can be just as tricky. This course shines light on the many gray areas of harassment and provides concrete suggestions for handling risky workplace situations.

The stakes are very high as more and more employees bring claims of harassment—in all its forms—and employers increasingly become bogged down in protracted and costly litigation. In the event of litigation, the fact that you have conducted this training can help reduce your legal exposure by supporting an affirmative defense that you made a good-faith effort to prevent harassment. This defense can help to insulate your company from punitive damages or avoid litigation altogether.

### topics

#### Employee Course

- What constitutes harassment and what does not
- Subtle issues in sexual harassment, including dating and office romances
- Recognizing other forms of harassment
- Liability for nonemployees—such as vendors or clients—and for off-premises conduct by employees
- How to report harassment
- Retaliation-proof harassment reporting

#### Manager/Supervisor Course

In addition to the basics covered in the employee course, this course focuses on the particular skills that managers and supervisors need to:

- Handle harassment complaints and take appropriate action
- Prevent retaliation for harassment reporting

A California version of “Risky Business: Preventing Harassment” is available for California’s AB 1825 legislation requiring mandatory harassment prevention training.

### who should attend?

- Employees
- Human resources professionals
- Legal staff
- Managers and supervisors



Because managers and supervisors are often the first line of defense in preventing workplace harassment, they are also key individuals for those employers seeking to reduce potential legal exposure from claims of harassment and discrimination. This class is designed to bring managers and supervisors to the next level of learning to prevent workplace harassment.

“Risky Business II: Strategies for a Harassment-Free Workplace” is designed to build on the foundation laid out in “Risky Business: Preventing Harassment.” In “Risky Business II” participants will be challenged to demonstrate their understanding of workplace harassment, including sexual and other forms of harassment. Application of core concepts will be used when participants analyze the gray areas of harassment to provide appropriate responses to risky workplace situations.

### topics

- What constitutes unlawful harassment, discrimination, and retaliation
- What types of conduct constitute sexual harassment
- What steps should be taken when harassing behavior occurs in the workplace
- How to report and handle complaints
- An employer’s obligation to investigate claims of harassment
- The limited confidentiality of the complaint process
- Management’s role and strategies for preventing harassment in the workplace
- The essential elements of an antiharassment policy
- The importance of nonretaliation after filing a complaint
- Appropriate responses to risky scenarios

A California version of “Risky Business II: Strategies for a Harassment-Free Workplace” is available for California’s AB 1825 legislation requiring mandatory harassment prevention training.

### who should attend?

- Employees
- Human resources professionals
- Legal staff
- Managers and supervisors



Although employers have long been required to check the employment eligibility of all new employees, only recently has the Department of Homeland Security (DHS) begun vigorously enforcing this obligation and imposing substantial penalties for noncompliance. In order to avoid the risk of DHS sanctions, employers must do more than accurately complete the I-9 Form to verify employment eligibility; they must also comply with numerous technical recordkeeping and documentation requirements. This course provides you with the legal understanding and technical skills needed to successfully comply with the full range of I-9 quirks and complexities. Because this course has been developed by our savvy immigration attorneys, it incorporates the most recent trends in DHS regulations, as well as the latest DHS “hot buttons.” This practice-based perspective means that your compliance team will benefit from the best and most current thinking about DHS enforcement.

### topics

- Overview of employer I-9 obligations with regard to U.S. and foreign national employees
- In-depth analysis of each item on the I-9 Form
- Comprehensive review of acceptable documentation and standards for examining employee documents
- Top 10 I-9 mistakes
- Best practices for document retention and recordkeeping

### who should attend?

- Employees
- Human resources professionals and recruiters
- Immigration specialists
- Legal staff
- Managers and supervisors



One of the benefits of today's global economy is that employers can tap into an international pool of human resources to find qualified employees. The only downside is that the hiring and retention of international employees are governed by immigration laws that are not only stringent but also constantly changing. This course teaches you all that you need to know about managing the immigration issues faced by your foreign national employees. It provides a primer on the fundamentals of immigration law, as well as detailed guidance about the highly technical requirements for various types of visas. Most importantly, it is focused on helping managers develop practical strategies for hiring foreign nationals and for maintaining the legal status of these valuable employees. While the course touches on some of the larger social and economic issues involved in immigration, it focuses on pragmatic solutions to everyday questions. Interactive role plays allow participants to grapple with some of the most common employment-related immigration issues to hone their practical skills.

