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## Dealing With Employees Who Have Been Charged With a Crime

Live Webinar November 15, 2017 • 1:00 PM - 2:30 PM ET

Understand what you can and can't do when one of your employees has been charged with a crime. Make sure you're aware of the legal limitations you're faced with.

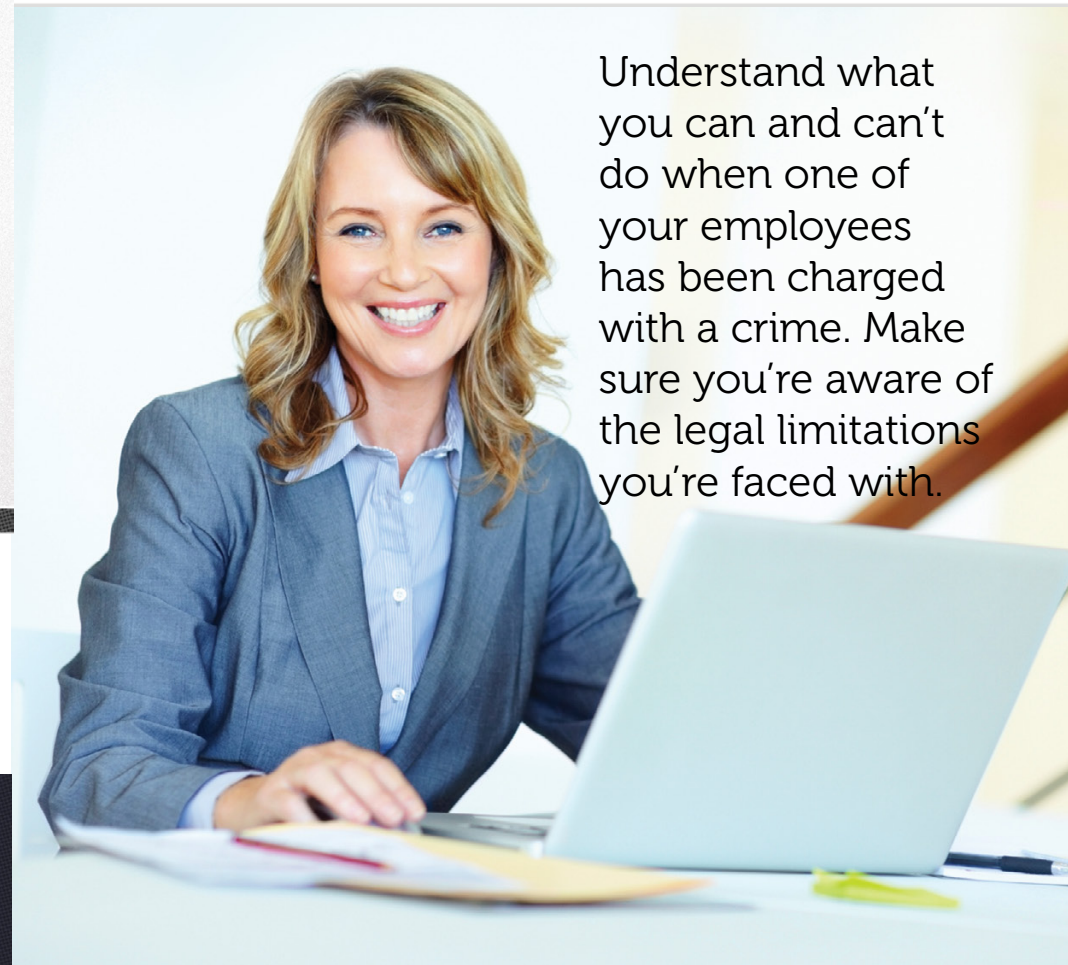
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One of the most perplexing problems that can confront an employer arises after the employer discovers that one of its employees has been arrested and charged with a crime. Under our legal system, the familiar mantra is that an arrested person is innocent until proven guilty. So, what can you do to address situations where an employee has been arrested, or has been charged, or incarcerated for a crime but has not yet been convicted? For example, can an employer fire such an employee before any charges have been the subject of a formal trial? Alternatively, can the employee be suspended for such an offense and if so, is it justifiable to do so with or without pay? Because more and more employers are finding themselves faced with this dilemma, this topic will include a discussion on the legal limits on what you can do when faced with this problem and will also provide useful guidelines on how best to craft workplace policies and procedures to best prepare yourself to address such situations.

### Learning Objectives

After attending this live webinar, you will be able to:

- discuss drafting policies and procedures to address situations where information is gained about an employee's arrest.
- review steps employers should take before implementing any discipline against an employee who is charged with a crime.
- recognize the legal difference between a felony and misdemeanor, and the impact this difference should have in assessing potential discipline against an arrested or charged party.
- describe the potential for legal action arising from actions taken by an employer against an arrested employee who has yet to be convicted of a crime.

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## Agenda

Drafting Policies and Procedures to Address Situations Where Information Is Gained About an Employee's Arrest

Steps Employers Should Take Before Implementing Any Discipline Against an Employee Who Is Charged With a Crime

Available Disciplinary Measures and Any Applicable Legal Limits on Implementing Such Discipline

Practical Considerations for Evaluating Such Situations and Assessing the Potential Damage to Your Business From Allowing an Arrested or Charged Employee to Return to Work

Legal Difference Between a Felony and Misdemeanor, and the Impact This Difference Should Have in Assessing Potential Discipline Against an Arrested or Charged Party

Potential for Legal Action Arising From Actions Taken by an Employer Against an Arrested Employee Who Has yet to Be Convicted of a Crime

## Faculty

### Ralph R. Smith 3rd, Esq.

- Shareholder and co-chair of the Labor and Employment Department of the law firm of Capehart & Scatchard, P.A.
- Concentrates practice in the areas of labor and employment law, and complex commercial litigation
- Represents companies in all kinds of labor and employment-related litigation in the federal and state courts of New Jersey and Pennsylvania
- Regularly counsels clients on issues of compliance with both federal and state employment laws, including those that impact the area of employee background checks and dealing with arrested employees
- Lectures widely and writes frequently in the field of labor and employment law
- Can be contacted at 856-914-2079 or [rsmith@capehart.com](mailto:rsmith@capehart.com)

For a complete list of accomplishments, visit [www.lorman.com/ID401114](http://www.lorman.com/ID401114).

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