



FOLEY & FOLEY ^{PC}

ATTORNEYS AT LAW

Employment Law Compliance and HR Risk Management Menu of Services 2026 Fixed Fee Options

HELP IS ON THE WAY: Employment Law Compliance and HR Risk Management is our endgame, and we always pursue the most effective ways to achieve it for our clients. We know our clients: short on time and pulled in many directions. That is precisely what led us to develop the Employment Counsel On-Call Triage Service and the wide range of proactive HR Risk Management Services that are summarized within this Menu.

HR RISK HAS NEVER BEEN GREATER: The regulations that govern today's workplace are extensive and expanding, governing employers of all sizes, in all states, and in all industry sectors. Compliance obligations are complex, burdensome and the liability for businesses is significant. In some circumstances, business owners, supervisors, and managers are personally and vicariously liable for damages such as back pay; front pay; emotional distress; attorney's fees; civil fines and criminal sanctions. Employment lawsuits have risen 400% in the last 20 years. The increase in claims shows no sign of stopping and the cost to defend, litigate or settle these claims is exorbitant. State legislators, governors, state regulatory agencies, judges, and in some cases mayors and city government officials, have become the incubators of the laws, rules, and regulations that govern today's workplace. Keeping up with constant federal and state specific changes can make anyone's head spin.

THE SOLUTION: We get it – we recognize that addressing employment law and HR risk is costly and time consuming. To address these concerns, we offer unique fixed-fee solutions that are highly effective and not otherwise available.

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- Please Note:**
- **Payment for any of the Firm’s Fixed Fee services is due in full when the service commences.**
 - **The Firm’s standard hourly rates in calendar year 2026:**
 - For Proactive Advice and Counsel- \$700
 - For Litigation and Administrative Agency Defense- \$550

This Menu of Services does not represent the full suite of services we offer. If you do not see a service you are interested in, please call or email us at the following:
844-204-0505 or questions@foleylawpractice.com

We look forward to hearing from you!

VIRTUAL IN-HOUSE EMPLOYMENT COUNSEL LEVEL OF PROTECTION

Almost every single decision a person in a supervisory capacity makes throughout her/his workday is governed by a state or federal workplace regulation, law, or judicial decision. Take a minute to consider that. The best way to effectively manage employment law compliance is to consult with experienced Employment Counsel when issues arise, but that approach is not feasible for most employers. The Foley & Foley Employment Counsel On-Call Triage Service solves that challenge for a fixed monthly fee that is below what most experienced Employment Counsel charge by the hour.

The Employment Counsel On-Call Triage Service creates a Virtual In-House Counsel level of protection by transforming the traditional employment law counsel-client relationship from a back-end, reactive, and defense-based approach to a front-end, proactive, and preventative risk management approach. We encourage our clients to invite us into their decision-making process so that we can help ensure that all viable options are considered and the best-informed decisions are made. The On-Call Service achieves that outcome.

EMPLOYMENT COUNSEL ON-CALL TRIAGE SERVICE

This is our most popular service from coast to coast. More than 3,500 employers throughout the country have retained our Firm to protect their organization under the On-Call Service and for good reason:

- We cover the issues that arise within the full cycle of the employer-employee relationship with just a few exceptions.
- We provide caveat-free legal opinions, advice, and counsel in response to the issues and questions that clients present.
- Our role is to understand your desired outcome on an issue or question and identify a path forward to achieve that outcome with the least amount of risk.
- The legal opinions, advice, and counsel we provide are fully indemnified by our professional liability insurance and protected by the attorney-client privilege.
- There is no cap on utilization, and we encourage the thousands of employers that we protect to become frequent users and thereby take full advantage of the unique protections we provide.
- Your team has immediate and direct access to our full team of lawyers via a dedicated email address and toll-free number.

For a fixed monthly fee, below the hourly rates of our competitors and determined by the size of your workforce.

HANDBOOK PREPARATION & UPDATING SERVICES

Our Handbook preparation and updating services are extremely popular nationwide with employers of all sizes. A well-written Handbook is a critical risk mitigation tool and best practice. Well written and up to date Handbooks containing the information and policies required by federal, state and local law effectively communicate employer expectations and provide consistent application of the terms and conditions of employment, reducing claims of disparate treatment and other challenges.

CORE HANDBOOK PREPARATION & UPDATING SERVICE

The Handbooks we prepare under our core Handbook Service:

- Address compliance obligations and best practices necessary to manage and reduce HR risk.
- Are precisely tailored to fit the goals and objectives of each of our clients. These are not off the shelf, cookie cutter templates – no two of our Handbooks are the same.
- Provide the policy language needed for compliance with state specific requirements.

Our Core Handbook Preparation & Updating Service flow chart, which can be found [here](#), provides an illustration of the process for this service.

Pricing is based on the number of employees. Our Core Handbook Service Fixed Fees include up to 3 state-specific supplements at no additional cost. Additional state-specific supplements will be prepared, upon request, for a fixed fee (there is no cap on the number of supplements we will prepare under this additional fixed fee).

