

## Where to Go for Telephone Consulting on Employment Issues

By Mike Potter

One of the many services available to members of America's Community Bankers often goes overlooked. That's hard to imagine, especially since its free.

Community bankers looking for outside expertise on employment issues can call a toll free hotline to reach Seay Management experts. Human resources issues are fraught with compliance, policy and legal concerns. Many issues need to be checked with specialists prior to taking action, and for many of us, that specialist just doesn't exist inside our financial institution.

State and local governments enforce a multitude of employment regulations that have a huge impact on how you hire your employees, what you do with them while you have them, and what you do when they leave, whether they leave voluntarily or involuntarily. Seay Management Consultants report on some hot employment issues outlined here:

### Arbitration Agreements

There is a trend toward employers using arbitration agreements with employees as a means of resolving employment related disputes. In general, these agreements obligate both parties, the employer and employee, to submit to arbitration instead of pursuing the case through the court system. In general, employees should sign a separate and know-

ing waiver in order to give a sense of comfort that the agreement will be enforceable. Some of the advantages of these agreements include:

- Elimination of jury trials,
- Reducing incentives for attorneys to become involved,
- Decisions made by experienced arbitrators, and
- Disputes resolved in a much more timely manner.

There are also some disadvantages:

- They advise employees of rights they might have never thought about,
- The Equal Employment Opportunity Commission (EEOC) is opposed to the agreements,
- They may send the wrong message by saying may say to employees "we can't resolve disputes on our own, so we've set up an outside system," and
- The employer loses appeal rights and is bound by the findings of a single arbitrator.

### Internet and E-Mail Liability

It is obvious that a community bank would not allow employees to post sexually oriented or other objectionable material on the break-room bulletin board. However, it is not uncommon for employees to use company computers and Internet service to access sites which may contain these materials. As such, if these materials are displayed on computer screens, it is potentially similar

to the liability of posting the information on a bulletin board.

Along the same lines, e-mails, which are easily forwarded to hundreds of individuals, represent a particularly troublesome liability for employers. Often the bank's name will be part of an employee's e-mail address and we can all imagine the nightmare of discovering that *john.doe@abccommunitybank.com* was forwarding objectionable material.

Seay Management Consultants recommends that employers implement a policy which prohibits the accessing of objectionable material on the Internet and regulates the use of e-mail for non-company business. It is also important to clearly inform employees that the bank reserves the right to monitor all e-mail and Web sites accessed by employees using bank equipment.

Hundreds of employee questions arise in day-to-day business and almost every one of them can be different—questions about COBRA, FMLA, EEOC, ADA and so many others. Sometimes, a simple solution can turn into a complicated catastrophe if it's not handled properly. An employment issues hotline can give you comfort and assurance in managing your employees by providing you with quick, direct and accurate answers to your specific questions about issues that affect you, your company and your employees. This type of benefit is normally available exclusively through expensive consultancy arrangements.



### Special Management Projects for ACB Members

In addition to this important hotline service, if you would like advice and assistance on developing special management projects or resolving specific employee problems, Seay Management Consultants provides this service on a priority basis and at special rates for ACB members. Some of these projects include:

- Writing an employee handbook which includes all of the policies and procedures you need, which complies with employment regulations, and which employees can understand;
- Reviewing your current employee handbook and providing you with written recommendations;
- Conducting a human resources management audit of your time cards, pay plans, personnel files, personnel policies and procedures, personnel forms and other information to help make sure you are up-to-date and in compliance with all state and federal employment regulations that cover your company, to reduce or eliminate your financial exposure in these areas;
- Developing an affirmative action program, which is required for nearly every financial institution with 50 or more employees; and
- Resolving charges of discrimination and other employment claims.

Employment issues crop up with unfortunate frequency and generally without warning. The constant flow of information makes these situations invariably easier. **15**

*Mike Potter is president of ACB Partners. To learn more about Seay Management Consultants, click on the ACB Partners tab at [www.AmericasCommunityBankers.com](http://www.AmericasCommunityBankers.com), or call Seay directly about what they can do for your bank at (407) 426-9484, (888) 254-6272.*

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