



Labor and Employment Law Seminar

**2026
LAS VEGAS**

FIX IT BEFORE IT'S A CLAIM

Practical ways to stop workplace problems from becoming employment claims



Presented by

**MARK
RICCIARDI**



**JEN
FORNETTI**



FIX IT BEFORE IT'S A CLAIM

Practical ways to stop workplace problems from
becoming employment claims

Most Claims Have a "Before"

1. Workplace problem
2. Employee concern
3. Employer response
4. Escalation
5. Claim

Fix It or Defend It

A problem happens. HR finds out. What happens next?

FIX IT

- Correct the mistake
- Address the concern
- Preserve options

DEFEND IT

- Justify the decision
- Explain the record
- Manage the exposure

The earlier you act, the more choices you have.

The Five-Minute Review

- What happened recently?
- What changed?
- What does the file show?
- Who knew what, and when?

Would We Still Do This?

Would we make the same decision today
if the employee had **never complained?**

Timing Changes the Story

1. Complaint Monday
2. PIP Friday
3. Termination Tuesday

Stop Giving Everyone a 5

- Personnel file: five stars
- Management: "This person has been terrible for years."



Documentation Is Not Punishment

- Clarify expectations
- Give feedback
- Create accountability
- Give employees a chance to improve

The File Should Match Reality

- Timely
- Specific
- Accurate
- Consistent

Don't Turn \$500 Into \$100,000

- A disputed overtime payment
- A grievance that could have been resolved early
- A disciplinary decision worth reconsidering

Not every disagreement needs to become a principle.

Being Right Can Be Expensive

- Legal fees
- Management time
- Morale
- Agency exposure



Ask One More Question

THE LEGAL QUESTION

Are we required to?

THE PRACTICAL QUESTION

Is there an easy solution?

Sometimes the simplest solution is the smartest one.

Investigation Closed ≠ Problem Solved

- Investigation ends
- Employees return to work
- Relationships continue
- Risk continues

Try the 30-Day Check

"How are things going?"

The investigation ended.

The risk didn't necessarily end with it.

Don't Fix the Complainant

After a complaint, be careful with:

- Transfers
- Shift changes
- Lost responsibilities
- Exclusion

Does This Sound Like Your Employee?

- Tuesday: "Why did my schedule change?"
- Thursday: "I am formally documenting retaliatory conduct following my protected complaint."

Employees Have a New Tool

AI can help employees:

- Draft formal workplace complaints
- Compare how coworkers were treated
- Identify inconsistencies in explanations
- Prepare questions for HR

Focus on the facts, not who wrote the complaint.

"Can We Just Fire Him?"

WHY NOW?

What changed between last week and today?

Can We? vs. Should We?

CAN WE?

- Is it legally defensible?
- Does policy allow it?
- Can we justify it?

SHOULD WE?

- Does it solve the problem?
- Is it worth the cost?
- Is there a better option?

Just because we can doesn't mean we should.

When Something Feels Off, Slow Down

- Supervisor is furious
- Timing is bad
- Documentation is thin
- Stories do not match

Twenty-Four Hours Can Be Inexpensive

- One more interview
- One more email review
- One comparator check
- One call with counsel

The Monday Morning Checklist

- What actually happened?
- What happened immediately before?
- What does the file show?
- Is there an easy fix?
- Who should take one more look?

Sentences That Should Make HR Nervous

- "Just fire her."
- "He complains about everything."
- "Don't put that in writing."
- "We've always done it this way."
- "We already made the decision."

Fix It While You Still Can

1. Problem
2. Concern
3. **FIX IT HERE**
4. Charge
5. Demand
6. Litigation



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Questions?



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Thank you.