### topics

- Immigration basics and a review of the immigration process
- In-depth analysis of commonly used temporary visa categories
- Alternatives to the H-1B visa
- Permanent residence issues, both family- and employment-based
- The interplay between temporary and permanent visas and its impact on hiring
- Practical strategies for managing immigration issues in the real world
- Best practices for immigration compliance
- Best corporate immigration policies and procedures
- Overview of the major shifts in immigration law and policy since 9/11, and insights about the future of immigration law

### who should attend?

- Human resources professionals
- Immigration specialists
- Legal staff
- Managers and supervisors



Designed for nonlawyers, this course is intended to avoid the needless creation of a damaging “smoking gun” document that can come back to haunt you during the course of discovery. This course outlines the “Top 10 Best Practices for Savvy Business Communications,” an easy-to-follow yet comprehensive set of practical suggestions, and illustrates their importance with a series of compelling real-world examples—many drawn from today’s legal headlines. In the course of dissecting these case studies, participants will gain a detailed understanding of the risks of ill-considered communications, along with common sense strategies for drafting communications that reduce risk without reducing effectiveness.

### topics

- Overview of the discovery process
- Top 10 Best Practices for Savvy Business Communications
- Keeping It Real: Case Studies
- Increased damages due to “smoking gun” communications
  - Destruction of damaging communications to cover up wrongdoing
  - Refusal to produce potentially damaging communications

### who should attend?

- Employees
- Human resources professionals
- Managers and supervisors



Lawsuits alleging failure to comply with wage and hour laws have been on the upsurge, with multimillion-dollar settlements and judgments awarded to employees in industries as varied as financial services, retail, restaurants, insurance, and funeral homes. “Keeping Time” will keep you ahead of this litigation tidal wave by reviewing the essential requirements of the Fair Labor Standards Act (FLSA), the federal wage and hour law, and relevant state laws. It illuminates these technical legal concepts with real-world examples and provides a practical understanding for the often confusing tests to determine which employees qualify for white-collar exemptions.

### topics

- Detailed review of how the law defines an “hour of work” and a “workweek”
- Methods for determining overtime and regular rate of pay
- Recordkeeping requirements
- Exemptions from minimum wage and overtime requirements, especially the tests for determining white-collar exemptions
- Overview of any state wage and hour laws that apply to your business
- Practical steps to ensure compliance and avoid legal risks

### who should attend?

- Human resources professionals
- Legal and compliance personnel
- Managers and supervisors





Employers of every size and in every industry frequently use the services of independent contractors in lieu of hiring an employee. Unfortunately, employers often don't realize until it's too late that they have classified workers as independent contractors when they should really be employees. This unintentional error of failing to designate workers appropriately can lead to serious consequences, including audits, lawsuits, and liability.

Properly designating who is and who is not an independent contractor is not only tricky, but getting it wrong can be costly for an employer. This course educates participants to spot risky designations and explains how a properly designated independent contractor can become an employee if the working relationship is not managed appropriately.

### topics

- Overview of important issues regarding independent contractors
- Recognizing relevant factors that support the designation of employee status
- Recognizing relevant factors that support the designation of independent contractor status
- Consequences and liabilities for failing to properly designate workers
- Consequences and liabilities for failing to properly manage independent contractors
- Management's role in proper designation of workers and their role in managing independent contractors

### who should attend?

- Human resources professionals
- Legal staff
- Managers and supervisors



When an employee files a complaint—whether it's a whistleblower alleging companywide fraud or someone who feels sexually harassed by a coworker—the workplace can suddenly become charged with negative rumors and anxiety, which can escalate into claims of unfair retaliation against the complainant. Managers in these situations need to “walk the line” between appropriately responding to legitimate employee complaints and effectively continuing to manage both the complaining employee and other workers. “Walking the Line” covers managers' legal obligations to avoid both the perception and the reality of retaliation, as well as the legal definitions of whistleblowing and retaliation. More importantly, it focuses on skill building so that managers will be prepared to identify the red flags for potential whistleblower retaliation claims and will know how to effectively handle these situations to avoid the risk of retaliation lawsuits.

