Fact Patterns
Port Administration and Legal Issues Seminar
April 15-17, 2009 Baltimore, MD

Plenary Session:
Human Resources/Employment
Thursday, April 16
10:45 a.m. - Noon
Speakers:

Michael Conley, Esq.
Anderson Kill & Olick, P.C.
(267) 216-2707
mconley@andersonkill.com

Cheryl Taylor, PPM®
Deputy Port Director,
Finance & Administration
Port of Stockton
(209) 946-0246
cplayler@stocktonport.com
A. Layoff / Disability Scenario

Facts:
During senior team meeting last month, we determined that we needed to lay off seven (7) employees because the economic downturn has hit our bottom line hard.
A. Layoff / Disability Scenario

Facts (cont’d):

Using objective criteria, we selected four (4) employees in our accounting division and three (3) in our real estate division for layoff.
A. Layoff / Disability Scenario

Facts (cont’d):

One of the affected employees recently returned to work following the birth of her child then suffered post-partum depression and is now back out on leave. Her healthcare provider estimates she will not be able to return to work for another six (6) months.
A. Layoff / Disability Scenario

Facts (cont’d):

Other employees have told us that this employee does not plan to return to work at all and would prefer to stay home with her new baby or perhaps work for us part-time.
A. Layoff / Disability Scenario

Questions:

1. What action would you take and what factors would you use to justify that action?

2. What Federal laws does the employer need to be mindful of?

3. What are some examples of State laws that may come into play?
A. Layoff / Disability Scenario

Questions:

4. Once the employee is released to return to work, what right does she have to reinstatement in her former position?

5. What recourse might the employee have?
A. Layoff / Disability Scenario

Additional Considerations

1. Morale
2. “Survivor Guilt”
3. Hidden Cost Issues
4. Out of Pocket Costs
A. Layoff / Disability Scenario

Hidden Cost Issues:

- Productivity
- Gossip
- Copy cat behavior
- Errors in work done by others to cover the work done by those laid off
- Training costs for back fill employees
A. Layoff / Disability Scenario

Out of pocket costs:

• Consultants
• Assistance from temporary agency
• Overtime
• Attorney fees
• Insurance coverage – may be available for attorney fees
  – Employee Practices Liability policy
  – Directors and Officers Liability and Company Reimbursement policy
B. Handguns in the Workplace

Facts:
We have a situation in which two employees have reportedly brought handguns to their workplace. Neither has mentioned or displayed them and they are otherwise model employees.
B. Handguns in the Workplace

Facts (cont’d):
They may or may not have concealed weapons permits. Also, one is a union member and the other isn’t. All this is based on second-hand information.
B. Handguns in the Workplace

Questions:
1. What can or should the port do?
2. What do we need to look at in the collective bargaining agreement with the represented employee?
3. How do you respond to threats against employees?
B. Handguns in the Workplace

Insurance Issues

1) What type of insurance may apply?
   - CGL
   - EPLI
   - Specialized Coverage

2) Pursuing Coverage
Human Resources / Employment

• Questions & Answers (?)
Thank You

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