



SBANE

## Human Capital Series Presents

# Rogue Employees: How to Prepare to Protect Your Organization's Reputation

February 26, 2015

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Rogue employees can hurt your business. Big time. What's a rogue employee? Edward Snowden is one. Aaron Hernandez is another.

But for every high profile case, there are countless other companies that suffer the consequences of their employees' bad behavior. A client reads in the newspaper that an employee was arrested for drug activity. A manager is confronted by detectives who want to arrest an employee on site and confiscate the computer he is using. A company owner discovers that an employee embezzled funds right under his nose. An executive discovers that one of her people is trashing her on social media channels. It could also be one of your employees who happens to get arrested for involvement in child pornography or driving under the influence. To protect your organization's reputation, you must be prepared to respond quickly, thoughtfully and legally.

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So how should companies prepare for these situations? And what should you do when they occur?

First of all, remember that ***not reacting*** is simply not an option.

Our panel of experts will provide you with several immediately actionable steps to help you protect your organization's reputation. Please join us for an intriguing discussion on this timely topic.

## About our Presenters

### **Karyn Rhodes, Vice President of Human Resource Consulting, Cornerstone Group**

As Vice President of Cornerstone's Human Resource Consulting division, Karyn Rhodes is a Business Partner who specializes in all areas of Human Resources, including strategic planning, employee and labor relations, recruiting, compliance, training and development, compensation and benefits, policies and procedures, organizational development and workforce planning. Karyn brings more than 20 years of Generalist experience in Human Resource best practices to Cornerstone stemming from her work with large, international organizations to small, family owned businesses.

Karyn has worked as an instructor for the Executive Development Center at Bryant University, including the PHR/SPHR review class. She serves on the Programs Committee for HRM-RI and is a member of the Society for Human Resource Management, the Human Resource Management Association of Rhode Island, as well as the National Business Honor Societies of Beta Gamma Sigma and Phi Kappa Phi.

Karyn holds a BS in Business Administration from Northeastern University, an advanced certification in Human Resource Management from Bryant University and is a certified Senior Human Resource Professional.

### **Joe Ambash, Managing Partner, Fisher & Phillips LLP**

Joe Ambash is the managing partner of the Boston office of the national labor and employment law firm Fisher & Phillips. He represents management in all aspects of employment law

in a broad range of industries, including health care, higher education, financial services, retail, media, sports, and local and state government. He also trains managers and supervisors about employment law compliance.

Joe represented Brown University in a landmark case before the National Labor Relations Board holding that graduate students are not employees under the National Labor Relations Act. He also represented New Process Steel in a highly publicized U.S. Supreme Court case invalidating decisions made by the National Labor Relations Board when it lacked a quorum because of a Washington political dispute over appointments to the board.

*A magna cum laude* graduate of Yale University and a *cum laude* graduate of Harvard Law School, Joe has achieved numerous awards and distinctions, including being listed in "The Best Lawyers in America", "America's Leading Business Lawyers", and "Massachusetts Super Lawyers".

**Raymond Howell, President, Howell Communications**

Raymond P. Howell has earned a reputation as the go-to person in New England for strategic communications and public relations counsel. In addition to advising senior executives in many industries, he is regularly consulted by political leaders of both political parties and has provided counsel to leaders of other countries.

Before forming Howell Communications in 1995, Howell managed Governor William Weld's re-election campaign, engineering the largest gubernatorial victory in modern Massachusetts history. He was Weld's official press secretary during the Governor's first term and, prior to that, covered government and politics as a reporter for several news organizations.

A graduate of Boston University, Howell has taught communications at BU's College of Communications and Harvard University's Kennedy School of Government. His analysis and commentary on public relations issues have been featured in various media, including The New York Times, The Boston Globe, and Boston television and radio.

**Bob Long, President, Bob Long Consulting and Investigations Group LLC**

Bob Long is the president of the Bob Long Consulting and Investigations Group LLC, which provides security consulting

and investigative services to the legal, corporate and financial industries.

As a State Police detective, Bob led some of the biggest investigations in modern Massachusetts history, including a case against the Hells Angels, an undercover investigation that broke up a mob truck-hijacking ring, and the first court-ordered electronic surveillance against Whitey Bulger. Bob was the federal government's lead-off witness in Bulger's recent trial.

In the private sector, Bob has managed investigations in a number of complex and high-profile litigations, including the DeMoulas case and the lawsuit brought by the widow of former Boston Celtics captain Reggie Lewis. He and his investigations have been featured on several national television shows, including Frontline, and he was recently interviewed by ESPN's "NFL Countdown" on the Aaron Hernandez case.

Bob is the president of the Boston Police Foundation, a charitable organization that raises money for officer health and wellness programs, suicide prevention and stress reduction training.

