



The Gumbo of Law

Mixing the Right Ingredients for Legal
Compliance and Conflict Resolution

Kathlyn Perez



How it Started



How Its Going





How It's Supposed to Go

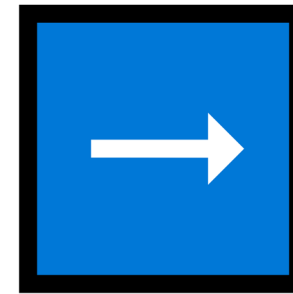




How It's Going



Get in the Game!





COMPLEX, MULTI-STATE REGULATIONS





Federal Employment Laws

FLSA: \$7.25, minimum wage and overtime

FMLA : +50 employees, UNPAID 12 weeks of leave

Title VII: +15 employees, Non-discrimination race, color, national origin, sex, and religion

ADEA: +20 employees, protects employees +40 years old

ADA: Disability Accommodation and non-discrimination





But Also...State Laws

Family Responsibilities – Alaska and DC

Political Affiliation – California and New York

Domestic Violence – New York and Illinois

Medical Marijuana – Arizona and Nevada

Height and Weight – Michigan and San Francisco

And much more....



Last Paycheck

Which state's law applies?

Why does it matter?



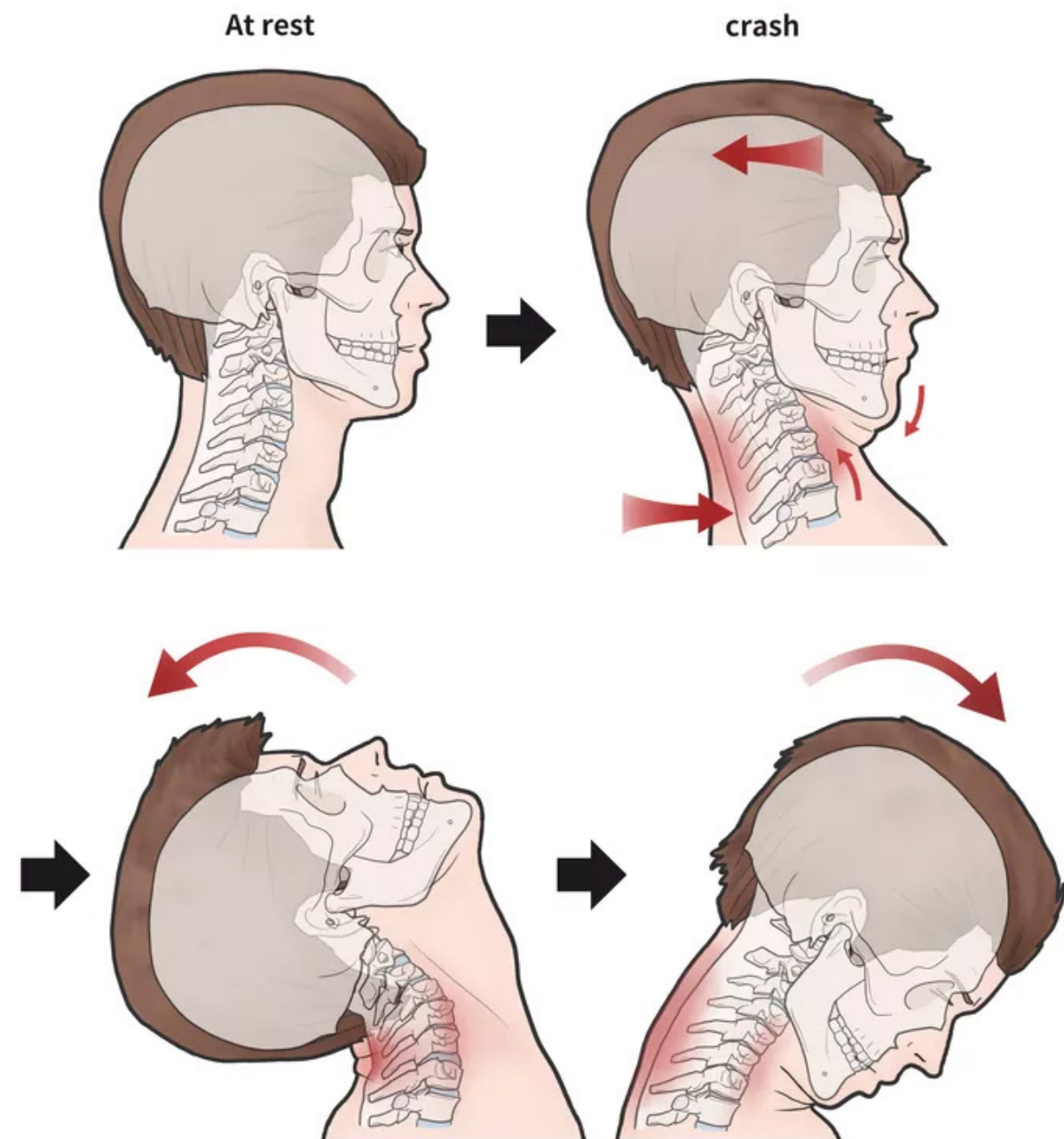


THE ELECTION





Whiplash-Associated Disorders



AGENCY ACTIONS





Example: FTC Non-Compete Ban

Existing patchwork of state laws

January 2023: FTC proposes rule: nationwide ban on most non-competes

August 20, 2024: ND TX court ruled in *Ryan, LLC v. FTC*; holding FTC's non-competes rule unlawful.

