



Red Flags to Watch for in How Your Managers Treat Employees – Employment Management Strategies*

prepared for

PA Chamber of Business and Industry

March 24, 2022

Marc J. Scheiner, Esq.



***This Outline should not be construed as legal advice or as pertaining to specific, factual situations.**

©2022 Duane Morris LLP. All Rights Reserved. Duane Morris is a registered service mark of Duane Morris LLP.
Duane Morris – Firm Offices | New York | London | Singapore | Philadelphia | Chicago | Washington, D.C. | San Francisco | Silicon Valley | San Diego | Los Angeles | Boston | Houston | Dallas | Austin | Hanoi
Ho Chi Minh City | Shanghai | Atlanta | Baltimore | Wilmington | Miami | Boca Raton | Pittsburgh | Newark | Las Vegas | Cherry Hill | Lake Tahoe | Myanmar | Duane Morris – Affiliate Offices | Mexico City | Sri Lanka
Duane Morris LLP – A Delaware limited liability partnership

www.duanemorris.com

Why Should We Worry? (or, Why We Should Worry)

Why Should We Worry? (or, Why We Should Worry)

➤ Managing Our Managers

- Managers are often, for most employees, the face and voice of our organizations
- How they manage has enormous impact on many HR and Employment issues – productivity, morale, job performance, retention, recruitment, DEI initiatives, teamwork, etc.
- And, of course, potential legal risks!
- Managers do not need to be HR experts, but they need to have familiarity with essential Employment Law issues

Why Should We Worry? (or, Why We Should Worry)

➤ Legal Risks and Concerns, for example:

- EEO issues – discrimination, harassment, retaliation
- Leaves and reasonable accommodations – FMLA, ADA, state laws
- Wage and hour – time-keeping, attendance, breaks, overtime
- Confidentiality – company information, employee information

➤ HR & Employee Relations Concerns, for example:

- Employee engagement – performance, retention, recruitment, DEI
- Productivity – training, mentoring, resources, problem-solving
- Workplace Culture – teamwork, collaboration, morale

Ten Top Mistakes Managers Make **(and some thoughts on handling them)**

10. Not Actually Managing

- Employee job expectations
 - Setting them
 - Managing them
- Providing feedback
 - Day-to-day coaching
 - Performance appraisals
- Corrective Counseling / Discipline
 - Knowing your policy and philosophy
 - Learning how to implement

9. Over-Managing (or really, Poor Managing)

- This can take numerous forms, including:
 - Holding employees to unreasonable standards
 - Micro-managing
 - Forgetting the bigger-picture
- Often due to inexperience and/or lack of trust
- Managing former peers
- Finding ways to learn interpersonal skills

8. Oversharing Their Personal Lives

- Whole host of potential issues, including:
 - Inappropriateness
 - EEO Concerns
 - Discomfort
 - Confidentiality
- How to better engage with employees:
 - Social interactions
 - Team gatherings
 - Regular checking-in

7. Not Understanding Key HR issues (a/k/a Ignoring Issues that are “not serious”)

- We don't need managers to be HR experts. But they need to know some basics, such as:
 - EEO issues and reporting complaints
 - Recognizing requests for leaves and accommodations
 - Understanding value of performance management
 - Appreciating “like me” bias and ways to mitigate
- Supporting our Managers how we want them to support their teams (provide feedback, training, mentoring, etc.)

6. Attempting to Avoid Perceived EEO Risks Through Avoidance

- Potential disparate treatment claims:
 - Example: Not meeting 1-on-1 with female employees
 - Example: Avoiding feedback to employee perceived to be “more likely” to file a claim
- Unconscious (“like me”) bias considerations
- Consider evaluating managers on commitment to DEI initiatives and/or team collaboration

5. Not Fostering Healthy Team Dynamics

➤ Bad-Mouthing

- Employee to employee's co-worker
- Manager to manager's subordinate

➤ Naysaying

- Constant negativity
- Putting down employee suggestions

➤ Impact on Workplace Culture

- Diversity, Equity & Inclusion (DEI) considerations
- Professionalism

4. Not Maintaining Confidentiality

- Internal organizational issues meant for management only
 - Business concerns
 - Strategic issues
 - Employee impacts
- Sharing of employee personal / personnel information
 - Accommodation reasons
 - Medical information
 - Personal and/or family issues
 - Gossiping

3. Not Seeing Themselves as Problem-Solvers

➤ Building of Trust

- Mentoring
- Providing Resources
- Working to Find Solutions
- Follow Through
- Flexibility, where possible

➤ Problem with the “Open Door Policy”

2. Not Listening

- Ignoring needs of their team
 - Not knowing what their team needs
 - Not being open to feedback
 - Failing to understand and improve upon areas for growth
 - Resistance to change and continued learning
 - Just not getting it
-
- The need for ACTIVE LISTENING

1. Not Asking Questions

- Provide ways for soliciting input from managers
 - What is needed?
 - What is not understood?
 - Where to support?
 - How to engage better?
- Manager skills sessions
- Encourage questions
- Create a culture of learning and engagement

Biggest Mistake We Make in (not) Managing our Managers....

THE IMPORTANCE OF MANAGER TRAINING

- Human Resources / Employment Law Essentials
 - Equal Employment Opportunity
 - Hiring & Interviewing Issues
 - Performance Management
 - Leaves & Accommodations
- Interpersonal Skills
- Management Skills
- Refreshers are helpful too!

DuaneMorris

Thank you!

Marc J. Scheiner, Esq.
Special Counsel, Duane Morris
mscheiner@duanemorris.com
(215) 979-1877

©2017 Duane Morris LLP. All Rights Reserved. Duane Morris is a registered service mark of Duane Morris LLP. Duane Morris – Firm Offices | New York | London | Singapore | Philadelphia | Chicago | Washington, D.C. | San Francisco | Silicon Valley | San Diego | Shanghai | Taiwan | Boston | Houston | Los Angeles | Hanoi | Ho Chi Minh City | Atlanta | Baltimore | Wilmington | Miami | Boca Raton | Pittsburgh | Newark | Las Vegas | Cherry Hill | Lake Tahoe | Myanmar | Oman | Duane Morris – Affiliate Offices | Mexico City | Sri Lanka | Duane Morris LLP – A Delaware limited liability partnership

www.duanemorris.com