



Step-by-step,
best practice
guidance
written by
attorneys for
attorneys

Employment Law SmartTask Library

SmartTask—Written by attorneys for attorneys, these step-by-step practical legal guides help associates quickly get up to speed on how to approach critical employment law assignments in an easy-to-follow and start-to-finish outline form. Gain immediate access to practice-based expert insights on these highly specific areas of the law.

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- **Defending a DOL or ICE Worker Visa Audit** - Sean G. Hanagan, Principal, Jackson Lewis P.C.
- **Disciplining Employees for Social Media Use** - Desiree F. Moore, Partner and Erinn L. Rigney, Associate, K&L Gates LLP
- **Drafting an Employment Dispute Settlement Agreement and Release** - Leann M. Walsh, Associate and Kristi A. Nickodem, Associate, K&L Gates, LLP
- **Drafting Covenants Not to Compete** - Wolters Kluwer Editorial Staff
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Ensure Attorneys are Practice Ready

- Standardize Legal Practices
- Delegate more work, faster with these “virtual mentors”
- Real-world guidance on key issues, considerations, and steps

SmartTasks – A Smarter, Practical Solution Built to Fit the Attorney Workflow

Defending a DOL or ICE Worker Visa Audit

Guides users through the steps to take when defending the different types of visa audits. By Sean G. Hanagan, Principal, Jackson Lewis P.C.

This SmartTask discusses the issues likely to emerge and best practices in maintaining supporting documentation. It also explains what to do in the event of an I-9 form audit from either the DOL or an office of the Department of Homeland Security, Immigration and Customs Enforcement (ICE). Each type of visa audit is discussed separately. It begins with the steps necessary for defending a DOL PERM visa audit. Next, it walks the user through the steps for defending a DOL H-1B visa audit, followed by the steps to take when defending a DOL H-2A or H-2B visa audit. Finally, it provides steps for defending an I-9 form DOL or ICE audit.

Disciplining Employees for Social Media Use

Assists in-house and outside counsel in determining whether an employee may be disciplined or terminated for objectionable content posted to a social media site. By Desiree F. Moore, Partner and Erinn L. Rigney, Associate, K&L Gates LLP

From Facebook to Twitter to LinkedIn to Blogger, social media platforms are widely used by employees, both within and outside the workplace. From time to time, the nature of the content posted on social media platforms can be harmful or destructive for the individuals or businesses to which the content relates. This tool walks employers through the considerations they should take before imposing discipline when employees post objectionable or offensive content online.

Drafting an Employment Dispute Settlement Agreement and Release

Assists users in the preparation of an employment dispute settlement agreement and release. By Leann M. Walsh, Associate and Kristi A. Nickodem, Associate, K&L Gates, LLP

Best practices and a host of sample clauses provided throughout this SmartTask ensure protection from unnecessary litigation and compliance with federal and state laws and regulations.

Drafting Covenants Not to Compete

Guides users in the implementation of a sound covenant not to compete. By Wolters Kluwer Editorial Staff

Under U.S. common law, an employer cannot prevent a former employee from competing with it unless he or she is bound by a covenant not to compete. Historically, covenants not to compete have been disfavored, but over the years the law has evolved and courts have upheld valid covenants in the employment context. To be valid, the covenant must be reasonably limited in scope (time and place), designed to protect a legitimate interest of the employer, and supported by valid consideration. With these requirements in mind, this SmartTask guides you in drafting and implementing a sound covenant not to compete.

Navigating the Foreign Worker Visa Application Process

Assists users in evaluating criteria when a U.S. company seeks to have a foreign employee or a foreign new hire work in the U.S. By Sean G. Hanagan, Principal, Jackson Lewis P.C.

This SmartTask guides users in analyzing the best route or course of action that a U.S. company can use to legally and most efficiently employ a foreign national on site at its U.S. location(s). It may also be used when a foreign national has particular qualifications, skills or wealth and seeks to immigrate to the U.S.

Preparing for an OFCCP Desk Audit

Guides users in the preparation of an initial response to an Office of Federal Contract Compliance Programs desk audit request letter. By Jamie A. LaPlante, Esq., Of Counsel, Bailey Cavalieri, LLC

Learn the information and documents required for the initial response and the format of each document, understand the types of issues likely to emerge during an audit, and handle follow-up requests and inquiries from OFCCP during the audit.

Responding to an EEOC Charge

Provide employers with a fundamental understanding of how best to respond to a charge of discrimination. By Jill S. Vorobiev, Partner, Reed Smith LLP

How should an employer respond when it receives notice from the Equal Employment Opportunity Commission that one of its employees is claiming discrimination under Title VII? Knowing the answer to this question could make the difference between having a quick, hassle-free investigation versus having a drawn-out, problematic one.

Responding to a Sexual Harassment Complaint

Guides users through the steps required for a legally sound and compliant investigation. By Stephanie L. Adler-Paindiris, Jackson Lewis P.C.

One of the biggest mistakes employers can make is to ignore or improperly respond to a complaint of sexual harassment. While it is unlikely that an organization may intentionally ignore harassment, an employee may be embarrassed over, or frightened about, inappropriate behavior and, therefore, not report what has occurred. Meanwhile HR professionals, concerned about employee privacy rights, are cautious about making additional inquiries. Therefore, it is crucial in this “#MeToo” era that employers create an atmosphere where employees feel comfortable raising issues concerning sexually harassing behavior. This SmartTask will walk users through the process of properly responding to a sexual harassment complaint in the workplace.

Responding to a Whistleblower Complaint

Provides respondents with a fundamental understanding of how best to respond to a whistleblower complaint. By Jill S. Vorobiev, Partner, Reed Smith LLP

If a company becomes aware of the possibility of wrongdoing, either from a corporate auditor or another source, then it must carefully decide on the next step. A preliminary investigation into the allegations may indicate whether the matter is one that should be handled as a violation of an internal rule or whether there are serious risks related to criminal prosecution. The lawyer conducting the investigation must do so with care, acting with discretion and interviewing employees with tact. This SmartTask guides users step-by-step through the entire process.

Structuring an Independent Contractor Relationship

Help users structure an independent contractor relationship and avoid IRS challenges to worker classification challenges. By Wolters Kluwer Editorial Staff

Employers using independent contractors should be aware of the issues and complications involved. It is estimated that the U.S. government has lost many billions of dollars in unreported income taxes and payroll taxes due to employers classifying workers as “independent contractors” when they are really employees. By reclassifying these workers, the IRS can collect these lost taxes from employers who presumably have deeper pockets than individual workers and are also much easier to locate. Unfortunately for some employers, reclassification can be devastating, even resulting in bankruptcy. This SmartTask walks users through the process of structuring a sound independent contractor relationship and avoid audit problems.

Terminating an Employee During FMLA Leave

Assists in preparing to make determinations to end the employment of an individual who is on leave, or preparing to go on leave under the Family and Medical Leave Act at the time of the proposed separation. By Maria Greco Danaher, Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

This SmartTask helps users understand and address key questions in this tricky area of employment law, such as: Can termination occur during FMLA leave? ... Can an employee be fired for abusing the terms of an FMLA leave? ... Can an employee avoid firing by asking for FMLA leave ... and Can “key employees” be denied job restoration? This tool will help support the basis for an FMLA leave related termination with clear and objective documentation.

Contact your Wolters Kluwer Account Manager for a demonstration at **1-800-955-5217** or visit **WoltersKluwerLR.com/EmploymentLawSmartTask** to learn more.