

Danger, Will Robinson! Danger! Some of you may know that there are a ton of new federal laws going into effect. Americans with Disabilities Act has been amended. COBRA -the law impacting insurance coverage once someone leaves a job- has new provisions.

I spent the better part of the last two weeks attending seminars to get up to date-me and a whole bunch of Human Resource folks. We were the lucky ones. I have heard through the grapevine that employers are no long paying for HR to attend these seminars in an effort to manage costs. The consequence is that the key people within the organization don't know what is going on or the best practices to implement the changes.

Here is the really scary part...

Employees rely on other employees or a trusted adviser such as a parent, spouse or union shop steward to learn about "the way things work." unfortunately, the advise they get is often outright wrong or misapplied.

The reality is that employees-at all levels-get a little bit of information then "fill in the gaps" with a "common sense approach." This spells danger for both the employer and the employee. First, the law does not care about common sense. The law cares about how a particular provision can be universally applied. Thus, the laws are written to apply to large corporations as well as smaller organizations. So one employee's definition of "the common sense thing to do" is rarely what the law requires.

The scarier reality is that most employment discrimination claims- in my experience- arise from mid-level managers not knowing or understanding the intersection of the law and company policy. Most employees will not go to Human Resources with questions about ADA or FMLA leave. They will go to their lead or direct supervisor. If the employee misinterprets or the the lead/supervisor misinforms, what the respective obligations are under the law-there will be trouble.

Trouble = more filings with the Equal Employment Opportunity Commission or State Human Rights Agencies.

So what to do? Have a campaign to make everyone smart on the rights and responsibilities of both sides of the employment relationship. If you are an employee-you should know what you are entitled to AND where that entitlement stops.

If you are an Employer-Tell the employees what you expect of them and what you will and will not do.

Here is a link to a Seattle Law Firm that talks generally about the New ADA.