ANNUAL REVIEW AND COMPLIANCE UPDATE

We strongly recommend employers review and revise their handbooks annually. The state and federal laws that govern your workplace change each year and require regular handbook updates. If your Handbook has been reviewed by Foley & Foley under our core Handbook Preparation & Updating Service in the last year, we will provide an annual compliance update of your handbook at 50% of the standard fixed fee:

Keep your organization in compliance with this annual review and ensure your team has the most up-to-date language to prevent risk.

Pricing is based on the number of employees. This annual review and compliance update service includes up to 3 state-specific supplements at no additional cost. Additional state-specific supplements will be prepared, upon request, for a fixed fee (there is no cap on the number of supplements we will prepare under this additional fixed fee).

HANDBOOK DIAGNOSTIC COMPLIANCE ASSESSMENT

Is compliance with the law your primary concern? In this assessment, we will assess your organization's current handbook by flagging sections that are out of compliance by commenting in the Word version of your handbook. This is a great option if you want a diagnostic review to determine what sections of your handbook comply with the law and what sections need to be changed. This review does not include our edits to your policy language or the drafting of new policies.

INDIVIDUAL HANDBOOK POLICY TEMPLATES

Need just one policy template or one policy reviewed without a review of your whole handbook? We will review your policy to ensure it is compliant with the law, or provide you with a template, without having to update the whole handbook.

EMPLOYMENT LAW COMPLIANCE AND HR RISK MANAGEMENT SUBSCRIPTION SERVICES

This Employment Law Compliance and HR Risk Management Subscription Service is a twelve (12)-month commitment and includes:

SUBSCRIPTION SERVICE 1 includes our most popular Toolkit, Handbook Policies and Templates:

- ADA Reasonable Accommodation Compliance Toolkit;
- Top 10 Handbook Policies:
 - ADA Accommodations Policy
 - Pregnancy Accommodations Policy
 - Religious Accommodations Policy
 - Prohibition Against Harassment and Discrimination Policy
 - Prohibition Against Sexual Harassment Policy
 - FMLA Policy
 - USERRA Policy
 - Drug & Alcohol-Free Workplace Policy
 - Employee Classifications/Payroll Deductions Policy
 - Health and Safety Policy

SUBSCRIPTION SERVICE 2 provides a National Resource Document on State-Specific Hot Compliance Topics:

- A multi-state chart, up to all 50 states, addressing:
 - Paid Family Medical Leave, unpaid family medical leave, earned sick leave, both paid and unpaid;
 - Pay transparency, minimum salary thresholds for equal pay law compliance;
 - State-specific final pay obligations, including payment of earned but unused vacation time;
 - Document retention schedules;
 - Marijuana-related laws; and
 - Remote worker expense reimbursement obligations
- All 50 State Employee Handbook Supplements (updated each quarter).

SUBSCRIPTION SERVICE 3 provides Monthly Legal Updates covering all 50 states:

- Monthly updates via email on changes to federal law and the laws in all 50 states;
- Federal, state, county, municipal, and local laws;
- Summaries of recent landmark court decisions within the state; and
- Subscription Service 4

SUBSCRIPTION SERVICE 4 is a combination of Subscription Service 1 and Subscription Service 2.

SUBSCRIPTION SERVICE 5 is a combination of Subscription Service 1, Subscription Service 2, and Subscription Service 3.

PROACTIVE EMPLOYMENT LAW COMPLIANCE AUDITS

A flow chart summarizing the process for each of our Audit services can be found [here](#).

DIAGNOSTIC COMPLIANCE AUDIT OF EMPLOYMENT PRACTICES

Do you ever lie awake at night wondering if your team is keeping pace with the constantly changing state-specific and federal employment law, workplace regulations, and court/agency rulings? We have you covered. Under this service, we conduct an in-depth audit of your employment practices – from wage and hour to hiring, leave, accommodations, classifications, and anti-discrimination compliance, and everything in between—against state and federal laws. We identify and flag compliance gaps to help you address risks and align your policies with legal requirements.

The detailed Audit Questionnaire will serve as the roadmap as a lawyer from Foley & Foley, PC guides you through a privileged, attorney-client protected Audit. We provide a copy of the Questionnaire when you confirm their decision to move forward with this Audit. That Questionnaire can be purchased for clients that plan to conduct an in-house or self-audit.

Pricing is based on the number of employees.

HUMAN RESOURCE FUNCTION AUDIT

The purpose of this Audit is to help the HR team, as well as the senior management team, assess the overall effectiveness of the HR Function. It ensures HR services and processes align with the client's business and organizational goals. Through this Audit, we identify areas of strength and weaknesses and disclose areas where improvement is needed.

The Audit Questionnaire will serve as the roadmap for this privileged, Attorney-Client protected Audit. We will provide the questionnaire when you confirm your decision to move forward with this Audit. That Questionnaire can be purchased for clients that plan to conduct an in-house or self-audit.

Pricing is based on the number of employees.

FLSA WAGE, HOUR & TIMEKEEPING AUDIT

The federal FLSA governs wage and hour and timekeeping practices. Ensuring employees are properly compensated requires accurate tracking of nonexempt employee time, including travel, meals, breaks, after-hours work and on-call time. It requires the proper classification of an employee as exempt vs. non-exempt, proper compensation of overtime, and strict enforcement with the laws that govern wage deductions. FLSA compliance is a huge area of weakness for many employers.

