

Employment Investigations & Compliance

Stinson's Employment Group guides employers through workplace investigations and compliance issues that threaten to impede business operations. With high profile cases drawing increased national attention and headlines across industries and generations, companies throughout the U.S. are challenged to balance legal risk, business needs and relationships with their employees.

Our team of more than 50 employment lawyers helps employers develop forward-thinking employment policies, manage sensitive workplace investigations, handle emergency personnel situations, investigate claims of impropriety or unethical behavior, and represent our clients in government investigations. We have the experience, discretion and judgment needed to thoroughly investigate allegations while ensuring that all participants feel respected and heard during the investigative process.

We train employers in discrimination and harassment prevention, including initiatives to promote a positive work environment, appropriately handle employee health issues, ensure FMLA compliance and comply with affirmative action obligations and immigration eligibility. Our counsel includes personnel practices counseling and compliance review. We analyze and prepare handbooks, policies and practices regarding recruiting, hiring, promotion, performance evaluation, discipline and termination, and conduct wage and hour and I-9 compliance review and develop strategies for compliance.

In tandem with our robust Government Contracts practice, we work with government contractors to ensure Office of Federal Contract Compliance Programs (OFCCP) compliance with the intricate laws and regulatory requirements for nondiscrimination, particularly in the hyper-sensitive areas of hiring and compensation discrimination. Our attorneys strategically partner with clients to understand their business and the challenges they face, developing affirmative action plans (AAP) and representing clients in OFCCP audits and litigation.

Bottom line, we help employers enhance their commitment to ethical values and create a culture that not only reduces legal risk, but also fosters employee engagement to build a better workplace.

EXPERIENCE

We have experience investigating threats to employers stemming from internal complaints and government investigations, including claims concerning wage and hour, discrimination, harassment, health and safety and allegations involving whistleblowing, retaliation, fraud and misconduct and other

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issues governed by:

- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Employee Retirement Income Security Act (ERISA)
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Service Contract Act (SCA)
- State anti-discrimination and whistleblower protection laws

We represent clients before the following agencies as well as state and local equivalent agencies:

- Equal Employment Opportunity Commission (EEOC)
- Office of Federal Contract Compliance Programs (OFCCP)
- Department of Labor (DOL)
- National Labor Relations Board (NLRB)
- Occupational Safety and Health Administration (OSHA)

EMPLOYMENT INVESTIGATIONS AND COMPLIANCE

We have significant experience representing employers in the arena of employment investigations and compliance, with particular emphasis on workplace harassment investigations. Our experience includes the following:

- Routinely leading investigations into sensitive claims of workplace discrimination, harassment (both sexual harassment and harassment based on other protected class statutes), or violation of internal company codes. We conduct these for a variety of industries, including utilities, health care, manufacturing, professional associations and other private entities.
- Preparing detailed yet user-friendly Reports of Investigation regarding findings and recommendations.
- Serving as an outside counsel to review progress reports and conduct investigations of workplace discrimination and harassment complaints for an electrical contractor under a consent decree entered in settlement of a race discrimination lawsuit filed in federal district court.
- Providing training to first line field supervisors for a power delivery company on how to recognize, address and avoid discriminatory workplace harassment and hostile work environment situations on work sites pursuant to settlement of a race discrimination lawsuit filed in federal district court.

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- Providing training on how to recognize and address workplace harassment situations and avoid retaliation claims to line supervisors of a federal government agency.

WORKPLACE CONDUCT & COMPLIANCE

We have significant experience working with employers on workplace conduct and compliance investigations, with particular emphasis on workplace harassment investigations. Our experience includes the following:

- Routinely leading and conducting investigations into sensitive claims of workplace discrimination, harassment (both sexual harassment and harassment based on other protected class statutes, or violation of internal company codes in a variety of industries.
- Preparing detailed yet user-friendly Reports of Investigation regarding findings and recommendations.
- Providing training on how to recognize and address workplace harassment situations and avoid retaliation claims to line supervisors of a federal government agency.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

We have experience successfully representing clients throughout the United States and working with various district offices of the OFCCP including offices in Atlanta, Baltimore/Washington, Chicago, Houston, Kansas City, Minneapolis, Omaha, Philadelphia, Phoenix, San Diego, Seattle and St. Louis.

