

On behalf of Vision Expo, we sincerely thank you for being with us this year.

Vision Expo Has Gone Green!

We have eliminated all paper session evaluation forms. Please be sure to complete your electronic session evaluations online when you login to request your CE Letter for each course you attended! Your feedback is important to us as our Education Planning Committee considers content and speakers for future meetings to provide you with the best education possible.



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Ali Oromchian is a shareholder of Dental & Medical Counsel, PC and The American HR Group, Inc.



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Avoiding Legal Minefields in the Optometry Practice



DENTAL & MEDICAL COUNSEL
A PROFESSIONAL LAW CORPORATION

Ali Oromchian, Esq.
Vision Expo West 2023

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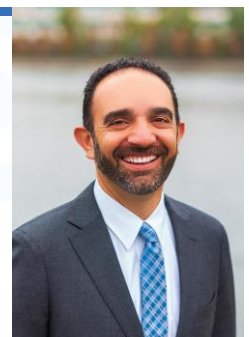


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Lease Negotiation
Partnerships
Practice Transitions
Employment Law
Board Defense
Living Trusts/Wills
Incorporations



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Agenda

- Identify employment laws and HR trends to expect now and in 2024
- Summarize the common pitfalls most optometry practices experience.
- How to get HR compliant



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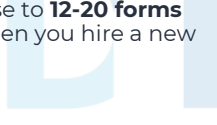
Foundational HR Priorities



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New Hire Documentation


Did you know, there are close to **12-20 forms** that must be completed when you hire a new team member?



DM

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Required Forms

- Employment Application
 - W-4
 - I-9
 - Sexual Harassment Information
 - Employee Manual
 - At-Will Acknowledgment
 - And many more...
- 
- DM

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Are "Working" interviews a good idea?



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Do I have to collect documents for temporary employees or candidates scheduled for working interviews?



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If you do "working" interviews...

- Candidate becomes an employee
- Is shadowing an option?
- Provide a working interview letter
- **If performing work**, check licensure
- Pay!
- What about vaccines or testing?
- Provide guidance to other employees

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Have you established employment policies?

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Basic Policies

- Paid Sick Leave
- Family and Medical Leave
- Paid Family Leave
- Meal & Rest Breaks
- Overtime Regulations
- Outline that practice follows these regulations
- Does not discriminate / retaliate against

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Policies Can Protect Your Practice

- First line of defense is an up-to-date employee manual
- First thing opposing attorneys look for in a case

No Handbook = low-hanging fruit

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Once You've Established Your Employee Handbook

All situations should be handled objectively and in the same manner.

Ensure you are not unfairly or inadvertently discriminating against any of your employees.

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Employee Handbook Do's and Don'ts

Don't

- Google or get a handbook from your payroll provider
- All businesses are different: needs to be customized

Do

- Read your policies and follow them
- Train your managers to follow policies
- Keep up to date with latest legal changes / policies



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Law Updates



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Minimum Wage Updates

- State levels
- City levels



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Hiring / Onboarding

- Independent Contractor Protections
- Bans on Age Information in Job Applications



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Pay Ranges Listed in Job Postings (Required)

- New York
- California
- Washington
- More states to come...



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Noncompete & Non-Solicitation Agreement Restrictions

- What's allowed?
- What's not?



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Compliance Trends and Pitfalls to Avoid

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Rest Breaks

- Employers must have a written policy
- Rest break must be *duty-free* and *uninterrupted*
- Employee should be free to leave the premises
- Penalties if rest break(s) not provided

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Meal Breaks

- Must be 30-minutes, duty-free and uninterrupted
- Must be allowed to leave premises.
- Record keeping obligation
- Penalties owed if meal break(s) not provided
- No rounding practices

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Overtime

- Overtime is owed to all non-exempt employees
- State rule should not be confused with the Federal rule

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"At-will" Conspiracy

- **Relying on "At-Will" Relationship**
 - "At will" isn't really "whatever the employer wants."
 - Documentation is needed so that you can demonstrate that the termination was not done so because of a discriminatory reason.
 - Ensure you have a business-qualifying reason to terminate
 - Can't just terminate without a reason due to opening you up to termination risk.

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Terminating a Protected Individual

A termination becomes high risk when the employee is:

Pregnant
Disabled
Old



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How to Prepare for 2024



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#1

Update new hire checklist with most current versions of federal and practice-specific documents.



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#2

Update your handbook with new laws.



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#3

Ensure Minimum Wage is Updated Based on your City & State Requirements.



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#4

Review employee certifications and trainings to make sure they are not expired.



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#5

Make sure your timeclock and benefits are aligned.



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HR for Health Solution www.hrforhealth.com

Handbook

A working handbook that sets proper expectations

Payroll

Add-on payroll and have everything together in one easy to use platform

HR Support

Trained HR professional available to guide you to the right solutions



Documentation

Complete employee documentation stored securely in the cloud

Time Clock

Accurate time keeping for wage and hour compliance

Performance Management

Annual Reviews done on time with positive results



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What Your
Optometry
Lawyer Wants
You to Do
Now to
**Protect
Yourself**
in the Next 10
Years



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Thank You For Your Time

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