Did you know the DOL's Wage and Hour Division (WHD) offers a Payroll Audit Independent Determination (PAID) program to help employers resolve potential FLSA minimum wage and overtime violations? The program lets employers correct errors without being subject to litigation. To participate, employers must conduct a self-audit covering the past two years. Engaging our firm for a FLSA Wage, Hour & Timekeeping audit not only ensures proactive compliance with the federal FLSA but can also serve as your self-audit under the PAID program, helping you address any issues identified before they lead to litigation.

Many states impose wage and hour requirements that exceed federal FLSA standards. To ensure full compliance across your operations, we offer state-specific audits as add-ons to our federal compliance review. Contact us to discuss pricing for your jurisdictions of interest.

Pricing is based on the number of employees.

LEAVE OF ABSENCE PROCESS AUDIT

In the absence of a federal solution, we continue to see an explosion of state and local leave laws, which can create compliance nightmares for employers. Decisions being made within the White House and the Federal DOJ tell us that we should expect even more states to lead the way in enacting paid leave laws over the next few years. It is critical to have policies in place that comply with the current patchwork of sick leave, Paid Family Medical Leave, Parental leave, and vacation leave requirements throughout the country. This audit provides peace of mind that your business is compliant. You will provide your current leave policies and approval procedures, and we will evaluate your policies and practices for compliance and best practices. We will identify areas of exposure and provide suggestions to ensure compliance with the current leave landscape.

The DOL's Wage and Hour Division (WHD) offers a Payroll Audit Independent Determination (PAID) program to help employers resolve potential FMLA violations. The program lets employers correct errors without being subject to litigation. To participate, employers must conduct a self-audit covering the past two years. Engaging our firm for a Leave of Absence Process audit not only ensures proactive compliance but can also serve as your self-audit under the PAID program, helping you address any issues identified before they lead to litigation.

Pricing is based on the number of employees.

I-9 AUDIT

Concerns over illegal immigration continue to increase. The Department of Labor and ICE have cracked down on employer compliance with US immigration laws and have increased their audits of employer I-9s to prevent employment of workers who are not authorized to work in the U.S. Further, new laws around E-Verify and remote verification have been enacted. Failure to comply can come at a significant cost to employers.

According to recent ICE guidelines, there are several factors an employer must consider when completing an I-9 audit. Certain practices are strictly prohibited and will result in penalties. To ensure compliance with U.S. immigration laws, and to avoid monetary penalties for noncompliance with ICE's internal audit guidance, regular, internal audits are strongly recommended.

With a multi-national workforce, some employers worry about properly completing I-9 forms and ensuring proper documentation is provided to meet employment eligibility verification requirements, while others wonder how to make changes to forms and where the files should be stored. We offer two I-9 audit services to address and alleviate these concerns.

OPTION 1: THE COMPREHENSIVE I-9 DIAGNOSTIC AUDIT. This audit includes a review of your I-9 documents, your onboarding process, and your record retention policy to ensure compliance with U.S. immigration laws and state-specific immigration laws. We will identify potential I-9 compliance issues as well as recommendations on how to remediate them. Pricing is based on the number of I-9 documents being reviewed.

Pricing is based on the number of I-9 documents being reviewed.

OPTION 2: CONDENSED I-9 AUDIT. This audit includes a review of your work authorization verification processes and record retention policies to ensure compliance with U.S. immigration laws and state-specific immigration laws. It does not include a review of your I-9 forms. We will identify potential I-9 compliance issues pertaining to your onboarding processes and retention policies and provide recommendations on how to remediate them.

PAY EQUITY AUDIT

Our Pay Equity Audit is designed to help our clients comply with federal and state pay equity laws and proactively identify affirmative defenses to a gender-based pay equity claim. For decades, it has been illegal in the United States for an employer to discriminate against women, including discrimination in terms of compensation. We established this service to ensure that our clients are not unknowingly violating laws or otherwise creating internal inequities with outdated pay practices, whether gender-based or not.

OPTION 1: FULL SERVICE PAY EQUITY AUDIT: This Audit provides a thorough evaluation of your current pay scale, grades, ranges and differentials. This comprehensive analysis will be conducted under a privileged and confidential attorney-client relationship and will include a report of our analysis, recommendations, and opinions, to proactively identify affirmative defenses to gender-based pay inequities a plan to eliminate inequities.

OPTION 2: AFFIRMATIVE DEFENSE AUDIT & REPORT: This Audit provides an analysis and recommendation report based on your self-audit assessment of wage differentials to proactively identify affirmative defenses to gender-based pay inequities.

Pricing is based on the number of jobs evaluated. For your convenience, our Turn Key Pay Equity Audit Service Flow Chart can be found [here](#), and our Affirmative Defense Audit & Report Service can be found [here](#).

OTHER EMPLOYMENT LAW COMPLIANCE AUDITS

Need an audit of another organizational practice or process not listed in our Menu? Reach out to us. We handle many other types of employment law compliance audits not listed, such as compliance audits pertaining to OSHA, FMLA and ADA, DEI practices, personnel files, employee confidentiality and record retention, new hire processing, independent contractor classifications, affirmative action plans, and more.

We charge a fixed fee for our audit services which are developed and precisely tailored to our clients' goals and priorities.

