



HR AS THE BUSINESS'S FIRST LINE OF LEGAL PROTECTION: HOW HR PROTECTS THE COMPANY'S BUSINESS INTERESTS EVERY DAY

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Overview

- Learn the essential policies and procedures every organization needs: From appropriate use of AI to confidential information and company property policies
- Understand how to use HR processes to protect the workforce and information: Effective discipline system, rock-solid documentation, confidentiality controls, Bring-Your-Own-Device policies, and enforceable restrictive covenants
- Walk away with practical HR-ready tools: Reduce exposure, strengthen effective company culture, and safeguard your business data, people, and competitive advantage

WHAT YOU TOLD ME IS CAUSING YOU HEADACHES

1. **Inconsistent manager documentation** — "I talked to them about it" is not a record
2. **AI in the workplace** — your people are using it; the question is whether you have guardrails
3. **Leave law confusion** — FMLA, ADA, ESTA, workers' comp, and the managers freelancing through all of it
4. **Messy terminations** — surprise endings with empty files
5. **Hostile work environments** — five complaints in seven months is a process problem
6. **Exit disasters** — data, contacts, and relationships walking out the door

HOW LAWYERS SEE YOUR WORK LATER

- **We don't see intentions**—we see documents
- **We don't hear conversations**—we read emails and notes
- **We don't fix facts**—we work with the record you created
- **Good HR systems shrink disputes; bad ones expand them**

This is about controlling the record

ACT 1: ESSENTIAL BUSINESS PROTECTIONS

- Focus on protecting revenue, customers, data, and business operations
- These are the risk surfaces where value is lost or preserved



ANTI-DISCRIMINATION & HARASSMENT: PROTECTING REPUTATION AND TALENT

- Inconsistent treatment becomes the company's story
- Retaliation risk often eclipses the original complaint
- Clean intake and investigation paths protect credibility
- Michigan reality: comparators and consistency drive outcomes
- Upstream intervention and documented response are your best defenses

HOSTILE WORK ENVIRONMENTS: UPSTREAM INTERVENTION

- The legal standard requires conduct that is severe or pervasive — but by then, you've lost the cultural battle
- Train managers to recognize and address toxic behavior early — before it becomes a pattern
- Document every step of intervention — a consistent record of response is your best defense
- Business impact: retention, morale, and brand protection

ACCEPTABLE USE OF AI: SPEED WITH GUARDRAILS*

- AI increases speed and scale—but also amplifies mistakes
- Risk areas: hiring, reviews, discipline drafts, investigations
- AI assists; humans decide; outputs are drafts

*“How to Appease our AI Overlords”
presentation available*



THE MAGICAL AI PERFORMANCE REVIEW

- AI-generated praise conflicts with later termination
- The record looks clean—but is wrong
- The dispute becomes about the company's own document
- Lesson: guardrails and human review protect narrative control



