

**Jane Kow, Esq. of HR Law Consultants Presents a Two Part Program on
HOW TO DOCUMENT EMPLOYEE PERFORMANCE AND MISCONDUCT ISSUES &
CONDUCT EFFECTIVE WORKPLACE INVESTIGATIONS**

THURSDAY, OCTOBER 30, 2014
Alameda County Training and Education Center
125 Twelfth Street – 4th Floor | Oakland, CA



PROGRAM OVERVIEW

9:30 am – 10:00 am Registration, Coffee, and Networking
10:00 am – 12:00 noon **Part I – Best Practices for Documenting Employee Performance and Misconduct Issues**
12:00 noon – 1:00 pm Boxed Lunch (included for pre-registered attendees)
1:00 pm – 4:30 pm **Part II – A Step by Step Guide to Conducting Effective Workplace Investigations**

* The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.

This two part training program provides a solid foundation for HR professionals and managers on how to effectively document employee performance and misconduct issues, and also thoroughly investigate workplace misconduct and harassment complaints to ensure that decisions are well documented, fair and defensible. This interactive training is presented by an employment lawyer with two decades of experience advising, counseling and training employers on how to prevent lawsuits and minimize liability with clear and thorough documentation and effective investigations into employee misconduct.

The morning session provides step-by-step instructions on how to prepare disciplinary memos when employees fail to meet expectations or engage in misconduct. The session will provide guidance on how to prepare performance improvement plans when employees need feedback and coaching, and how to craft performance expectation memos when employees are hired or promoted into a new role. Attendees will be provided with easy to use memo templates and a checklist on key *Do's and Don'ts* when providing feedback to employees on their performance issues that state clear expectations as well as the consequences when there is no improvement.

The afternoon session will focus on how to conduct a prompt, thorough and objective workplace investigation following a complaint of discrimination or harassment (or when an employee is suspected of engaging in other forms of misconduct), as required by law. This training will provide a roadmap for an investigation, including how to interview the parties involved and reluctant witnesses, weigh credibility, analyze the evidence in an objective manner, reach a conclusion on the merits, and prepare a thorough summary report. Attendees will learn how to navigate typical roadblocks and avoid common mistakes encountered by investigators.

SPEAKER BIOGRAPHY



Jane Kow is the founder of HR Law Consultants, an employment law, HR consulting, workplace training and investigation firm, a well sought after speaker on employment law compliance topics. After receiving her B.S. at Cornell University in 1984 and J.D. at New York University School of Law in 1993, Jane Kow has practiced employment law for the past 20 years. She began her career at the country's premier law firms and then as Senior Counsel at a Silicon Valley based company with over 75 locations worldwide, before founding HR Law Consultants. She has represented, advised and trained organizations of all sizes and industries, in all kinds of employment disputes. She was an early contributor to the CA Practice Guide on Employment Litigation, published by the Rutter Group, widely relied upon by judges and lawyers.

She has taught "Employment Law" at the UC Berkeley's Extension Program in Human Resources and "Legal Issues of Supervision" at San Jose State University. Over the years, she has provided customized, interactive and practical training for thousands of managers, EEO and human resources professionals on a variety of topics. She has been a featured speaker at conferences sponsored by HR, legal, government, and employer organizations, including the EEOC, Department of Labor, HR Star Conference, Judicial Council of California/Administrative Office of the Courts, NCHRA/HR West Conference, Silicon Valley Women in Human Resources, State Bar of California, and the American Bar Association.

10:00 am – 12:00 pm **BEST PRACTICES FOR DOCUMENTING EMPLOYEE PERFORMANCE AND MISCONDUCT ISSUES**

This session will provide the fundamental *Do's and Don'ts* of how to document workplace issues, so that disciplinary and performance improvement memos contain concrete and constructive feedback, set expectations for improvement, and provide notice of consequences. Attendees will be provided templates for different types of disciplinary and counseling memos, which outline areas for improvement, issue well documented misconduct warnings and provide notice of disciplinary action, including termination following egregious misconduct. Learn why, what and how to document a range of workplace issues and how to frame feedback when documenting employee performance and misconduct issues.