Please reach out and let us know your needs and we will provide a quote.

PRIVATE PAID FAMILY & MEDICAL LEAVE PLAN SUPPORT

In states that mandate Paid Family and Medical Leave (PFML), employers may have the option to provide benefits through a private or self-insured plan instead of relying on the state to administer PFML benefits. These alternatives, where permitted, can offer cost savings, greater administrative flexibility, and more seamless integration with existing employer benefit structures, but only if they are carefully designed and fully compliant with state requirements. Our firm offers three services to assist employers in developing approved private or self-insured PFML plans.

OPTION 1 – PFML PRIVATE OR SELF-INSURED PLAN DESIGN: Under this service, we:

- Draft a customized private plan that meets or exceeds all statutory requirements
- Ensure compliance with state agency approval standards and filing procedures

OPTION 2 – COMPREHENSIVE DISABILITY AND ABSENCE MANAGEMENT PLAN: Under this service, we:

- Create a comprehensive Disability and Absence Management Plan by suggesting ways to integrate PFML benefits with existing leave and disability programs. This reduces overlap and streamlines leave administration.

OPTION 3 – PFML PRIVATE OR SELF-INSURED PLAN DESIGN PLUS COMPREHENSIVE DISABILITY AND ABSENCE MANAGEMENT PLAN:

- This service includes both services outlined in Option 1 and Option 2.

With our guidance, employers can maintain control over their leave programs while ensuring full legal compliance and competitive employee benefits.

DISCRIMINATION & HARASSMENT PREVENTION AND COMPLIANCE SERVICES

Claims of harassment, discrimination and retaliation continue to expand under a myriad of laws and agencies at the federal and state level: the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Age Discrimination in Employment Act (ADEA), and Title VII to cite a few. We have years of experience defending and preventing discrimination, harassment and retaliation claims day after day.

SEXUAL HARASSMENT PREVENTION TOOLKIT

Each new high-profile allegation of sexual harassment underscores that no organization can afford to neglect sexual harassment prevention measures. Recognizing that compliant policies and training alone don't adequately mitigate the risk of sexual harassment, we've developed a comprehensive prevention framework tailored to fit your organization's unique needs. Our Sexual Harassment Prevention Toolkit includes the following:

- A comprehensive outline to help you create or refine the sexual harassment strategy for your organization;
- A model sexual harassment policy and/or review of your existing sexual harassment policy;
- A sample Letter from leadership in Word format that sets forth your organization and leadership's commitment to addressing sexual harassment in the workplace that can be modified to meet your specific needs;
- A sample "pulse" survey to send to employees that will help identify underlying cultural biases; and
- A 30-minute attorney consultation to identify and discuss your unique risks based on demographics and culture. During that discussion we provide a list of action to help you finalize a customized sexual harassment strategy.

REASONABLE ACCOMMODATION COMPLIANCE TOOLKIT

The ADA and state specific laws require employers to provide reasonable accommodation to employees and job applicants with a disability, unless doing so would cause significant difficulty, hardship, or expense for the employer. These laws require employers to engage in an interactive process with an employee who has requested an accommodation. Not surprisingly, that process has several legal pitfalls that must be avoided. The documents we provide under this service provide a roadmap for navigating that process:

- A reasonable accommodation process flow-chart;
- An employee reasonable accommodation request form;
- A letter to the employee acknowledging their request for accommodation;
- A release from the employee to allow you to seek information from the employee's doctor;
- A questionnaire to the employee's medical provider;
- A cover letter to send to the provider with the questionnaire;
- An undue hardship template;
- A letter approving or denying the accommodation request;
- A job abandonment letter (in cases where an employee on leave stops dialoging with the Organization); and
- One half-hour of attorney time to provide further guidance on the interactive process.

PREGNANCY NON-DISCRIMINATION & ACCOMMODATION COMPLIANCE TOOLKIT

In 2023, two sweeping laws were enacted by the federal government: the Pregnant Workers Fairness Act (“PWFA”) and the PUMP Act. These laws make it clear that discrimination based upon pregnancy, childbirth or related medical conditions is a form of illegal sex discrimination. Under the PUMP Act, an employer must provide breaks and private spaces for lactation. The PWFA expands the ADA definitions, providing rights to workers that expand beyond pregnancy. Along with the laws of many states, the federal laws require specific notices, policies, and posters.

To make your workforce compliant, our Pregnancy Non-Discrimination & Accommodation Compliance Toolkit includes the following:

- Notices to be provided to employees in accordance with the new law;
- A Pregnancy Accommodation Policy that can stand alone or be added to an existing employee handbook;
- A Breastfeeding Accommodation Policy that can stand alone or be added to an existing employee handbook; and
- A flow chart to navigate an employer’s responsibility when an employee is pregnant, had a baby, or requests an accommodation under the PWFA.

We also offer training on the PWFA for managers or Human Resources that may be added to this fixed fee service.

ADA REASONABLE ACCOMMODATION & UNDUE HARDSHIP ASSESSMENT SERVICE

Employment discrimination lawsuits for failure to reasonably accommodate under the Americans with Disabilities Act (“ADA”) and state law are increasing. The EEOC has made clear that employers have a duty to thoughtfully, thoroughly, and consistently assess each employee’s reasonable accommodation request on an individual basis. This is a complicated, fact specific legal analysis, and the stakes for properly evaluating whether you can accommodate an employee are high.