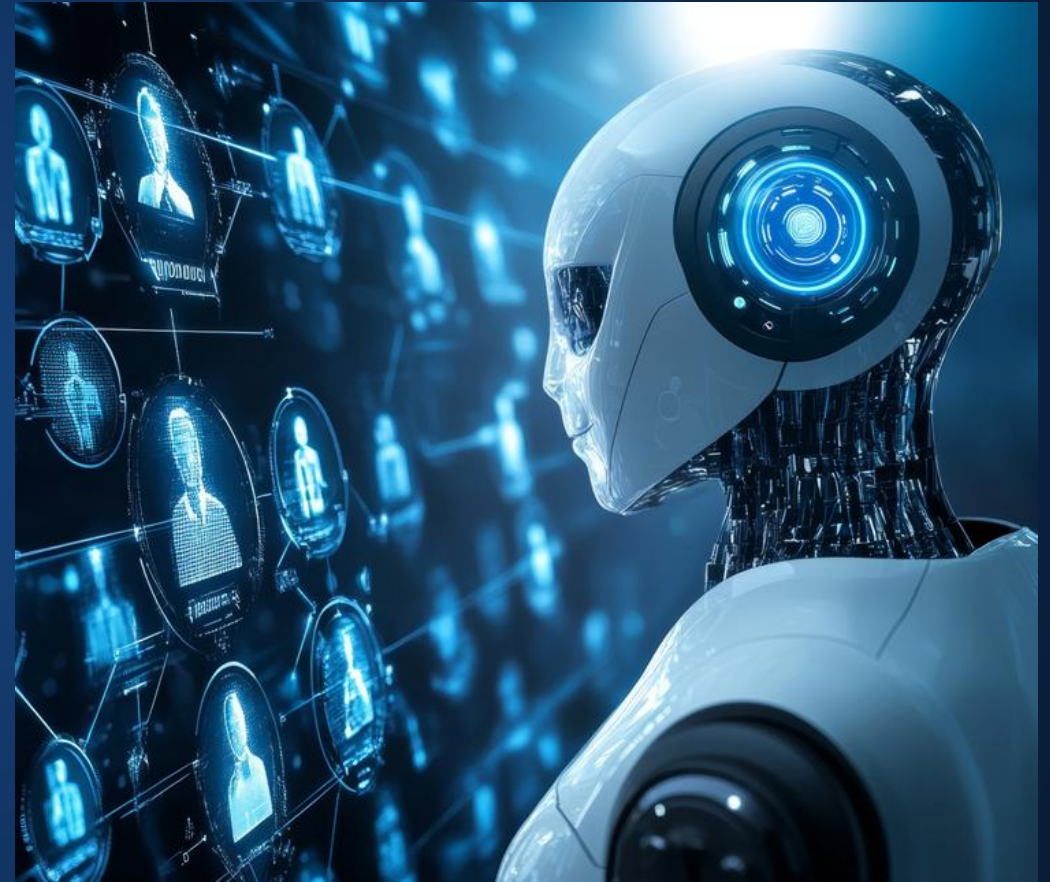
AI POLICY: THREE APPROACHES

- Strict Prohibition:
No AI use
- Free Use:
No restrictions
- Guardrail Model:
Use with boundaries



DEFINING USE CASES

- Allowed: Brainstorming, outlines, content drafts, Internal documentation, Background information and context
- Prohibited: Legal advice, HR decisions, Sensitive data
- Maybe: letters or forms



AI AND SENSITIVE INFORMATION: A BIG NO-NO!

- No employee data, names, or financials
- Only use company-approved tools
- Assume public models learn from your input



HUMAN IN THE LOOP

- Review all AI outputs before use
- No direct client/public use without approval
- Set up review checkpoints



CONFIDENTIAL INFORMATION & TRADE SECRETS: PROTECTING THE CROWN JEWELS

- Most valuable assets walk out the door every night
- Courts look at behavior, not labels, to decide what is 'secret'
- Access limits, training, and exits create the protection story
- Business impact: customer relationships, know-how, and leverage



LEAVE, WAGE & HOUR: PROTECTING OPERATIONS AND FINANCING

- Overlapping rules create decision risk under pressure
- Manager-level mistakes drive most exposure
- Class and collective actions affect financing and profits
- Michigan overlay: ESTA plus federal regimes
- Business impact: cost, distraction, and deal friction



