

The Institute for Law Enforcement Administration

**Reset The Clock:
Replace Liability With Credibility
Comprehensive and Practical
Employee Relations in Law Enforcement**

MICHAEL J. MIRARCHI

**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW
5201 DEMOCRACY DRIVE
PLANO, TEXAS 75024**

972-244-3438

**www.resetclock.com
mike@resetclock.com**

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BIOGRAPHY

Michael J. Mirarchi

Faculty

Institute for Law Enforcement
Administration

Michael J. Mirarchi is recognized as a leading expert in employment-related lawsuit prevention. As an Employee Relations Counselor, he is dedicated to helping employers stay litigation-free.

He made his legal mark by successfully defending Frito-Lay, Inc. from employment-related legal challenges. During the five years that he headed that effort, the giant snack maker won every employment-related case that went to trial. Over twenty years ago, his passion and professional focus changed to doing something more significant: Helping employers and their entire management team minimize if not prevent the filing of lawsuits in the first place.

Drawing from his experience as an employer defense attorney and as a Human Resources vice president, he developed this program, which is presented on-site for employers worldwide. He has delivered the program to police departments and law enforcement associations across the U.S.

Through the program, leaders in law enforcement acquire significantly increased practical knowledge and a higher level of confidence in addressing employee relations issues than they have ever had before.

Mr. Mirarchi believes that the vast majority of leaders in law enforcement want to exercise their abilities with fairness, integrity and professionalism. He also believes that most sworn and non-sworn employees want to perform their duties properly and diligently. Nevertheless, if you lead people long enough, there are plenty of opportunities to run into potential liability situations. In these situations, leaders who know what to do and how to do it have a tremendous advantage over those who don't, in avoiding lawsuits.

He has over thirty years experience in Employment and Labor Law, Human Resources and Senior Corporate Management. Mr. Mirarchi has a B.S. in Business Administration and a Law Degree from Seton Hall University.

EMPLOYEE RELATIONS

IMPACT OF LITIGATION	<p>Employee relations issues cause more litigation than any other type of issue facing an employer today. Regardless of the final outcome, there is always a wide array of negative impacts:</p> <p>Employer Liability: Awards between \$1 million and \$10 million are not uncommon.</p> <p>Personal Liability: An employer cannot reimburse a manager held personally liable.</p> <p>Litigation Expenses: Attorney's fees, expert witness fees and court costs are incurred.</p> <p>Internal Costs: Lost work time of the managers, lower morale, higher turnover and decreased production are experienced.</p> <p>Bad Publicity: Your reputation in the community is at risk. Applicants and citizen groups take notice.</p>
OBJECTIVES	<p>This program provides specific, practical advice on how to:</p> <ul style="list-style-type: none">• Minimize the risks of day-to-day management.• Foster a harmonious working environment.• Protect your departmental and personal assets.
STRATEGIES	<p>Achieving these objectives requires that you:</p> <ul style="list-style-type: none">• Prevent legal problems rather than resolve them.• Not only “do it right,” but be perceived as right.• Make the employment-related laws work for you.
TACTICS	<p>Underlying the recommended tactics are these beliefs:</p> <ul style="list-style-type: none">• Most managers want to treat their employees appropriately and most employees want to do their best.• There are plenty of opportunities to run into potential liability situations.• Managers who know what to do and how, have a significant advantage over those who don't, in avoiding lawsuits.

CHAPTER ONE: BALANCING EMPLOYEE AND EMPLOYER RIGHTS

STRATEGY	<p>Neither employer rights nor employee rights are absolute.</p> <ul style="list-style-type: none">• Demonstrate effectiveness in employee relations by balancing these two sets of rights appropriately.
Employer Rights	<p>The first step towards effective employee relations is for you to become well grounded in the exercise of these rights. Covered here:</p> <ul style="list-style-type: none">• Customary management functions.• Delegation of authority.• Implementing changes in terms of employment.• Fundamental duties owed to employer.• Key concepts of effective employee relations.
Employee Rights	<p>Employees have the right to pursue work of their choice and advance in their careers, without consideration of irrelevant factors. Protections are found in:</p> <ul style="list-style-type: none">• Federal, state and local law.• Other rights are recognized by judges or based on community values. <p>Tactics that will enable you to show good judgement when:</p> <ul style="list-style-type: none">• Responding to concerns about job security.• Reacting to serious misconduct.• Addressing insubordination.
Employee Complaints	<p>Complaint handling tactics that can resolve issues internally and eliminate an employee's perceived need for outside intervention.</p> <ul style="list-style-type: none">• Proper initial and final response.• Selecting voluntary remedial acts.• Avoiding claims for retaliation.• Social media complaints.

