
THE KRIZNER GROUP

AN EMPLOYMENT LAW BOUTIQUE

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Up And Down And All Around: An Employment Law Update As We Again Consider The Employee Life Cycle

How do you get the right person for the job?

- a. Begin with the creation of a candidate profile
- b. Ask the commissioners who you should hire
- c. Always look to hire internally rather than externally
- d. Recruit qualified but already employed candidates from elsewhere
- e. a. and b. are both correct

The pending Department of Labor proposal would:

- a. Increase the required annual salary threshold for exemptions to \$55,068
- b. Increase the highly compensated employee threshold to \$143,988
- c. Impact many of the FACT members and how they pay overtime
- d. Implement automatic updates to salary thresholds every three years through wage data considerations
- e. All of the above

When conducting interviews, a supervisor should:

- a. Start at the top of the application or resume and ask only questions about job and educational experiences
- b. Offer a score for each candidate that is interviewed
- c. Ask at least two situational and two behavioral questions in every interview
- d. Provide narrative-styled summaries of the perceived strengths and weaknesses for each candidate in critical areas
- e. b. and d. are both correct

The new Pregnant Workers Fairness Act:

- a. Guarantees an employee's right to receive reasonable accommodations for pregnancy, childbirth, or related medical conditions
- b. Denies the employer the ability to claim an undue hardship for pregnancy related needs
- c. Requires that the pregnancy or post-pregnancy condition to be associated with a disability to enjoy the new protections
- d. Requires an employee to take leave when pregnant or facing a pregnancy-related condition that the employer believes is impacting her work
- e. Both a. and d. are correct

To deny a candidate based upon a criminal background screen, the Organization must:

- a. Consider the length of time that has passed since the criminal activity
- b. Consider the severity of the criminal activity
- c. Not consider any criminal activity that is more than 7 years old
- d. Consider how the criminal activity could impact the available job
- e. Create an internal document called a *Green* memorandum
- f. a., b., d., and e. are correct

When an employee has a medical-related condition that requires her or him to be out of work, which of the following laws need to be considered?

- a. The Family Medical Leave Act
- b. The Americans with Disabilities Act
- c. The workers compensation laws in the State of Florida
- d. Consistency laws
- e. All of the above

What is the “real world” approach that the Department of Labor takes when determining whether a salaried employee can be considered exempt under the following classifications:

- Executive: _____
- Professional: _____
- Administrative: _____

The *biggest* problem with employee performance evaluations is:

- a. They rely too heavily upon scores
- b. They are not honest because the supervisor fears working with that employee for the next 364 days
- c. Employees don't care about them
- d. They don't really impact an employee's performance

Employees impacted with COVID enjoy which of the following protections today

- a. A guarantee of 5 job-protected days away from the workplace
- b. The ability to work from home until they have recovered from the illness
- c. Notice from their employer when another employee who has worked near them has been diagnosed with COVID
- d. There are generally no more legal protections for individuals with COVID and employers may now consider it similarly to flu or other temporary contagious illness

When determining whether an individual can be treated as an independent contractor, the following factors must be considered:

- a. The extent of control, which by agreement, the employer may exercise over the details of the work
- b. Whether the individual is engaged in a distinct occupation or business and offers such service to other entities
- c. The skill required in the particular position
- d. Whether or not the work is part of the regular business of the employer
- e. All of the above

Recent “CROWN” acts involve which of the following:

- a. Limitations on the type of ornamental headdresses that employees are permitted to wear at work
- b. Laws that prevent elected officials from declaring themselves to be monarchy
- c. Laws that protect against discrimination on hair texture and hairstyles
- d. Acts that prohibit employees from drinking certain brands of blended Canadian whisky

A last chance agreement is:

- a. A great tool that should be used regularly
- b. A document in which the supervisor captures historic verbal performance interventions that have taken place
- c. A makeup tool that should be utilized when a leader has failed to properly document performance failings throughout an employee’s tenure
- d. a. and c. are both correct
- e. a., b., and c. are all correct

Artificial intelligence may impact the workplace in which of the following ways?

- a. It will replace many of the jobs within our counties and constitutional in the near future
- b. It may create liability associated with screening practices
- c. Employees may begin using it unethically to shorten their respective workloads
- d. b. and c. are correct

What should an employer do if they learn that one of its employees is currently a victim of domestic or sexual violence?