### topics

- Overview of the laws against retaliation and the legal definition of a whistleblower
- Managers' responsibilities to avoid the perception or the reality of retaliation
- Developing a script for responding to employee complaints and determining which complaints are entitled to legal protection
- Identifying red flags for potential whistleblower situations
- Reviewing your business's policies on retaliation

### who should attend?

- Human resources professionals
- Managers and supervisors



It is a fact in today's working world that various corporate personnel—including those in the human resources, compliance, legal, and security departments—are often asked to take on the role of a workplace Sherlock Holmes when investigating employee complaints of discrimination, harassment, or workplace misconduct. Unfortunately, many of these personnel don't have the experience necessary to conduct comprehensive and appropriate investigations. As a result, corporate personnel may unwittingly increase their employers' legal exposure by failing to conduct workplace investigations that are fair, consistent, and effective.

This course is grounded in the realization that the complexities and demands of conducting investigations in the real-world workplace do not lend themselves to hard and fast rules. Rather, the course explores a series of vital strategic questions to guide you through each step of the process. By empowering your investigators with a strategic overview and practical grounding, this course will enable them to conduct workplace investigations that will ensure that your employees' concerns are appropriately addressed and will minimize the legal risks of a poorly conducted investigation.

### topics

- Determining what considerations make an investigation necessary or desirable
- Identifying the right person to conduct the investigation
- Preparing for interviews by reviewing relevant materials
- Deciding who should be interviewed, in what order, and how
- Documenting interviews and the investigation as a whole
- Determining when additional investigation is warranted
- Coming to a conclusion, taking remedial action, and following up

### who should attend?

- Compliance, legal, security, or other corporate personnel who may be designated to conduct a workplace investigation
- Human resources professionals



## client testimonial

“We found ourselves in need of training on very short notice! Morgan Lewis Resources was **extremely responsive** in scheduling training within our timeline and even adapted the course content to meet our needs. The training was very successful and we appreciate both their flexibility, and the interactive style in which they deliver their training programs.”

*Jody Spence, HR Director  
Unilever - Foodsolutions*



## cultural change management

### **cultural change management**

Valuing Diversity: Workplace Diversity Training  
East Meets West: Cross-Cultural Training  
Ethics in the Workplace: Impacting the Bottom Line



Most employers now recognize that it makes good business sense to cultivate a diverse workplace, but—because each employer faces unique business realities and each workplace has its own distinct culture—meeting diversity objectives poses myriad challenges. “Valuing Diversity” is a flexible solution to your diversity training needs because it is designed to be customized to your specific requirements. Its building blocks are four learning modules, each of which examines an essential component of the diversity puzzle.

The following is a list of the “Valuing Diversity” modules, each of which is a half-day course. You can build the diversity training that you need by taking individual modules as stand-alone training sessions or by taking all four in sequence.

### module 1

“Understanding the Business Case” analyzes the importance of diversity for business sustainability and expands participants’ understanding of the dimensions of diversity.

### module 2

“Effective Communication Skills for a Diverse Workplace” builds awareness of the variety of communication styles among different cultures and explains how to communicate effectively in a diverse workplace.

### module 3

“Developing Skills for Inclusive Behaviors” discusses the positive impact that inclusion can have on the workplace and demonstrates a model for effectively addressing exclusionary behaviors.

### module 4

“Skills for Getting Past Assumptions and Stereotypes” raises awareness of the negative impact that assumptions and stereotypes can have on workplace interactions and demonstrates the advantages of positively leveraging differences within and outside of your business.

#### who should attend?

- Employees
- Human resources professionals
- Managers and supervisors



Just as the laws vary from one country to the next, so do the social norms. Whether shaking hands, bowing, or kissing, people have unique and distinct ways of greeting each other. Similarly, different societies have varied social beliefs around issues like gender, class, and age, just to name a few. These variances reflect differences in our social and cultural norms. When people are unaware of or insensitive to these differences, it can create conflict. Our “East Meets West” course educates workers from foreign countries about these behavioral differences without casting judgment on what is right and wrong. It simply identifies the differences to the learner so that he or she can be successful while working in the United States.

