



Tackling Workplace Compliance and People Management Issues

Pick Up the Phone to Receive Guidance and Reassurance from CAI's Advice and Resolution Team

As a professional handling your company's human resources responsibilities, you wear multiple hats and deal with several issues at a time on a daily basis:

- The new employee needs his on-boarding schedule and a new handbook
- You received an anonymous note from a disgruntled employee complaining about senior management
- A former employee sent the company an unemployment insurance claim
- A contract worker informed you that he did not receive overtime pay for his weekend work

Along with this to-do list, you are still responsible for creating activities to engage employees, developing strategies to recruit top talent and ensuring company policies are in compliance with state and federal government regulations. WHOA—your job can quickly escalate from keeping busy to head under water. Having a trusted human resource advisor to help you review information or consult on different policies is like having a guide to navigate you through the rapids; without one, you may be headed for a waterfall.

CAI (Capital Associated Industries), a trusted resource for HR, compliance and people development, has an experienced Advice and Resolution Team (A&R) that can help you take that much needed breath of air during your work week. As a CAI member, your organization has unlimited access to A&R. The team, which has an average of 25 years of real-world HR experience, works in CAI's Raleigh and Greensboro offices. Each member of A&R has a unique background in HR; those include employment law, audit preparation, mergers and acquisitions, global, nonprofits and Fortune 100 companies.

A&R staffers will courteously greet you when you call their line. Whether you are looking for quick information about a compliance issue or you need a sounding board to deal with an upcoming termination, CAI's team of knowledgeable HR professionals is ready to guide you through your decision making process.





The Advice & Resolution Team

The players on the A&R team offer their diverse work experience to give you excellent support for any people management or compliance challenge you face. Almost all team members are former HR managers from varying industries, including pharmaceutical, IT and consulting. From advising on the application of laws to lobbying for employers' rights, A&R knows how to help organizations stay compliant with regulations. The team is also well equipped to handle employee relations issues.

Take a look at what a member said about A&R Team member Renee' Watkins:

"[I want] to tell you what a great resource Renee' has been for me. She responds very quickly to my questions and really works hard to give thoughtful, accurate advice. Plus she is very personable!"

–Marbet Cuthbert, SPHR,
Human Resources and Training Director at SouthLight, Inc.

The Issues

A&R is trained to tackle tough questions regarding people management, compliance and other HR issues.

The following are some of the top subjects CAI's team provides counsel for:

- Wage & Hour
- FMLA
- Immigration
- Performance Management
- Disciplinary Action
- Termination
- Handbook Reviewing
- Surveys
- Labor Relations
- Workers' Compensation



No situation or question is off limits for A&R because the team's prior employer-specific work has prepared them to analyze facts and circulate helpful advice. Plus, they have the full resources of CAI behind them to help find the right solution.

The Phone Call

A&R receives an average of 650 questions per month from CAI's members. When responding to calls, the team aims to provide excellent customer service. Team members actively listen to clients as they describe their unique situation to fully take in their concerns. A&R will then summarize the information the caller revealed to confirm their understanding of the question at hand.

The teammates draw on their past HR experiences and pertinent legislation to give members practical resolutions and definable actions for their concerns. A&R evaluates compliance issues that might affect decisions, as well as the employee relation repercussions that might ensue.

If multiple issues are brought up by a client, A&R will discuss one at a time to divide and conquer. Role plays and helping clients walk through a potential problem are techniques utilized during phone calls. Callers also receive follow up emails or links to government sites for further assistance.

Sometimes there are various solutions to a client dilemma—each with its own benefits and disadvantages. If there is no clear choice, A&R allows members to decide which solution will bring their company the most positive results. The team will guide members in making informed decisions.

For issues that A&R does not have a definitive answer, the team will conduct research to help members get closer to finding a solution. Research consists of emails, articles or websites that are relevant to callers' concerns. A&R will contact appropriate regulatory agencies for questions involving compliance issues.





Tackling the Problem: Examples

Example 1: FMLA Compliance

Understanding the provisions in the Family and Medical Leave Act (FMLA) can be frustrating to many employers. Members call A&R to obtain clarification on several challenging aspects of FMLA regulation, such as eligibility based on the act's definitions of son and daughter, whether an employee illness fits the interpretation of a serious health condition, and occurrences that should prompt the required notice of FMLA rights. One of CAI's members called the A&R team to receive guidance on dealing with and potentially firing an employee who had an excessive attendance problem. The client told the counselor that his employee missed work for a five-day period and then missed additional days following her initial absenteeism. Upon further discussion and a review of the employer's attendance policy, the A&R member asked the client if he received enough information from the employee's five-day absence to see if the hiatus qualified for FMLA leave. The employee was likely eligible for FMLA during her first and second absences based on the information the client shared. The counselor learned that the employer did not provide the employee with notice of her rights under FMLA, which does not have to be directly asked for by the employee. A&R advised the employer to not terminate her for multiple absences because she could potentially claim that her FMLA rights were denied. To prevent a legal problem, the counselor recommended that the employer provide the employee with FMLA paperwork and allow the required 15 days for medical certification to be submitted instead. The A&R teammate also told the client to review the frequent absences after the employee's status is determined. If the missed days were related to a serious health condition, however, the employer cannot issue disciplinary action for the employee's attendance record.

