Secrets to a Successful Partnership: Employee Relations & Your Legal Team

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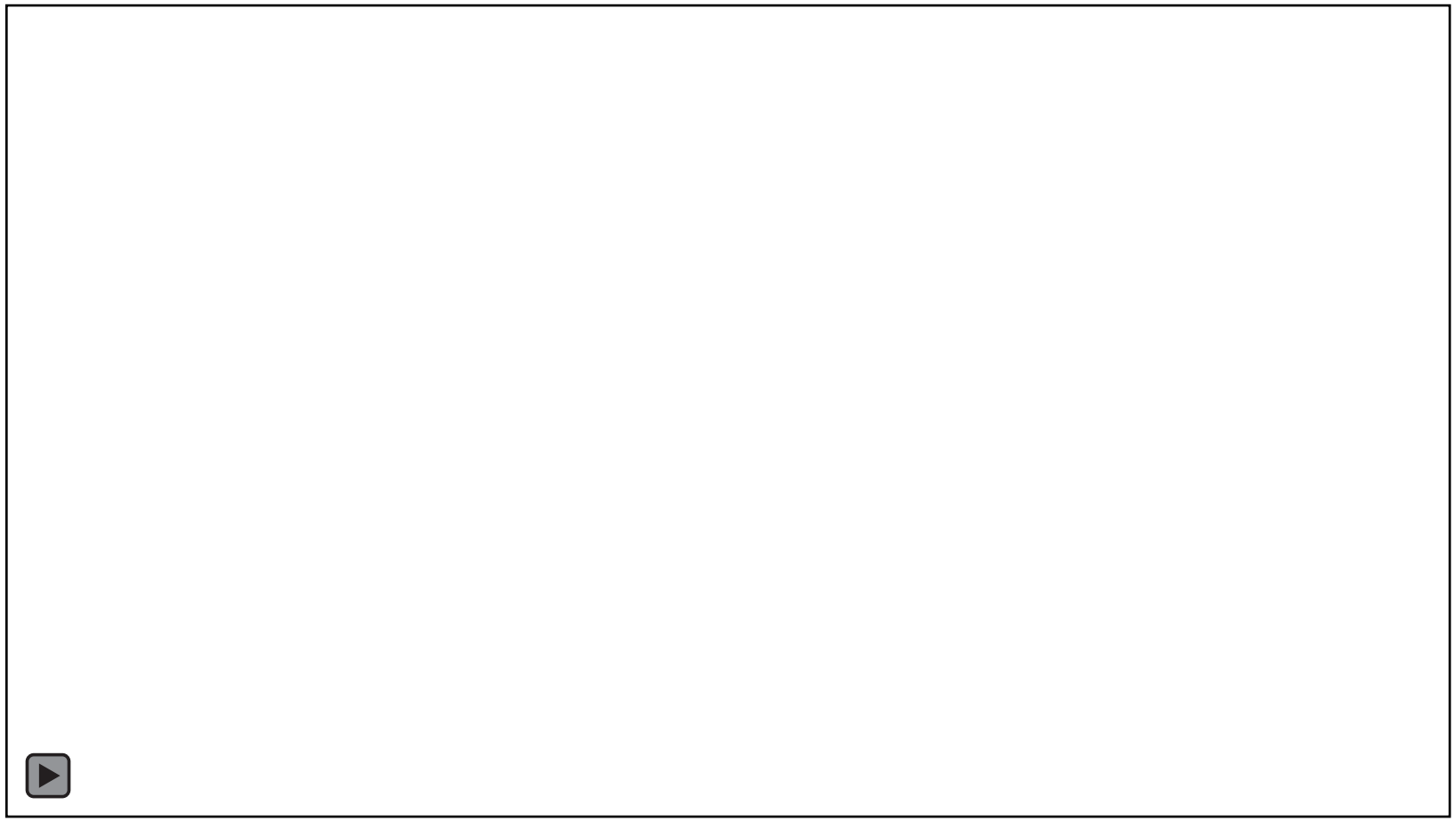
Introduction

- Structure of ESPN Legal and HR Teams
- Evolution of Legal and Employee Relations
- What types of things each group handles
- How we work together
- Creative projects we have worked on together



Investigations

- Employee Relations conducts all internal investigations
- Legal handles all EEO charges and litigation
- Case Management System – Quickbase
- How do we get and open cases?
- Employee Relations metrics and quarterly dashboard
- Disney's Ten Investigation Principles

Investigation Principles

- The investigation is finite. It has a beginning and an end that should be ascertainable from the ER file.

- Each investigation concludes with a written summary and findings saved in the ER database, with the length and formality depending on the circumstances.

Investigation Principles

- A finding that the results of the investigation were inconclusive is disfavored and should be a rare exception to the general rule that the investigator makes a conclusion as to whether the alleged conduct more likely than not happened or did not happen.