#### topics

- Educate foreign nationals on cultural norms that when violated can create legal exposure
- Enhance a foreign national’s ability to effectively interact with employees and clients
- Improve team work, productivity, and communication skills among diverse work groups

#### who should attend?

- Employees
- Human resources professionals
- Managers and supervisors



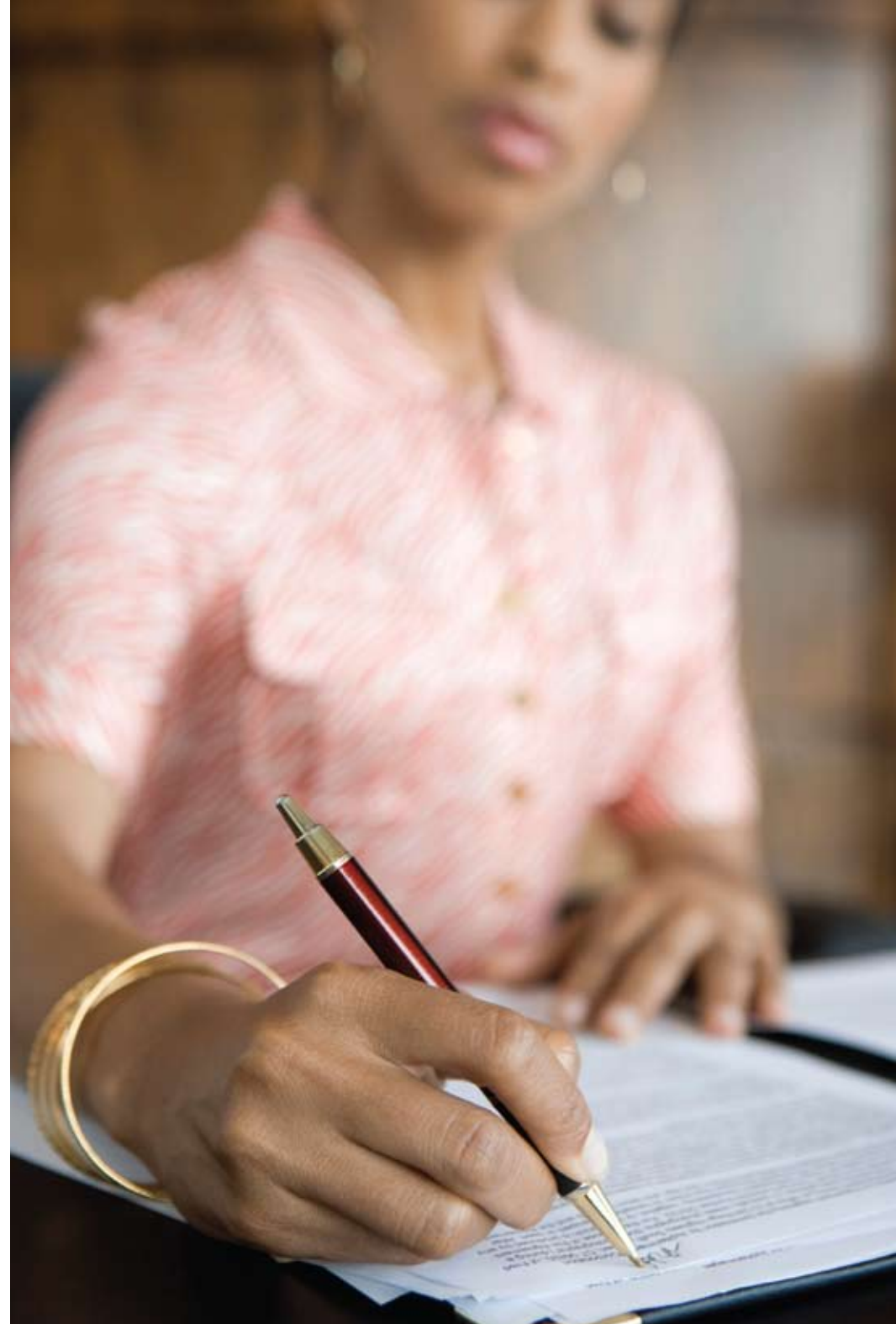
The recent wave of corporate scandals has forced legislators and regulators to respond with stringent new requirements for corporate ethics and compliance. As a practical matter, corporations should now be treating ethics training as essential for all employees. While most ethics programs will not ultimately impact the work environment, our training is designed to cultivate a vibrant organizational culture of compliance. It not only reinforces basic ethical concepts, but also introduces proven tools for strengthening compliance. Your employees will walk away with the skills necessary to identify potential ethical issues, seek out necessary resources, and find the confidence to voice their concerns when necessary. The end result will be a visible difference in your organization's commitment to ethical compliance.

