



Understanding Your Legal Responsibilities

Marianne Hill, Attorney, 844-9444

Sarah Downey, Attorney, 284-5284

Sandia Legal Division

Fall 2007 – Spring 2008



Legal Division 11000

- Thirteen lawyers provide assistance in all areas:
 - Employment
 - Contracts
 - Business Negotiations
 - Intellectual Property
 - Benefits
 - Environmental
 - Security
- Legal responsibilities in managing employees is the focus of this presentation
- When should you call Legal?
 - Anytime, but it is best to start with your Division HR Consultant



Some of the Many Laws That Affect Employers

- Title VII (age, race, gender, ethnicity, religion, national origin, ancestry)
- ADEA (age)
- ADA (disability)
- Veteran's Act
- FMLA
- FLSA
- State Laws
- Whistleblower Protection (retaliation, 10 CFR 708)



Legal Division 11000

- Sandia Corporation is a private, wholly-owned subsidiary of Lockheed Martin Corporation
- As a manager, you represent Sandia Corporation
 - You can bind the company
 - A corporation can act only through its management
- Sandia has policies designed to be in compliance with the law, with the prime contract, and to be an employer of choice



Legal Liability

- As a manager, can I be personally liable?
 - If the reason you are named in an action is within the scope of your employment, then Sandia will pay for your defense and it will be an allowable cost
 - How is Sandia liable? Sandia has had success in defending the Corporation and management in legal and administrative proceedings
 - Why? Because management appropriately involves HR and legal early in a problem – and corporate processes are followed
 - When are we vulnerable?
 - When management fails to involve HR and Legal or fails to raise an issue to director or VP and takes independent action



Exercise Good Judgment

- Recognize your decision space
- Involve your senior management in difficult issues
- Elevate concerns
- Listen to concerns brought by your staff
- One of legal's goals is to assist managers in making risk informed decisions
 - We want to empower management to make the best decision for the Corporation
- Risk informed is different from risk adverse!



Exercise Good Judgment (cont.)

- Managers must tackle problems early on
 - Get HR involved before crisis stage
 - Passing on performance problems or conduct (i.e., attendance, insubordination) problems undermines the entire company and affects employee morale
 - Be proactive in dealing with employee issues – provide feedback early – poor performance does not self-correct
 - Investing time early is time well spent
 - Set expectations with clarity
 - New Manager inheriting issue – “line in the sand”
 - Use active verbs
 - Fact based objective feedback – recognize PMFs are records
- The employee is the architect of his/her own situation
- Sandia allows great latitude to employees to successfully perform their jobs
 - Once that trust is betrayed, management must demand accountability



Employment-At-Will

- Employment-at-will is: “An employment having no specified term, may be terminated at the will of either party on notice to the other”
 - A reason to terminate:
 - must have a legitimate basis
 - documentation
- All Sandians are at-will employees with the exception of those covered by a collective bargaining agreement (union)
- Contractor employees are managed through Sandia’s SCR and their employer, NOT Sandia
 - Do not treat as employees – call SCR and employer for issues



Manager Responsibilities

from Tom Hunter's 2007 Spring Manager's Forum

- Staff Development
 - Address performance of job
 - Retention, assessment, staff development
 - Hire for the future
 - Be engaged
- Run the business of the organization
 - Authorizing work
 - Analyze quality
- Time Charging
 - Other HR policies



Manager Responsibilities (cont.)

- Communicate
 - Agent of understanding business rules, process & procedures
 - Critical link to upper levels of management
 - Greatest trust in Corporation
- Acting as an agent of a larger enterprise
 - Best interests of lab
 - Adhere to business rules
 - Adopt a culture of security and safety
 - Set end goals out of broader picture



Pneumonics

- Always
- Be
- Consistent
- Document
- Everything
- Fair
- Listen
- Investigate
- Respond
- Document



Other Tips

- Don't make promises to employees that Sandia can't keep
- Think with a Corporate Hat
 - protect Sandia while meeting employees' needs
- Read and understand Sandia policies and procedures
 - get guidance from your HR Consultant and ELR when taking disciplinary action or performance action