



### Bob Rosebrough

Bob Rosebrough is the Senior Attorney at the Rosebrough Law firm, PC. The emphasis of his practice is employment law, business law,

and estate planning. Bob received both his undergraduate and law school degrees from the University of New Mexico. He has practiced law in New Mexico for 30 years.

Bob is an author and avid outdoorsman. He has written a mountaineering guide to the San Juan Mountains of southwest Colorado and co-authored a hiking, mountain biking, and rock climbing guide to the Gallup area.



### Lisa Thomas

Lisa Thomas has practiced law in New Mexico for 10 years. She received her undergraduate degree from the College of William and Mary and her

law degree and MBA from the University of New Mexico. Before joining The Rosebrough Law Firm, Lisa worked for the NM Children Youth and Families Department where she practiced exclusively in the areas of labor and employment.

Lisa is a 'Big' with Big Brothers Big Sisters, avid reader, and hopes someday to improve her golf game.



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## Menu of Services

### Employment Law

# Liability Reduction Program

for Business Owners



### Employment Law

## Liability Reduction Program for Business Owners

Imagine that your lawyer is helping you prevent stressful and costly employment lawsuits and claims, rather than coming in after the fact to tell you everything that you've done wrong and then bill you hourly to clean up the mess. That's exactly what *Legal Safety 1<sup>st</sup>* offers business owners and managers.

It is impossible for most business owners to keep up with federal and state employment law compliance requirements on their own. Since the 1950's, over fifty new federal and state employment laws have been passed that directly effect business owners. Through a customized program, Legal Safety 1<sup>st</sup> identifies your business' vulnerable areas and offers options to fill the gaps before problems arise.

The Legal Safety 1<sup>st</sup> program offers customized services through a menu of employment law liability reduction packages.

## Employment Law Basics

### Employee Handbook Kit

- Handbooks to fit the needs of your business
- Establish “at-will” relationship with employees
- Conform your policies to federal and state law
- Protect confidential and proprietary information

### Hiring Kits

- Application forms
- Applicant releases to aid reference check process
- Training on EEOC interview guidelines
- Interview forms and sample questions
- Training on screening process
- Training on negligent hiring principles
- Drug testing and background check resources

### New Employee Kit

- Use our new hire checklist to make sure you cover all bases
- Train on intake and orientation
- Receive assistance with New Mexico New Hire forms and I-9 compliance

### Personnel File & Poster Compliance Packet

- Create secure filing systems for personnel files
- Make “topic” files to comply with legal mandates
- Implement a policy for destroying old files
- Stay current and compliant with employment law posters

## Liability Reduction Tools

### Progressive Discipline Kit

- Use our customized verbal and written warning forms
- Train on the four basic steps of progressive discipline
- Use our discipline documentation system to reduce potential liability
- Learn techniques to deal with problem employees

### Performance Evaluation Kit

- Learn to coach your employees to better performance
- Provide training to supervisors on how to conduct evaluations
- Protect yourself against problem employees with our customized evaluation forms
- Build a year round evaluation system

### Harassment Prevention Packet

- Learn to comply with US Supreme Court mandates
- Train with our video presentations combined with individual instruction
- Provide separate training classes for managers and employees
- Obtain certificates of completion to establish compliance

### Federal & State Law Compliance Packet

- Determine what employment laws apply to your business
- Train on federal and state protected classes
- Keep current on federal law (FMLA, COBRA, HIPAA, ADEA, ADA) through our worksheets and training
- Familiarize yourself with state law (Clean Indoor Air Act, NM Human Rights Act, Breastfeeding Act, State statutes that parallel federal law) through worksheets and training

## Workforce Structure

### Job Descriptions Packet

- Job descriptions that fit your business
- Reduce exposure to ADA and discrimination claims
- Train on using job descriptions in the hiring and evaluation process

### Trade Secrets & Competition Packet

- Protect your customer lists
- Prevent solicitation of customers and employees
- Protect trade secrets and confidential information
- Create enforceable covenants not to compete for key employees

### Independent Contractors Packet

- Determine which workers can be classified as Independent Contractors
- Train on how to structure the Independent Contractor relationship
- Customize agreements for Independent Contractors

### Wage & Hour Packet

- Properly classify exempt vs. non-exempt employees
- Assure compliance with overtime and minimum wage law
- Implement record keeping to prove wage and hour compliance
- Train on special topics: piecemeal workers, home workers, and child labor

## Dealing with Problems

### Termination Kit

- Train on conducting and documenting a termination
- Create severance agreements and releases that reduce liability
- Train on compliance with legal requirements including COBRA and final payment
- Training and forms for exit interviews

### Unemployment Compensation Packet

- Learn to minimize claims
- Evaluate which claims are worth defending
- Draft effective responses to claims
- Train on presenting your case in a hearing

### Workplace Mediations

- Solve problems before they blow into lawsuits
- Train managers on basic mediation techniques to resolve work related disputes
- Get referrals for independent professional mediation of serious conflicts
- Develop a proactive employee retention plan

### Workplace Investigations

- Training for supervisors on how to investigate claims and complaints with a special focus on: discrimination, harassment, workplace theft, workplace safety, and workplace threats or violence
- Referrals for independent, professional investigations for serious complaints
- Obtain all available information to help resolve complaints
- Comply with your duty to investigate