### topics

- Discussing the importance of ethics in today's legal and business climate
- Defining your corporate culture and core values
- Reviewing your company's code of conduct and related policies
- Analyzing ethical issues in typical workplace scenarios
- Identifying behavioral rationalizations
- Providing essential tools for compliance, communication, and reporting

### who should attend?

- Compliance and legal personnel
- Employees
- Managers and supervisors



## client testimonial

“Morgan Lewis Resources was able to successfully provide training to meet our unique employee needs. They worked with us to develop a **completely customized** one-hour program that we have used throughout our organization. The trainers were able to efficiently accommodate our request to conduct multiple training sessions, enabling us to train a large volume of employees working in unique environments, and the result has proven invaluable to our organization. Thanks, Morgan Lewis Resources!”

*Jeanna Wallace Reynoso, Human Resources Manager  
Clark Construction Group, LLC*



## management and human resources skills



### management and human resources skills

#### Management Training Curriculum: Professional Development Offerings

- What Every Manager Needs to Know: Understanding the Fundamentals of Management
- Getting Work Done Through Delegation: The Essential Players
- Interviewing and Selecting Top Talent: The Secrets of Success
- Coaching and Counseling: Helping Employees Step Up
- Effective Communication: Up, Down, and Across the Organization
- Motivating for Performance: Optimizing Human Capital

#### Putting the Law to Work:

- Mastering the Basics: Equal Employment Opportunity Fundamentals
- Risky Business: Preventing Harassment
- Working Together: Reasonable Accommodation
- Untangle the Web: Understanding Leave Laws
- Hiring Smart: Legal and Effective Interviewing
- Getting It Right: Performance Management Documentation
- Good Work: Verbal Coaching Skills

Staying Connected: Positive Employee Relations

Keeping Cool: Preventing Workplace Violence



Whether a manager has risen to management from within or come into an organization as a new manager, he or she is likely to face new challenges, because the skills that make a great employee are not necessarily those that make a great manager. Our “Management Training Curriculum” educates new managers and supervisors and refreshes experienced managers on the fundamentals of management, the steps of delegation, the ability to choose qualified candidates, coaching and counseling, the ability to motivate others, and effective communication between an employee and a supervisor.

## topics

- Managing up and supporting the supervisor
- Avoiding the top five pitfalls of new managers
- Communicate effectively through listening, providing feedback, and responding to and asking questions
- Plan for good management
- Conducting a job analysis to hire a quality candidate when interviewing
- Coaching and counseling employees
- Motivating employees and supporting those needing improvement

## who should attend?

- Managers and supervisors

## The following is a list of modules associated with the “Management Training Curriculum.”

You can build the management training that you need by taking individual modules as stand-alone training sessions, or choose to take all of them in sequence. We also recommend adding “Putting the Law to Work” training to your curriculum to learn more about the basics of employment law as it relates to hiring, managing employee performance, harassment prevention, ADA, and the FMLA. For more information, please see page 28.

### module 1

#### What Every Manager Needs to Know: Understanding the Fundamentals of Management

“What is management?” and “How do you get other people to get work done?” This course provides a detailed description of the role of manager, examines the pitfalls that many new managers experience, and gives an overview of the skills necessary to be an effective manager. Managers will learn a range of strategic management techniques that include how to make the basics of management work for them, as well as how to run a meeting.

### module 2

#### Getting Work Done Through Delegation: The Essential Players

In order to gain more time to work on specific projects that require a managers time, it’s important for managers to learn to delegate work to others by determining the appropriate tasks that need to be done and to whom they should be given. This course analyzes steps of delegation and provides managers with tips and techniques for monitoring an employee’s progress in a way that communicates

confidence. In addition, managers learn how to coach employees on their staff to develop their own skills and become more productive employees. By using our “delegation checklist,” managers can get the positive results they need every time.

### module 3

#### Interviewing and Selecting Top Talent: The Secrets of Success

Bad hiring decisions not only costs organization money, but can make life miserable as managers try to cope with a poor performer. How do managers determine which job candidate will be a good worker? How do managers determine who is the “most qualified” person for the job? This course reviews how to measure an applicant’s competencies and conduct an interview to get the appropriate information needed to avoid a poor hiring decision. This course provides managers with a model that they will be able to use in future interviews to ask the right questions and assess the candidate’s answers.



