

HR PROFILE TALKS WITH JANICA PIERCE TUCKER OF TAFT LAW

HR ProFile, Inc. is proud to host Employment Attorney Janica Pierce Tucker, of the Labor and Employment Group at Taft Law as the presenter in the upcoming FREE Webinar on Drug Testing- [Legalized and Medicinal Marijuana's Potential Impact on the Workplace](#) to be held on Wednesday, September 16th, 2015 at 2pm EST. This webinar is part of HR ProFile's bi-monthly webinar series and on-going commitment to communicate the latest and most innovative topics, compliance changes, trends, and best practices within the Human Resource Industry. During this specific Webinar, Janica Pierce Tucker will provide some best practices for employers who choose to drug test their employees in light of the legalization of marijuana and discuss policies that must be in place.

Key Take-Aways of this Webinar Include:

1. Policy, Procedure, and Practice for Employment Drug Testing
2. Medicinal and Legalized Marijuana in the Workplace
3. Employers Best Practice to Avoid and Defend Discrimination Claims.

In preparation for the Webinar, HR ProFile sat down with Janica Pierce Tucker of Taft Law, to learn more about her background, personal interest, and the impact her company and career has had on the Human Resource Industry.

HRP: Thinking about the overall Human Resource Industry and all of the changes within the past 10 years, what change (such as a suit, compliance change, etc.) has had the greatest impact on the industry?

JPT: In the past 10 years, the Human Resource Industry has seen an increase in retaliation claims and discrimination claims based on sex and disability. The United States Supreme Court has issued key decisions in the last ten years that are employee friendly for retaliation claims, increasing the number of retaliation claims filed in the Equal Employment Opportunity Commission and/or court. After the definition of a disability was amended in 2008 under the American Disabilities Act, many impairments are now considered disabilities. Employers are now seeing more requests for accommodation for employees to perform their essential functions. The changes under the Americans Disabilities Act Amendments Act of 2008 have resulted in an increase in discrimination claims based on one's disability.

HRP: Thinking specifically about innovations in regards to hiring practices, do you think companies are doing everything they can to promote best hiring practices in order to reduce involuntary turnover? What do you recommend they change / why?

JPT: The World Wide Web and social media create a temptation for employers to research applicants before hiring to vet the employee. Employers are trying to identify individuals who are qualified to perform the job. An employer's ability to gather information regarding a potential applicant is restricted because of the protections given to employees. I recommend that employers perform due diligence within the bounds of the law for applicants and ask questions that give the applicant the opportunity to expound on their experiences. Make sure their designated interviewers are personable and good listeners.

HRP: What do you think is the biggest challenge the industry will face in the next year/12 months?

JPT: The biggest challenges the industry will face in the next year is the classification of employees and the exemption status of employees. The Department of Labor ("DOL") has taken a strong stance as to whether an individual is an employee or an independent contractor. Second, the DOL issued a proposed rule on July 6, 2015 that focuses on updating the salary and compensation levels required for white collar employees to be considered exempt. Written comments are due September 4, 2015. This proposed rule, if implemented, will have a significant impact on employers as some employees who are otherwise exempt, may no longer meet the standard, creating a change in exemption and possibly an increase in overtime wages.

HRP: Do you think the government is doing enough to set proper regulations for the industry? Why/Why not?

JPT: As to be expected, the Obama Administration has been very active in setting and enforcing regulations for the industry. It requires employers to take a hard look at their policies and practices to ensure compliance.

HRP: What advice would you pass on to the younger generation looking to start a career in the HR field, or advance their career?

JPT: I encourage the younger generation to get involved in the HR industry. The workforce is currently in what I like to refer to as a complete "makeover". The millennials are entering the workforce and the baby boomers are retiring. As a result, new ideas and initiatives are needed to recruit, retain and manage employees. Because of the constant changes in employment, it is very important to learn the law and the rules that regulate our industry. I believe that in HR, if one takes a leadership role and is able to answer the challenging questions that employers face daily, they will position themselves in a way that sets them apart from others.

I also encourage the younger generation to establish a mentor relationship with someone in the industry. A good mentor relationship will offer exposure to a network of people and opportunities.

Q. Personally, what has been your most proud accomplishment over the course of your career? What impact has this had on your life, your career, your company, and the overall industry?

