



**JSAHR**  
Jersey Shore  
Association for  
Human Resources



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# **RESET THE CLOCK:**

## **Replace Liability With Credibility**

Practical Employee Relations  
For HR Professionals

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**MIRARCHI**  
MANAGEMENT GROUP

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RESET THE CLOCK



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Replace Liability with Credibility

Practical Employee Relations for HR Professionals

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**Reset The Clock:** A process that prevents a plaintiff attorney from taking something leaders did wrong or did not do and using it to attack future employee relations decisions that they make. Past events cannot be used to support future legal claims. In effect, both employer and personal liability clocks are reset.

**Synopsis:** A continuing challenge facing HR in partnering with other functions is staying litigation-free. Compliance training programs are necessary, but only a partial solution.

As a result of losing more lawsuits than they won after the EEO laws came into effect, employers adopted compliance training programs. They began to win more lawsuits than they lost. But they still had plenty of lawsuits because the focus of compliance is on “what not to do.”

This program focuses on “what to do.” It provides a leadership framework that concentrates on what matters: Attendance - Performance - Conduct.

**Objectives:** In this two-day highly interactive and entertaining program specifically designed for HR professionals, an extensive array of employee relations scenarios is covered. Situation-specific advice is provided:

- How to educate your leadership team in effective employee relations practices that minimize employer and personal liability.
- Scripted responses to use in sensitive employee relations situations.
- How to avoid senior managers saying to HR “You should have anticipated this” after an avoidable legal claim.

HR Pros gain skill and increased confidence in handling employee relations situations that, while difficult and uncomfortable, must be addressed carefully to prevent legal problems.

**Results:** Outside attorney intervention and court review of business decisions are minimized. Bad publicity and public embarrassment are avoided. Liability is replaced with credibility. Employer and personal assets are protected.



## BIOGRAPHY

**Michael J. Mirarchi**

**President**



**Michael J. Mirarchi** is recognized as a leading expert in employment-related lawsuit prevention. As an Employee Relations Counselor, he is dedicated to helping employers stay litigation-free.

Drawing from over 30 years of experience in employment and labor law, as an employer defense attorney and as a Human Resources Vice President, he developed a unique litigation-avoidance program. Through it, participants acquire significantly increased practical knowledge and a higher level of confidence in addressing employee relations issues than they have ever had before. He has presented his “Reset the Clock” program over 1,000 times to more than 25,000 leaders at employer facilities across North America.

Mr. Mirarchi believes that the vast majority of leaders want to exercise their abilities with fairness, integrity and professionalism. Nevertheless, if you lead people long enough, there are plenty of opportunities to run into potential liability situations. In these situations, leaders who know what to do and how to do it have a tremendous advantage over those who don’t, in avoiding lawsuits.

He has presented the HR Professional version of this program for SHRM Chapters across the country, annually for Dallas HR.

In 2013, Mike was recognized as the first inductee into the HRSouthwest Conference Speaker Hall of Fame. Over the last 25 years, he has consistently been one of the highest-rated speakers, excelling in content, professionalism and delivery.

In conjunction with various employer, industry and professional associations, he has conducted live TV broadcasts, webinars and on-line employee relations programs, in addition to presenting at their regional and national conferences.

Mr. Mirarchi has a B.S. in Business Administration and a Law Degree from Seton Hall University.

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**SOLUTIONS FINDER**

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Changes in terms of employment, procedure for implementing .....	1:1.2
Concerns about job security, responding to .....	1:2.3
Corrective action documentation, how to prepare .....	4:2.7
Corrective action meetings, how to conduct .....	4:2.6
Deal breakers, unwanted information and sensitive questions, responding to .....	3:2.12
Disabilities, addressing performance problems .....	5:1.6
Disabilities, responding to a request for an accommodation .....	5:1.3
Discharge meetings, how to conduct .....	4:3.4
Disclosure of a potentially contagious infection, responding to .....	5:3.1
Discriminatory comments, disassociating yourself from .....	2:1.2
Disparaging comments, how to address .....	4:2.3
Employee complaints, proper response to .....	1:3.1
Erratic performance, how to address .....	4:1.3
Insubordination, how to address .....	1:2.8
Mental condition misconduct, how to address .....	4:2.5
Non-specific complaints, responding to .....	1:3.3
On-the-spot performance counseling .....	4:1.2
Open discrimination charges, responding to request to discuss .....	1:3.2
Personal hygiene problems, how to address .....	4:2.10
Personality and attitude problems, how to address .....	4:2.2
Position-specific interview questions .....	3:2.1
Potential sexual harassment situations, proper response to .....	2:2.3
Previously unaddressed behavior, how to address .....	4:2.4
Questions from non-selected candidates, responding to .....	3:3.3
Reference checks, responding to .....	4:3.7
Resignations, how to accept .....	4:3.3
Serious misconduct, initial response to .....	1:2.6
Sexual harassment complaints, proper initial response to .....	2:2.8
Substance abuse, confrontation in obvious impairment situations .....	5:2.5
Substance abuse, constructive confrontation of .....	5:2.4
Violence, responding to threats .....	2:3.3

## EMPLOYEE RELATIONS

<b>IMPACT OF LITIGATION</b>	<p>Employee relations issues cause more litigation than any other type of issue facing an employer today. Regardless of the final outcome, there is always a wide array of negative impacts:</p> <p><b>Litigation Expenses:</b> Attorney's fees, expert witness fees and court costs are incurred.</p> <p><b>Internal Costs:</b> Lost work time of leaders, lower morale, higher turnover and decreased production are experienced.</p> <p><b>Bad Publicity:</b> Your reputation in the community and with investors is at risk. Applicants and customers take notice.</p> <p><b>Employer Liability:</b> Awards between \$1 million and \$10 million are not uncommon.</p> <p><b>Personal Liability:</b> An employer cannot reimburse a leader held personally liable.</p>
<b>OBJECTIVES</b>	<p>This program provides <b>specific, practical advice</b> on how to:</p> <ul style="list-style-type: none"><li>• Minimize the risks of leadership.</li><li>• Foster a harmonious working environment.</li><li>• Protect your employer and personal assets.</li></ul>
<b>STRATEGIES</b>	<p>Achieving these objectives requires that you:</p> <ul style="list-style-type: none"><li>• Prevent legal problems rather than resolve them.</li><li>• Not only “do it right,” but be perceived as right.</li><li>• Make the employment-related laws work for you.</li></ul>
<b>TACTICS</b>	<p>Underlying the <b>recommended tactics</b> are these beliefs:</p> <ul style="list-style-type: none"><li>• Most leaders want to treat their employees appropriately and most employees want to do their best.</li><li>• There are plenty of opportunities to run into potential liability situations.</li><li>• Leaders who know what to do and how, have a significant advantage over those who don't, in avoiding lawsuits.</li></ul>