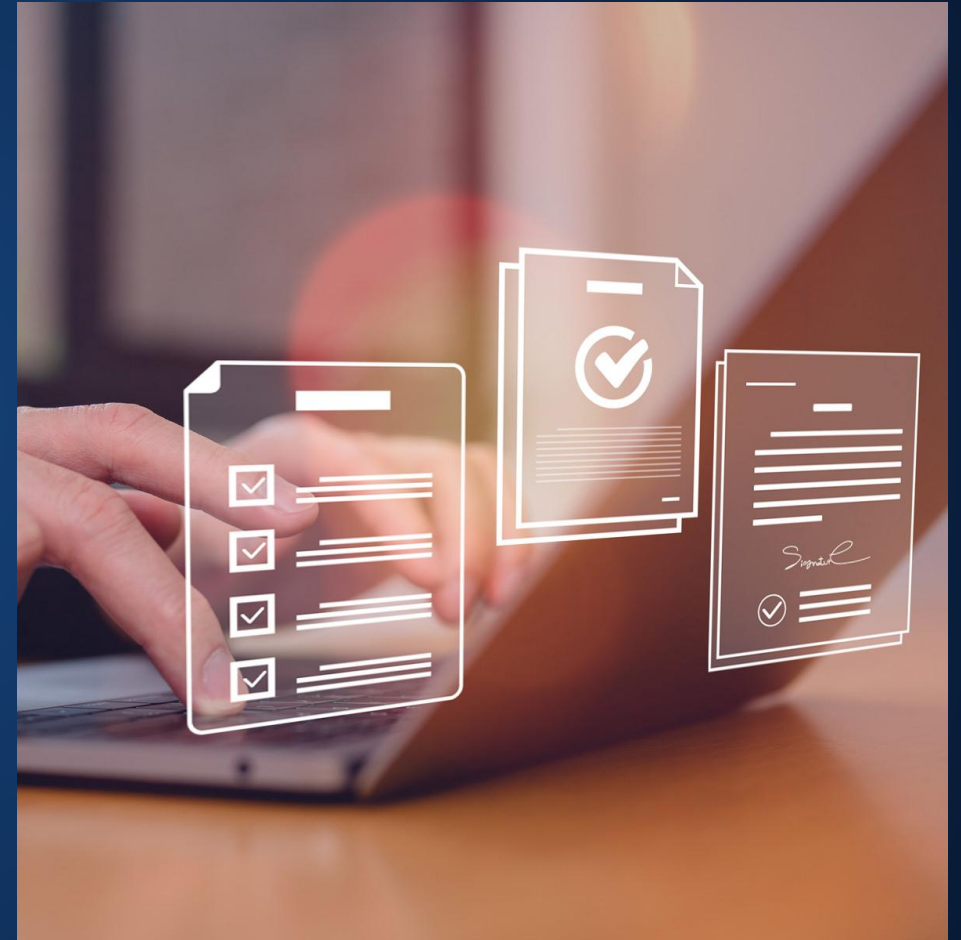
ACT 2: OPERATIONALIZING PROTECTION

- Policies don't protect businesses—**systems do**
- Process creates consistency; consistency creates defensibility
- This is where HR turns intent into outcomes



DISCIPLINE SYSTEMS: TURNING RISK INTO PREDICTABILITY

- Progression and documentation control the story over time
- Surprise terminations create disruption and exposure
- Standard paths protect managers and the company
- Business impact: morale stability and leadership focus



THE SURPRISE TERMINATION

- Years of complaints, zero documentation
- First time the employee hears it is the termination meeting
- The question becomes 'why now?' not 'what happened?'
- Lesson: predictable systems protect credibility



DOCUMENTATION: NARRATIVE CONTROL

- Disputes are stories told with paper and email
- Facts beat conclusions; boring beats clever
- Assume every note is future evidence
- Business impact: smaller, faster, cheaper disputes



CONFIDENTIALITY CONTROLS & ACCESS MANAGEMENT

- Role-based access limits the blast radius
- Clean onboarding and offboarding prevent lingering risk
- HR and IT together own the human side of security
- Business impact: containment instead of crisis



THE POCKET SALES DATABASE

- Contacts sync to a personal phone
- Clients get calls from the new employer
- The fight is about controls, not loyalty
- Lesson: exits and access control protect value



RESTRICTIVE COVENANTS: PROTECTING RELATIONSHIPS AND REVENUE

- Tools to protect legitimate business interests
- Most value is deterrence and leverage, not litigation
- Work only when tied to roles and handled consistently
- Business impact: goodwill, pipelines, customers--
PROFITS