CAPABILITIES

- Preparing AAPs – including the development of policies, processes, and forms to achieve compliance.
- Defending contractors in OFCCP audits, negotiating resolutions to alleged violations, and representing contractors in litigation with OFCCP.
- Providing key leadership, HR and manager training regarding affirmative action goals, compliance requirements, and common target issues in OFCCP audits.
- Preparing adverse impact analysis of hiring, promotions and terminations to evaluate audit risks.
- Analyzing and preparing recommendations regarding compensation compliance and collaborating with statistical experts to prepare for, and defend against, OFCCP claims.

EXPERIENCE

- After enduring frustration with the services of an AAP consultant, we were retained by a nationwide consulting engineering firm with over 140 locations and 4,000 employees to take over a pending OFCCP audit and successfully defended and closed the audit with no adverse findings.

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- We have a long-standing relationship representing a major beef processing company and have successfully defended them in three OFCCP audits, including successfully negotiating a conciliation agreement resulting with no obligation to pay back pay or make job offers.
- We successfully defended the largest provider of health care services throughout Wichita and central Kansas, in two OFCCP audits with no findings of liability or the payment of back pay. We currently prepare AAPs for over 60 locations covering 7,000 employees.
- We prepare AAPs covering all locations of the world's largest power sports and commercial and military vehicles manufacturing company in OFCCP and state-related audits. They have locations across the country and more than 5,500 employees.

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RELATED CAPABILITIES

Labor, Employment & Benefits

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Employee Benefits Litigation

Employment Litigation

Government Contracts & Investigations

Immigration

Labor Relations

NEWS

Konopka, Thomas Provide Guidance for Navigating Complaints from Trans Employees, Fostering Inclusive Workplaces in *Law360*

05.06.2024

Sharon Ng Selected as Recipient of *Jurimetrics* Distinguished Alumni Award

04.15.2024

Stephanie Scheck Shares Career Journey, Offers Guidance and Insight in Women's History Month Q&A with *The Legal Intelligencer*

03.11.2024

Sargeant Discusses Workplace Investigations on Employment Law Podcast

01.26.2024

Wichita Business Journal Highlights Scheck's Elevation to Office Managing Partner

01.25.2024

Stinson Names Scheck as Wichita Office Managing Partner

01.19.2024

Naima Starks' Next Chapter with Stinson Highlighted by *Law360*

09.27.2023

Sports Law and Employment Investigations Attorney Joins Stinson in DC

09.20.2023

Bernadette Sargeant Evaluates Need for Outside Counsel in Workplace Investigations in *HR Daily Advisor*

08.17.2023

Pat Konopka Makes Debut on Employment Law POWER List

07.12.2023

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Labor Relations, Employment Litigation Attorney Nicole Faulkner Returns to Stinson

06.28.2023

Konopka Talks Noncompete Ban, Employer Preparation in *Kansas City Business Journal* Article

06.02.2023

Partner Amy Conway Selected as *Minnesota Lawyer* D&I Award Honoree

08.24.2022

Ten Stinson Attorneys Named 2022 Lawyers of the Year by *Best Lawyers in America*

08.19.2021

Sharon Ng Recognized in Lawyer of the Year Category for *Chambers* D&I Awards

06.21.2021

EVENTS

New Challenges for HR in 2024- Wichita

Mark Arts, 02.08.2024

New Challenges for HR in 2024- St. Louis

Stinson LLP, 02.06.2024

New Challenges for HR in 2024- Kansas City

Overland Park Convention Center, 01.30.2024

New Challenges for HR in 2023 – Kansas City

Kansas City, 01.26.2023

New Challenges for HR in 2022

02.03.2022

PUBLICATIONS

New Form I-9 Compliance Updates

07.31.2023

Supreme Court Clarifies Standard for Religious Accommodations

06.29.2023

Pay Transparency is Trending

10.24.2022

EEOC Releases New “Know Your Rights” Poster

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10.21.2022

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