Handouts include an essential toolkit of checklists and template memos for use in a variety of workplace situations:

- Easy-to-use templates and checklist of Do's and Don'ts when providing performance feedback and misconduct warnings that:
 - 1) contain concrete examples of issues warranting discipline;
 - 2) convey expectations and timelines for performance improvement;
 - 3) provide warnings about misconduct;
 - 4) states consequences when there is no improvement;
 - and 5) explains the basis for termination decisions, where constructive feedback and warnings have failed to produce results
- The following disciplinary memo templates will be discussed and provided as handouts:
 - Employee misconduct memo
 - Memo outlining expectations about role and responsibilities to employee who is newly hired or promoted
 - Performance counseling memos and performance improvement plans (PIPs)
 - Notice of termination of employment

1:00 pm - 4:30 pm **A STEP BY STEP GUIDE TO CONDUCTING EFFECTIVE WORKPLACE INVESTIGATIONS**

This interactive, step by step guide to conducting effective workplace investigations will address how a prompt, thorough and objective investigation following a complaint of harassment or discrimination can minimize the risk of litigation and prevent liability in the event of a lawsuit. Using examples drawn from real workplace scenarios and case law, this program will provide attendees with a set of best practices to avoid common mistakes and navigate roadblocks typically encountered in an investigation, including how to question the complainant, alleged harasser, reluctant or uncooperative witnesses, weigh credibility, maintain confidentiality over the process, while obtaining useful information from all parties. Attendees will also learn how to objectively analyze and organize relevant evidence, and prepare a thorough well written summary report that contains clear findings, even when there are conflicting witness accounts and there is no direct evidence of discrimination or harassment.

Attendees will learn how to:

- Create a roadmap of the investigation by clearly defining the aim and scope of the investigation, identifying key witnesses to be interviewed and in what order, and the relevant evidence to be analyzed
- Avoid common mistakes and typical roadblocks encountered in workplace investigations
- Effectively obtain essential information from the complainant, the alleged harasser (or subject of investigation in misconduct cases) and other parties with knowledge of the underlying facts, without divulging confidential information about the investigation
- Develop techniques to frame questions that will put the parties and witnesses at ease to overcome resistance, including what to do when the parties or witnesses refuse to cooperate
- Document key evidence in a "mixed motive case" and retaliation cases
- Organize the information gathered, objectively analyze the evidence, assess conflicting witnesses' accounts, and weigh credibility in order to clearly state key factual findings and reach a conclusion on the merits
- Use an template outline provided by the instructor to prepare an thorough and objective summary report of the investigation

COMPLETE A SEPARATE REGISTRATION FORM FOR EACH ATTENDEE

REGISTER EARLY FOR DISCOUNTED RATES!

Before October 15, 2014
After October 15, 2014

Full Day (Parts I & II)

\$300
 \$350

Part I Documenting Performance and Misconduct Issues

\$150
 \$175

Part II Conducting Effective Workplace Investigations

\$150
 \$175

Name		Title
Company		
Address		
City, State & Zip		
Phone	Fax	Email

- Check # _____ payable to HR Law Consultants (Tax ID# 76-0721515)
- For credit card payments, please provide the email address where a PayPal invoice can be sent:

Confirmation of registration will be sent upon receipt of payment. Please bring a copy of the confirmation form with you to the program as proof of your registration.

HRCI GENERAL CREDIT FOR HR PROFESSIONALS

- Part I: *Best Practices for Documenting Employee Performance and Misconduct Issues*- **Approved by the HR Certification Institute for 2 hours of HRCI general credit.**
- Part II: *A Step by Step Guide to Conducting Effective Workplace Investigations* - **Approved by the HR Certification Institute for 3.5 hours of HRCI general credit.**

10% ATTENDEE LOYALTY DISCOUNT

- 1) 2 or more attendees from the same company-- each attendee must complete a separate registration form
- 2) Attendees of other events sponsored by Jane Kow/HR Law Consultants. Please list event(s) attended:

CANCELLATION POLICY

- Cancellation and requests for refunds must be received in writing **by 5:00 pm by 10/15/14**. In lieu of a refund, an alternate may attend in place of an original registrant, but must complete a new registration form in order to obtain HRCI credit.

REGISTRATION, DIRECTIONS AND PARKING CONTACT

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