INVESTIGATIONS & LITIGATION HOLDS: DEFENSIBILITY UNDER STRESS

- Who leads, who decides, who communicates
- When to involve outside counsel
- Preserve documents early; control the process
- Business impact: credibility and outcome control

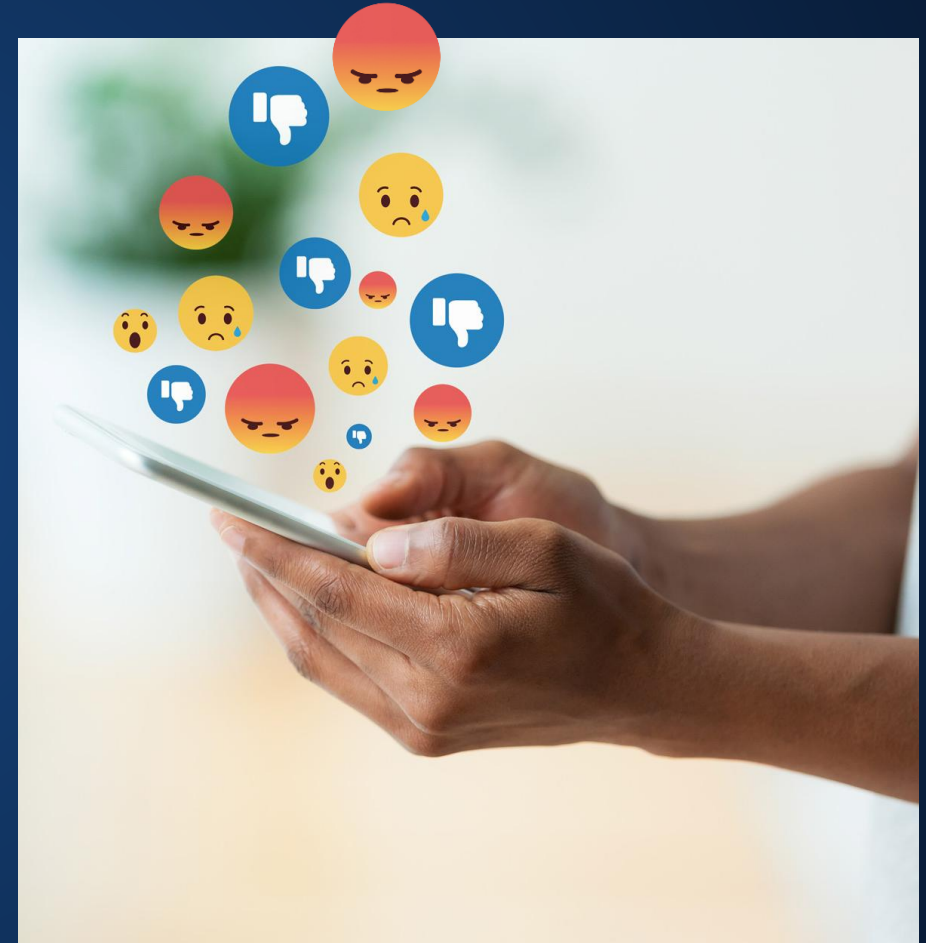


EXECUTIVE COMPLAINTS

- Standard investigation protocol needs an exception for senior leadership
- Avoid the conflict of interest where the subject has authority over investigators
- Pre-designate an outside investigator or law firm —
Decide now, not at 4 PM on a Friday
- Credibility of the process determines credibility of the outcome

SOCIAL MEDIA & OFF-DUTY CONDUCT: REPUTATION RISK

- Screenshots travel faster than explanations
- Clear boundaries on work-related use and branding
- Consistent enforcement avoids viewpoint or favoritism claims
- Business impact: brand and customer trust



LEAVE LAW INTERPLAY: A SIMPLE DECISION PATH

- Is there a medical issue? Think ADA/FMLA/ESTA/workers' comp
- Is the employee requesting time or an accommodation?
- Centralize decisions; don't let managers freelance
- Business impact: fewer missteps at high-risk moments

