

## TIP-FILLED WRITTEN MATERIALS INCLUDE:

- ▶ Checklist of Pre-Investigation Considerations
- ▶ Comparative Examples of Ineffective and Effective Disciplinary Memos
- ▶ Sample Talking Points for Termination Meetings
- ▶ Departing Employee Checklist
- ▶ Sample, Annotated Separation Agreements and Releases
- ▶ And More!

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DATED MATERIAL – PLEASE EXPEDITE!



# EMPLOYEE DISCIPLINE & DISCHARGE

Practical “How-To’s” for Investigating,  
Documenting & Making Decisions to  
Address Employee Performance and  
Behavior Problems

**Monday, October 28, 2019**  
**Minneapolis**

*In-person replay details inside!*



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**HELPFUL  
SEMINAR WITH  
TIP-FILLED  
MATERIALS!**

# EMPLOYEE DISCIPLINE & DISCHARGE

Practical “How-To’s” for Investigating,  
Documenting & Making Decisions to Address  
Employee Performance and Behavior Problems

## WHO SHOULD ATTEND:

### 1) **Employment Law Advisors, In-House or in Private Practice**

Difficult situations need to be addressed with fairness and clarity. Attend this seminar to equip yourself with legal analysis, strategies and practice tips to mitigate risk.

### 2) **Human Resources Professionals**

Get practical advice for effective, legally compliant practices in investigating, documenting and decision-making to address employee performance and behavior problems.

### 3) **Employment Litigators – Both Plaintiff- and Defense-Side**

Get seasoned insight into what best practices look like in discipline and discharge matters – which you can take away to help you make more accurate case evaluations, conduct better internal and external discovery, and formulate more convincing arguments to opposing counsel, courts, juries, and agencies.

## How Employers Should –

- ▶ Get the Facts in Workplace Investigations
- ▶ Document to Improve Performance and Prepare for Litigation
- ▶ Deal with Implicit Bias in Disciplinary Decision-Making
- ▶ Prepare for and Run the Termination Meeting
- ▶ Strategically Use Separation Agreements and Releases
- ▶ And More!

**Monday, October 28, 2019**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370, Minneapolis  
*In-person replay details inside.*

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# THE SCHEDULE

8:30 – 8:55 a.m. CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m. WELCOME & INTRODUCTION

9:00 – 9:30 a.m.

## Legal Liability and Other Considerations – Understanding Context for Discipline and Discharge Decision-Making

This session sets the stage for those that follow by identifying the potential legal liabilities and other considerations that employers must keep in mind while weighing discipline and discharge decisions.

– Liane M. Wong, Course Chair; Tennant Company; Minneapolis

9:30 – 10:00 a.m.

## Eliminating Implicit Bias from Investigations and Disciplinary Decision-Making

It goes without saying that intentional bias based on protected class status must not play a role in how an investigation is conducted or disciplinary decisions are made. But what can be done to remove or mitigate the effects of implicit bias? And what are the legal consequences of unintended bias that affect investigations and decision-making?

– Mary M. O'Brien; Ballard Spahr LLP; Minneapolis

10:00-10:45 a.m.

## Getting the Facts – Workplace Investigation from Start to Finish

Includes checklist of pre-investigation considerations!

Workplace investigations may be necessary for many reasons – in response to alleged performance issues, or because there's a complaint of discrimination or harassment, or because a supervisor witnessed behavior that they believe violates a workplace rule ... and the list goes on. This session gives a practical overview of workplace investigations, with special emphasis on pre-investigation considerations. Topics will include such critical issues as: how and when to start an investigation, who should conduct the investigation, who should be interviewed and in what order, what questions should be asked, and how to document the investigation's findings.

– Leonard B. Segal; Seiler Schindel Segal; Minneapolis

10:45 – 11:00 a.m. QUESTIONS & ANSWERS

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.

## 4 Rules of Discipline Documentation

Includes comparative examples of ineffective and effective disciplinary memos!

A legal "how-to" guide for documenting and communicating employee performance and behavior problems. This fast-paced session is filled with examples of good and bad documentation, plus instruction on how to successfully document to improve performance and prepare for litigation.

– Robert C. Boisvert, Jr.; Fredrikson & Byron, P.A.; Minneapolis

12:15 – 12:30 p.m. QUESTIONS & ANSWERS

12:30 – 1:30 p.m. LUNCH (on your own)

1:30 – 2:30 p.m.

## Strategic Use of Separation Agreements and Releases

Includes sample annotated contract provisions!

When and how to use separation agreements to reduce legal risk. How to draft them properly and avoid legal pitfalls.

– Mary L. Knoblauch; Maslon LLP; Minneapolis  
– Melissa Muro LaMere; Maslon LLP; Minneapolis

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.

## The Termination Meeting – A Step-by-Step Guide

Includes helpful checklists!

You know you must terminate; the question is how to do so without inviting lawsuits. This session covers:

- Planning and executing the termination meeting – including talking points that deter problems and increase comfort and respect, and potential questions and how to answer them;
- Practical tips on what and how to collect employer property;
- And more.

– Sheila A. Engelmeier; Engelmeier & Umanah PA; Minneapolis

3:45 – 4:15 p.m.

## In Conclusion: Avoiding 10 Discipline and Discharge Mistakes Employers Make – A Plaintiffs' Attorney Perspective

An experienced plaintiffs'-side employment lawyer wraps up the day sharing 10 important lessons for employers as they handle discipline and discharge matters in the workplace.

– Kaarin Nelson Schaffer; Baillon Thome Jozwiak & Wanta LLP; Minneapolis

4:15 – 4:30 p.m. QUESTIONS & ANSWERS

## CAN'T ATTEND OCTOBER 28<sup>TH</sup>?

### Join us for a replay!

## COURSE INFORMATION

### LIVE PRESENTATION

**Minneapolis – 10/28/19**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center

### IN-PERSON REPLAYS

Schedule times for replays may differ from the live presentation due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the materials on the day of the seminar.

**Minneapolis – 11/12/19**  
**Minneapolis – 11/26/19**  
(Check-In 8:30; Replay 9:00)  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center

**Mankato – 1/10/20**  
(Check-In 8:15; Replay 8:30)  
Farrish Johnson Law Office  
1907 Excel Drive

**Moorhead – 1/9/20**  
(Check-In 9:00; Replay 9:15)  
Moorhead Public Library  
118 Fifth Street South

**St. Cloud – 12/17/19**  
(Check-In 8:15; Replay 8:30)  
Rinke Noonan Law Firm  
1015 West St. Germain Street

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### ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account. Passholders may purchase the materials for 50% of the full retail price.

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Or, visit us online at [www.minncle.org](http://www.minncle.org).

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# EMPLOYEE DISCIPLINE & DISCHARGE

Monday, October 28, 2019  
Minnesota CLE Conference Center, Minneapolis

### PLEASE "✓" APPROPRIATE BOX BELOW:

#### LIVE – 10/28/19:

\$245 MSBA member  \$245 paralegal  \$295 standard

#### IN-PERSON REPLAY:

\$225 MSBA member  \$225 paralegal  \$275 standard

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_

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I have been admitted to the bar for fewer than 3 years and am deducting 50% from the fee marked above.

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