The ADA is a pitfall of liability. . . Do you need to provide the employee with the reasonable accommodation as they request it? What if the doctor supports it? Do you have a compliant process that places you in a good position to defend any claim? Do you know what you may legally consider for purposes of being a possible undue hardship?

This service allows your organization to outsource the creation of a compliant process (including all necessary forms) and the assessment of each individual accommodation request to our team of experienced employment lawyers.

This Service will provide your organization with a complete process that includes all the compliant forms/letters that you need, including:

- A Notice to employees regarding the organization’s ADA Open Door Policy;
- A review and edit of your existing ADA Policy, or an ADA policy template;
- A reasonable accommodation process flow-chart;
- An employee reasonable accommodation request form;
- A letter to the employee acknowledging their request for accommodation;

- An employee Informed Consent/Release (to permit HR to dialogue with the primary care provider if necessary);
- A questionnaire to the employee's doctor;
- A cover letter to the Employee's doctor to be provided with the questionnaire;
- An undue hardship analysis template (for management and HR's use);
- A template letter to the employee that their reasonable accommodation request has been approved/denied and the rationale why; and
- A job abandonment letter (in cases where an employee on leave stops dialoging with the organization).

Pricing is based on the number of Exemption Requests. For the overview of the ADA Reasonable Accommodation and Undue Hardship Assessment process, see [here](#).

EMPLOYMENT PROCESS SERVICES

STATE-SPECIFIC ON-BOARDING CHECKLISTS

The state-specific checklists include guidance on where and how to register with different state agencies, forms that must be executed by new employees, state and federal posters, state specific personnel file requirements, and any special payroll considerations employers should know.

PROTECTING PERSONAL INFORMATION COMPLIANCE TOOLKIT

Forty-nine states have data security regulations with obligations on employers to take action to protect personal information. Protecting confidential personal information is becoming more difficult with the increase in malware attacks, scammers, and phishing attempts. It is essential to have preventative measures in place to avoid leaking personal information. Data breaches can be a costly, reputation damaging event. Our Personal Information Security Toolkit includes the following:

- Preparation of a comprehensive Written Information Security Plan;
- A Written Information Security Plan Compliance Checklist;
- Guidance on conducting your self-audit to identify where you store and maintain hard copies and electronic or digital versions of personal information;
- Certification of training template;
- Acknowledgement of receipt of the WISP template.

For an overview of this service, see [here](#).

AI CONSULTATION SERVICE

Generative AI is changing the face of work. This explosive technology is creating seismic shifts in the workforce while simultaneously offering opportunities for massive growth and efficiency for businesses. State and local governments are scrambling to regulate the AI space while Employers seek to incorporate AI into day-to-day workflows-- as well as the hiring, retention, discipline, and termination processes.

We can help you navigate this shifting landscape with advice tailored to your business. Every workplace is unique. Our team will work with you to identify potential opportunities and risks in using AI tools in your work and HR processes, as well as risks AI may pose to your intellectual property and data security. We can also provide you with AI use and disclosure policies to establish guidelines for AI use in the workplace and to meet regulatory requirements coming into effect.

The service begins with the *AI in the Workplace Guided Assessment*. This is a questionnaire to be completed by your team and returned to ours. Once completed, our team will review your responses and schedule a meeting with an attorney from our team to consult on implementing AI in your workplace.

At the conclusion of the consultation, you will receive:

- Our model AI Acceptable Use Policy, tailored to your workplace;
- Our model AI and Employment Decisions Policy;
- An AI FAQ for Employers; and
- An AI FAQ for Employees.

ICE RAPID RESPONSE PLAN

Federal immigration enforcement actions can happen with little or no warning. Having a clear, legally sound ICE Rapid Response Plan ensures your organization knows exactly what to do, and what not to do, to protect your employees, comply with the law, and reduce legal risk in the event ICE comes knocking. Our Firm offers a customized Rapid Response Plan template which can be tailored to your workplace, industry, and risk tolerance. This includes step-by-step protocols for managers and staff, designated point-of-contact guidance, information on employee rights, and immediate response procedures to follow. The plan will help you act quickly, legally, and consistently in the event of a visit from ICE.

SEPARATION & RIF SERVICES

We understand that layoffs, Reductions in Force (RIF), or plant closings are sometimes necessary, but employers must be aware that even a facially neutral action, such as a RIF, may disproportionately impact protected class members. When that happens, individuals in the protected class may have a claim of discrimination. Additionally, several federal and state laws, such as the federal Worker Adjustment and Retraining Notification (WARN) Act and the Older Workers Benefits Protection Act (OWBPA), impact the steps and procedures employers must take during layoffs.

We help your organization comply with the myriad of federal and state laws that govern layoffs by offering a range of fixed fee services to allow your team to select the option that best meets your needs.

