

## 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
- ▶ Legal QuickSheet™: Discipline and Discharge Process Checklist
- ▶ Legal QuickSheet™: A Step-by-Step Guide for Conducting the Termination Process
- ▶ And More!

## 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.

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DATED MATERIAL – PLEASE EXPEDITE!



# EMPLOYEE DISCIPLINE & DISCHARGE

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

Friday, January 28, 2022  
LIVE ONLINE ONLY



MINNESOTA CONTINUING  
LEGAL EDUCATION  
Your Success Is Our Goal

HELPFUL  
SEMINAR WITH  
TIP-FILLED  
MATERIALS!

# EMPLOYEE DISCIPLINE & DISCHARGE

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

## How Employers Should –

- ▶ Address 2022’s Hot-Button Discipline and Discharge Issues
- ▶ Get the Facts in Workplace Investigations
- ▶ Document to Improve Performance and Prepare for Litigation
- ▶ Deal with Implicit Bias in Disciplinary Decision-Making and Investigations
- ▶ Prepare for and Run the Termination Meeting
- ▶ Use Separation Agreements and Releases
- ▶ And More!

ONLINE ONLY  
Friday, January 28, 2022

In-Person Passholders –  
You may use your Pass to register for the online seminar at no charge.

# THE SCHEDULE

8:15 – 8:55 a.m. JOIN ONLINE

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

9:00 – 9:30 a.m.

## Implementing a Discipline and Discharge Process

This session sets the stage for this seminar and introduces a process in which discipline and discharge decisions can be made and implemented. This includes identifying potential risks and other considerations employers must keep in mind while weighing discipline and discharge decisions.

– *Liane M. Wong, Course Chair; Liane Wong Consulting LLC; Minneapolis*

9:30 – 9:35 a.m. BREAK

9:35 – 10:35 a.m.

## Elimination of Bias – Ways to Address Bias in Investigations and Disciplinary Decision-Making

*1.0 elimination of bias credit applied for*

The goal of any investigation or disciplinary decision should be an impartial, neutral, factually correct, fair decision. Bias undermines these objectives and creates unnecessary risk for your organization. This session gives you guidance for eliminating bias from your employee investigations and disciplinary decision-making and creating policies and procedures that promote equity.

– *Lucas J. Kaster; Nichols Kaster, PLLP; Minneapolis*

– *Toni D. Newborn, Director of Human Resources/Chief Equity Officer; Office of Human Resources, City of Saint Paul; Saint Paul*

– *Abdul M. Omari, PhD, Principal/Founder; AMO Enterprise; Minneapolis*

10:35 – 10:45 a.m. BREAK

10:45 – 11:45 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;
- Whether interviews should be in-person or conducted remotely;
- What questions should be asked; and
- How to document the investigation’s findings.

– *Leonard B. Segal; SchindelSegal, PLLC; Minneapolis*

11:45 a.m. – 12:30 p.m. LUNCH BREAK

12:30 – 1:30 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*

1:30 – 1:35 p.m. BREAK

1:35 – 2:35 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. Learn how to plan and execute the termination meeting including –

- Talking points that deter problems and increase comfort and respect;
- Potential questions and how to answer them;
- Practical tips on what and how to collect employer property;
- What to do differently when you must carry out the termination meeting remotely;
- And more.

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

2:35 – 2:45 p.m. BREAK

2:45 – 3:30 p.m.

## Separation Agreements and Releases – 7 Mistakes Employers Make

7 important lessons for employers as they consider, offer, negotiate, and implement separation agreements and releases in discharges that may be related to potential or actualized disciplinary matters.

– *Laura Farley; Nichols Kaster, PLLP; Minneapolis*

– *Mary Thomas; Best Buy; Richfield*

3:30 – 3:35 p.m. BREAK

3:35 – 4:35 p.m.

## Navigating 2022’s Hot-Button Discipline and Discharge Decision-Making – Plaintiff and Defense Perspectives

To cap the day, join us for a session that applies principles you’ve learned throughout the seminar to ripped-from-the-headline issues including –

- Refusals to follow employer-mandated safety protocols, including vaccination – or complaints that an employer’s protocols are insufficient to ensure safety;
- Refusals to return to work after having worked remotely during the pandemic; and
- At-work or off-work political speech or activity.

– *Michael J. Moberg; Jackson Lewis P.C.; Minneapolis*

– *Kaarin Nelson Schaffer; Conard Nelson Schaffer, PLLC; Minneapolis*

– *Liane M. Wong, Course Chair (moderator)*

**FREE  
BONUS  
RESOURCES  
FOR ALL  
ATTENDEES!**

In addition to the course materials, all attendees will receive electronic access to Minnesota CLE’s:

- **Legal QuickSheet™: Discipline and Discharge Process Checklist**
- **Legal QuickSheet™: A Step-by-Step Guide for Conducting the Termination Process**

## COURSE INFORMATION

### ONLINE PROGRAM

**Friday, January 28, 2022**

**View online at [www.minncle.org](http://www.minncle.org)**

Registration for online program must be made online at [www.minncle.org](http://www.minncle.org)

### IN-PERSON PASSHOLDERS

You may use your Pass to register for the online program at no charge.

### COURSE MATERIALS

All course materials will be provided electronically.

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 CLE credits, including 1.0 elimination of bias credit**. The maximum number of total credits attendees may claim is 6.25 credits.

Minnesota CLE also is applying to the Minnesota State Bar Association for **6.25 labor and employment law specialist credits**.

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### SCHOLARSHIPS AVAILABLE

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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 800-759-8840 or [customerservice@minncle.org](mailto:customerservice@minncle.org).

### CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a 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.

### QUESTIONS?

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Register today at [www.minncle.org](http://www.minncle.org)

# EMPLOYEE DISCIPLINE & DISCHARGE

FRIDAY, JANUARY 28, 2022  
ATTEND ONLINE

ONLINE SEMINAR:  
FRIDAY, JANUARY 28, 2022

Registration must be made online at [www.minncle.org](http://www.minncle.org)

### TUITION:

\$245 MSBA member

\$245 paralegal

\$295 standard rate

Passholders attend at no charge.

### In-Person Passholders –

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Or for more membership advantages call 1-800-882-6722.

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### CAN'T ATTEND? GET THE COURSE MATERIALS!

You can get the materials for \$95 (plus tax and handling) by calling Minnesota CLE at 800-759-8840. Available in hardcopy. Orders will be filled after the seminar. Legal QuickSheets sold separately.