Every separated employee's personnel file must have which of the following documents associated with it:

- a. A letter of resignation
- b. A letter to the employee verifying that the employee abandoned the position
- c. An involuntary separation memorandum
- d. A shared reorganization memorandum
- e. One of the documents noted in a., b., c., or d.

Which of the following help to mitigate against the ongoing issue of "quiet quitting?"

- a. Exit interviews
- b. Employee surveys
- c. Quarterly check-ins
- d. Intentional training and social gatherings
- e. All of the above

Which of the following words can create the potential for liability under the ADA?

- a. Stupid, idiot, "a little slow," or crazy
- b. Handicapped
- c. Depressed
- d. Poor performer, always late, insubordinate
- e. a., b., and c. are all correct

Why is precedent the single most consideration before announcing a termination decision?

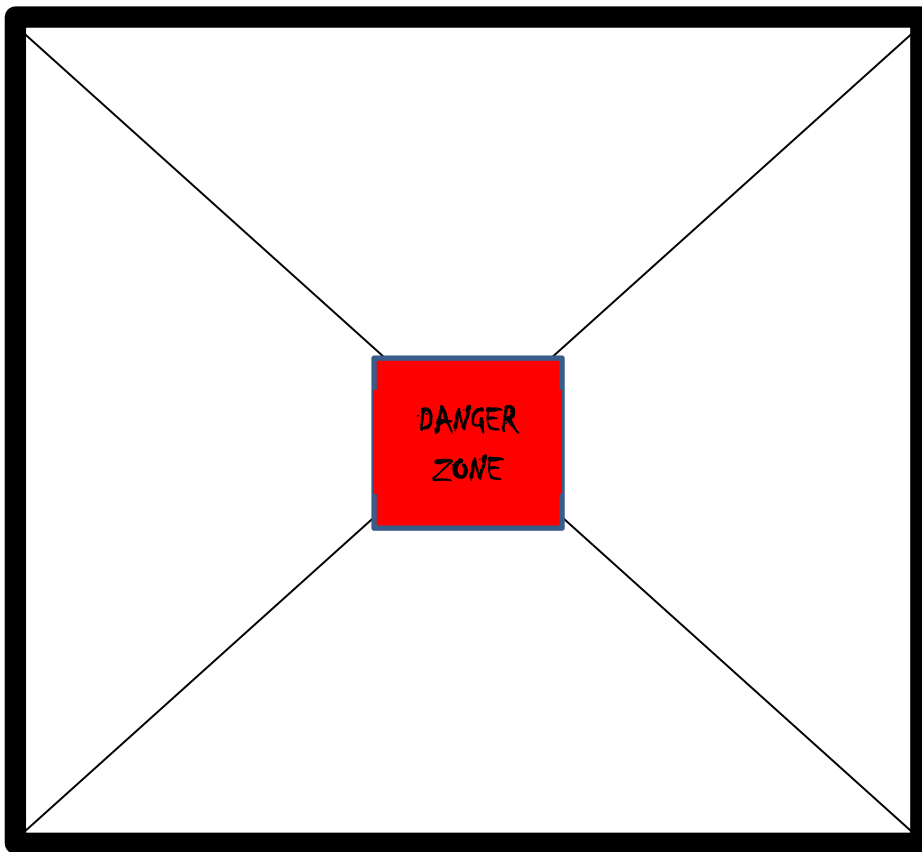
THE BERMUDA SQUARE

FAMILY & MEDICAL LEAVE ACT

Has the employee worked twelve total months, worked 1,250 hours in the past twelve months, and now experienced a qualifying event related to the arrival of a new child in the family, the employee or an immediate family member's serious health condition, the care of a family member injured while on active duty, or to tend to a qualifying exigency related to an immediate family service member?

WORKERS COMPENSATION

Has another employee in the same or similar position ever been provided with a greater amount of leave than that which is currently being requested?



DISPARITY LAWS

What is the greatest amount of leave time that I have provided to another employee in the same or similar position that was not on a worker's compensation related absence?

AMERICANS WITH DISABILITIES ACT

Can the person with the disability perform the essential functions of the position with or without reasonable accommodation?