REDUCTION IN FORCE MANAGEMENT SERVICE

The Reduction in Force Management Service is the perfect option for employers seeking comprehensive, start-to-finish assistance in managing the entire RIF process. This Service includes the following:

- Providing guidance on the applicability of federal and state WARN Acts and requirements for compliance;
- Performing a Disparate Impact Analysis (see below for more information);
- Preparing and distributing separation packages to affected employees, including Separation Agreements, termination notices, and any legally required offboarding materials;
- Collecting signed Separation Agreements, fielding questions from impacted employees, and revising Separation Agreements as needed.

Pricing is based on the number of layoffs.

SEPARATION AGREEMENT ASSESSMENT

After providing us with a copy of your current Agreement, the service will kick off with a telephone call to discuss the applicable law, your organization's interests, determine the appropriate restrictions, and the scope of the Agreement. We will then update your Separation Agreement to comply with applicable law. If you do not already have a Separation Agreement, we will prepare one for you.

DISPARATE IMPACT ANALYSIS

Performing a Disparate Impact Analysis is a necessary step to protect your organization in every RIF. This service will pinpoint areas of risk by evaluating the demographic makeup of your workforce compared to the demographic makeup of those selected for the RIF. Our evaluation and recommendations will reduce the risk of disparate impact discrimination claims by individuals based on their membership in a protected class.

Pricing is based on the number of layoffs.

TERMINATION RISK MANAGEMENT AND COMPLIANCE TEMPLATES

Federal law does not require employers to provide employees with a written notice of termination, but a well-written notice of termination is the most effective way to avoid risk and challenges related to the termination decision. The notice supports contesting unemployment claims and COBRA benefit continuation by documenting a legitimate non-discriminatory business reason for the termination, ensuring consistency and reducing the risk of disparate treatment claims.

In many cases, a Separation and General Release Agreement is a key risk management tool that helps secure commitments from the former employee and resolve outstanding matters.

This service includes the following:

- A template Notice of Termination without reference to a Separation and General Release Agreement;
- A template Notice of Termination introducing the option to proceed under a Separation and General Release Agreement;
- A template Separation and General Release Agreement;
- An Off-Boarding Checklist.

Each template should be tailored to fit the facts of a particular termination and reflect your organization's approach and practice.

CLASSIFICATION SERVICES

EXEMPT OR NON-EXEMPT CLASSIFICATION SERVICE

This service helps your team correctly classify all positions within your organization as either “exempt” or “non-exempt” in accordance with state and federal law. We will analyze your job descriptions to determine how the positions should be classified.

Pricing is based on the number of exempt positions analyzed. For your convenience, our 2025 Exempt or Non-Exempt Classification Service Overview and our 2025 Exempt or Non-Exempt Classification Service flow chart are found [here](#).

INDEPENDENT CONTRACTOR CLASSIFICATION SERVICE

The classification of workers as employees or independent contractors is a hotly contested issue in recent years, with major changes at both the state and federal level. Simply signing an independent contractor agreement isn’t enough – businesses must meet the legal standards for contractor status under the FLSA, NLRA, IRS Code, and state law, and still may face liability under stricter state tests such as the ABC Tests in Massachusetts and California. While hiring independent contractors can save costs, misclassification can costly, exposing employers to liability for violations of wage and hour laws, OSHA, workers’ compensation, antidiscrimination laws, ADA, FMLA, immigration, COBRA, unemployment insurance, and more.

Our Independent Contractor Classification Service ensures your classifications comply with all applicable legal standards. We review your contract positions and apply the law on an individualized, case-by-case basis, taking a holistic view of your organization’s relationship with the worker. We identify the applicable legal tests, assess the relevant facts, and determine proper classification. We also provide guidance on converting workers to and from independent contractor status. Pricing is based on the number of contract positions reviewed.

RESTRICTIVE COVENANT SERVICES

An increasing number of states have put limits on an employer's use of restrictive covenant agreements, limiting when and how employers can rely on them. Your organization's legitimate business interests – confidential information – customer and employee relationships – and goodwill – remain at risk. While these changes have increased employer exposure, they have not eliminated the tools available to protect your organization from an employee's actions.

There are four primary restrictive employment covenants that, if drafted correctly, can protect your legitimate business interests:

1. Non-competition – An employee's agreement not to compete with the employer during employment and for a specified period afterward;
2. Non-solicitation of customers – An employee's agreement not to solicit the employer's current customers/clients during employment and for a specified period afterward;
3. Non-solicitation of employees – An employee's agreement not to recruit or hire coworkers during employment and for a defined period after employment ends; and
4. Confidentiality covenants – An employee's agreement to protect defined confidential information during and after employment.

Effectively drafted and properly enforced, these covenants can be powerful tools to protect your organization's competitive advantage. Our restrictive covenant services help protect these critical interests, ensuring compliance with stringent state laws while delivering agreements tailored to your organization's needs.

NON-COMPETITION AGREEMENT SERVICE

The service begins with a review of your existing non-competition documents, followed by a call to assess your organization's protectable interests, determine appropriate restrictions, and identify the employee groups to be covered. We then update your non-compete agreement(s) to ensure compliance with applicable state law.

