



*Making Family Leave Easier on  
Companies and Employees*

## **November Webinar**



# Manager Training

# Disclaimer

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## Shestin Swartley

JD, PHR  
General Council and  
HR Consultant

Connery Consulting



Shestin is a an experienced legal professional specializing in HR law, compliance, risk management and talent acquisition. She provides guidance to start-up, growth and stable organizations looking to assess organizational needs and implement more efficient programs.

From clerk to consultant, Shestin has spent the past 10 years successfully navigating a wide range of industry while simultaneously serving her community as a pro-bono lawyer AND raising a family. Her wide range of experience provides a unique opportunity for a multi-lens assessment approach to a realistic and market relevant solution.

LeaveLogic commends Shestin's commitment to helping innovative employers provide family friendly environments for their employees.

# How costly can a lawsuit be to an organization?

- Need to consider complexities
  - Federal vs State
  - Federal capped and lower than state level
    - Title VII, ADA, FMLA, EEOC
    - Low 100,000's, capped at 300,000 depending on employer
  - State no cap on damages
    - Ex: California Family Rights Act
    - No cap on punitive damages
  - Onerous for employers – have to prove adequate training provided
- Notable Cases upwards of 185 million
- Average verdict or settlement is 350,000 for individual plaintiff
  - UC Hastings Law Office Study

# How frequent are parental leave-related lawsuits?

UC Hastings Law Study:

- 300% increase in pregnancy accommodations and paternity leave cases in the past 10 years
- 800% increase in lactation accommodation cases



# Is the company or manager liable?

- Depends on the state and the law
- ADA or Title VII – companies not managers
- FMLA and state law – managers MAY be considered

# Tips and Recommendations

- Employers/managers do not have medical or legal authority to decide how and when an employee should work.
  - Leave it to the employee and their doctor.
- Education, Education, Education!
  - Include leave education and training for all new managers.
  - Include leave education in leadership training and ongoing manager education
  - Educate your employees as well through opt-in quarterly training sessions for employees going on leave (managers can attend, too)
  - Have a good employee resource for questions about the leave process.
- Leave is complex. Don't guess or navigate on your own. Seek help from experts or a trusted resource in the field.





## Maddy Arvold

Director of Customer Success



Maddy is an industrial and organizational psychology practitioner whose graduate work focused on educating managers about the critical importance of supporting employees through parental leave and return to work.

With a background in HR and Technology, she's committed to tackling the challenges and advocating for the benefits of building a diverse workforce. Her work with LeaveLogic helps companies create a culture that supports employees at work and at home, thereby creating a motivated and innovative workforce that can meet the challenges of the 21st century.

Maddy is LeaveLogic's internal expert on manager training.

# Retaining Employees After a Leave Event

- Family Friendly Policies
- Supportive Managers
- Career and Job Flexibility
- Leadership and Growth Opportunity

# Family Friendly Policies

- Policies must be in place and must be known
- Family friendly policies must exist
- Timely and relevant content
  - Deliver content when it's relevant (infrequent)
  - Include education on policies and benefits
  - Bite-size, digestible content



# Supportive Managers

- Leading through the front – frontline managers make up 60% of company managers and manage 80% of company employees. Empower managers, but don't short-circuit the chain of command (Hassan, 2011).
- Gender bias
- Flexible work stigma
- Performance review biases such as

# Career and Job Flexibility

- Protean/Kaleidoscope careers (retention)
- Workplace and work time flexibility (job crafting)

# Growth and Learning Opportunity

- If 90% of a leader's development happens outside the classroom, then training isn't the point, but a catalyst to development (McCauley et al., 2013, p. 371-374):
  - Formal training
  - Transfer of training
  - Action learning
  - Mentoring and communities of practice
  - Special assignments and job rotations
  - Job assignments



# Retaining Employees After a Leave Event

- Family Friendly Policies
- Supportive Managers
- Career and Job Flexibility
- Leadership and Growth Opportunity

# Family Friendly Policies

- Family friendly policies must exist
- Family friendly policies must be known
- Educate your employees
  - Deliver content when it's relevant
  - Include education on policies and benefits

# Supportive Managers

Train your managers on employee leave

- Make sure content is Timely
  - Deliver content when it's relevant (infrequent)
  - Bite-size, digestible content
- Make sure content is Relevant
  - Include education on policies and benefits
  - Educate on personal bias
    - Gender bias
    - Flexible work stigma
    - Biases that manifest during performance review



# Career and Job Flexibility

- Protean/Kaleidoscope careers (retention)
- Workplace and work time flexibility (job crafting)

# Growth and Learning Opportunity

- 90% of a leader's development happens outside of formal training
- Transfer of training
- Action learning
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# Resources

UC Hastings College of the Law Study:

<http://worklifelaw.org/pubs/FRDupdate2016.pdf>

California Family Rights Act

[http://www.dfeh.ca.gov/Publications\\_CFRADefined.htm](http://www.dfeh.ca.gov/Publications_CFRADefined.htm)