- If the investigation results in a written communication, the document describes the specific behavior that resulted in discipline and any relevant mitigating factors.

Reductions In Force

- Notice of proposed RIF
- Identification of proposed size and scope of the RIF
- Establish Legal review protocol
- Handling pre and post RIF communication issues
- Management of adversarial proceedings

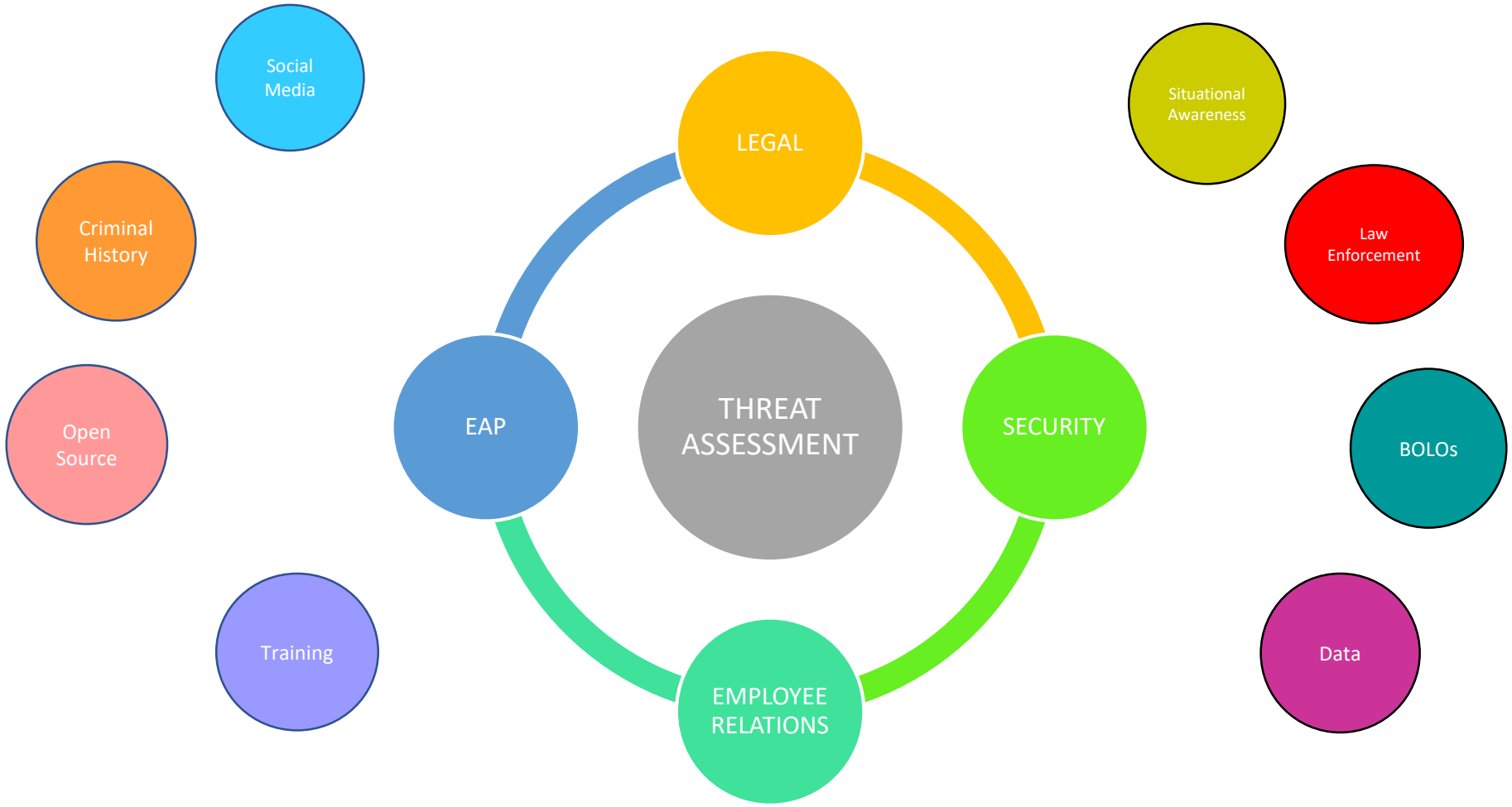
Legal Review Protocol

- **Adverse Impact Analysis Considerations:**
  - What Test Method Will be Used?
  - What demographics will be analyzed?
  - Data Considerations
  - Should the analysis be privileged?
  - What if disparate impact is found?

Threat Assessment

- Threat Assessment team members
- Role of Threat Assessment Team members
- Types of issues we handle
- How we work together

Threat Assessment



Questions?