RETURNING FROM LEAVE: THE PERFORMANCE MANAGEMENT MINEFIELD

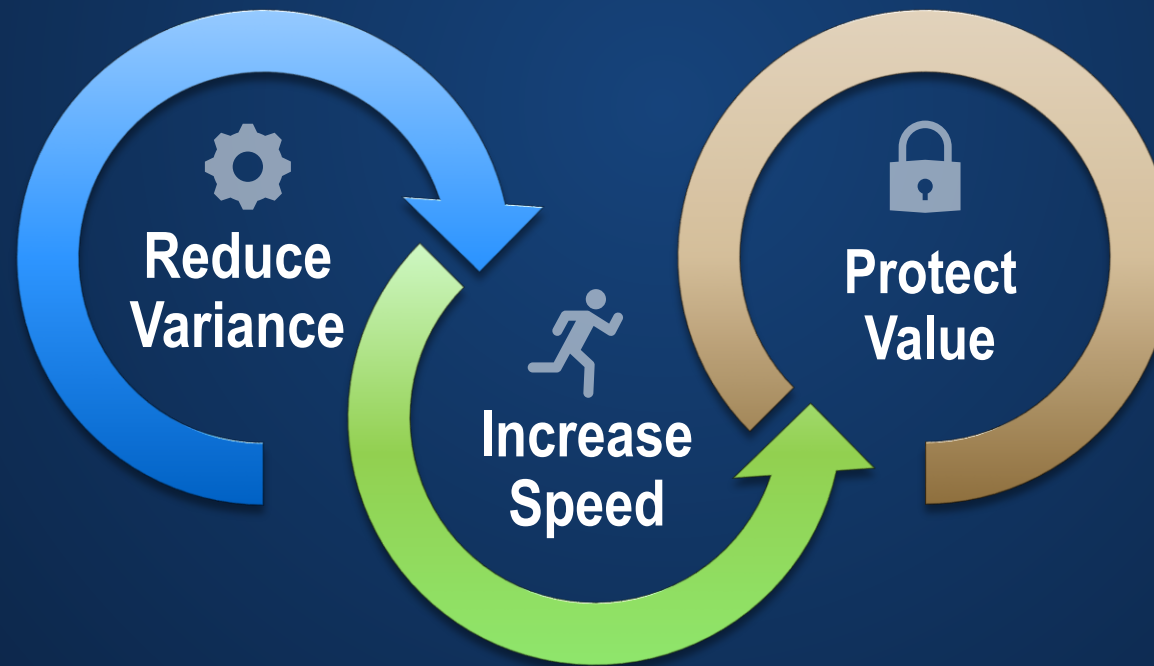
- You can hold returning employees to the same standards — but timing must be defensible
- Document performance issues before the leave, not just after
- Use the same documentation template for everyone — consistency is your armor
- Give enough time post-return that the narrative is clearly about performance, not retaliation

THE WELL-INTENTIONED MANAGER

- Manager informally approves leave: "Take whatever time you need"
- No FMLA paperwork filed, no HR notification, no clock started
- Later RIF selection triggers retaliation claim with no leave documentation
- Lesson: compassion and process are partners — route through HR every time

ACT 3: WHAT TO DO MONDAY MORNING

- Turn principles into repeatable tools
- Reduce variance, increase speed, protect value



TOOL: POLICY AND PROCESS AUDIT

- Where do we lose time, money, or momentum?
- Where do managers improvise the most?
- Where are records weakest?
- Which exits were messiest?
- Prioritize by business impact, not by statute count



TOOL: MANAGER DOCUMENTATION TEMPLATE

- Date and context
- Objective facts
- Business impact
- Employee response
- Next step and expectation