## module 4

### Coaching and Counseling: Helping Employees Step Up

Anyone who has played on a team, or had a good teacher or a wise parent, knows that coaching and counseling helps people improve their performance. Managers that are able to become good coaches and to counsel appropriately are then able to successfully assist their staff learn new skills, obtain more knowledge, and perform better.

You will learn:

- The difference between coaching and counseling
- How to coach employees
- The top five qualities of a good coach
- When to coach and when to do performance management

## module 5

### Effective Communication: Up, Down, and Across the Organization

Managers' communication skills have a significant impact on their success as a manager. Is their communication style understood by others? Do their words give them credibility? Do other people take them seriously, listen to what they have to say, and engage in dialogue? This course returns to the foundations of communication—including giving feedback, listening, and responding to and asking questions—because these communication paradigms require precise communication skills. Second, conflicts

among employees can be one of the most difficult productivity drains in the business. Managers can promote a more harmonious work environment by learning how to handle conflicts appropriately. Also, by learning about the different types of difficult people and how to communicate with them, managers are better able to manage difficult interactions. And finally, communicating with their supervisor is as important for managers as communicating with direct reports. This course reviews how managers can do so in a career-boosting way.

## module 6

### Motivating for Performance: Optimizing Human Capital

If management means getting work done, then how do managers get people to perform their best? What is motivation? How are goals used to motivate employees? How do managers' expectations help or harm employees' performance? This course shares how managers can sabotage good performance, explains the theory that "what gets rewarded gets done," and then details the variety of rewards that motivate people (including, but not limited to, compensation).





Employment issues can be a minefield for managers and supervisors on the front lines of employee relations. Each step of the employment process—advertising a job opening, interviewing and hiring employees, conducting performance reviews, responding to complaints of workplace harassment, and terminating an employee—involves particular legal requirements. Failure to meet these requirements can have disastrous consequences in the form of government sanctions, damaging litigation, negative publicity, and decreased morale and productivity.

This course can minimize your legal risk in discrimination and harassment lawsuits because it shows you how to document your good-faith efforts to prevent discrimination and harassment in the workplace, which are essential to avoiding vicarious liability for an employee's misconduct.

### topics

- Recognizing and avoiding the many forms of discrimination
- Identifying rights protected under employment laws such as the ADA and FMLA
- Complying with FMLA and other leave-law requirements
- Maintaining a harassment-free workplace
- Hiring and promotion decisions, as well as interviewing skills
- Managing and documenting performance issues
- Complying with the FLSA and other wage and hour law requirements
- Managers' obligations according to the laws against retaliation and the legal definition of a whistleblower
- Legal implications of workplace violence

A California version of “Putting the Law to Work” is available for California’s AB 1825 legislation requiring mandatory harassment prevention training.

### who should attend?

- Executives
- Human resources professionals
- Legal staff
- Managers and supervisors

## Choose Any Six Modules

Rather than the full-day comprehensive version of “Putting the Law to Work,” employers sometimes need intensive and focused training on one or more of the individual topics covered in the course. This is why we offer all “Putting the Law to Work” topics as individual in-depth modules, giving each employer the opportunity to choose the subject areas that are most relevant to its workforce. Half-day sessions are available for each of the following “Putting the Law to Work” subjects.

“Putting the Law to Work” is a full-day course that teaches real-world solutions to common employment law problems and gives practical guidance on these essential subjects:

- Equal employment opportunity fundamentals
- Harassment prevention
- Reasonable accommodation
- Leaves of absence
- Legal and effective interviewing
- Performance management documentation
- Verbal coaching skills
- Wage and hour compliance
- Whistleblowers and retaliation
- Preventing workplace violence



### module 1

#### Mastering the Basics: Equal Employment Opportunity Fundamentals

This course reviews three crucial areas of employment law that managers grapple with daily: discrimination, leaves of absence under the FMLA, and reasonable accommodation under the ADA. Our lively “Avoiding Jeopardy” exercise reviews the full range of employment law protections, and the remainder of the session teaches participants how to apply these protections on the job. Using real-world case studies and interactive exercises, the course gives managers and supervisors the practical tools they need to avoid legal pitfalls and apply these laws consistently and fairly.

### module 2

#### Risky Business: Preventing Harassment

Please see page 8 for a full description of this course.

