

Top Ten Ways to Avoid Getting Sued By Employees

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TIP ONE:

HIRING INDEPENDENT CONTRACTORS

- Must meet the legal test for contractor status
- Consequences of non-compliance:
 - Wage & hour
 - Work comp
 - Unemployment
 - Taxes



TIP TWO:

HAVE A CONFIDENTIALITY / NON-DISCLOSURE AGREEMENT

- Protect Confidential Information
- Oregon's Trade Secrets Act
- Contract Law - broader



TIP THREE:

CONSIDER A NON-COMPETE OR NON-SOLICITATION AGREEMENT

- Know state law
- Consider a non-compete or non-solicitation
- Clearly define terms



TIP FOUR:

HIRE THE BEST EMPLOYEES

- Establish a broadly focused recruiting plan to get the most diverse and best qualified applicant pool
- Provide an accurate job description
- Interview Do's & Don'ts
- Evaluate the Applicant



TIP FIVE:

UNDERSTAND AND PREVENT DISCRIMINATION AND HARASSMENT

- Effective anti-discrimination and anti-harassment policies should be in place
- Train all employees on what constitutes harassment and how to report it
- Train all supervisors and managers
- Act professionally



TIP SIX:

UPDATE YOUR POLICY HANDBOOK

- Handbook should contain:
 - Policies regarding “at-will” employment, equal opportunity, harassment and discrimination
 - Legally required info (leave laws, etc.)
 - Change policies to comply with NLRA



TIP SEVEN:

PROPER DISCIPLINE AND EVALUATION OF EMPLOYEES

- Fully investigate first
- Do it as soon as possible after the incident occurs
- Put it in writing
- Effective performance evaluations



TIP EIGHT:

KNOW WAGE & HOUR LAW

- Is your employee “exempt” or “non-exempt?”
- Overtime
- Comp time
- Calculating hours worked



TIP NINE:

TRAIN YOUR MANAGERS & SUPERVISORS

- Proper interview of an applicant
- Inappropriate workplace conduct
- Non-retaliation
- How to communicate and build a team
- How to report any work related injuries



TIP NINE:

TRAIN YOUR MANAGERS & SUPERVISORS

- Be familiar with wage and hour issues
- Consistently treat employees equally
- Memorize part I of the following mantra: IF IT ISN'T WRITTEN DOWN, IT DIDN'T HAPPEN
- Memorize part II of the mantra: IF IT IS WRITTEN DOWN, MAKE SURE IT IS RIGHT



TIP TEN:

HOW TO FIRE CORRECTLY

- Do's
- Don'ts
- Avoid Appearance of Retaliation
- Termination Checklist

Thank You

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