CHAPTER TWO: MAINTAINING A HARMONIOUS WORKING ENVIRONMENT

STRATEGY	Actively enforce and comply with all policies designed to maintain a harmonious working environment.
Harmonious Working Environment	Critical to maintaining harmonious working environment are that employees: <ul style="list-style-type: none">• Have high self-esteem.• Are treated with respect.• Work in a safe, non-violent setting.
Requirements	Achieving this requires that you take appropriate steps to establish: <ul style="list-style-type: none">• Good on-the-job relationships.• Clear understanding of policy.• Shared expectations of behavior.
Active Enforcement	Once it has been brought to your attention, you are responsible for taking appropriate action and dealing effectively with: <ul style="list-style-type: none">• Discriminatory Comments.• Sexual Harassment.• Threats and Acts of Violence.

CHAPTER THREE: SELECTION, INTERVIEWING AND HIRING

STRATEGY	<p>Demonstrate good interviewing skills so that we:</p> <ul style="list-style-type: none">• Hire the right person the first time.<ul style="list-style-type: none">— Conducting effective interviews is critical to hiring and promoting individuals who can actually succeed.• Minimize legal challenges to hiring practices and decisions.<ul style="list-style-type: none">— Using fair and professional interviewing tactics is crucial.
Selection Criteria	<p>Identifying and documenting what it takes to succeed on the job:</p> <ul style="list-style-type: none">• Preparing and updating well-defined job descriptions.• How and when to use objective and subjective selection criteria.• Using personal characteristics to evaluate candidates.
Recruitment and Interviewing	<p>Preparing for and conducting effective employment interviews:</p> <ul style="list-style-type: none">• Opening and closing interviews.• Avoiding topics that are illegal to ask about in an interview.• How to ask primary and probing interview questions.• Documenting conclusions with examples of specific behavior.• Responding to volunteered personal information and sensitive questions from candidates.
Reference Checking and Hiring	<p>Navigating the final stages of the recruitment process:</p> <ul style="list-style-type: none">• Preemployment screening tactics.• Conducting effective reference checks.• Changing an open position after recruitment has been initiated.• Making appropriate final candidate selections.• Responding to questions from non-selected candidates.• How and when to extend job offers.

CHAPTER FOUR: COACHING AND COUNSELING

STRATEGY	<p>Treat employees fairly and professionally when addressing attendance, performance and conduct problems.</p> <ul style="list-style-type: none">• Employee relations skills that include talking appropriately with your employees, making effective requests and providing effective feedback are vital.
Performance Management	<p>Reinforcing good performance and securing improvements in performance requires skill in:</p> <ul style="list-style-type: none">• Setting and resetting performance expectations.• On-the-spot counseling.• Addressing erratic performance.• Drafting and presenting performance appraisals.
Corrective Action	<p>Changing behavior through teaching includes demonstrating skill in:</p> <ul style="list-style-type: none">• Addressing personality and attitude problems.• Responding to generalized disparaging comments.• Addressing previously unaddressed behavior.• Conducting corrective action meetings.• Preparing corrective action documentation.
Discharge	<p>When any employee does not respond to performance management and corrective action: Discharge with dignity.</p> <p>These tactics will enable you to display professional skill when:</p> <ul style="list-style-type: none">• Deciding what and when discharge is warranted.• Accepting resignations in sensitive situations.• Conducting discharge meetings.• Responding to reference checks.• Communicating internally about former employees.

CHAPTER FIVE: HIGH RISK SITUATIONS

STRATEGY	<p>Good judgement will serve you well in handling most employee relations matters. However, there are special situations where legal requirements dictate very specific handling.</p> <p>Meet all legal requirements and comply with policy when handling these special situations.</p> <ul style="list-style-type: none">• In any of these situations, HR must be contacted as soon as possible to avoid significant employer and personal liability.
Reasonable Accommodation Requests	<p>The tactics that you'll need to respond appropriately to:</p> <ul style="list-style-type: none">• Requests for accommodations for religious practices.• Requests for accommodations for disabilities.• Coworkers' inquiries regarding accommodations that they observe.
Drug and Alcohol Abuse	<p>The tactics that will enable you to fairly:</p> <ul style="list-style-type: none">• Discuss conduct or performance problems with an employee with a potential alcohol or drug problem.• Confront an employee in an obvious impairment situation.• Make corrective action and/or termination decisions for substance abuse without violating the disability laws.• Reintegrate an employee after substance abuse rehabilitation.
AIDS and HIV Infection	<p>How to effectively:</p> <ul style="list-style-type: none">• Handle an employee's disclosure of HIV-infection.• Prevent HIV-related workplace disruptions.

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SOLUTIONS FINDER

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