

FIRM SHAREHOLDERS

RICHARD H. WESSELS^{I, III, IV}
JAMES B. SHERMAN^{II, I, III}
NANCY E. JOERG^I
WALTER J. LISZKA^I
JOSEPH H. LAVERTY^{IV, I}
ALAN E. SENECZKO^{III}
KEVIN M. MOSHER^{II}
SEAN F. DARKE^I
JENNIFER A. MURPHY^{I, III}

Bar Admissions:

I. Illinois
II. Minnesota
III. Wisconsin
IV. Iowa



JOERG LISZKA LAVERTY SENECZKO P.C.

Management-Side Labor and Employment Law

ST. CHARLES, ILLINOIS
CHICAGO, ILLINOIS
OCONOMOWOC, WISCONSIN
MINNEAPOLIS, MINNESOTA
DAVENPORT, IOWA

MEMORANDUM

TO: Unlimited Phone Consultation Clients

FROM: Richard H. Wessels

RE: What types of calls do we get from our phone clients?

For whatever reason, last week I was inundated with calls from our \$75 monthly unlimited phone consultation clients. Of course, we do not regard this as a burden at all. Indeed, we actually enjoy handling all these calls. It gives us an opportunity to not only to be of great service to our clients, but also to stay close to them. We feel that it is important that we know and understand the business of each of our clients.

Monday was a bit of a slow day for phone client calls because of the Columbus Day holiday. So, it gave me an opportunity to reflect for a moment on the program. I thought it might be interesting if I were to “laundry list” my perception of the most common calls. While this is totally unscientific, I cross-checked with others within our law firm who also handle a large volume of phone client calls. There is a consensus that this list is reflective of what is actually happening. Accordingly, here is my “Top 12” list of most frequent types of questions.

1. “The Problem Employee” — This is by far the most frequent type of call. Generally calls involve an unsatisfactory employee whom the company is considering terminating.
2. Work Comp Issues — Most frequently this brings into play a common scenario where there have been doctor’s notes, conflicting views regarding return to work and/ or light duty, along with potential FMLA and ADA issues.
3. Overtime — A common question here raises issues of “salary basis of pay” and whether or not particular individuals are properly classified as overtime exempt.
4. Narrow Focus Laws — Employers continue to be confused by the new narrow focus laws. The most troublesome areas for our clients seem to be FMLA, COBRA, and ADA. Also on the list is the Fair Credit Reporting Act which impacts background checks.

5. Wage Deduction Issues — Employers are frequently confused with the myriad of wage deduction cases including garnishments, wage assignments, child support orders, tax levies, etc.
6. “Harassment” Issues — This involves classic sex harassment investigations, but in a large number of these cases issues are raised of harassment which, in reality, does not involve prohibited harassment, but is more accurately characterized as “workplace drama.”
7. Unemployment Issues — Most often phone client calls here involve counseling as to what the correct response should be to the state unemployment office following an unemployment claim.
8. Unfair Competition Issues — A frequent scenario involves a departing employee who is not under a non-compete agreement, but has made off with sensitive company information, and has now embarked upon a campaign of contacting customers on behalf of a new employer.
9. Immigration Law — The most frequent questions here involve Social Security “no-match” letters.
10. Reductions in Force — We regularly these days get questions about how to properly structure a re-organization/reduction in force with minimum exposure to legal challenge. We average one call a day on this subject!
11. Company Policy Interpretation — Companies have broad discretion in establishing company policy and in interpreting company policy but questions routinely come up about the best approach.
12. Employee Free Choice Act — This is a hotly debated proposed new law which will enable unions to more easily organize employees.

An added note — we have “Nutshell” commentaries on all these issues which we often e-mail or fax to clients after we speak. If you would like a “Nutshell” commentary on any of these subjects, let me know. Contact me at (630) 377-1554 or riwessels@wesselsherman.com.