Example 2: FLSA Compliance

Information found in the Fair Labor Standards Act (FLSA) can be tricky to follow. Team members are trained to recognize and understand regulations related to government acts. For example, CAI's trained HR professionals can help your company determine whether an employee holds an exempt or non-exempt status. A client recently called in to talk about concerns regarding this issue. The client understood the



difference between both classifications, but she was preparing a presentation for her management team that viewed all of its employees as exempt from receiving overtime. She was concerned because employee misclassifications can cause costly penalties from a wage and hour complaint or audit. Her CAI counselor listened to her dilemma and directed her to articles in CAI's newsletter that would help her management team understand the classification distinctions. The A&R team member also sent her helpful videos and legal alerts that illustrated serious consequences from a misclassification. The teammate asked the client which method of communication worked best for presenting information to her managers. With the guidance provided by CAI's team, the client was able to present correct classification information to the management team. She informed her counselor that the presentation was well received and that she provided each management team member with the FLSA Exemptions Test Guide that CAI provided for her. The client's managers now have a better understanding of the exempt and non-exempt distinctions, and they see the classification differences.

Example 3: Performance Management

A&R receives questions relating to people management daily, as it is the second most discussed client issue. Review this past client call that exhibits how the team handles matters involving employee relations: An executive in an organization wanted to terminate an employee. No documentation or employee review demonstrated any problems in the employee's job performance. The company's HR manager was involved in the situation, and she was uncomfortable with the potential firing. An A&R Team member discussed the circumstances with her. The manager explained that she felt the executive was making an emotional decision and he would not listen to her opinion. The team member analyzed the facts and informed the manager of the repercussions this termination could bring, including a lawsuit. A&R offered to participate in a conference call with the manager and the executive to discuss the potential fallout, but the client thought it would be best to receive guidance first and conduct a conference call only if the executive was still adamant on his decision. So, the A&R teammate gave the manager verbiage and explanations to redirect the process of firing to finding a way the two employees could work better together.

Example 4: Termination

Letting employees go is difficult for most HR professionals. CAI's counselors provide expert evaluations to help the process run smoothly and professionally. A member of the A&R team received a client call regarding a termination. The client described the employee who had been with the organization for more



than 20 years but was currently unable to fulfill her job duties. The client explained that the employee's supervisor had counseled her on numerous occasions about her inability to meet expectations. To further cement the point, all counseling sessions were well documented, clearly defining the consequences for not meeting desired goals. Although she was dreading announcing the decision, A&R spent time walking the client through the termination process and encouraging her to be as non-emotional as possible. The team helped her explain to the employee that they were not unhappy with her as an individual, but that the company's direction and her job had changed. As advised by A&R, the client complimented the employee on her past accomplishments with the organization. A&R then followed up with the client to see how things were going after the termination. She revealed that the event went better than expected because the employee saw it coming and A&R prepared her for the process.

Example 5: Handbook Reviewing

Handbooks are essential resources for staff members of all organizations. However, the books that contain company policies often lack important details, including updated legal changes or language referring to new tools, such as social media. A&R provides handbook reviewing services. The team will thoroughly examine your company's handbook to ensure department policies do not infringe on employees' Section 7 rights under the National Labor Relations Act (NLRA). Team members will also make sure your policies are compliant and up-to-date with state and federal legal changes.





Our Differentiator

“Whenever we are in doubt of an HR-related issue, the first thing out of our mouth is ‘call CAI.’ Their Advice and Resolution Team provides us with immediate assistance when we call.”

- Cindy Waite, President and CEO of Accentuate Staffing

CAI’s Advice and Resolution Team wants to know your business, its culture and its needs in order to prescribe successful remedies. A&R provides immediate, one-on-one answers to difficult client questions, and the team never puts limits on the duration or frequency of phone calls.

The counselors strive to help employers understand that the best HR practices are not always dependent on the legality of the matter, but what will drive the best outcome for their employees and organization. The team makes every effort to understand the business and mission of each member to help them with their day-to-day people and compliance concerns. A&R does its due diligence in informing and educating employers on North Carolina and federal regulatory issues. They also address the effects their decisions might have on building and maintaining a foundation of positive employer-employee relationships.

CAI’s Advice and Resolution Team provides a resource that allows you to feel completely comfortable in asking perplexing questions related to your organization. Let A&R serve as an extended arm to your HR department to help you stay afloat and swim through HR’s fast-moving currents.