JPT: I began my career as a trial lawyer that primarily represented plaintiffs. It is through my experiences as a trial lawyer that I understand people. Being a trial lawyer is my most proud accomplishment because it provided the biggest influence on how I approach my job today. I now represent employers and executives and provide advice on all facets of employee relations. I am required to know the law, but just as important, I am required to understand people. My skills as a trial lawyer has allowed me to assess all sides of an issue; create different ways to address employee problems, and develop policies that are fair and meet the desires of my clients.

HRP: Personally, what makes you tick? What makes you who you've become personally that has helped drive your professional success?

JPT: I truly enjoy practicing labor and employment law. I am the oldest grandchild on both my paternal and maternal side of the family, making me the oldest child of my mother and father. I have always had to set an example. I've made mistakes along the way but I have learned from each and every one of them and share that wisdom with my siblings. I am also a wife, a proud mother of a three-year old daughter and four step-sons. My personal upbringing and my family pushes me to be great because I push them. My grandmother taught me that my work ethic and personality are my greatest assets-she was right!!!!

About the Speaker:



JANICA P. TUCKER's practice focuses on representing clients in all aspects of employment and labor law. She advises employers regarding legal planning and policy analysis and formulation, including preparation of employee handbooks and represents colleges and universities regarding labor and employment matters, public records, and tenure decisions. She also represents primary and secondary schools. She also represents employers in defense against a broad range of

employment claims including sexual harassment, discrimination, retaliation and wrongful discharge matters. As a litigator, Janica is also active in other aspects of civil trial, appellate litigation and commercial litigation as part of her practice. She is also Title IX certified.

Active in the community, Janica has been recognized by her peers on numerous occasions. She is also listed as a *Rising Star* by *Ohio Super Lawyers* for her accomplishments in the legal practice.

Representative Experience

- Represents employers in planning and preparing policies, handbooks, and procedures for respective companies.
- Represents high level executives and management in separation and non-compete agreements.
- Assist clients in management of and navigation through electronic discovery, including database management and production of electronic information.
- Represents physician practice groups and other healthcare service providers in labor and employment matters.
- Represents higher education institutions and secondary education institutions in labor and employment matters, advising clients regarding internal investigations and/or conducting internal investigations.
- Provide management and staff training on employment policies and procedures, such as harassment prevention and management and leadership training.
- Represents employers in a broad range of employment matters including sexual harassment, discrimination, retaliation and wrongful discharge matters.
- Tried five jury trials; two as first chair.
- Argued appeals in Sixth Circuit and Tenth District Courts.

Achievements and Awards

- BV Peer Review Rated by Martindale-Hubbell
- Commissioner for Board of Grievances and Discipline for the Ohio Supreme Court (2009 – 2014)
- Franklin County Trial Lawyers Association President's Award (2005)
- Listed a *Rising Star* by *Ohio Super Lawyers* (2005-2007, 2009-2014)
- Recipient, *Business First's* "Forty under 40" award for notable professional success and volunteer efforts (2006)
- Emerging Leader Award, John Mercer Langston Bar Association (2006)
- Recipient, Columbus Bar Association's Community Service Award for time and effort in service to the central Ohio community (2008)

Professional Memberships and Community Service

- Columbus Bar Association; Ethics Committee; Editorial Board Better Lawyer; Judicial Screening Committee (2007 – 2009, 2011 – Present)
- Ohio State Bar Association, Council of Delegates; Labor & Employment Section Council
- Women Lawyers of Franklin County, Past President
- Ohio Academy for Justice, Board Member
- Central Ohio Association for Justice, Past President
- John Mercer Langston Bar Association
- Columbus Metropolitan Club, Board Member
- Equality Ohio, Treasurer
- YMCA of Central Ohio - Grove City Branch, Board Member

Speeches and Publications

- Ohio State Bar Association - Employment Law Select Issues - "Pregnancy and USERRA" (2014)
- Capital University Law School Labor and Employment Seminar, "Pending Labor and Employment Legislation under the Obama Administration" (2010)
- Chester Professionalism Institute (2007) – Demonstrative Evidence
- Ohio State Bar Association - Employment Law Updates (2013)

About HR ProFile, Inc.:

HR ProFile, Inc. is a full-service, trusted, industry leader with over 20 years of experience in all areas of Human Capital Management and Employee Screening. We provide Background Checks, Drug Testing, Criminal & Court Checks, Reference & Education Verification to clients in all industries Nationally and Internationally. We partner with our clients to ensure best hiring practices and Fair Credit Reporting Act (FCRA) compliance to HR professionals who outsource employee screening. HR ProFile provides market leading innovations, customized and scalable solutions and pricing, as well as unparalleled personal and professional customer service. Visit us at <http://www.hrprofile.com/>



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