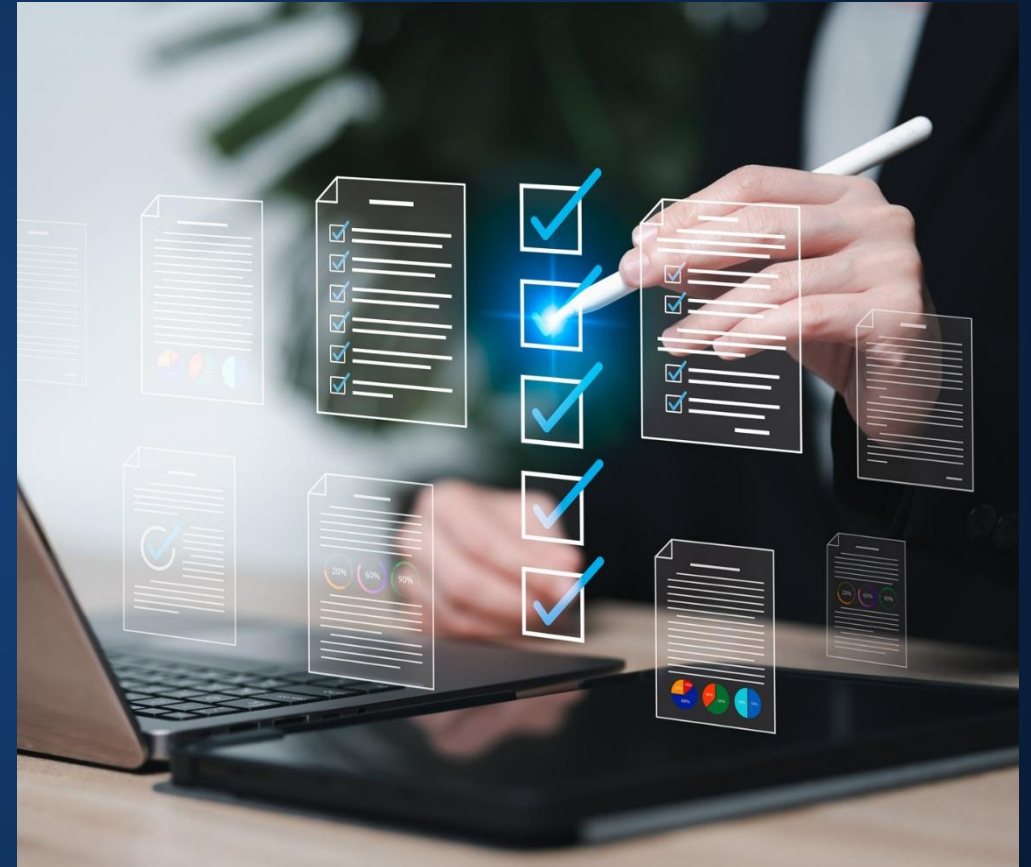
TOOL: INCIDENT RESPONSE PLAYBOOK

- Who decides, who investigates, who communicates
- Preserve evidence and control messaging
- Escalate early, not emotionally
- Goal: contain the blast radius and keep operating



TOOL: EXIT CHECKLIST

- Return property and shut off access
- Reconfirm confidentiality and covenants
- Document the reason cleanly
- Business goal: protect data, customers, and momentum



WHEN TO CALL YOUR LAWYER

- Before terminating someone who complained or requested leave
- Upon receiving a charge, subpoena, or agency inquiry
- When planning a reduction in force
- When a data breach or leak is suspected
- When a key employee is exiting to a competitor
- If the exit involves a recent complaint, leave request, or trade secret access — **call counsel first**

BUSINESS TAKEAWAYS



HR is a business risk and value-protection function



Process creates speed by creating safety



Consistency protects credibility



Documentation controls the narrative



Clean systems protect the business

QUESTIONS & DISCUSSION

- Where does your organization lose time or momentum today?
- Which moments feel the riskiest or messiest?
- What would be easiest to standardize first?
- What would free the most leadership bandwidth?

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QUESTIONS

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THANK YOU



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