NON-SOLICIT, NON-DISCLOSURE & CONFIDENTIALITY AGREEMENT SERVICE

With the nationwide expansion of non-compete restrictions, Non-Solicitation and Confidentiality Agreements are becoming increasingly valuable tools for employers. We can help ensure these agreements are properly drafted and enforceable. After receiving your current Agreements, we begin with a call to discuss applicable law, assess your organization's protectable interests, and determine appropriate restrictions and scope. We then update your Non-Solicitation, Non-Disclosure and Confidentiality Agreement to ensure compliance with state law.

CONFIDENTIALITY & SAFEGUARDING RELATIONSHIPS SERVICE

In recent years, many states have limited the use of non-competes, whether by prohibiting them for certain professions, imposing mandatory paid leave periods, restricting their use to higher-paid employees, or banning them outright. These developments significantly curtail the use of non-competition agreements and may also jeopardize the enforceability of other restrictive covenants.

How Our Service Works:

- We analyze your non-competition, non-solicitation, and confidential/proprietary information protection agreements. These agreements are typically found in employment agreements, personnel policies, employee handbooks and in offer letters.
- We then speak over the phone to discuss the applicable state and federal law, assess your organization's protectable business interests and define your goals and priorities to determine which agreements should be maintained and/or implemented.
- We then revise your current restrictive employment covenants via redlined edits, identifying necessary compliance changes to ensure protection of your business interests.
- We then email the redlined documents to your team.
- Your team will have peace of mind knowing that all permissible safeguards are in place to protect your business interests.

OFCCP-RELATED SERVICES

The Office of Federal Contract Compliance Programs (OFCCP) requires federal contractors to develop Affirmative Action Programs (AAPs). These functional AAPs allow contractors to examine whether their personnel practices and affirmative action efforts ensure equal employment opportunities for both employees and applications. Our OFCCP services analyzes your AAP and evaluates whether individual placement goals have been met through the breadth of services below.

FULL ANNUAL-AAP ASSISTANCE

This service includes an audit of your affirmative action plan and completion of the Annual Utilization Analysis, resulting in a complete affirmative action program analysis for the year.

CREATION OF NEW AFFIRMATIVE ACTION PROGRAM

The client outsources the creation of its Affirmative Action Plan to our firm. We create the plan and then assist the client with implementation of the program. This service involves the following:

1. Designation of an AAP Coordinator
2. Preparation of Organizational Profile
3. Job Group Analysis
4. Availability Analysis
5. Utilization Analysis
6. Establishment of an AAP Year
7. Goal Setting - Where Necessary
8. Identifying Problem Areas
9. Creation of Action-Oriented Programs
10. Helping Client Create Internal Auditing and Reporting Systems.

This service also includes the Full Annual AAP Assistance service.

TRAINING AND EDUCATION

Management and employee education are essential to creating a compliant and positive workplace. We provide training tailored to employees and supervisors on a wide range of hot topics outlined below. In addition to our employee and management training, we also offer education and resource documents to HR personnel that contain in-depth overviews of employment law compliance obligations.

MANAGEMENT TRAINING

Our law firm assists several dozen for-profit and not-for-profit clients throughout the country develop positive employee relations programs that are built on the pillars of establishing effective communication, effective supervisors, and risk prevention. Our training covers a variety of topics that help our clients comply with labor and employment obligations, maintain a positive employee relations culture, advance and strengthen their risk management initiatives and programs, and address other topics that are a priority for their workplace. These trainings are highly effective and are a sound preventative measure for potential Union organizing.

One example is our firm's comprehensive supervisor training program encompassing soft skills, operational effectiveness and compliance obligations, which pave the pathway to positive employee relations:

- Soft skills:
 - Conflict management;
 - Effective communication;
 - Leadership and influence;
 - Eliminating Unconscious Bias & Respecting Differences; and
 - Coaching & Development.

- Operational effectiveness:
 - Performance management;
 - Effective meetings;
 - Interviewing and hiring;
 - Progressive discipline;
 - Union avoidance; and
 - Succession planning.

- Compliance obligations:
 - Sexual harassment, harassment & bullying prevention;
 - LOAs and reasonable accommodations;
 - Leave Laws – federal and state-specific;
 - Diversity and Inclusion Training; and
 - Employment law for supervisors.

We charge a fixed fee for our training programs, which are developed and precisely tailored according to our clients' goals and priorities. The fee varies based upon the length and number of sessions, whether the trainings are conducted on site or online, and the size of your organization's workforce.

Please reach out and let us know your needs and we will quote you a price!

EMPLOYEE DEVELOPMENT EDUCATIONAL ASSISTANCE PROGRAM SERVICE

Our clients consistently report significant challenges in the current labor market. The nationwide shortage of qualified workers requires innovative strategies to attract and retain talent.

One of the most effective ways to demonstrate to employees that they are valued is by investing in their development through an Educational Assistance Program. The IRS permits employers to write off up to \$5,250 per year per employee for most qualified educational expenses. Amounts up to this threshold are also excluded from the employee's taxable income. This structure provides a win-win for both employers and employees. Employers realize a tax advantage while employees gain meaningful support for their professional development.