October 2024: NLRB Memo

New state laws



The Secret Recipe from a Louisiana Native





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As the Cajuns say....

“C'est la vie, ma chérie!”



The Human Framework

- . **H:** HELP!
- . **U:** Understand the Legal Landscape
- . **M:** Manage Proactively
- . **A:** Assess Risk and Delegate
- . **N:** Note Lessons Learned



Manage Proactively





Manage Proactively: Overlooked Tool





Investigations with a Little “i”

- Informal or less critical concerns.
- Examples include:
 - Addressing minor conflicts, performance issues, or small policy violations.
 - Handled internally by HR or management.
 - More casual documentation and review.
- Still important but don't require the full resources of a formal investigation.



Investigations with a BIG “I”

- Serious issues that may have legal or regulatory consequences.
- Formal processes, documentation, and legal standards.
- Experienced investigators or external experts.
- High-risk situations (e.g., discrimination, harassment, theft, workplace violence).
- Require thoroughness, attention to detail, and often collaboration with legal counsel.



Complex Investigation Issues

- Attorney-Client Privilege
- Pros/Cons of Internal/External
- Preponderance of the Evidence Standard: 50% plus feather
- Parallel investigations
- Fact Findings based on SCOPE
- Report Writing as a Skill





Investigations: Crisis Management Tool

- Bad media coverage / social media allegations
- Avoid Trial by Media
- People's reputations and careers on the line on both sides
- Fallout under the law: years vs. fallout from poor crisis management: immediate
- Denying allegations is insufficient



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Assess Risk and Delegate:

***How Do We Allocate Limited
Resources and Time?***





Evaluate Risk Level and Prioritize

- **Severity of Impact:** e.g., financial loss, legal exposure, reputational damage, employee turnover.
- **Likelihood of Occurrence:** e.g., recurring patterns, complaints, industry-specific risks.
- **Regulatory or Legal Compliance:** legal obligations or high regulatory oversight?



HIGH RISK

- **Immediate Action Needed:** Serious compliance violations, safety risks, or legal matters should be top priority.
- **Involve Experts:** Allocate resources for legal counsel, external investigators, or specialist HR staff to handle complex or high-stakes issues.





MODERATE RISK

- **Delegate to Internal Teams**
- **Ongoing Management:** e.g., interpersonal conflicts, policy violations, delegate to managers or specialized internal teams.
- **Documentation:** Ensure proper documentation to track patterns or escalation potential while keeping the process efficient.



LOW RISK

- **Monitor and Streamline**
- **Quick Resolutions:** e.g., minor policy infractions, allocate minimal resources and time for fast resolutions.
- **Preventative Approach:** Use this as an opportunity to train and coach managers on addressing future concerns and reducing the need for escalation.



Decision Matrix for Resource Allocation

- **High Risk + High Likelihood = Maximum Resources**
(formal investigation, external expertise).
- **Moderate Risk + Moderate Likelihood = Moderate Resources** (internal team, informal resolution).
- **Low Risk + Low Likelihood = Minimal Resources** (quick fix, basic documentation).



Delegate – External Options

- Legal Compliance
- Payroll & Benefits Administration
- Compliance (AAP!)
- Specialized Training
- HR Technology Management
- Leave and Accommodation Administration
- Complex Investigations





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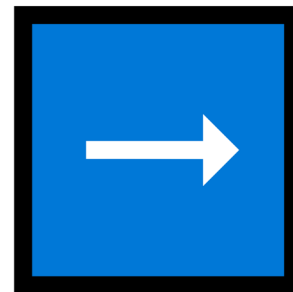


Note Lessons Learned

- Reflect on Issues
- Notice Trending Issues
- Systems of incentives and disincentives?
- Root Cause Analysis
- Track over time with data – qualitative/quantitative
- Adapt policies and procedures
- Measure impact



Imagine



Now It's Your Turn



- *Manage Proactively* – what ingredients do you already have in place? Prep. ingredients
- *Assess & Delegate* – Who is in the kitchen with you?
- *Lesson Learned* – Refine your recipe!





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“The magic of food lies not just in the ingredients but in the heart of the cook.”

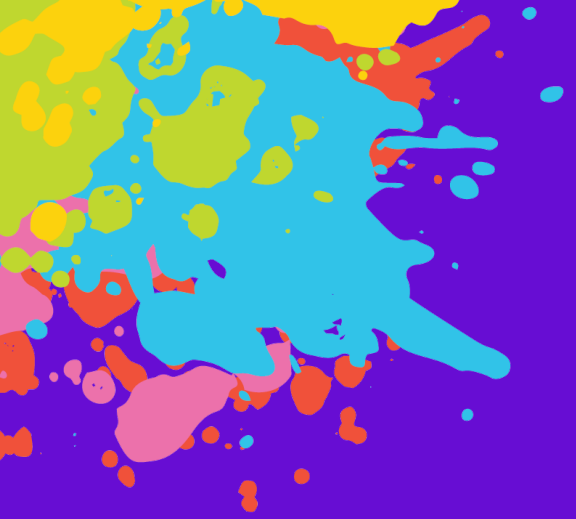
Paul Prudhomme



Thanks, Y'all!

Questions?





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