### module 3

#### Working Together:

#### Reasonable Accommodation

ADA and several state laws require employers to make “reasonable accommodations” for employees’ disabilities. Employers are also required to make reasonable accommodations for employees’ religious observances. Unfortunately, managers and supervisors often have a hard time figuring out when an accommodation is called for, much less what “reasonable” means. This course is intended as a hands-on primer to help

give managers and supervisors concrete tools for figuring out when accommodation is necessary and what exactly they must do to meet the legal requirements.

### module 4

#### Untangle the Web:

#### Understanding Leave Laws

Managers and supervisors can easily get tangled up as they try to comply with the web of state and federal laws that govern employee leaves of absence. Most states have their own distinct set of entitlements, which overlap federal family and disability leave laws. In addition, businesses often have their own leave-related policies that may further complicate the situation. “Untangle the Web” gives participants a grasp of the various leave laws by which they must abide, along with hands-on tools for complying with federal and state leave laws and for efficiently managing the process. This learning is reinforced by a series of case studies that reflect some typical employee leave situations—as well as a couple of unusual ones—to provide participants with a solid understanding they can take back to the workplace.

### module 5

#### Hiring Smart:

#### Legal and Effective Interviewing

Anyone responsible for hiring decisions faces a dual challenge: finding the best person for the job and doing so without running afoul of discrimination law. This is especially true when interviewing

potential employees. Which questions can you ask? Which questions can you not ask? This course builds essential interviewing skills so that employees involved in hiring can conduct interviews that are effective in meeting corporate human resource needs without creating legal risks. It provides detailed guidance on the types of questions an interviewer may and may not ask, as well as commonsense strategies for conducting interviews that identify the most qualified candidate for the job. Just as important, it reviews best practices for documenting hiring decisions to avoid future legal challenges.

### module 6

#### Getting It Right: Performance Management Documentation

When employee performance is unsatisfactory—despite verbal coaching—managers need to address it appropriately and clearly. If implemented effectively, the performance management process can improve employee behavior. If the employee continues to underperform, the process can provide a fair and legal basis for discipline or termination. However, managers don’t always provide consistent and timely performance management, which all too often results in a discrimination or harassment lawsuit when an employee is disciplined or terminated. This course maps out straightforward steps to guide performance management and also takes a close look at how to properly document the process to defend against possible litigation.

### module 7

#### Good Work: Verbal Coaching Skills

Verbal coaching is the most cost-effective tool a manager can use to encourage employee development. When done well, coaching can improve your business’s bottom line by increasing employee morale, productivity, and job satisfaction. For some managers, coaching skills seem to come naturally, but most managers need to learn the specific techniques involved. This course breaks down the process into five steps and uses interactive role plays to reinforce coaching skills and concepts.

### module 8

#### Keeping Time: Wage and Hour Compliance

Please see page 13 for a full description of this course.

### module 9

#### Walking the Line: Managing Whistleblowers and Avoiding Retaliation

Please see page 15 for a full description of this course.

### module 10

#### Keeping Cool: Preventing Workplace Violence

Please see page 35 for a full description of this course.

# Staying Connected

## Positive Employee Relations



There are many ways that working relationships between employees and management can break down and cause employees to feel the need to go outside of the organization for help. And there are just as many ways that managers and supervisors can be attentive to employees' concerns and activities. With employers facing the most significant changes to labor laws since the 1930s, managers and supervisors must know what they can and cannot do before their organization or site becomes a target for union organizing.

First and foremost, "Staying Connected" helps managers and supervisors understand how they can maintain positive employee relations—the only insurance against union penetration. The course also reviews labor law basics and discusses the proposed legislative changes to prepare managers and supervisors to respond appropriately to any existing or future union-organizing activities.

### topics

- Common management mistakes that alienate employees
- Trends in union organizing
- Managing with a union contract
- Do's and don'ts during a union drive

### who should attend?

- Human resources professionals
- Managers and supervisors

# Keeping Cool

## Preventing Workplace Violence



Every day, headlines remind us of the danger of workplace violence. More than two million assaults occur in the workplace in the United States every year. As a result, employers are making their obligation to protect the lives, health, and safety of their employees an essential priority. "Keeping Cool" teaches managers what they must do to comply with these legal obligations. And it gives clear guidelines for recognizing and responding to the many forms of workplace violence, including threats, acts of intimidation, harassment, and verbal and physical attacks.

