



Strengthening the Cooperative Economy: Practical Tips for Current and Prospective Co-ops

Webinar Series



COOPERATIVES

BUILD A BETTER MAINE

Co-op Month
October
2022



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Series Schedule

Session 1 | Cooperatives 101 & Business Conversion Issues

October 5 - 11:00 AM - 12:00 PM

Session 2 | Cooperatives 101 & Start-Up Issues

October 12 - 11:00 AM - 12:00 PM

Session 3 | Maintaining Financial Health for Your Co-op

*October 19 - 10:00 AM - 11:00 AM **Please note earlier time for this session.*

Session 4 | Human Resources Best Practices

October 26 - 11:00 AM - 12:00 PM

Session 5 | Housing Co-ops: Now and the Future

November 2 - 11:00 AM - 12:00 PM



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Session 4 | Human Resources Best Practices

October 26, 2022

Panelists:

TARA WALKER
(she/her/hers)

Attorney, Bernstein Shur, Labor & Employment Practice Group

CAROLEE COLTER
(she/her/hers)

Human Resources Consultant for Managers & Boards, Columinate

Agenda

PART 1

Introduction

PART 2

What employment law makes you the most nervous?

PART 3

Hypothetical 1: ADA Accommodations

PART 4

Hypothetical 2: Bonuses & the FLSA

PART 5

Q + A

02





What employment law makes you the most nervous?

Employment law issues can be myriad and complex. Often employers do not appreciate risks of the laws until faced with litigation or claims.

- Fair Labor Standards Act and State or Local Wage and Hour Laws
- Title VII, State and Local Nondiscrimination Laws
- Americans with Disabilities Act (ADA)
- Equal Pay Act (EPA)
- Occupational Health & Safety Act (OSHA)
- National Labor Relations Act (NLRA)
- Immigration Reform & Control Act (IRCA)
- Fair Credit Reporting Act (FCRA)
- Family & Medical Leave Act (FMLA)
- Genetic Information Nondiscrimination Act (GINA)
- Age Discrimination in Employment Act (ADEA)
- Affordable Care Act (ACA)
- Worker Adjustment & Retraining Notification Act (WARN)
- State FMLA or paid FMLA laws
- State Human Rights/nondiscrimination laws



Hypothetical

AB Co-op is a food co-op located in Portland, Maine with 56 employees. Stephanie, a long-time bookkeeper for the co-op has recently come to the general manager (GM) to ask to work from home. Stephanie tells the GM that she has chronic obstructive pulmonary disease (COPD), and that she is concerned about contracting COVID-19 and would like to perform her tasks from home. This will mean that the GM and other staff will have to begin scanning employee timecards, invoices, and other accounts payable documents on a daily basis, rather than leaving them in Stephanie's inbox.

What are AB Co-op's obligations? What should the GM do?



Hypothetical

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Same hypothetical as above, but imagine it is not Stephanie who has COPD, but rather her live-in mother. Imagine also that Stephanie has been experiencing serious performance deficiencies since the pandemic began, not answering e-mails or phone calls, failing to submit payroll in a timely manner, etc. The GM decides that she cannot handle this and terminates Stephanie's employment.

Has AB Co-op acted lawfully?