This Service was developed in direct response to client requests. Creating an Educational Assistance Program from scratch can be a daunting task, but our services are designed to help:

- Educational Assistance Program Service: Internal Stakeholders' Considerations Intake Form (to ensure all internal stakeholders discuss and consider all options for the development of your customized Program);
- Up to a 1-hour intake call with an attorney to review your Intake Form with you and customize the Program based on your decisions;
- A draft Educational Assistance Program customized to your organization, culture and industry;
- An Educational Assistance Program Pre-Approval Form (for employees to seek approval before participation);
- An Employee Educational Assistance Program Reimbursement Form;
- An Agreement to Mandatory Arbitration (recommended for employers who choose to provide a significant investment in employees over the IRS write-off); and
- Up to a 1-hour wrap-up call with the attorney who drafted your Program to review and make final edits.

FOLEY FUNDAMENTALS – ON DEMAND HR DEVELOPMENT AND CERTIFICATION

A significant risk for employers is management's limited knowledge of employment laws and compliant HR practices, and equally, the lack of skills to apply them effectively. Building these skills not only ensures compliance but also reduces exposure to claims and strengthens workplaces practices, resulting in:

- Improved success in managing employees;
- Increased employee productivity and satisfaction;
- Higher employee retention and less turnover;
- Improved morale and workplace culture;
- Improved workplace safety.

When those responsible for implementing workplace policies lack expertise, significant labor and employment compliance risks arise. Our goal is to identify and develop strategic plans to ensure compliance. Yet, even with strong counsel, exposure to employment claims remains management and supervisory staff lack comprehensive knowledge of their obligations. Potential risks include:

- Wage and hour violations: Lack of knowledge of wage and hour obligations can result in, among other violations, unpaid wages and overtime; failure to maintain accurate and complete timekeeping records and documents; failure to report employee complaints regarding their timesheet or pay;

improperly editing employee's timecards and failure to properly classify employees as exempt or non-exempt;

- Violations of federal and state leave laws: Lack of knowledge on federal and state leave laws can result in reporting violations regarding an employee's need or request for leave; failure to follow the proper procedures upon notice of the need for leave; and, retaliation;
- Illegal recruiting and hiring practices;
- Lack of effective employee management and performance monitoring.

Our Foley Fundamentals – Career Development and Certification program is designed to address common employer blind-spots and build the knowledge and skills needed to implement best practices and minimize employment law risks. With our support, your supervisors, HR personnel, and managers will be equipped to effectively and confidently lead your organization.

As an added benefit, we offer internal certification to develop your staff into subject-matter experts. For employers who engage in internal certification, each course will include a knowledge assessment, which we will grade to ensure comprehension and identify knowledge gaps. Leveraging our extensive training experience, we make the content engaging, relevant, and efficient. Participants walk away with a Foley Fundamentals Certification and enhanced expertise to reduce organizational risk.

We are pleased to offer discounted course rates to clients who purchase multiple courses at the same time.

In addition, if you purchase a full certification, you will receive one State Synopsis for your state of choice for a discounted fixed fee. The State Synopsis compliments our certification courses, serving as a practical guide to federal and state-specific regulations. Designed with employers in mind, it avoids legalese and clearly summarizes key compliance requirements. Clients describe our State Synopses as a user-friendly roadmap for navigating workplace regulations, frequently consulted by HR departments for guidance on major risk areas per state.

Our **Foley Fundamentals Certification On-Demand Programs** include the following trainings:

[see next page]

Subject Matter Courses
<u>Leaves of Absence</u> <ul style="list-style-type: none"> ➤ FMLA ➤ State Specific Leaves and Multiple Leave Law Interactions ➤ ADA
<u>EEOC Anti-Discrimination and Harassment</u> <ul style="list-style-type: none"> ➤ Discrimination, Harassment and Sexual Harassment ➤ Diversity, Equity, and Inclusion ➤ How to Conduct Effective Investigations ➤ Politics and Hot Topics in the Workplace
<u>RIF Certification</u> <ul style="list-style-type: none"> ➤ Mass Layoffs and WARN ➤ Disparate Impact Analysis and Selection ➤ Severance Agreements and Termination Meetings
<u>Employee Management Skills Certification</u> <ul style="list-style-type: none"> ➤ The Effective Manager ➤ The Effective Communicator ➤ Performance Management
<u>OSHA and Workplace Safety Certification</u> <ul style="list-style-type: none"> ➤ Safety Management ➤ Emergency Management
<u>FLSA and Wage and Hour Certification</u> <ul style="list-style-type: none"> ➤ Employee Classifications: Exempt v. Nonexempt ➤ Independent Contractors ➤ Compensable Time, Hours Worked, and Wage Deductions
<u>Interview, Pre-employment, and Onboarding Certification</u> <ul style="list-style-type: none"> ➤ Job Postings, Interviews, and Pre-Employment Screenings ➤ Employment Verification & Onboarding
<u>Drug Testing and Reasonable Suspicion Certification</u> <ul style="list-style-type: none"> ➤ Drug Testing Laws and Reasonable Suspicion ➤ Marijuana ➤ Leave Laws and Substance Abuse

Example Certificate of Completion is found [here](#).

SYNOPSIS OF FEDERAL AND STATE-SPECIFIC EMPLOYMENT LAW

Our state synopses resource documents provide clear summaries of the labor and employment laws applicable in each state. Clients describe these employment law resource documents as a user-friendly roadmap for navigating today’s complex workplace regulations. HR personnel frequently keep them on hand for ongoing reference.