### **About our Moderator**

#### **Amber Elias, Attorney, Fisher & Phillips LLP**

Amber Elias is an attorney in the Boston office of Fisher & Phillips LLP, a national law firm representing employers in labor and employment matters. She represents employers in labor and employment matters before federal and state courts and administrative agencies, including the Equal Employment Opportunity Commission and the Massachusetts Commission Against Discrimination. She has litigated and counseled employers on a variety of issues including: discrimination and retaliation under Title VII, the ADA, the ADEA and state human rights laws; FMLA and other leave laws; WARN and state reduction-in-force law compliance; and non-compete agreements, confidentiality agreements, and other restrictive covenants. She has also helped clients create and enforce effective personnel policies on harassment, employee privacy, and data security.



### **Event Details**

**Date:** Thursday, February 26, 2015

**Time:** 7:30 - 10:00 AM

**Location:** 1601 Trapelo Road, Padanaram  
Room, 1st Floor, Waltham MA 02451

**Cost:** \$40 SBANE Members / \$60 Non-Members

**Register:** Please [click here](#) to register for this event.

**NOTE: Please notify us 24 hours in advance if you wish to cancel your registration and receive a credit toward a future event or a full refund.**

**#SBANEhrseries**

## About the Human Capital Committee

**Mission: To add value to the SBANE membership and increase small businesses' awareness of the importance of HR management.**

The Human Capital Committee accomplishes this goal by:

- Promoting the HR benefits of SBANE membership and enhancing membership development and retention
- Providing guidance to the SBANE Board of Directors on pertinent HR issues affecting small business
- Coordinating and providing relevant educational programs, communications and tools

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## What are rogue employees and how can they be avoided?

Fundamentally, a rogue employee is one who has engaged, or been accused of being engaged, in behavior that could damage their employer's business, reputation or both. This includes a wide variety of behavior ranging from an unprofessional presence on social media to felonious activities that can generate public relations crises.

While most companies will not face the type of employee behavior that leaves them subject to a police or government investigation, or the rigors of an unrelenting and unrepentant news cycle, the likelihood of an employee doing something that will bring embarrassment or reputational damage is overwhelmingly high.

It is critical, then, that companies take proactive measures to prepare for rogue employees and prevent them from inflicting damage.

Start by screening all prospective employees carefully. There are many ways to check an applicant's background, from using the online eCORI program offered by the state, to hiring a background-checking company. The degree of pre-screening should be calibrated to the nature of the job and the potential risks to a company. Be sure to screen in accordance with the law. Although background checks are permissible, an employer may not ask questions about criminal background on a Massachusetts job application. The prospective employee must provide consent, and any information learned must be shared with the applicant if it informed a decision not to hire.

## How should companies respond to rogue activity?

Remember – not reacting is NOT an option! Companies must respond quickly, thoughtfully and legally. They should consider the following suggestions if a rogue employee is encountered in the workplace:

- Be prepared to take prompt action. For example, if it is learned that an employee has been arrested a company may not, in Massachusetts, request details from said employee. It may, however, consult the media or the police for clarifying information. Additionally, an employee is free to volunteer information about an arrest to their employer.

If management believes that a rogue employee's continued employment will damage the company's reputation or place others in harm's way, the employee may be suspended "pending investigation," with or without pay. In Massachusetts, an employer may terminate "at will" employees if it is determined that their continued employment is not justified.

- Get legal and public relations advice. Given the potential damage a rogue employee can inflict on a company's business, it is imperative that the public response is lawful, accurate and effective. Engaging a public relations professional is particularly important if the situation creates, or has the potential to create, publicity. Providing commentary that is informative, without being defamatory, can help the employer craft a narrative that reassures stakeholders and satisfies media concern.

**Fisher & Phillips LLP and the  
SBANE Human Capital  
Committee present:**

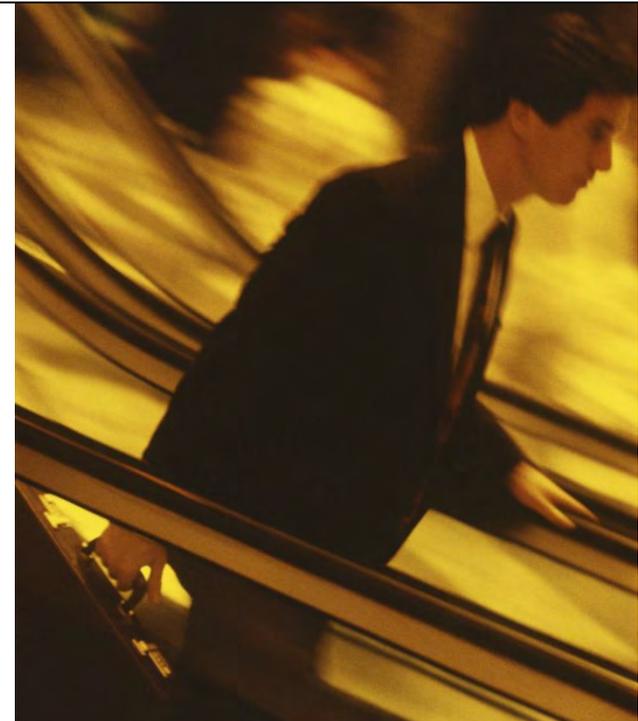
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**ROGUE EMPLOYEES**  
*How to Protect Your  
Organization's Reputation*

February 26, 2015

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