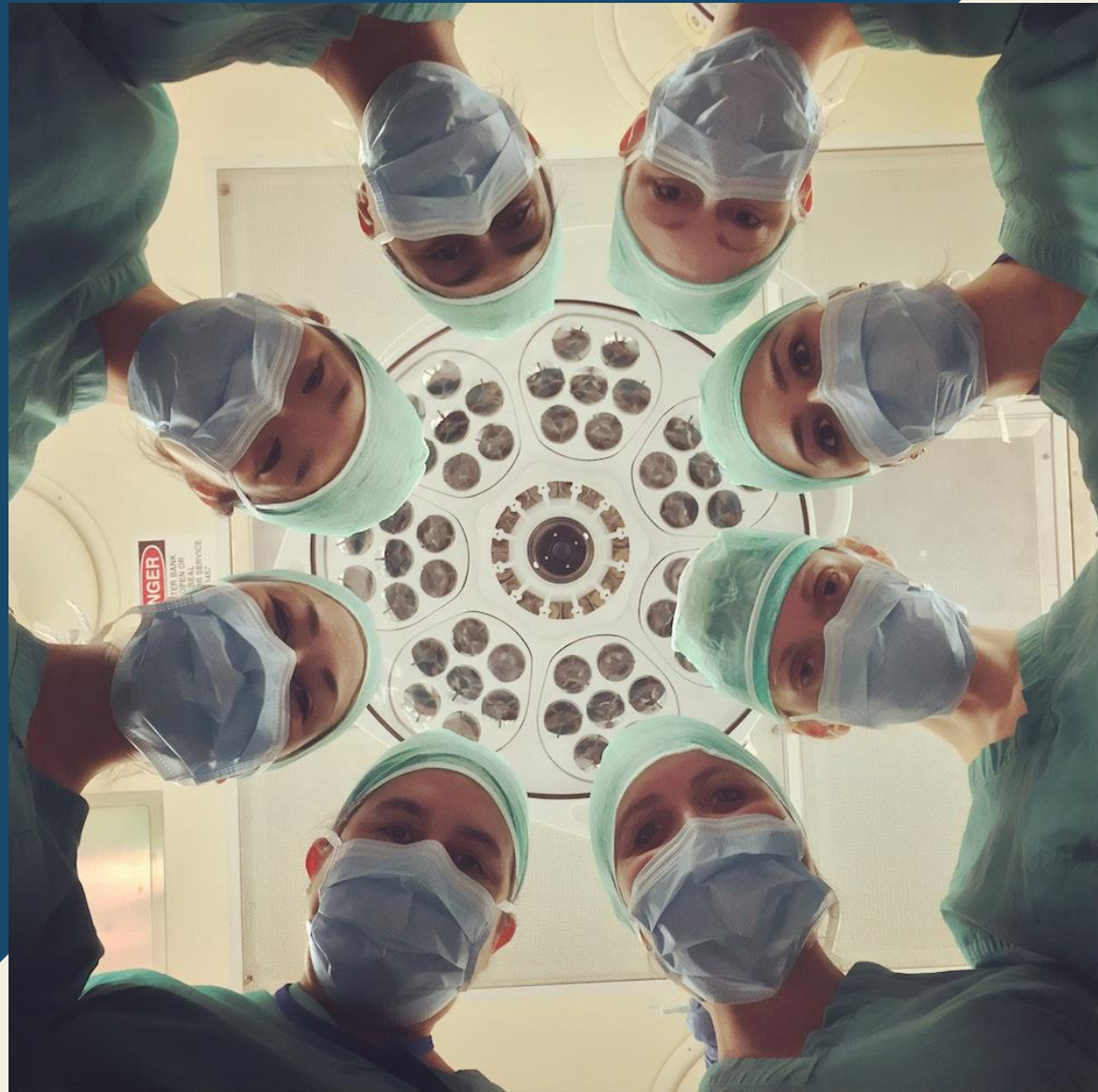


Hypothetical

AB Co-op wants to recognize the valuable contributions of all its employees throughout the COVID-19 pandemic and staffing shortages. To that end, it has created a quarterly profit-sharing bonus program in which employees share in a bonus pool in direct proportion to the number of hours that they worked in the previous quarter.

- What are the potential pitfalls of this kind of bonus plan?
- What are the best practices?

Hypothetical



Stephanie has been working from home for some time, but now she calls the GM and tells her that she needs to take a break from her work as she is going to have surgery to input a lung valve implant in two months. Stephanie also reports to the GM that she is extremely nervous about her surgery given past trauma from a surgery after which she experienced severe medical complications. She has been going to see a therapist to treat her anxiety and PTSD, but she does not believe she can continue to work until the surgery is completed. She expects, if all goes well with the surgery, to be back at work in four months.

- What issues may arise for AB Co-op?
- What about the four months with no bookkeeper, can AB Co-op hire a replacement? What about after Stephanie is ready to return to work?
- What are the best practices for AB Co-op in this situation?



Questions?





Thank you!

Contact us:

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