### topics

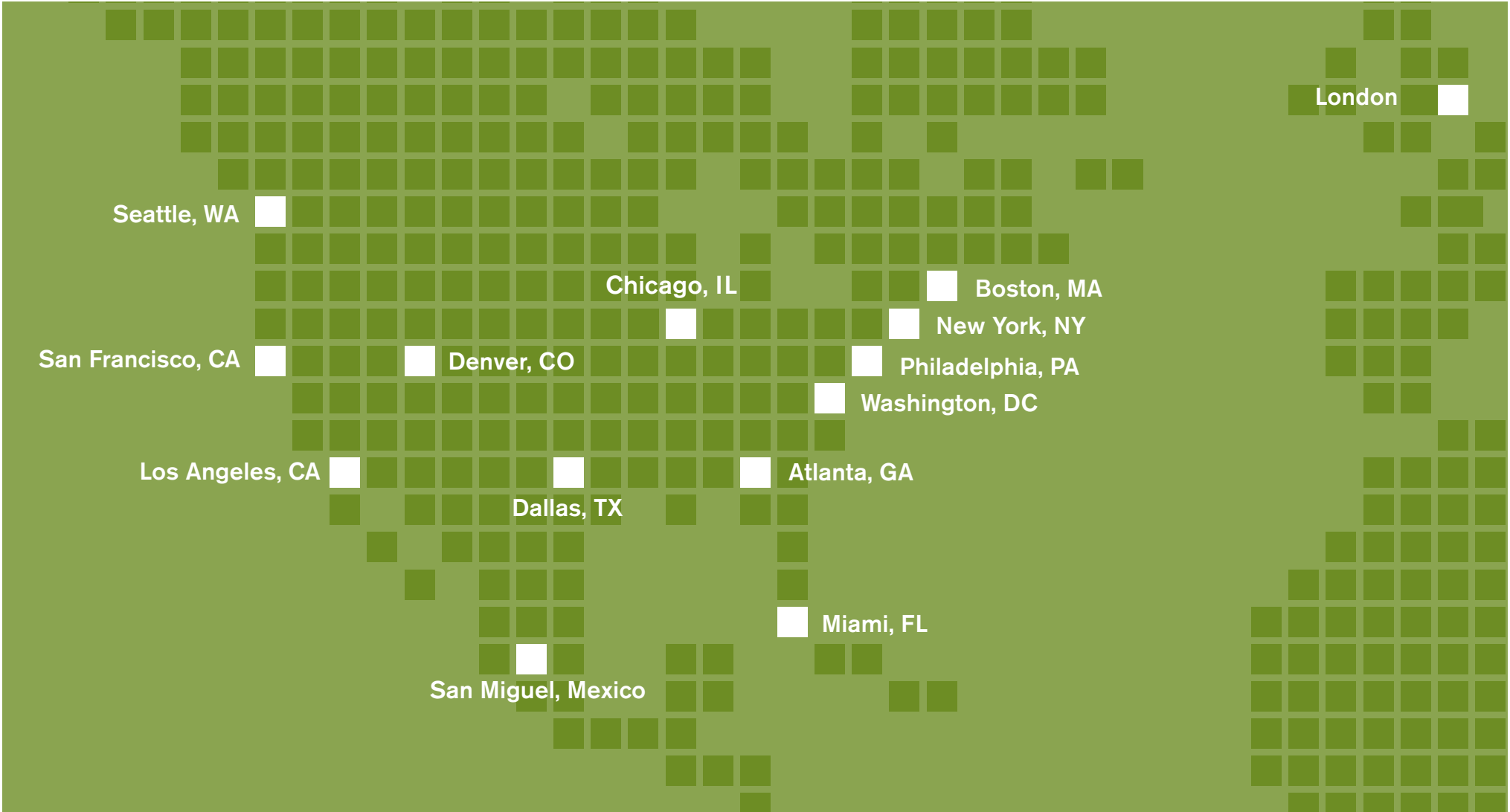
- Legal implications of workplace violence
- Indicators of possible problem behavior
- Responding to disruptive, threatening, or violent behavior
- Effective preventive measures

### who should attend?

- Human resources professionals
- Managers and supervisors



# trainer locations



## about morgan lewis resources

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